

08/13/2020



BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

August 20, 2020
Via WebEx Videoconferences

Thursday, August 20, 2020

- | | |
|-------------------------|--|
| 8:45 a.m. – 10:15 a.m. | Business & Finance Committee
Via WebEx Videoconference |
| 8:45 a.m. – 10:15 a.m. | Education Committee
Via WebEx Videoconference |
| 10:45 a.m. – 12:00 p.m. | Audit Committee
Via WebEx Videoconference |
| 10:45 a.m. – 12:00 p.m. | Capital Planning & Budget Committee
Via WebEx Videoconference |
| 10:45 a.m. – 12:00 p.m. | Research, Economic Development, & Innovation Committee
Via WebEx Videoconference |
| 12:00 p.m. | Lunch Break |
| 12:45 p.m. | I. All Regents
Via WebEx Videoconference |
| | Closed Session
Via WebEx Videoconference |

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I. All Regents

Via WebEx Videoconference

Thursday, August 20, 2020

12:45 p.m.

1. Calling of the Roll
2. Declaration of Conflicts
3. Updates and Introductions
4. Approval of the records of the: June 4, 2020 Meeting of the UW System Board of Regents; June 9, 2020, June 18, 2020, July 9, 2020, July 20, 2020, and August 5, 2020 Special Meetings of the UW System Board of Regents
5. Report of the Board President
 - A. Report of the Wisconsin Technical College System Board
 - B. Update on the UW-Stevens Point and UW-River Falls chancellor search processes
 - C. All In Wisconsin
6. Report of the System President
 - A. Update on fall 2020
 - B. News Around the System
 - C. UW System priorities
7. Report and approval of actions taken by the Business & Finance Committee
8. Report and approval of actions taken by the Education Committee
9. Report and approval of actions taken by the Capital Planning & Budget Committee
10. Report of the Research, Economic Development, and Innovation Committee
11. Report of the Audit Committee
12. President Thompson's State of the University Address
13. Consideration of UW System's 2021-23 biennial operating budget funding request and financial aid request
14. Consideration of UW System's 2021-23 biennial capital budget funding request

15. Update on Emergency Rules for Chapters UWS 4, 7, 11, and 17, Wisconsin Administrative Code
16. Approval of changes to Regent Policy Document 14-2, "Sexual Violence and Sexual Harassment"
17. Regent communications, petitions, and memorials
18. Closed Session – Move into closed session to consider personal histories related to the naming of a facility at UW-Platteville, as permitted by s. 19.85(1)(f), Wis. Stats.
19. Adjourn

I. All Regents

Item 13.

Thursday, August 20, 2020

APPROVAL OF THE 2021-23 UNIVERSITY OF WISCONSIN BIENNIAL OPERATING BUDGET AND FINANCIAL AID REQUEST

REQUESTED ACTION

Adoption of Resolution 13. Approval of the 2021-23 Biennial Budget and Financial Aid Request

Resolution 13. That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves the submission of:

- (1) the Board's 2021-23 Biennial Operating Budget request, totaling \$95,700,000 biennially in GPR for key initiatives;
- (2) the Wisconsin Grant-UW request to the Higher Educational Aids Board for inclusion in its 2021-23 biennial budget request totaling \$4,550,800 biennially;
- (3) a technical request that adjusts the general program operations appropriation and FTE to the UW System's 2020-21 annual operating budget level for academic student fees;
- (4) recommended statutory language changes related to capital bonding, operational bonding, reduced reporting, and Minnesota reciprocity; and
- (5) statutorily-required performance measures for 2021-23.

In addition, the Board of Regents delegates authority to the UW System President to approve and submit a 0% and 5% biennial budget reduction plan, as required by 2015 WI Act 201 and standard budget adjustments for items such fringe benefits should it be determined they are necessary.

SUMMARY

The UW System Board of Regents is required to submit a budget request to the Department of Administration (DOA) by September 15 of each even numbered year. The UW System President provides the Regents, for their consideration, a recommended submission at the August meeting in the same even numbered year.

The UW System's 2021-23 biennial budget request includes a 3.5% General Purpose Revenue (GPR) increase in each year totaling \$95.7 million biennially to support general program operations as well as new programming for:

1. Tuition Promise excluding UW-Madison;
2. Freshwater Collaborative of Wisconsin;
3. Advancing Wisconsin's Teachers and School Leaders;
4. Expanding and Enhancing Online Educational Opportunities;
5. Expanding the Necessary Support for Students' Mental and Behavioral Health;
6. Expanding Educational Opportunity into Wisconsin's Prisons; and
7. Extending Additional Support to Wisconsin's Agricultural Sector.

The budget also includes forwarding a request to the State's Higher Educational Aids Board (HEAB) to increase funding for the Wisconsin Grant-UW by \$4.5 million biennially to fully fund the program at 2019-20 academic year application levels.

Additionally, the budget includes a technical request to increase the general program operations appropriation to the UW System's 2020-21 budgeted levels for academic student fees, request for statutory language changes, state required performance measures and budget reduction exercise.

Presenter

- Sean P. Nelson, Vice President for Finance

Related Policies

- Chapter 16.42, Wis. Stats.
- Chapter 36.112, Wis. Stats.

ATTACHMENTS

- A) The University of Wisconsin System, "2021-23 UW System Biennial Operating Budget Request, August 2020"



2021-23 Biennial Operating Budget Request

University of Wisconsin
System
August 2020

**2021-23 BIENNIAL OPERATING AND FINANCIAL AID BUDGET REQUEST
TABLE OF CONTENTS**

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SUMMARY AND BACKGROUND

The UW System Board of Regents is required to submit a budget request to the Department of Administration (DOA) by September 15 of each even numbered year. The UW System President provides the Regents, for their consideration, a recommended submission at the August meeting of the same even numbered year.

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The budget also includes forwarding a request to the State's Higher Educational Aids Board (HEAB) to increase funding for the Wisconsin Grant-UW by \$4.5 million biennially to fully fund the program at 2019-20 academic year application levels.

Additionally, the budget includes a technical request to increase the general program operations appropriation to the UW System's 2020-21 budgeted levels for academic student fees, request for statutory language changes, and state required performance measures.

The UW System will be requesting \$31.85 million annually, \$95.7 million biennially.

2019-21 Biennial Budget Summary

The 2019-21 biennial budget for the UW System provided an ongoing GPR increase, excluding debt service, of \$33.3 million made up of:

- \$22.5 million for Outcomes-Based Funding;
- \$7.8 million for Dairy Innovation which was provided to UW-Madison, UW-Platteville and UW-River Falls; and
- \$3.0 million for standard budget adjustments

The total GPR increase over the 2019-21 biennium excluding debt service was \$58.6 million.

Additionally, while not included in agencies budgets, the Joint Committee on Employee Relations (JCOER) approved a 2% pay plan for all State employees, including the UW System, effective January 1, 2020 and an additional 2% to be effective on January 1, 2021. The ongoing GPR costs associated with these pay plan increases is \$40.7 million ongoing and have been built into the 2021-23 biennial base budget.

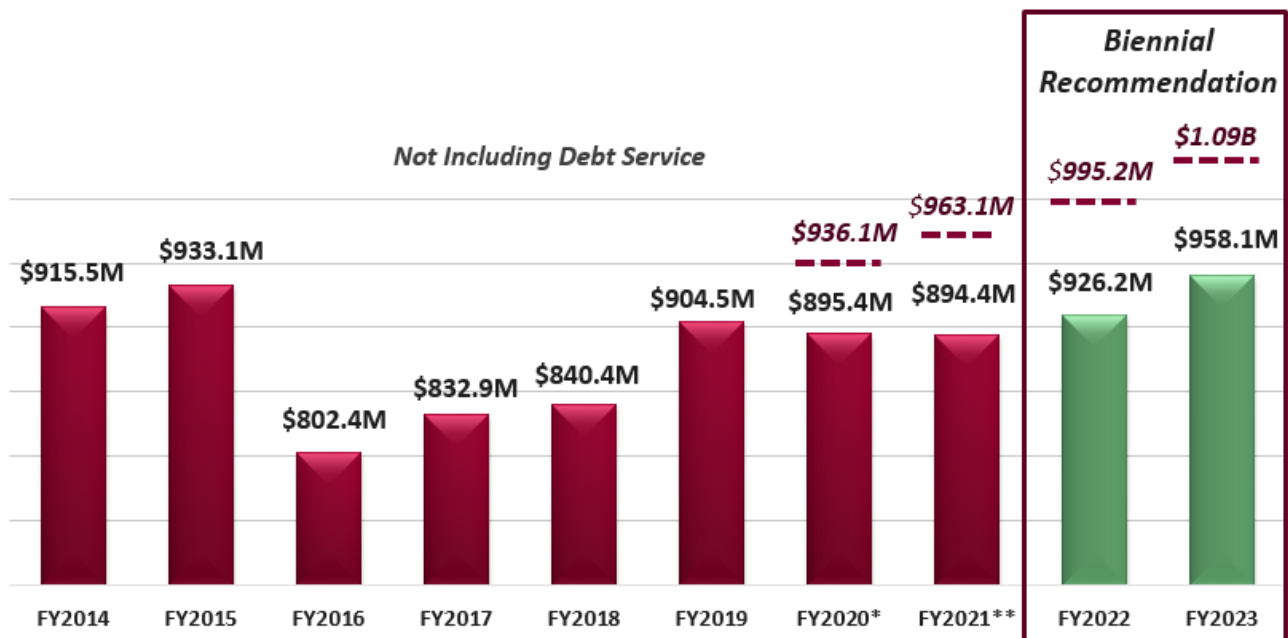
2019-21 Biennial Budget Adjustments Due to COVID-19

The COVID-19 pandemic required adjustments to the State budget. In May of 2020 the UW System was informed that a \$41 million lapse of GPR funding would be required prior to the end of the fiscal year which ended June 30, 2020 along with absorbing \$10 million for the GPR share of the JCOER-approved pay plan which took effect on January 1, 2020.

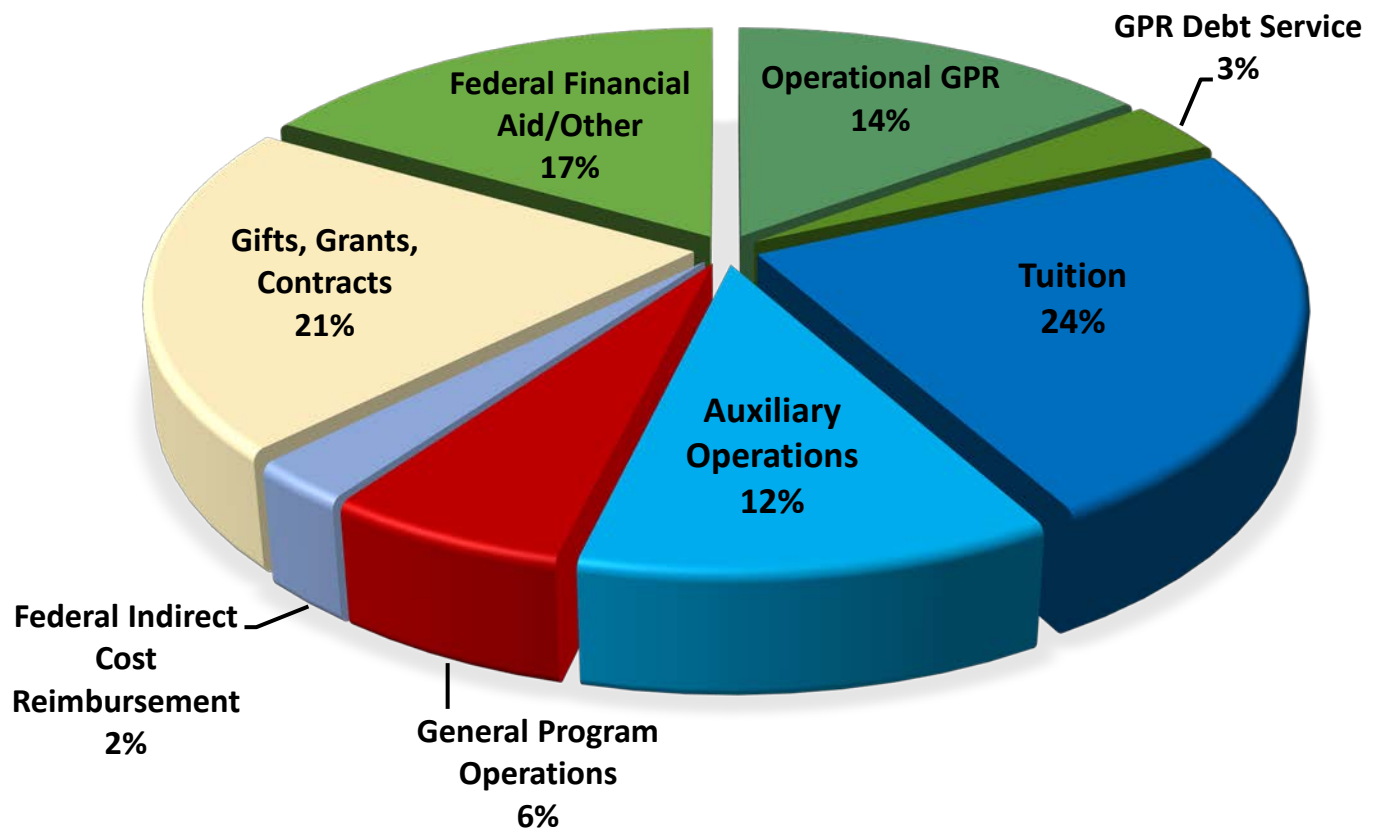
A budget lapse will also be required in the current 2020-21 fiscal year. At this time, the University of Wisconsin System's share of the announced \$250 million lapse for the state is approximately \$69 million.

The table below summarizes general purpose revenue amounts for the past eight years including the lapses amounts for fiscal years 2020 and 2021 along with the proposed biennial budget recommendation. The dotted lines represent what the budget amounts would be **excluding** the lapses.

2014-2021 GPR Funding Including Lapses



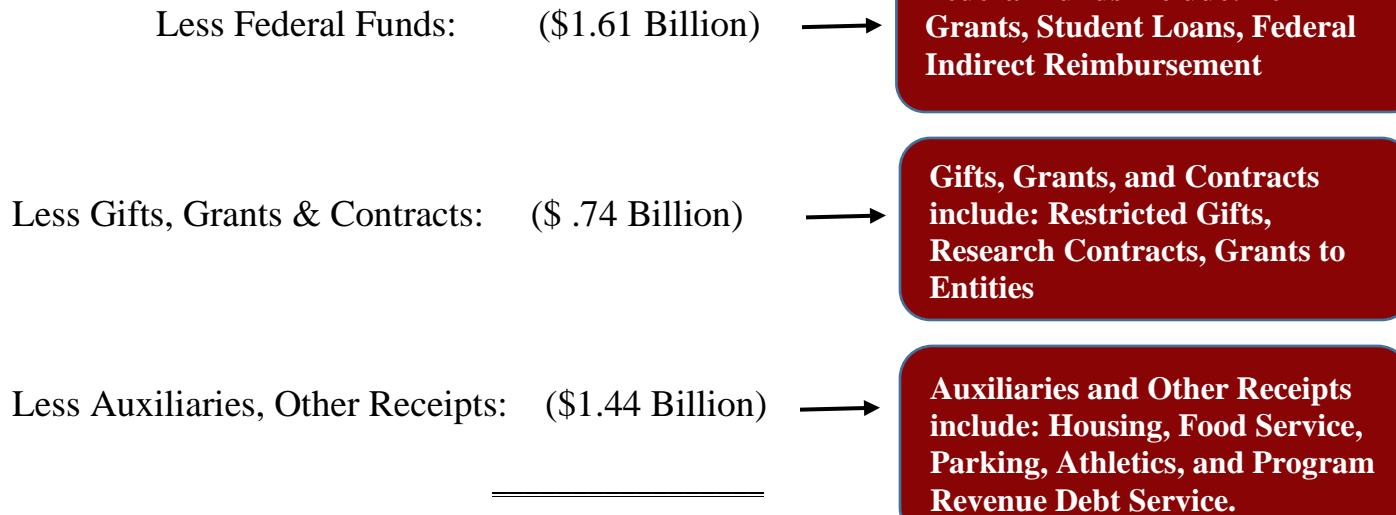
The 2020-21 all funds annual budget totaled \$6.44 billion as summarized by revenue source and expressed as a percent of the total budget below (includes FY21 GPR lapse).



UNIVERSITY OF WISCONSIN SYSTEM

2020-21 Ongoing Annual Base Budget
(Including Estimated Lapse)

Total Budget: \$6.44 Billion



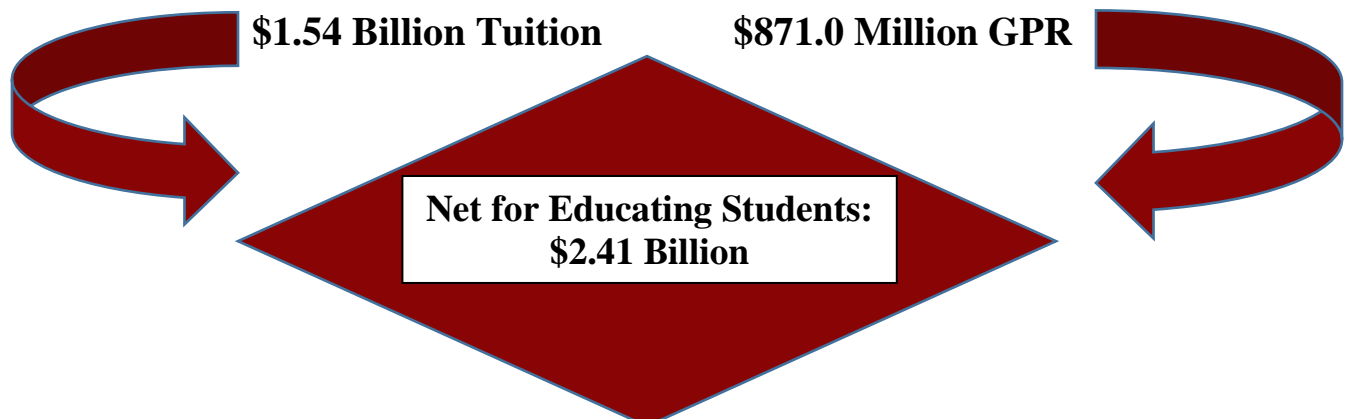
GPR/Tuition Total: \$2.65 Billion

Tuition: \$1.54 Billion

GPR: \$1.11 Billion

Less Restricted GPR (\$.24 Billion)
\$.87 Billion

Restricted GPR such as Debt Service, State Lab of Hygiene and Vet Diagnostic Lab



2021-23 Operating Budget Funding Request

Fiscal Year	Percent Increase	2021-22	2022-23	Biennial Increase
FY2022	3.5%	\$31.9M	\$31.9M	\$63.8M
FY2023	3.5%	-	\$31.9M	\$31.9M

GPR Increase over Biennium = \$95.7M

The UW System is requesting \$95.7 million biennially to implement the following 8 initiatives:

Tuition Promise:

The Tuition Promise would expand UW-Madison's Bucky's Promise initiative to all campuses in the UW System. The program – eligible to both freshman and transfer students -- would provide free tuition and segregated fees for those with an adjusted household gross income (AGI) of \$60,000 or less. This is a "last dollar" aid program so it would be applied after all other scholarships and grants have been exhausted. Freshman would be eligible for 4 years and transfer students would be eligible for 2 years.

Freshwater Collaborative:

This initiative would create a systemwide program in freshwater studies, a one-of-a-kind initiative that would focus on local and global water issues while providing employment in one of the world's fastest growing economic sectors. Coordinated by the UW-Milwaukee School of Freshwater Sciences, the Freshwater Collaborative of Wisconsin will offer students a diverse curriculum that builds on the broad expertise, world-class facilities, and research strengths already in place across all 13 UW System campuses.

Advancing Wisconsin's Teachers and School Leaders:

This initiative would increase funding for existing student loan forgiveness programs; expand eligibility for existing loan forgiveness programs, reduce overly restrictive requirements for students to qualify for funding, require retention in Wisconsin to qualify for loan forgiveness, and target high need fields and school districts, such as special

education, bilingual education, STEM fields, and rural school districts. It would also support educational innovation at UW System Schools and Colleges of Education.

Expanding and Enhancing Online Educational Opportunities:

This initiative would expand capacity for all of the UW System to deliver online education to the 815,000 Wisconsin adults and professionals with some college but no degree who desire to continue and/or complete their education. This online education would include competency-based and collaborative programs. The development phase of new programs would be shortened, partnerships with large businesses would be created, programs would be aggressively scaled, and other changes would be implemented to expand the breadth and reach of online education.

Expanding the Necessary Support for Students' Mental and Behavioral Health:

This initiative would provide staffing, training, operations, prevention, and evaluation/assessment to better address student mental and behavioral health issues. It would establish a UW System Administration liaison to coordinate systemwide efforts and support adequate staffing levels with counseling and health centers to meet behavioral health service demand and increase psychiatry services using hybrid approach of psychiatric practitioners and telepsychiatry services. It would also support an additional case manager per institution to help with clinical triage, referrals to external treatment services, and support for students facing non-clinical crises.

Expanding Educational Opportunity into Wisconsin's Prisons:

This initiative would create a partnership between the UW System, the State of Wisconsin Department of Corrections, and the Wisconsin Technical College System to provide college access for incarcerated adults with the goal of reducing recidivism rates and increasing the number of prisoners eligible for gainful employment after serving their sentences.

Extending Additional Support to Wisconsin's Agricultural Sector:

This initiative would support 20 county-based agriculture positions in the Division of Extension of UW-Madison. The positions would be for local experts in agriculture who provide free research and technical assistance to Wisconsin farmers on agricultural practices and business management and planning.

General Operational Funding:

Additional funding would be provided to all campuses throughout the UW System to support the outcomes-based goals established by the legislature under s. 36.112, Wis. Stats which include:

- Growing and ensuring student access;
- Improving and excelling at student progress and completion;
- Expanding contributions to the workforce; and
- Enhancing operational efficiency and effectiveness.

2021-23 Wisconsin Grant Request

Fiscal Year	Percent Increase	2021-22	2022-23	Biennial Increase
FY2022	3.7%	\$2.28M	\$2.28M	\$4.55M
FY2023	0.0%	-	-	-

The Wisconsin Grant-UW program is the state's largest financial aid program for students attending UW System institutions. The program is administered by the State's Higher Educational Aids Board (HEAB). In even-numbered years, a budget request for the Wisconsin Grant-UW is approved by the Board of Regents and then forwarded to HEAB for inclusion in that agency's biennial budget submission to the Department of Administration (DOA). Wisconsin Grant requests from the various educational sectors are reviewed and approved by HEAB in the summer and due to DOA in September.

Total state funding for the Wisconsin Grant-UW program is \$61,894,100 annually. In the 2019-21 biennial budget, state funding for the Wisconsin Grant-UW program remained flat at the 2018-19 level. Since 2009-10 the number of students eligible for Wisconsin Grant-UW has increased from 25,624 in 2009-10 to 29,725 in 2018-19, an increase of 16 percent. To provide financial aid through the Wisconsin Grant to the growing population of eligible students, the UW System has been unable to increase award amounts to individual recipients.

In addition to the inability to increase award amounts, waitlists on campuses have also increased. In academic year 2019-20, the UW System was short \$2,275,400. To fill this gap and provide funding for all eligible students, the UW System requests \$2,275,400 ongoing funding in 2021-22, for a biennial increase of \$4,550,800.

2021-23 Authorities, Accountabilities and Statutory Change Requests

Program Revenue Bonding for Capital Projects:

This would create a new statutory section to provide that UW System program revenue supported capital projects may be funded with the proceeds of UW revenue bonds authorized by the Board of Regents and, further, to pledge program revenues to be received for capital projects in a separate and discrete fund to secure against the repayment of UW revenue bonds.

Operational Bonding:

The UW has separately requested the ability to access credit markets and/or other borrowing capacity to enable the UW System to borrow between \$500M and \$1B in 2020-21 to augment liquidity and mitigate sharp revenue losses that may irreparably harm the campuses due to the current pandemic. This short-term funding would only be deployed as a last resort to help bridge campuses to a more stable operational environment post-COVID-19.

Reduction in Reporting Requirements:

Governor Evers' June 2020 memorandum regarding the 2020-23 biennial budget encourages State agencies to find efficiencies within their operating budgets. The UW System has approximately 45 state-mandated reports – totaling more than 1,000 pages. This request would ask for approximately 15 reports to be repealed as they require significant administrative effort at the campus level to compile and are rarely reviewed or employed for a public policy objective.

Designate UW System to Address Reciprocity Issues:

Designate UW System to renegotiate the continuation of the Tuition Reciprocity agreement with Minnesota. This request would allow the UW System campuses that are educating Minnesota students to retain more of the revenue generated between their resident tuition rate and their peer Minnesota institution.

2021-23 Standard Budget Adjustments and Technical Requests

Standard Budget Adjustments are changes in funding related to the current biennium which allow for continued base level services into the upcoming biennium and are determined in consultation with the Department of Administration (DOA).

- The UW will not have a request for pay plan as the funding to cover the State's share of those costs is built into agencies' base budgets.
- A fringe benefit request may be required but cannot be calculated until the UW Budget Base and fringe benefit rates are established in collaboration with DOA.
- Funding for 2021-23 increases in compensation and fringe benefits will be included in the Compensation Reserve which is established by DOA.
- In years where the state's pay plan is higher than the federal government's, the UW is allowed to request the difference between the two for Smith-Lever funded positions.
- A request for increasing lease rental payments may be necessary but those figures continue to be estimated.
- The 2021-23 biennial budget request will include a technical adjustment that will bring the level of funding for academic student fees in the general program operations appropriation to the 2020-21 annual budgeted level.
- The State Laboratory of Hygiene and Veterinary Diagnostics Lab biennial budget requests are approved by their respective Boards and will be included in the UW System biennial budget request.

The figures for calculating the standard budget adjustments are not currently available, therefore the UW System Board of Regents are asked to delegate the authority to approve these requests to the UW System President.

2021-23 Performance Measures

State budget instructions require all agencies to report on the performance measures identified for previous biennial budgets. The instructions say that the measures should relate to the agency's Chapter 20 programs. The UW System reported on four measures in 2019-21 and will continue to report on those measures this biennium.

The four measures for which the UW System will report are:

1. Undergraduate Degrees (conferred)
2. Participation Rate – the percentage of Wisconsin high school graduates who enroll immediately after graduation
3. Retention Rate – the rate at which new freshmen return to the same institution for the second year of study
4. Graduation Rate – rate at which new freshmen earn a bachelor's degree at the same institution within six years.

The 2019-21 biennial budget indicated the UW System would begin to report on the outcomes-based funding goals in the 2021-23 biennial budget as they also incorporate the above goals. However, due to the ongoing pandemic there has not been sufficient time to fully implement this change. Therefore, the historical goals will be used for the 2021-23 submission.

**DOA Required 2021-23 Biennial Budget Performance Measures for the
University of Wisconsin System**

Measure 1: Undergraduate Degrees

Goal: Meet or exceed current plans to increase undergraduate degrees conferred (Associate and Bachelor's).

Year	Prior Plan*	Current Plan**	Actual
2005-06			24,103
2006-07			25,096
2007-08			25,465
2008-09			25,992
2009-10	26,317		26,297
2010-11	26,910		27,087
2011-12	27,254		28,189
2012-13	27,723		28,789
2013-14	28,041		28,971
2014-15	28,723		29,375
2015-16	29,339	28,976	29,192
2016-17	30,040	28,498	29,140
2017-18	30,636	28,424	29,281
2018-19	31,112	28,093	28,766
2019-20		28,258	
2020-21		28,258	
2021-22		28,258	

Progress: Undergraduate degrees are currently at an all-time high and are expected to decline slightly due to declining freshmen and/or transfer enrollments, changing composition of student body, and difficulty sustaining or improving as a result of budget reductions. Undergraduate degrees is a performance measure identified in accordance with Act 55.

Although this performance measure focuses on undergraduate degrees, graduate education remains an important part of the UW System's mission.

*The prior plan was the University of Wisconsin System's More Graduates initiative, which was developed in 2009-10 with the expectation that a combination of new and existing resources would support an increase in the number of undergraduate degrees.

**The current plan reflects projections developed by institutions in spring 2016 and were largely dependent on the impact of existing services on currently enrolled students.

Measure 2: Participation Rate

Goal: Provide access by enrolling at least 32 percent of Wisconsin high school graduates immediately after graduation.

Fall Term After HS			
Graduation		Plan	Actual
2005	32.0%		32.6%
2006	32.0%		32.5%
2007	32.0%		33.1%
2008	32.0%		32.4%
2009	32.0%		31.9%
2010	32.0%		31.7%
2011	32.0%		31.9%
2012	32.0%		31.5%
2013	32.0%		32.1%
2014	32.0%		31.5%
2015	32.0%		31.7%
2016	32.0%		31.4%
2017	32.0%		31.8%
2018	32.0%		29.3%
2019	32.0%		28.6%
2020	32.0%		
2021	32.0%		

Progress: The University of Wisconsin System is committed to serving the residents of the State of Wisconsin, not only through the enrollment of high school graduates but also through the enrollment of transfer students and nontraditional-aged students.

Measure 3: Retention Rate

Goal: Meet or exceed current plans to increase the rate at which new freshmen return to the same institution for the second year of study.

Year (Entering Class)	Prior Plan*	Actual
2006-07 (Fall 2005)		79.2%
2007-08 (Fall 2006)		79.2%
2008-09 (Fall 2007)		79.3%
2009-10 (Fall 2008)		80.2%
2010-11 (Fall 2009)	79.5%	80.8%
2011-12 (Fall 2010)	80.4%	79.6%
2012-13 (Fall 2011)	80.5%	80.2%
2013-14 (Fall 2012)	80.9%	80.7%
2014-15 (Fall 2013)	81.3%	82.1%
2015-16 (Fall 2014)	81.8%	81.6%
2016-17 (Fall 2015)	82.0%	81.7%
2017-18 (Fall 2016)	82.2%	81.4%
2018-19 (Fall 2017)	82.5%	81.8%
2019-20 (Fall 2018)	82.7%	82.1%
2020-21 (Fall 2019)	82.7%	
2021-22 (Fall 2020)	82.7%	

Progress: A student's persistence to the second year of study is an important, early indication of accomplishing the long-term graduation objective. The University of Wisconsin System is committed to providing students with the opportunity to successfully persist to the second year and beyond to graduation.

*The prior plan was the University of Wisconsin System's More Graduates initiative, which was developed in 2009-10 with the expectation that a combination of new and existing resources would support an increase in retention rates.

Although the retention rate is not one of the performance measures identified in accordance with Act 55, institutions will continue to seek improvements as a way of increasing graduation rates and the number of undergraduate degrees.

Measure 4: Graduation Rate

Goal: Meet or exceed current plans to increase the rate at which new freshmen earn a bachelor's degree at the same institution within six years.

Year* (Entering Class)	Prior Plan**	Current Plan***	Actual
2006-07 (Fall 2000)			58.0%
2007-08 (Fall 2001)			58.7%
2008-09 (Fall 2002)			59.3%
2009-10 (Fall 2003)			59.7%
2010-11 (Fall 2004)	59.4%		60.4%
2011-12 (Fall 2005)	59.8%		59.3%
2012-13 (Fall 2006)	59.9%		59.6%
2013-14 (Fall 2007)	60.4%		59.3%
2014-15 (Fall 2008)	60.8%		60.7%
2015-16 (Fall 2009)	61.0%		60.7%
2016-17 (Fall 2010)	61.3%	61.2%	60.9%
2017-18 (Fall 2011)	61.7%	61.9%	62.5%
2018-19 (Fall 2012)	62.1%	62.9%	63.6%
2019-20 (Fall 2013)	62.4%	63.4%	65.4%
2020-21 (Fall 2014)		63.6%	
2021-22 (Fall 2015)		63.6%	

*Year denotes the reporting year not the academic year the degree was completed.

Progress: Six-year graduation rates are at an all-time high and are projected to increase. The graduation rate is a performance measure identified in accordance with Act 55.

**The prior plan was the University of Wisconsin System's More Graduates initiative, which was developed in 2009-10.

***The current plan reflects projections developed by institutions in spring 2016 and were largely dependent on the impact of existing services on currently enrolled students.

2021-23 Budget Reduction Plans

Act 201 Reduction Plans

2015 Wisconsin Act 201 requires each agency to submit two biennial budget requests along with their biennial budget submission

- A flat base level budget (no new initiatives) with the exception of standard budget adjustments. There is no special planning required to submit this version.
- A proposal to reduce the agency's state operations budget for each fiscal year by an amount equal to a total of 5% of the base level funding as agreed to by the secretary of the Department of Administration.

Not all the information needed for calculating these reports is currently available. Therefore, the UW System Board of Regents is asked to delegate the authority to approve these items to the UW System President. Examples of these reports are included on the following pages.

ACT 201

Proposal under s. 16.42(4)(b)2.: **0% change in each fiscal year**

FY: **FY20 and FY21**

Agency: **UW - 285**

Exclusions: Federal
Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

Agency	Appropriation Alpha	Numeric	Fund Source	Adjusted Base		(See Note 1) 0% Change Target	Proposed Budget FY20 and FY21		Item Ref.	Change from Adj Base		(See Note 2) Remove SBAs		Change from Adjusted Base after Removal of SBAs	
				\$	FTE		Proposed \$	Proposed FTE		\$	FTE	\$	FTE	\$	FTE
285	1a	111	GPR	876,906,900	17604.34	0	879,780,800	17604.34	1,2,3	2,873,900	0.00	(2,873,900)	0.00	0	0.00
285	1am	118	GPR	4,367,000	0	0	4,367,000	0	N/A	0	0.00	0	0.00	0	0.00
285	1b	116	GPR	1,500,000	0	0	1,515,000	0	2	15,000	0.00	(15,000)	0.00	0	0.00
285	1c	119	GPR	250,000	0	0	250,000	0	3	0	0.00	0	0.00	0	0.00
285	1fd	117	GPR	11,369,300	131.25	0	11,373,000	131.25	3	3,700	0.00	(3,700)	0.00	0	0.00
285	1fj	126	GPR	5,168,000	77.9	0	5,168,000	77.9	1,2,3	0	0.00	0	0.00	0	0.00
285	1gb	121	PR	2,505,546,400	8367.09	0	2,505,546,400	8367.09	3,4	0	0.00	0	0.00	0	0.00
285	1ge	153	PR	613,881,000	3932.19	0	613,881,000	3932.19	3	0	0.00	0	0.00	0	0.00
285	1i	130	PR	20,888,100	159.6	0	20,888,100	159.6	3	0	0.00	0	0.00	0	0.00
285	1ia	127	PR-S	1,619,200	18.9	0	1,619,200	18.9	3	0	0.00	0	0.00	0	0.00
285	1je	165	PR	4,445,100	12.6	0	4,445,100	12.6	3,5	0	0.00	0	0.00	0	0.00
285	1k	196	PR-S	37,832,300	48.41	0	37,832,300	48.41	3	0	0.00	0	0.00	0	0.00
285	1q	191	SEG	1,054,800	0	0	1,054,800	0	3	0	0.00	0	0.00	0	0.00
285	1qe	172	SEG	859,200	3.61	0	859,200	3.61	3	0	0.00	0	0.00	0	0.00
285	1u	161	SEG	29,938,100	157.9	0	29,938,100	157.9	3	0	0.00	0	0.00	0	0.00
Totals				4,115,625,400	30,513.79	0	4,118,518,000	30,513.79		2,892,600	0.00	(2,892,600)	0.00	0	0.00

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = 0

Difference = **0**
Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 Limit the ability to move forward with Capacity Building Initiatives and Outcomes-Based Funding
- 2 Limit the ability to be responsive to the needs of students and staff
- 3 Reallocate to be responsive to changing programming needs
- 4 Limit gift and non-federal grant expenditures
- 5 Limit the amount reimbursed by the hospital authority

ACT 201

Proposal under s. 16.42(4)(b)1.: 5% change in each fiscal year

FY: **FY20 and FY21**

Agency: **UW - 285**

Exclusions: Federal
Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE FY20 TO FY20 AND 21.

Agency	Appropriation		Fund Source	Adjusted Base		(See Note 1) 5% Reduction Target	Proposed Budget FY20 and FY21		Item Ref.	Change from Adj Base		(See Note 2) Remove SBAs		Change from Adjusted Base after Removal of SBAs	
	Alpha	Numeric		\$	FTE		Proposed \$	Proposed FTE		\$	FTE	\$	FTE	\$	FTE
285	1a	111	GPR	876,906,900	17604.34	(43,845,300)	835,935,500	17,104.34	1,2,3,4,5,6,8,9,10,11	(40,971,400)	(500.00)	(2,873,900)	0.00	(43,845,300)	(500.00)
285	1am	118	GPR	4,367,000	0	(218,400)	4,148,600	0.00	8	(218,400)	0.00	0	0.00	(218,400)	0.00
285	1b	116	GPR	1,500,000	0	(75,000)	1,440,000	0.00	3	(60,000)	0.00	(15,000)	0.00	(75,000)	0.00
285	1c	119	GPR	250,000	0	(12,500)	237,500	0.00	1	(12,500)	0.00	0	0.00	(12,500)	0.00
285	1fd	117	GPR	11,369,300	131.25	(568,500)	10,804,500	131.25	3,13	(564,800)	0.00	(3,700)	0.00	(568,500)	0.00
285	1fj	126	GPR	5,168,000	77.9	(258,400)	4,909,600	77.90	3,14	(258,400)	0.00	0	0.00	(258,400)	0.00
285	1gb	121	PR	2,505,546,400	8367.09	(125,277,300)	2,380,269,100	7,642.09	1,2,3,4,5,6,7,8,9,10,11	(125,277,300)	(725.00)	0	0.00	(125,277,300)	(725.00)
285	1ge	153	PR	613,881,000	3932.19	(30,694,100)	583,186,900	3,782.19	1,2,3,4,5,6,8,9,15	(30,694,100)	(150.00)	0	0.00	(30,694,100)	(150.00)
285	1i	130	PR	20,888,100	159.6	(1,044,400)	19,843,700	159.60	3,13	(1,044,400)	0.00	0	0.00	(1,044,400)	0.00
285	1ia	127	PR-S	1,619,200	18.9	(81,000)	1,538,200	18.90	3,13	(81,000)	0.00	0	0.00	(81,000)	0.00
285	1je	165	PR	4,445,100	12.6	(222,300)	4,222,800	12.60	3,14	(222,300)	0.00	0	0.00	(222,300)	0.00
285	1k	196	PR-S	37,832,300	48.41	(1,891,600)	35,940,700	48.41	2,3,4,12	(1,891,600)	0.00	0	0.00	(1,891,600)	0.00
285	1q	191	SEG	1,054,800	0	(52,700)	1,002,100	0.00	5,10	(52,700)	0.00	0	0.00	(52,700)	0.00
285	1qe	172	SEG	859,200	3.61	(43,000)	816,200	3.61	3	(43,000)	0.00	0	0.00	(43,000)	0.00
285	1u	161	SEG	29,938,100	157.9	(1,496,900)	28,441,200	157.90	2,3	(1,496,900)	0.00	0	0.00	(1,496,900)	0.00
Totals				4,115,625,400	30,513.79	(205,781,400)	3,912,736,600	29,138.79		(202,888,800)	(1,375.00)	(2,892,600)	0.00	(205,781,400)	(1,375.00)

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = (205,781,400)

Difference = **0**
Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 Reduction to instruction
- 2 Reduction to research
- 3 Reduction to public service
- 4 Reduction to student services
- 5 Reduction to academic support
- 6 Reduction to farm operations programming
- 7 Reduction to auxiliary operations
- 8 Reductions to physical plant operations
- 9 Reduction to institutional support
- 10 Reduction of services to students and staff
- 11 Will result in fewer class sections and could extend time to degree
- 12 Reduction to services provided to hospital authority
- 13 Reduction to public health support
- 14 Reduction to veterinary diagnostic services
- 15 Reduction in gift and non-federal grant expenditures

2021-23 UW SYSTEM BIENNIAL CAPITAL BUDGET REQUEST

REQUESTED ACTION

Adoption of Resolution 14.

Resolution 14. That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves the 2021-23 Capital Budget request and that it be submitted to the Department of Administration and the State Building Commission.

The 2021-23 Capital Budget Request of \$1,281,472,000 (\$1,017,543,000 General Fund Supported Borrowing; \$109,564,000 Program Revenue Supported Borrowing; \$25,955,000 Cash; \$74,787,000 Gifts; and \$53,623,000 Building Trust Funds) includes the following:

1. Six categorical enumerations of \$294,002,000 for capital projects programs including (a) \$150,000,000 (\$100,000,000 General Fund Supported Borrowing and \$50,000,000 Program Revenue Supported Borrowing) for the All Agency Projects Program; (b) \$31,875,000 General Fund Supported Borrowing in two prioritized groups for the Instructional Space Projects Program; (c) \$100,427,000 (\$91,673,000 General Fund Supported Borrowing and \$8,754,000 Program Revenue Supported Borrowing) in two prioritized groups for the Minor Facilities Renewal Projects Program; and (d) \$11,700,000 Cash to establish a new Campus Master Plan Land Acquisition Program.
2. Sixteen individual project enumerations of \$949,289,000 (\$793,995,000 General Fund Supported Borrowing; \$50,810,000 Program Revenue Supported Borrowing; \$13,000,000 Cash; \$73,078,000 Gifts; and \$18,406,000 Building Trust Funds).
3. Six individual planning and design funding enumerations of \$38,181,000 (\$1,255,000 Cash; \$1,709,000 Gifts; and \$35,217,000 Building Trust Funds).
4. Authorization for the UW System President or designee to adjust individual project budgets as necessary in the development of the final 2021-23 Capital Budget recommendation with the Department of Administration.

Be it further resolved that the Board of Regents recommends that the University of Wisconsin System 2021-27 Six-Year Capital Plan be submitted to the Department of Administration in accordance with Wis. Stats. § 13.48(1), related to the long-range public building program.

SUMMARY

The 2021-23 Capital Budget recommendation is designed to promote affordability while addressing obsolete and aging facilities, deferred maintenance, and Wisconsin's workforce needs. Key strategic elements of the recommendation are:

- Repair Aging Facilities: Projects are recommended to renovate and repair aging facilities and infrastructure. Funding is requested to focus on work in existing facilities to address high priority needs and improve facilities that continue to be used for the foreseeable future.
- Affordability: Board of Regents criteria for capital projects emphasize affordability for students and taxpayers with a focus on repair and renovation. The recommended capital budget seeks to emphasize affordability while addressing other critical capital needs.
- Elimination of Obsolete Facilities: Projects are recommended to construct new facilities as replacement where existing ones are unable to be renovated cost-effectively to meet academic or program needs. We continue to focus on demolishing obsolete, operationally demanding, and non-flexible facilities to reduce deferred maintenance.
- Expand STEM Education: Requests for state funding focus on STEM facilities to provide modern, up-to-date facilities that support workforce needs, attract, and retain Wisconsin students, and expand STEM education.
- Promote Improved Planning: Complex projects identified for the 2023-25 biennium are recommended for planning and design enumeration. This will enable UW campuses to work with designers to prepare these projects for construction in the next biennium.

The documents following this summary constitute the 2021-23 Capital Budget request. The recommendation prioritizes institutional requests regardless of fund source for 2021-23 and provides a planning framework for 2023-25 and 2025-27. Together, these projects constitute the UW System Six-Year Capital Plan. Project budgets and schedules have been adjusted to reflect Department of Administration guidelines for representative project timelines and to align with *Engineering News Record's* inflation projections. There are no projects solely funded by gifts and grants included in the proposed capital plan.

Presenter

- Alex Roe, Senior Associate Vice President for Capital Planning and Budget

BACKGROUND

Biennially, each state agency is required to submit a capital budget request within the context of a long-range plan to the Department of Administration. The UW System process for developing the Capital Budget recommendation is based on standard higher education planning models. Each biennium UW institutions and UW System Administration (UWSA) engage in long-range planning that involves the following steps:

Issue identification:

- Advancing programmatic priorities and emerging pedagogical adaptations.
- Assessing building conditions.
- Analyzing space utilization (qualitative and quantitative).

Evaluation:

- Identifying alternatives to problems.
- Prioritizing space and programmatic needs.

Plan Development:

- Institutions develop long-range space and program plans submitted to UWSA.
- UWSA evaluates and prioritizes institutional plans based on a Board of Regents-approved evaluation tool.
- UWSA develops a systemwide long-range plan for three consecutive biennia.
- The Board of Regents approves a biennial budget request based on long-range plan recommendations.

State Planning and Funding:

- The Department of Administration, Division of Facilities Development and Management receives budget requests from all state agencies and makes a single recommendation to the State of Wisconsin Building Commission.
- The Building Commission makes a recommendation to the Legislature through the biennial budget process.

The budget development process includes personnel from every UW institution including chancellors, provosts, chief business officers, student affairs leaders, physical plant directors, and campus planners. The process is guided by both budget development guidelines issued by the Department of Administration and project ranking criteria approved by the Board of Regents.

Related Policies

- Regent Policy Document 19-8, "[Funding of University Facilities Capital Costs](#)"
- Regent Policy Document 19-16, "[Building Program Planning and Approval](#)"

ATTACHMENTS

- A) University of Wisconsin System, "2021-23 Biennial Capital Budget Request & 2021-27 Six-Year Capital Plan"

UNIVERSITY OF WISCONSIN SYSTEM

2021-23 Biennial Capital Budget Request

&

2021-27 Six-Year Plan

August 20, 2020

UNIVERSITY OF WISCONSIN SYSTEM

CAPITAL PLAN for 2021-27

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Capital Project Types and Budget Thresholds	14
2021-23 Proposed Capital Budget Request	15
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2025-27 Proposed Capital Budget	17
Project Documents Guide	MPRS-Guide
Project Documents Sample	MPRS-Sample
Project Documents	MPRS-01 – MPRS-28

Definitions:

ASF	Assignable Square Feet
BTF	Building Trust Funds
CUST	Custodial
DEMO	Demolition
DFDM	Division of Facilities Development and Management of the Department of Administration
DOA	Department of Administration
EX-GFSB	Existing General Fund Supported Borrowing
EX-PRSB	Existing Program Revenue Supported Borrowing
GFSB	General Fund Supported Borrowing
GSF	Gross Square Feet
MAINT	Maintenance
NEW	New Construction
PRSB	Program Revenue Supported Borrowing
RENV	Renovation
SEG	Segregated Fees
STEM	Science, Technology, Engineering, and Math
UWSA	University of Wisconsin System Administration

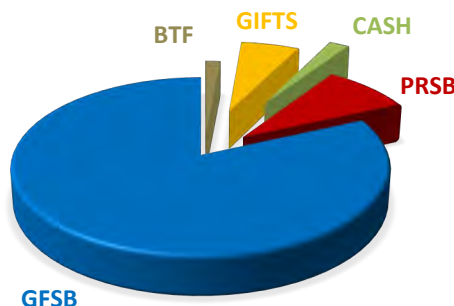
Capital Budget Strategies and Priorities

Themes from the 2019-21 Capital Budget are reinforced in the 2021-23 Capital Budget recommendation which is designed to promote affordability while addressing obsolete and aging facilities, deferred maintenance, and Wisconsin's workforce needs. Key strategic elements of the recommendation are:

- Repair Aging Facilities: Projects are recommended to renovate and repair aging facilities and infrastructure. \$550 million is requested to focus on work inside existing facilities to address high priority needs and improve facilities that continue to be used for the foreseeable future;
- Affordability: Board of Regents criteria for capital projects emphasize affordability for students and taxpayers with a focus on repair and renovation. The recommended capital budget seeks to emphasize affordability while addressing other critical capital needs;
- Elimination of Obsolete Facilities: Projects are recommended to construct new facilities as replacement where existing ones are unable to be renovated cost-effectively to meet academic or program needs. We continue to focus on demolishing obsolete, operationally demanding, and non-flexible facilities to reduce deferred maintenance;
- Expand STEM Education: Requests for state funding focus on STEM facilities to provide modern, up-to-date facilities that support workforce needs, attract, and retain Wisconsin students, and expand STEM education;
- Promote Improved Planning: Complex projects identified for the 2023-25 biennium are recommended for planning and design enumeration. This will enable UW campuses to work with designers to prepare these projects for construction in the next biennium.

The proposed biennial capital budget includes full enumeration of 22 projects and programs and funding for the planning & design phases of 6 projects.

2021-23 Biennial Capital Budget Proposal						
	Total	GFSB	PRSB	Cash	Gifts	BTF
2021-23	\$1,281,472,000	\$1,017,543,000	\$109,564,000	\$25,955,000	\$74,787,000	\$53,623,000



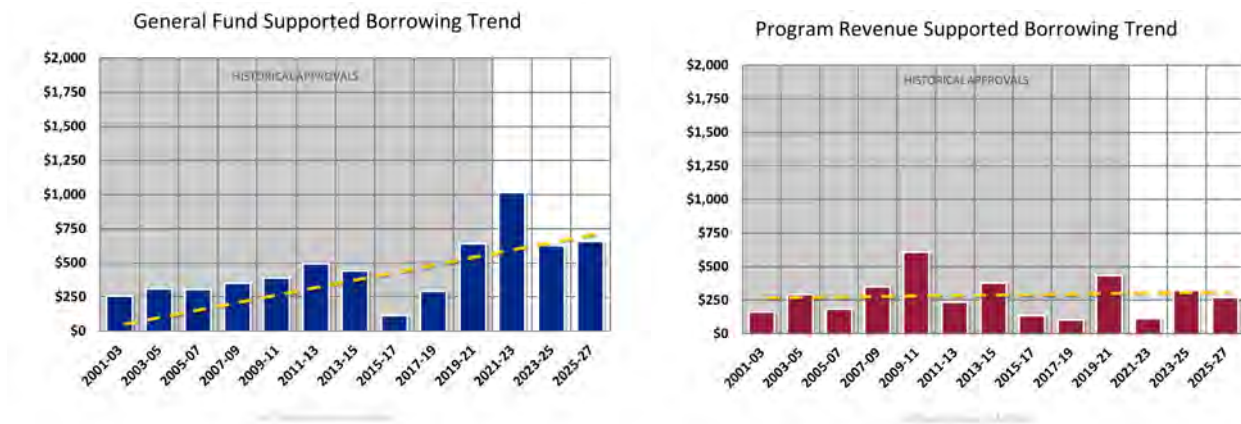
The proposed 6-year plan encompasses 73 projects and programs.

2021-27 Capital Plan						
	TOTAL	GFSB	PRSB	CASH	GIFTS	BTF
2021-23	\$1,281,472,000	\$1,017,543,000	\$109,564,000	\$25,955,000	\$74,787,000	\$53,623,000
2023-25	\$1,046,339,600	\$624,758,600	\$321,984,500	\$27,655,700	\$26,176,800	\$45,764,000
2025-27	\$966,713,700	\$658,294,600	\$270,954,400	\$14,167,900	\$12,000,000	\$11,296,800
TOTAL	\$3,292,525,300	\$2,300,596,200	\$702,502,900	\$67,778,600	\$112,963,800	\$110,683,800

2021-23 Capital Budget Request

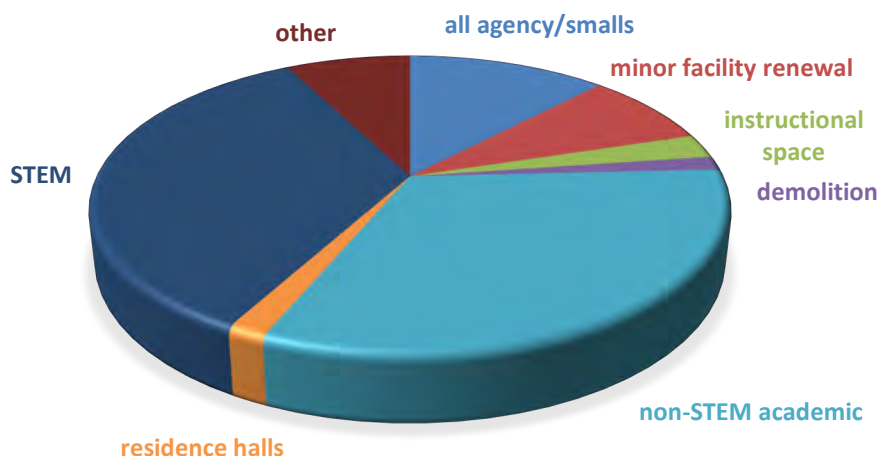
Biennially, each state agency is required to submit a two-year capital budget request within the context of a long-range plan to the Department of Administration (DOA) in September of even-numbered years. UW System Administration staff consider the DOA instructions as well as approved policies, when developing a systemwide 6-year plan (Capital Plan) for consideration by the Board of Regents as part of the biennial budget submission.

The two charts below delineate the actual funding of the UW System capital budgets since 2001 of General Fund and Program Revenue Supported Borrowing. The 2021-23 figure represents the proposed request for the two funding types.

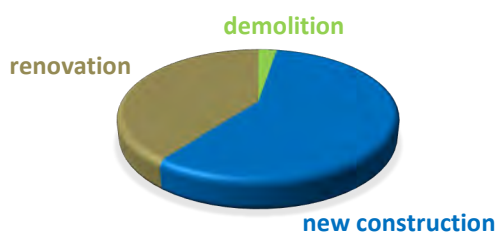


The proposed Capital Plan includes twenty-eight major projects, one of which was previously approved by the Board as part of the 2019-21 Capital Budget request but was not enumerated by the Wisconsin Legislature. This plan provides for the following distribution by the total cost of work:

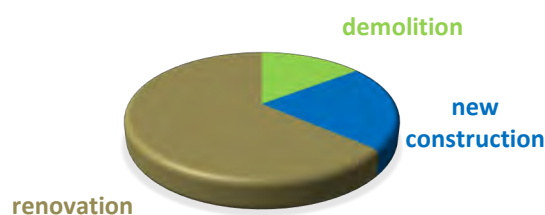
PROJECT TYPE DISTRIBUTION BY COST



SCOPE OF WORK COST



SCOPE OF WORK SPACE



The 2021-23 budget request proposes to renovate 2.9 million or 4% of the more than 67,000,000 square feet comprising the University of Wisconsin System; to demolish about 681,000 square feet; and to add 1,000,000 new square feet or about 319,000 new net square feet. More than 60% of the UW System's building inventory was constructed between 1950 and 1979, and much of that inventory has had little renovation or upgrade since its inception. Nearly 50% of the overall inventory is rated in moderate or poor condition regarding functionality and condition assessment.

It is important to note that nearly 970,000 GSF of the proposed new construction will replace 681,000 GSF of existing buildings. The proposed projects have undergone feasibility assessments and it was determined that new construction is reasonable because the existing facilities:

- are obsolete functionally, physically outdated, and approaching the end of useful life;
- are unable to be renovated to meet new functional requirements due to existing floor loading or ceiling-to-ceiling heights;
- contain structural systems that are unable to be modified for new modern space configurations; or
- are too costly to renovate due to that cost exceeding 75% of the building's value.

Other notable items:

- UWSA received authority to manage gift and grant funded projects through its own resources in 2015-17. There are no projects solely funded by gift and grant funds included in the proposed Capital Plan. UW Institutions submit gift and grant funded projects directly to the Capital Planning and Budget office for consideration and implementation as outlined in Regent Policy Document 13-5 and associated system policies.
- There are no projects funded with segregated fees included in the 2021-23 biennial capital budget request.

2021-23 Planning Project Requests

The Department of Administration has declined to advance projects that do not have either a pre-design or a feasibility study underpinning the project's budget, schedule, and scope. This approach reflects a directive from the State Building Commission to keep project budgets at their originally enumerated level. The capital budget instructions encourage state agencies to request funds for planning rather than enumeration. Therefore, we have included six major capital projects that require a feasibility and design to determine scope, phasing options, budget, design alternatives, operational budget impacts, and energy conservation opportunities. Building Trust Funds for planning are requested in 2021-23 and the remaining funding for those projects will be requested in a future biennium.

In alignment with the tenets of the previously discussed capital budget strategy, the UW System proposes that the following projects be enumerated for planning and design:

- UW-Milwaukee: Engineering Building
- UW-Stout: Heritage Hall Renovation
- UW-Madison: South Central Campus Steam Utility Replacement
- UW-Oshkosh: Polk Library Renovation
- UW-Madison: Arts Lofts Studio Laboratories Addition
- UW-Platteville: Ottensman Hall Renovation

Historical: 2019-21 Capital Budget Review

BOARD REQUEST 2019-21

	GFSB	PRSB	PR Cash	Gifts/ Grants	BTF	Total
New Enumeration Requests	\$444.5	\$446.8	\$78.9	\$99.1	\$6.3	\$1,075.6
All Agency/Smalls	\$200	\$100	\$0	\$0	\$0	\$300
Instructional Space/Technology Program	\$38	\$0	\$0	\$0	\$0	\$38
Advanced Planning & Enumeration	\$446.5	\$0	\$2.9	\$68.8	\$31.4	\$549.6
Total Funding	\$1,129	\$546.8	\$81.8	\$167.9	\$37.7	\$1,963.2

All figures shown in millions.

SIGNED INTO LAW - WISCONSIN ACT 9

	GFSB	PRSB	PR Cash	Gifts/ Grants	BTF	Total
New Enumeration Requests	\$368	\$367.3	\$69.6	\$99.1	\$0	\$904
All Agency/Smalls***	\$168.5	\$50.5	\$0	\$0	\$0	\$219.1
Instructional Space/Technology Program**	\$31.6	\$0	\$0	\$0	\$0	\$31.6
Minor Facilities Renewal Program*	\$72	\$18	\$0	\$0	\$0	\$90
Advanced Planning & Enumeration	\$0	\$0	\$0	\$0	\$5	\$5
Total Funding 2019 Wisconsin Act 9	\$640.1	\$435.8	\$69.6	\$99.1	\$5	\$1,249.7

All figures shown in millions.

4 UW Projects were not enumerated (\$171.8)
 5 UW Advanced Planning Projects were not enumerated for 2021-23 (\$544.5)
 1 UW Project was added for Planning funds \$000.5

*The Minor Facilities Renewal Program was developed through conversations with the legislature in spring 2019. Projects in this program are larger All Agency Projects.

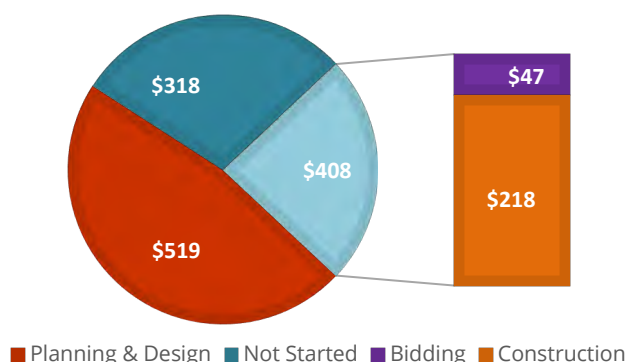
**Given the enumeration of UW-Milwaukee's Chemistry Building Project, a duplicate Instructional Space project for laboratory renovations was deleted.

***On September 4, 2019, DOA issued an All Agency/Small Project Program GFSB funding target memo that provided for an allocation of \$168.5M.

Capital Budget Implementation Summary

2019-21 Status Report

Of the nearly \$1.245 billion enumerated in 2019-21, effective July 2019 and as of June 2020, the Board of Regents and the Building Commission have approved about \$408 million and of that total approximately \$47 million is in bidding and another \$218 million is either starting or in construction. The remaining \$519 million is in design and another \$318 million has not yet started.



2021-23 Capital Budget Biennial Planning

The UW System Administration develops a consolidated Capital Plan recommendation for the Board of Regents based upon standard higher education planning models. The planning process includes personnel from every UW institution including chancellors, provosts, chief business officers, student affairs leaders, and physical plant and campus planners. There are three phases of the capital planning process. During the first phase, each institution submits project requests and associated budget estimates for all their proposed six-year Major, Minor Facilities Renewal, and Instructional Space projects. Institutions also submit instructional space utilization reports as reference and support documentation. Collaborative workshops attended by university and UWSA staff are held prior to the institution's submittals to review, discuss, and promote the development of project solutions that align expectations and a realistic strategy. Campus tours of select areas are typically provided to gain a visual and logistical reference for proposed solutions.

During the second phase, institutions present their proposed capital project solutions to UWSA staff by providing a campus context and a complete and realistic capital projects plan. On site visits typically occur at each institution to discuss the proposed project options and to fill in the contextual gaps between individual project requests that formulate the plan. However, with the onset of COVID 19 and Governor Evers' "shelter in place" executive order, seven campus visits were moved to a virtual platform.

During the third and final phase of the capital planning process, the institutions submit facility profiles for all buildings, site development, and site utility concerns proposed to be addressed during the six-year plan period through Major Projects, Minor Facilities Renewal Projects, All Agency Projects, and/or Instructional Space Projects.

UW System Administration evaluates and prioritizes these submissions based upon a Board of Regents-approved evaluation tool that ensures relevant alternatives to problems have been investigated. Academic space remodeling and programmatic needs are prioritized the highest, closely followed by life safety upgrades and repairs, and operational improvements. Each request that has a budget and thorough space plan including site and building condition assessments is considered ready for enumeration.

The Reform Agenda, launched in 2015, reinforces Board of Regents policies that emphasize the importance of considering renovation before construction of new space. Therefore, an intermediate prerequisite process, which was approved by the Board, is now included to evaluate major project requests that propose new net square footage. Four categories were created to evaluate the need for new space: Facility Standards and Compliance, Academic Program and Enrollment Growth, Revenue-Based Initiatives and Effective Use of Capital and Operating Resources. Each project must meet the criteria delineated in one of these categories, as well as demonstrate that no other appropriate facilities are available to accommodate expansion before it can move through the remaining steps of the evaluation process.

Commencing in late fall 2019, a presidential initiative began to identify ways to improve the capital projects process to ensure that projects stay on schedule, within budget, and maintain a well-defined scope. A Process Improvement Plan was developed collaboratively by the President, UWSA senior leaders, Capital Planning and Budget (CPB) staff and the DOA. It was shared with each institution (chancellors and chief business officers) and mandates that feasibility studies delineating project scope, enabling activities, surge space needs, utility impacts, phasing, budgets, and schedules are thoroughly investigated prior to requesting enumeration of a capital project. In addition, it recommends that Board of Regents and State Building Commission approval occur as late in the design and contract document development phases as possible. Typically, those approvals have been obtained at the 35% design point, however, the longer a project remains in design the more accurate the cost estimate of the work.

UWSA continues to investigate and implement opportunities to contain cost and has instituted a Project Charter for projects in excess of \$1,000,000 to align scope, budget, and schedule with a defined project management structure, identify communication pathways, document known constraints and challenges, and designate a final decision maker at the institutional level. These documents are distributed to DFDM and the project's consulting teams.

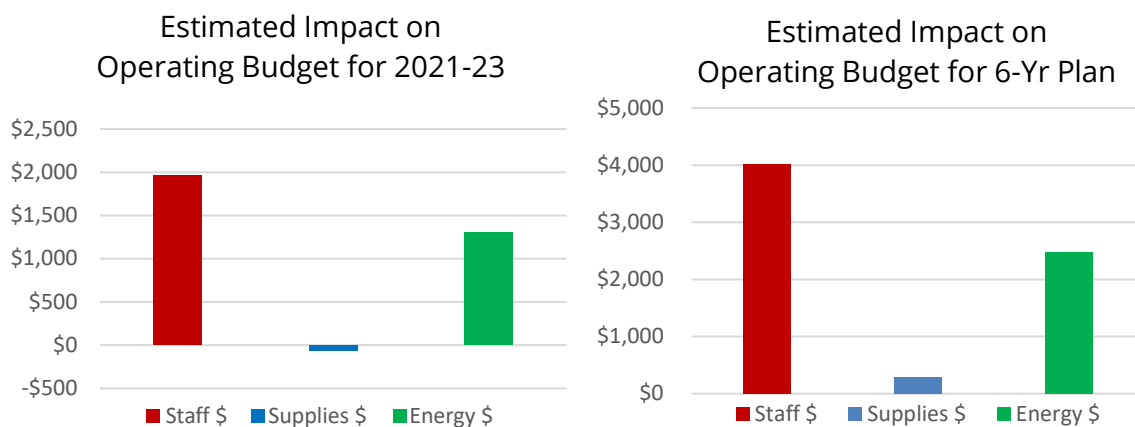
A second cost containment action instituted in the 2019-21 capital budget, is the hold-back of escalation from the design team. At the time of the design team's contract signing, escalation will be calculated to that date from the original budget date. The remaining escalation funds will be held by DFDM and only released upon the approval of senior members of DFDM, UWSA, and UW Institution's joint agreement.

UW Institutions submitted 185 project requests for inclusion in the 2021-27 Capital Plan. The Capital Planning and Budget staff evaluated the projects and identified several that did not

meet the established prerequisites regarding new net square feet, institutional readiness, and evidence of planning, infrastructure impact, or operational support. However, some of those projects are included in the 2023-27 biennia as UWSA staff believe there are still opportunities to resolve the lack of planning, readiness, and other impacts before their submission as part of the 2023-25 biennial budget request.

Financial Budget Impacts

Each institution is asked to provide an estimate of the operational impacts for each project. Since UWSA does not provide standards for estimating these costs, they can vary across the entire university system. The charts below delineate the estimated operating budget impact of the 2021-23 Capital Budget. Full exploration of operating budget impacts will take place during the design stage of a project; however, these impacts are not estimated to be in place before 2022 at the earliest.



Each institution has been given an opportunity to review non-GFSB adjusted project budgets to determine if funding is available to support a longer project schedule with the original scope or if adjustments should be made to stay within the original budget parameters. As requested by Regents at the February 2020 meeting, a financial review of projects that utilize Program Revenue Supported Borrowing, cash, or gifts has been undertaken by staff from the Office of Financial Administration. All projects included in the 2021-23 Biennial Capital Budget recommendation have met the requirements of that team. The directions were as follows:

1. Provide the projected fund balance at the end of FY 2021 for the operational area(s) requesting each capital project, assuming payment of all operational costs and debt service. Please note if any auxiliary transfers to or from the operational area(s), in accordance with Interim Regent Policy Document Waiver #4 (COVID-19 Financial Management of Auxiliary Operations), are anticipated and if so the nature and extent of these transfers.
2. If your institution is unable to complete the Fall 2020 or Spring 2021 terms as currently planned, provide a financial plan to fulfill institutional obligations for FY 2021, including operational and debt service payments, as well as possible student refunds.
3. Please provide reserve amounts set aside for debt service payments beyond FY21.

Board of Regents Major Project Evaluation Criteria

PART I: These evaluation criteria apply to all requests for new assignable* square footage, regardless of funding source(s). Project requests seeking to add additional assignable square footage **must meet at least one of the following four criteria** to advance further for capital budget consideration. If the net new square footage† prerequisite is satisfied, then the project request will continue through the remaining evaluation criteria and process. Each institution must provide demonstrated proof that no other appropriate facilities are available to accommodate the proposed expansion needs.

* Assignable square footage does not include any circulation; restrooms; mechanical or electrical rooms; structural areas; or building service areas.

† Net new square footage does not include replace-in-kind, even if the replacement space is larger than the original space due to current construction and facility standards and practices. This only applies to new square footage purely for program creation or expansion purposes.

SCORING	NET NEW SQUARE FOOTAGE PREREQUISITE	4 Criteria
Yes or No	FACILITY STANDARDS AND COMPLIANCE: The institution has demonstrated, and documented building codes and/or standards compliance issues and/or health, safety, and environmental issues would not be resolved through standard design and operating practice. The project scope must include extraordinary or non- routine conditions and examples to be resolved, as documented by a planning study such as: Campus Master or Precinct/College Plan, Facility Condition Assessment, or Pre-Design/Feasibility.	
Yes or No	ACADEMIC PROGRAM AND ENROLLMENT GROWTH: The institution has identified demonstrated space shortages related to Board of Regents approved academic program creation or expansion with the following: 5-year enrollment trends responding to strategic or programmatic needs and a targeted space utilization analysis showing use consistently beyond UWSA standards, and/or evidence that enrollment exceeds original building design capacity. The project documentation must be accompanied by market studies as appropriate and operational impact reports, historical enrollment data, and sound financial plans.	
Yes or No	REVENUE-BASED INITIATIVES: The institution has identified and demonstrated space shortages related to the need of additional residence hall beds, dining capacity, parking, or other student-supported and engagement space, and/or community-based initiatives. Project documentation must include market studies as appropriate and financial analysis, debt service payment schedules, and sound business plans.	
Yes or No	EFFECTIVE USE OF CAPITAL AND OPERATING RESOURCES: The institution has identified and demonstrated that the existing facilities are insufficient, dysfunctional, and no longer cost effective to operate and maintain. The project documentation provides a Building Condition Assessment demonstrating poor adaptive reuse potential for its intended purpose and a cost to upgrade, renovate, and repair that exceeds 75% of replacement cost.	

PART II: These evaluation criteria apply to all Major Project requests, regardless of funding source(s). The categories and criteria were established by determining distinguishing factors of project requests. Some criteria are entirely objective; either the project request meets the criteria definitions, or it doesn't. Other criteria are subjective; the criteria definitions are partially met or the degree to which they are met is open to interpretation. Only those projects ranked each biennium will be used to gauge the range of possible points given for the subjective criteria; there are no absolute standards for maximum points awarded. Subjective points will be an assigned consensus value by the group of evaluators. If all the capital project prerequisites are satisfied, then the project request will continue through the remaining evaluation process.

SCORING	CAPITAL PROJECT PREREQUISITES	4 Requirements
Yes or No	NET NEW SQUARE FOOTAGE: If the proposed project includes new assignable square footage, the institution has met the net new square footage prerequisite.	
Yes or No	EVIDENCE OF PLANNING: The institution has demonstrated and documented previous indication(s) and intent(s) for the majority of project scope through one or more of the following items: Campus Master or Capital Plan, Facility Condition Assessment, Feasibility Study, Project Priority and Sequence Chart, Pre-Design, Space Use Study.	
Yes or No	INSTITUTIONAL READINESS: The institution has demonstrated and documented its ability and capacity to execute and manage the proposed project within the context of the proposed six-year institutional capital plan and in or by the proposed biennium through the following items: (a) fully documented and submitted six-year institutional capital plan; (b) surge space identified and reallocated or reserved as necessary; and (c) appropriate and adequate operational resources identified and documented to operate and maintain the resulting capital asset(s).	
Yes or No	INFRASTRUCTURE IMPACT: The institution has identified and requested, if necessary, the required additional site infrastructure/utility funding commitments, and/or those have been included in their Capital Plan in the biennium prior to, and/or in the same biennium as the project.	

PART III: These evaluation criteria reflect the institution's highest priority for the current biennial capital planning cycle and recognize those requests from the previous biennial planning cycle that were included in the Board of Regents capital budget request, but remain unfunded.

SCORING	CAPITAL PLAN CONSIDERATIONS	20 Points
0 or 10 pts	INSTITUTIONAL PRIORITY: The institution has identified and documented the project as the institution's highest priority Major Capital Project Request for the proposed six-year institutional capital plan.	
0 or 10 pts	CAPITAL BUDGET REQUEST DEFERRAL: The identified project was included in the previous BOR approved biennial capital budget request to the State of Wisconsin Department of Administration, but was subsequently not funded in the State of Wisconsin's biennial budget.	

PART IV: These evaluation criteria define the significant and measurable areas of physical development and programmatic impacts for each requested Major Capital Project Request, and serve as the means by which to prioritize all proposed inclusions of the Board of Regents Six-Year Capital Plan. Each criterion defined below provides the opportunity to articulate **(a)** the advantage(s), benefit(s), and positive impact(s) that will result if the proposed project is funded in the requested biennium and **(b)** the consequence(s), hardship(s), and negative impact(s) that will result if the proposed project is not funded in the requested biennium.

SCORING	PHYSICAL DEVELOPMENT IMPACTS	40 Points
0 - 10 pts	CODES, STANDARDS, HEALTH & SAFETY: How the existing vs. proposed facility status relates to and addresses, improves, and/or resolves demonstrated and documented... <ul style="list-style-type: none"> ◆ Building code citations, conflicts, and/or retroactive enforcements. ◆ Physical development and/or environment standards of program space. ◆ Health, safety, or protection of the physical and natural environment. 	
0 - 10 pts	CAPITAL MAINTENANCE ELIMINATION or DEFERRAL: Formula calculation and the ratio of demolished/ razed space vs. new/replacement construction of the same or equivalent space type(s) and funding source(s). This criteria scores the quantity ratio and percentage of demolished/razed space vs. new/replacement space for the entire request. <ul style="list-style-type: none"> ◆ Up to full credit for demolishing/razing more square footage than new/replacement space. ◆ Partial credit for demolishing/razing equal or less square footage than new/replacement space. ◆ No credit for scope of work that includes only new/replacement space. 	
0 - 10 pts	CAPITAL RENEWAL: Formula calculation and the ratio of the budget estimate dedicated to renovation vs. new/replacement space. This criteria scores the degree (\$/GSF) and percentage of proposed total project budget that is dedicated to renovation. <ul style="list-style-type: none"> ◆ Full credit for 100% of the budget estimate that is dedicated to renovation. No new/replacement construction of program space. ◆ Partial credit for budget estimates that include both renovation and new/replacement program space. ◆ No credit for budget estimates that includes only new/replacement program space. 	
0 - 10 pts	FACILITY REUSE: Formula calculation and the ratio of project space that is dedicated to renovation vs. new/replacement space. This criteria scores the quantity ratio and percentage of proposed total project space that is dedicated to renovation. <ul style="list-style-type: none"> ◆ Full credit for 100% of the scope of work that is dedicated to renovation. No new/replacement construction of program space. ◆ Partial credit for scope of work that includes both renovation and new/replacement construction of program space. ◆ No credit for scope of work that includes only new/replacement construction of program space. 	

SCORING	PROGRAMMATIC IMPACTS	40 Points
0 - 10 pts	<p>OPERATIONS and OPERATING BUDGET IMPACT: How the existing vs. proposed program space status relates to and addresses, improves, and/or resolves through consolidation, reorganization, and/or relocation...</p> <ul style="list-style-type: none"> ◆ Operational efficiency, staffing requirements, and/or program accreditation(s) and/or certification(s). ◆ Operating budget estimates and analysis, plans, projections, savings, and reallocations. ◆ Recruitment, retention, and training of faculty, staff, and students. 	
0 - 10 pts	<p>SPACE QUALITY, PERFORMANCE, and SUITABILITY: How the existing vs. proposed program space status relates to and addresses, improves, and/or resolves the overall quality, performance, and suitability of the program space through demonstrated and documented functional and technological requirements, spatial configurations, and/or adjacency of space...</p> <ul style="list-style-type: none"> ◆ Where <u>quality</u> is defined as the condition, fit and finish, and equipment/technology level for its intended purpose(s) and program(s). ◆ Where <u>performance</u> is defined as how the space functions for its intended purpose(s) and programs(s). ◆ Where <u>suitability</u> is defined as how appropriate the space is for its intended purpose(s) and program(s). <p>...and impacts the institution's mission, student graduation rate, and intended program delivery and development needs.</p>	
0 - 10 pts	<p>SPACE QUANTITY, AVAILABILITY, and CAPACITY: How the existing vs. proposed program space status relates to and addresses, improves, and/or resolves the overall quantity, availability, and or capacity of space through demonstrated and documented program and data analysis...</p> <ul style="list-style-type: none"> ◆ Where <u>quantity</u> is defined as the number of program spaces for the intended purpose(s), regardless of size or availability of spaces. ◆ Where <u>availability</u> is defined as adequate time periods to schedule instruction, regardless of number or size of spaces. ◆ Where <u>capacity</u> is defined as the desired or optimal occupancy and/or student station count for scheduled instruction, regardless of number or availability of spaces. <p>...and impacts the institution's mission, student graduation rate, and intended program delivery and development needs.</p>	
0 - 10 pts	<p>SPACE UTILIZATION: How the existing vs. proposed program space status relates to and addresses, improves, and/or resolves the overall use of space for scheduled instruction through demonstrated and documented program and data analysis, including...</p> <ul style="list-style-type: none"> ◆ Surplus, surge, and/or underutilized space. ◆ Overprescribed space and utilization rates above space type standards and requirements. ◆ Projected space use for new program space that does not already exist. <p>...and impacts the institution's mission, student graduation rate, and intended program delivery and development needs.</p>	

Department of Administration 2021-23 Capital Budget Instructions Summary

The Division of Facilities Development & Management (DFDM) issued capital budget instructions to all state agencies in June. A summary of the more notable issues is as follows:

- Executive Order 38 establishes goals for energy efficiency and renewable energy standards. The Department encourages projects to incorporate the Sustainability Guidelines into major project design concepts whenever feasible. The Department encourages incorporation of the American Institute of Architects' Framework for Design Excellence, which replaces the Leadership in Energy and Environmental Design (LEED) established by the Green Building Council.
- The Secretary of the Department of Administration has indicated that agencies should focus on "effective stewardship of State resources". Priorities will be given to health and life safety issues, substantially increasing operational efficiencies, replacing essential obsolete facilities, and reducing deferred maintenance.
- High priority will be given to projects included in previous 6-year plans, requests for advanced planning and projects approved for advance planning in previous biennia.
- We continue to be encouraged to maximize gifts and grants from federal, state, or local agencies, and projects using cash are more likely to receive approval to move forward for enumeration.
- We continue to estimate project timelines in accordance with DFDM guidelines – major projects costing between \$15,000,000 and \$30,000,000 will take 50-62 months and those estimated to cost more than \$30,000,000 are scheduled from 50-70 months on average.

To accommodate this scheduling paradigm, escalation at a rate of 2.4%–3.0% every six months has been applied throughout all project budgets. UW System uses the Engineering News Record inflation rates. These rates are updated on a monthly basis.

Capital Project Types and Budget Thresholds

Capital Project	Low \$ Limit	High \$ Limit
Major Project	\$1,000,000	None
Minor Facilities Project	\$3,000,000	\$7,400,000
All Agency Project	\$300,000	\$3,000,000 - \$5,000,000
Instructional Space Project	\$300,000	\$7,400,000
Small Project	\$5,000	\$300,000

2021-23 BIENNIUM

	GPSS	PRSS	CASH	GIFTS	BTF	TOTAL REQUEST
2021-23 PROPOSED PLAN	\$1,017,543,000	\$109,564,000	\$25,955,000	\$74,787,000	\$53,623,000	\$1,281,472,000

REQUESTS FOR CONSTRUCTION AUTHORITY AND FUNDING

[illegible]

REQUESTS FOR PLANNING & DESIGN AUTHORITY AND FUNDING

RANK	ID	ITEM ID	TYPE ID	INST	PROJECT TITLE	GF-SB	PRSE	CASH	DFTS	BTF	TOTAL
23.0	B01 P	2021-23	P&D	MIL	ENGINEERING BUILDING REPLACEMENT - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$8,191,000	\$8,191,000
24.0	L01 P	2021-23	P&D	STO	HERITAGE HALL ADDITION & RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$5,577,000	\$5,577,000
25.0	A43 P	2021-23	P&D	MSN	SOUTH CENTRAL CAMPUS STEAM UTILITY - PLANNING & DESIGN	\$0	\$0	\$1,255,000	\$0	\$2,793,000	\$4,048,000
26.0	P04 F	2021-23	P&D	OSH	POLK LIBRARY RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$6,184,000	\$6,184,000
27.0	A34 P	2021-23	P&D	MSN	ART LOFTS ADDITION & RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$1,709,000	\$5,126,000	\$6,835,000
28.0	H01 P	2021-23	P&D	PLT	OTTENSMAN HALL RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$7,346,000	\$7,346,000
						\$0	\$0	\$1,255,000	\$1,709,000	\$15,111,000	\$18,111,000

PROJECT TYPE ID KEY

AA	ALL AGENCY PROJECT
IS	INSTRUCTIONAL SPACE PROJECT
MFR	MINOR FACILITIES RENEWAL PROJECT
MP	MAJOR PROJECT
P&D	PLANNING & DESIGN (MAJOR PROJECT)

2023-25 BIENNium

	GFSS	PRSS	CASH	GIFTS	BTf	TOTAL REQUEST
2023-25 PROPOSED PLAN	\$624,758,600	\$321,984,500	\$27,655,700	\$26,176,800	\$45,764,000	\$1,046,339,600

REQUESTS FOR CONSTRUCTION AUTHORITY AND FUNDING

[illegible]

REQUESTS FOR PLANNING & DESIGN AUTHORITY AND FUNDING

RANK	ID	BEN ID	TYPE ID	INST	PROJECT TITLE	FSB	FRSB	CASH	DETS	BTF	TOTAL
46.0	Y13	2023-25	P&D	SYS	HEATING PLANT BOILER CAPACITY INCREASES - PLANNING & DESIGN	\$0	\$0	\$1,568,000	\$0	\$1,982,000	\$3,550,000
47.0	L11.P	2023-25	P&D	STO	NORTH CAMPUS HEATING RESERVE SYSTEM - PLANNING & DESIGN	\$0	\$0	\$589,000	\$0	\$884,000	\$1,473,000
48.0	G05.P	2023-25	P&D	PKS	GREENQUIST HALL RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$3,567,000	\$3,567,000
49.0	J07.P	2023-25	P&D	RVF	LABORATORY FARM RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$2,661,000	\$2,661,000
50.0	M11.P	2023-25	P&D	SUP	OLD MAIN HVAC SYSTEM RENOVATION/CHILLED WATER CONNECTION - PLANNING &	\$0	\$0	\$0	\$0	\$1,174,000	\$1,174,000
51.0	A39.P	2023-25	P&D	MSN	MEMORIAL LIBRARY RENOVATION - PHASE I - PLANNING & DESIGN	\$0	\$0	\$0	\$821,000	\$2,429,000	\$3,250,000
52.0	C01.P	2023-25	P&D	EAU	SCIENCE/HEALTH SCIENCE BUILDING - PHASE II - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$8,366,000	\$8,366,000
53.0	A27.P	2023-25	P&D	MSN	SCIENCE HALL RENOVATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$11,676,000	\$11,676,000
54.0	A14.P	2023-25	P&D	MSN	MEDICAL SCIENCES CENTER WINGS C-E RECAPITALIZATION - PLANNING & DESIGN	\$0	\$0	\$0	\$0	\$3,387,000	\$3,387,000
						\$0	\$0	\$2,157,000	\$821,000	\$16,136,000	\$19,104,000

PROJECT TYPE ID KEY

AA	ALL AGENCY PROJECT
IS	INSTRUCTIONAL SPACE PROJECT
MFR	MINOR FACILITIES RENEWAL PROJECT
MP	MAJOR PROJECT
P&D	PLANNING & DESIGN (MAJOR PROJECT)

2025-27 BIENNIUM

	GFEB	PRSB	CASH	GIFTS	BTB	TOTAL REQUEST
2025-27 PROPOSED PLAN	\$658,294,600	\$270,954,400	\$14,167,900	\$12,000,000	\$11,296,800	\$966,713,700

REQUESTS FOR CONSTRUCTION AUTHORITY AND FUNDING

RANK	ID	BIEN ID	TYPE ID	INST	PROJECT TITLE	GFSSB	PRSB	CASH	GIFTS	BTF	TOTAL
55.0	Y03	2025-27	AA	SYS	ALL AGENCY PROJECTS PROGRAM	\$100,000,000	\$50,000,000	\$0	\$0	\$0	\$150,000,000
56.0	Y08	2025-27	IS	SYS	INSTRUCTIONAL SPACE PROJECTS PROGRAM	\$30,000,000	\$0	\$0	\$0	\$0	\$30,000,000
57.0	Y12	2025-27	MFR	SYS	MINOR FACILITIES RENEWAL PROJECTS PROGRAM	\$30,000,000	\$15,000,000	\$0	\$0	\$0	\$45,000,000
58.1	C99	2025-27	MP	EAU	HEATING PLANT BOILER CAPACITY INCREASE	\$4,366,000	\$3,034,000	\$0	\$0	\$0	\$7,400,000
58.2	D99	2025-27	MP	GBY	HEATING & COOLING PLANT BOILER CAPACITY INCREASE	\$5,846,000	\$1,554,000	\$0	\$0	\$0	\$7,400,000
58.3	E32	2025-27	MP	LAX	HEATING PLANT BOILER CAPACITY INCREASE	\$3,922,000	\$3,478,000	\$0	\$0	\$0	\$7,400,000
58.4	F21	2025-27	MP	OSH	HEATING PLANTS BOILERS 3 & 4 REPLACEMENT	\$11,230,200	\$10,789,800	\$0	\$0	\$0	\$22,020,000
58.5	H99	2025-27	MP	PLT	HEATING PLANT BOILER CAPACITY INCREASE	\$4,860,000	\$4,140,000	\$0	\$0	\$0	\$9,000,000
58.6	K99	2025-27	MP	STP	HEATING PLANT BOILER CAPACITY INCREASE	\$4,588,000	\$2,812,000	\$0	\$0	\$0	\$7,400,000
59.0	L11	2025-27	MP	STO	NORTH CAMPUS HEATING RESERVE SYSTEM	\$13,178,400	\$8,785,600	\$0	\$0	\$0	\$21,964,000
60.0	G05	2025-27	MP	PKS	GREENQUIST HALL RENOVATION	\$48,398,000	\$0	\$0	\$0	\$0	\$48,398,000
61.0	J07	2025-27	MP	RVF	LABORATORY FARM RENOVATION	\$37,533,000	\$0	\$0	\$0	\$0	\$37,533,000
62.0	M11	2025-27	MP	SUP	OLD MAIN HVAC SYSTEM RENOVATION/CHILLED WATER CONNECTION	\$16,900,000	\$0	\$0	\$0	\$0	\$16,900,000
63.0	A39	2025-27	MP	MSN	MEMORIAL LIBRARY RENOVATION - PHASE I	\$35,165,000	\$0	\$0	\$12,000,000	\$363,600	\$47,528,600
64.0	C01	2025-27	MP	EAU	SCIENCE/HEALTH SCIENCE BUILDING - PHASE II	\$136,905,000	\$0	\$0	\$0	\$10,247,000	\$147,152,000
65.0	A27	2025-27	MP	MSN	SCIENCE HALL RENOVATION - PHASE I	\$60,798,000	\$0	\$0	\$0	\$0	\$60,798,000
65.0	A42	2025-27	MP	MSN	SCIENCE HALL RENOVATION - PHASE II	\$68,244,000	\$0	\$0	\$0	\$686,200	\$68,930,200
66.0	A14	2025-27	MP	MSN	MEDICAL SCIENCES CENTER WINGS C-E RECAPITALIZATION - PHASE I	\$16,378,000	\$0	\$0	\$0	\$0	\$16,378,000
66.0	A58	2025-27	MP	MSN	MEDICAL SCIENCES CENTER WINGS C-E RECAPITALIZATION - PHASE II	\$29,983,000	\$0	\$0	\$0	\$0	\$29,983,000
67.0	A67	2025-27	MP	MSN	SLICHTER RESIDENCE HALL RENOVATION	\$0	\$16,703,000	\$5,100,000	\$0	\$0	\$21,803,000
68.0	L22	2025-27	MP	STO	HANSON/KEITH/MILNES/CHINNOCK HALLS ADDITIONS & RENOVATIONS	\$0	\$26,236,000	\$0	\$0	\$0	\$26,236,000
69.0	F05	2025-27	MP	OSH	EVANS HALL/STEWART HALL ADDITIONS & RENOVATIONS	\$0	\$38,009,000	\$0	\$0	\$0	\$38,009,000
70.0	A35	2025-27	MP	MSN	BARNARD RESIDENCE HALL RENOVATION	\$0	\$4,309,000	\$5,067,900	\$0	\$0	\$9,376,900
71.0	E12	2025-27	MP	LAX	WHITNEY CENTER ADDITION & RENOVATION	\$0	\$25,405,000	\$4,000,000	\$0	\$0	\$29,405,000
72.0	F08	2025-27	MP	OSH	GRUENHAGEN CONFERENCE CENTER BASEMENT TO 2ND FLOOR RENOVATION	\$0	\$19,595,000	\$0	\$0	\$0	\$19,595,000
73.0	E10	2025-27	MP	LAX	NEW RESIDENCE HALL	\$0	\$41,104,000	\$0	\$0	\$0	\$41,104,000
						\$658,294,600	\$270,954,400	\$14,167,900	\$12,000,000	\$11,296,800	\$966,713,700

REQUESTS FOR PLANNING & DESIGN AUTHORITY AND FUNDING

[illegible]

PROJECT TYPE ID KEY

AA	ALL AGENCY PROJECT
IS	INSTRUCTIONAL SPACE PROJECT
MFR	MINOR FACILITIES RENEWAL PROJECT
MP	MAJOR PROJECT
P&D	PLANNING & DESIGN (MAJOR PROJECT)

PRIORITY

UW-INSTITUTION NAME

07/30/2020

PROJECT TITLE PROJECT TITLE PROJECT TITLE PROJECT TITLE

88

\$888,888,888

\$888,888,888 GFSB; \$888,888,888 PRSB; \$888,888,888 CASH; & \$888,888,888 BTF/GIFTS



PROJECT REQUEST

This section contains the request for Board of Regents action narrative.

IMAGE #1

This section contains a photo or rendering of the building(s) or spaces related to the project.

SUMMARY

This section contains brief narrative and/or bulleted text for the highest impact scope of work and justification statements.

PROJECT CONTEXT DATA

This section contains contextual data relative to the building(s) included in the project such as Age and Size, Building Condition, and Scope of Work quantities.

CHECKLIST

This section contains indicators for Segregated Fee Increases and Operational Budget Impacts.

IMAGE #2

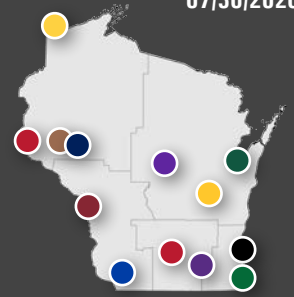
This section contains a photo or rendering of the building(s) or spaces related to the project.

PRIORITY UW-INSTITUTION NAME

PROJECT TITLE PROJECT TITLE PROJECT TITLE PROJECT TITLE

88 \$888,888,888

\$888,888,888 GFSB; \$888,888,888 PRSB; \$888,888,888 CASH; & \$888,888,888 BTF/GIFTS

**Project Request:**

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Vestibulum at ipsum lacus. Donec ante urna, venenatis in consequat at, ullamcorper eu mauris. Sed leo orci, semper et hendrerit eget, dignissim quis ipsum. Donec consectetur sapien a nunc suscipit, eget efficitur odio scelerisque. Aenean sed erat tortor. Praesent volutpat libero at tincidunt laoreet. Donec quis ultricies est. Mauris vulputate magna quis leo tempus semper. Sed aliquet hendrerit metus sit amet lobortis. Quisque ultricies quis mi eu dapibus.

Summary:

- ◆ Aliquam erat volutpat. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Aliquam bibendum ex eros, a vestibulum ligula feugiat in.
- ◆ Ut sit amet magna quis nunc fringilla tempus.
- ◆ Maecenas nisi odio, condimentum sed libero a, tincidunt laoreet est.
- ◆ Aenean porta justo mollis, tristique nibh sed, dapibus justo.
- ◆ Proin suscipit nunc scelerisque, suscipit augue lobortis, suscipit sem. Mauris pretium purus at nisl eleifend, nec aliquet orci sodales.
- ◆ Vestibulum aliquam augue at tortor luctus, at finibus turpis efficitur. Sed vel mi nulla. Curabitur maximus cursus est.
- ◆ In porttitor mi non diam efficitur, nec congue tellus dictum.
- ◆ Donec quis ultricies est. Mauris vulputate magna quis leo tempus semper.

<input type="checkbox"/>	Segregated Fee Increase	\$	8,888	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	8,888,888	Annually	88.88 FTE



Building Name

(proposed project action)

8888 Year

88,888,888 GSF

Functional Condition	Physical Condition						
	i	ii	iii	iv	v	vi	vii
	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition

8,888,888 GSF

New Construction

8,888,888 GSF

Renovation

8,888,888 GSF



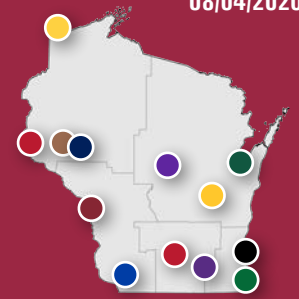
PRIORITY UW SYSTEM

ALL AGENCY PROJECTS PROGRAM

1

\$150,000,000

\$100,000,000 GFSB and \$50,000,000 PRSB



Project Request:

The UW System requests that the Board of Regents recommend this capital project program funding request of \$150,000,000 (\$100,000,000 General Fund Supported Borrowing and \$50,000,000 Program Revenue Supported Borrowing) to repair, renovate, and/or replace the facilities (buildings, site improvements, and site utilities) infrastructure systemwide be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

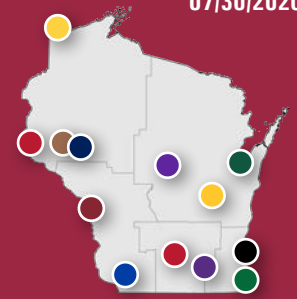
- ◆ Funding used for limited scope maintenance projects to repair, renovate, replace, and upgrade building components and systems.
- ◆ High-priority projects that resolve critical items that have failed or are near failure.
- ◆ Critical items defined as those which could, if not addressed in a timely way...
 - ▶ Directly affect the ability to maintain continued operations and facility functions.
 - ▶ Require inordinate operational resources.
 - ▶ Pose health or safety hazards.
 - ▶ Could result in more extensive future projects or increased operational costs.
- ◆ Range from single component or system to multiple assemblies and systems addressed in a comprehensive manner.
- ◆ Includes funding for the Small Projects Program with projects valued at less than \$300,000 each.



<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

PRIORITY UW SYSTEM**INSTRUCTIONAL SPACE PROJECTS PROGRAM - GROUP I****2 \$15,217,000**

\$15,217,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend the enumeration of \$15,217,000 General Fund Supported Borrowing to upgrade the physical condition and instructional capabilities of classrooms and laboratories systemwide be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission. Individual projects contained within the proposed funding enumeration are listed below in priority order.

Summary:

- ◆ Improves and renovates core instructional space at the four-year institutions.
- ◆ Projects address physical condition issues and technology capabilities within classrooms and instructional laboratories.
 - ▶ 2.01 EAU Haas Fine Arts Art & Design Studio Renovation
 - ▶ 2.02 GBY Studio Arts Visual Arts Laboratory Renovation
 - ▶ 2.03 RVF Agricultural Science Plant & Earth Science Laboratory Renovation
 - ▶ 2.04 WTW Center of the Arts Metals Laboratory Renovation
 - ▶ 2.05 LAX Wing Technology Center Computer Science Laboratory Renovation
 - ▶ 2.06 OSH Arts & Communication Center Music Hall Renovation
 - ▶ 2.07 MIL Engelmann Hall Hybrid Active Learning/Lecture Hall Renovation

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

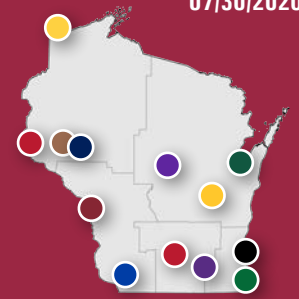
**Multi-Institution, Multi-Building****1961 Year***(proposed for selective repair/replacement/renovation)***850,060 GSF**

		Physical Condition						
Functional Condition		i	ii	iii	iv	v	vi	vii
	A	AI	Aii	Aiii	Aiv	Av	Avi	Avii
	B	BI	Bii	Biii	Biv	Bv	Bvi	Bvii
	C	CI	Cii	Ciii	Civ	Cv	Cvi	Cvii
	D	DI	Dii	Diii	Div	Dv	Dvi	Dvii
	F	FI	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	I	II	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****34,295 GSF**

PRIORITY UW SYSTEM**MINOR FACILITIES RENEWAL PROJECTS PROGRAM - GROUP I****3****\$56,629,000**

\$55,216,000 GFSB and \$1,413,000 PRSB

**Project Request:**

The UW System requests that the Board of Regents recommend this capital project program funding request of \$56,629,000 (\$55,216,000 General Fund Supported Borrowing and \$1,413,000 Program Revenue Supported Borrowing) to repair, renovate, and/or replace the facilities (buildings, site improvements, and site utilities) infrastructure systemwide be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission. Individual projects contained within the proposed funding enumeration are listed below in priority order.

Summary:

- ◆ Funding used for limited scope maintenance projects to repair, renovate, replace, and upgrade building components and systems.
- ◆ High-priority projects that resolve critical items that have failed or are near failure.
 - ▶ 3.01 PKS Heating & Chilling Plant Boilers 3 & 4 Replacement
 - ▶ 3.02 MSN Multi-Building Fire Alarm System Renovation, Phases X-XI
 - ▶ 3.03 MSN Multi-Building Fire Protection System Renovations
 - ▶ 3.04 MSN Multi-Building Fire Suppression System Renovations
 - ▶ 3.05 MIL Great Lakes Research Facility Dock Wall Restoration
 - ▶ 3.06 SUP Sports & Activity Fields Redevelopment
 - ▶ 3.07 MSN Armory & Gymnasium Exterior Envelope Repair & Replacement
 - ▶ 3.08 PLT Williams Fieldhouse HVAC & Electrical System Replacements

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

**Multi-Institution, Multi-Building***(proposed for selective repair/replacement/renovation)***1955 Year****1,505,484 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****1,505,484 GSF**

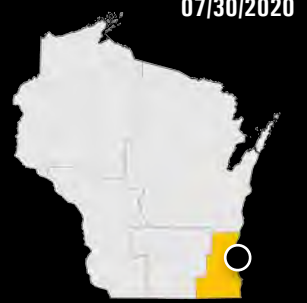
PRIORITY UW-MILWAUKEE

OLD CHEMISTRY BUILDING DEMOLITION

4

\$7,136,000

\$7,136,000 BTF



Project Request:

The UW System requests that the Board of Regents recommend this project of \$7,136,000 Building Trust Funds to demolish a former academic facility and the associated central utility system extensions at UW-Milwaukee be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.



Chemistry Building

(proposed for demolition)

1972 Year

149,596 GSF

Summary:

- ✦ Demolishes former Chemistry Building, including associated underground utilities.
- ✦ Replacement building (enumerated in 2019-21) is anticipated to be occupied by Fall 2024 semester.
- ✦ Reduces overall campus square footage and limits the facility impact on operating budget.
- ✦ Building condition analysis determined that renovating this facility would cost approximately 75% of new construction.
- ✦ Intense renovation work would be required to replace all building mechanical, electrical, telecommunication, plumbing, and fire protection systems.
- ✦ Planning and pre-design efforts already concluded this facility is ill-suited for continued use as a modern wet laboratory science facility.

Physical Condition

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition

149,596 GSF

New Construction

0 GSF

Renovation

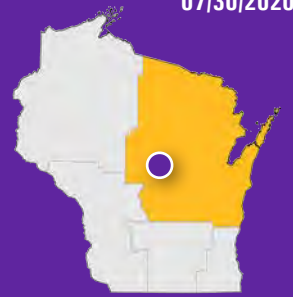
0 GSF



<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	(960,000)	Annually	(5.00) FTE

PRIORITY UW-STEVENS POINT**ALBERTSON HALL ENTRY ADDITION & RENOVATION****5****\$80,970,000**

\$80,970,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$80,970,000 General Fund Supported Borrowing to construct a comprehensive building renovation and entry addition project for Albertson Hall on the UW-Stevens Point campus be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**Albertson Hall***(proposed for an addition and renovation)***1970 Year****202,006 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****7,300 GSF****Renovation****202,006 GSF****Summary:**

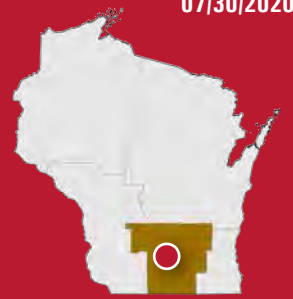
- ✦ New Learning Commons, Student Success Center, and Center for Inclusive Learning.
- ✦ Introduces mobile, high-density shelving where structure allows.
- ✦ Relocates Disability and Assistive Technology Center to the ground floor.
- ✦ Relocates campus data center out of the 100-year floodplain, serving several municipal and regional entities.
- ✦ Resolves building infrastructure deficiencies in the mechanical, electrical, communications, plumbing, and fire protection systems.
- ✦ Corrects structural deficiency that has resulted in deflection and localized buckling on first floor.
- ✦ Provides ADA accessible entry to main floor.
- ✦ Dry pipe sprinkler system has progressive deterioration and questionable operation.
- ✦ Fiberboard ductwork has failed, leaks air.
- ✦ Current spaces are highly compressed and lack visibility, discouraging their full use.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE



PRIORITY UW-MADISON**MUSIC HALL RESTORATION****6****\$26,368,000**

\$26,368,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$26,368,000 General Fund Supported Borrowing to repair, restore, and selectively replace masonry construction components of the exterior envelope; repair and refinish damaged interior areas and surfaces; and repair, replace, and modify the mechanical systems and controls in Music Hall at UW-Madison be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**Music Hall (originally Assembly Hall)****1880 Year***(proposed for interior/exterior restoration)***38,131 GSF****Summary:**

- ✦ Replaces deteriorated stone and patching materials on each elevation.
- ✦ Complete rehabilitation of all stone façades, including rebuilding eight locations with bulging stone units.
- ✦ Replaces all roofing systems, gutters, downspouts, and flashing.
- ✦ Installs historically sensitive storm windows on all openings.
- ✦ Repairs interior ceilings, walls, and flooring damaged by water intrusion.
- ✦ Replaces air handling units and modifies control strategy to assure constant air flow.
- ✦ Repairs exterior wall enclosure to prevent air and water infiltration.
- ✦ Cleans all interior ductwork.
- ✦ Creates new ADA-compliant accessible path through grade changes and ramps/walkways.

Physical Condition

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****38,131 GSF**

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

PRIORITY UW-OSHKOSH**CLOW HALL/NURSING EDUCATION RENOVATION - PHASE II****7****\$26,974,000**

\$26,974,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$26,974,000 General Fund Supported Borrowing to complete the renovation of the Clow Hall/Nursing Education Building complex for the College of Education and Human Services, the College of Letters and Science, and the College of Nursing at UW-Oshkosh be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**Nursing Education Building***(proposed for complete renovation)*

1970 Year

87,381 GSF

Summary:

- ✦ Creates new general access classrooms, active learning classrooms, computing and learning laboratories, student study spaces, and office suites.
- ✦ Accommodates modern teaching philosophies and reorganizes the interior space and floor layouts to maximize its use.
- ✦ Resolves deficiencies in life safety, mechanical, and electrical systems.
- ✦ Exterior envelope improvements through replacement of roofing systems and exterior windows and installation of new insulation.
- ✦ Current facility does not support contemporary instructional methods.
- ✦ Deficient spaces include early childhood, art education, mathematics, reading, and science methods.
- ✦ All teacher programs now assessed beyond graduation through data-driven, decision making tools.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	188,846	Annually	0.00 FTE

Physical Condition

	i	ii	iii	iv	v	vi	vii
Functional Condition							
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition

0 GSF

New Construction

0 GSF

Renovation

99,746 GSF



PRIORITY UW-MILWAUKEE**SANDBURG HALL WEST TOWER RENOVATION****8****\$11,445,000**

\$11,445,000 PRSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$11,445,000 Program Revenue Supported Borrowing to complete the renovations of the on-campus student residence hall complex west tower at UW-Milwaukee be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**Sandburg Hall West Tower**

1967 Year

(proposed for complete renovation)

114,921 GSF

Summary:

- Addresses capital maintenance of bathrooms, bedrooms, support services, and elevators.
- Updates HVAC, electrical, fire alarm systems to address deferred maintenance and comply with current life safety codes.
- Creates new ADA accessible resident rooms and bathrooms.
- Replaces plumbing laterals and showers that have corroded and require increasing number of emergency repairs.
- Approximately 80% of the building space is more than 45 years old.
- One leak can shut down a tower quadrant and impact 280 students in 56 suites.
- Failing bathroom piping first identified in 2010, problems have continued since.
- Elevators increasingly difficult to maintain due to worn, loose fitting parts and discontinued circuit boards.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	256,193	Annually	0.00 FTE

Physical Condition

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition

0 GSF

New Construction

0 GSF

Renovation

114,921 GSF



PRIORITY UW-LA CROSSE**RESIDENCE HALLS ELEVATOR TOWER ADDITIONS****9****\$9,642,000**

\$9,642,000 PRSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$9,642,000 Program Revenue Supported Borrowing to construct an elevator tower addition on each of four low-rise student residence halls at UW-La Crosse be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**Summary:**

- ✦ Each elevator cab will be sized and oriented to accommodate a stretcher.
- ✦ Original passenger elevator in Wentz Hall will be reassigned as a service elevator.
- ✦ Modifications to meet accessible path will also be completed as required.
- ✦ Constructing an addition allows the campus to maintain current bed count.
- ✦ Electrical renovations required for this proposed scope of work already completed under a previous capital project.
- ✦ Continues and follows the campuswide residence hall renovation plan from 2015.
- ✦ Incoming freshmen (2,163) for the Fall 2019 semester was the largest in school history.
- ✦ Record enrollment (10,580) for the Fall 2019 semester and continued residence hall occupancy rate of more than 110%.

Laux Hall/Sanford Hall/Wentz Hall/White Hall
(proposed for vertical circulation tower additions)

1964 Year
172,901 GSF

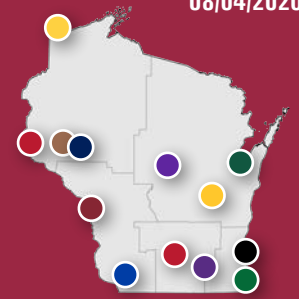
Functional Condition	Physical Condition						
	i	ii	iii	iv	v	vi	vii
	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****10,000 GSF****Renovation****0 GSF**

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	44,800	Annually	0.00 FTE

PRIORITY UW SYSTEM**INSTRUCTIONAL SPACE PROJECTS PROGRAM - GROUP II****10 \$16,658,000**

\$16,658,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend the enumeration of \$16,658,000 General Fund Supported Borrowing to upgrade the physical condition and instructional capabilities of classrooms and laboratories systemwide be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission. Individual projects contained within the proposed funding enumeration are listed below in priority order.

Summary:

- ◆ Improves and renovates core instructional space at the four-year institutions.
- ◆ Projects address physical condition issues and technology capabilities within classrooms and instructional laboratories.
 - ▶ 10.01 PKS Greenquist Hall Laboratory 363/365 Renovation
 - ▶ 10.02 WTW Center of the Arts 3D Design Laboratory Renovation
 - ▶ 10.03 MSN Van Hise Hall First Floor Classroom Renovations
 - ▶ 10.04 MSN Brogden Psychology Lecture Hall 105 Renovation
 - ▶ 10.05 MSN Animal Science Lecture Hall 212 Renovation
 - ▶ 10.06 GBY Mary Ann Cofrin Hall/Wood Hall Health Care Skills & Simulation Laboratory Renovation
 - ▶ 10.07 STP Science Building D-Wing Clinical Laboratory Science & Medical Technology Renovation

**Multi-Institution, Multi-Building****1973 Year***(proposed for selective repair/replacement/renovation)***1,045,755 GSF****Physical Condition**

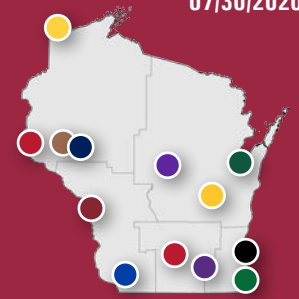
	i	ii	iii	iv	v	vi	vii
Functional Condition							
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****23,011 GSF**

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

PRIORITY UW SYSTEM**MINOR FACILITIES RENEWAL PROJECTS PROGRAM - GROUP II****11 \$43,798,000**

\$36,457,000 GFSB and \$7,341,000 PRSB

**Project Request:**

The UW System requests that the Board of Regents recommend this capital project program funding request of \$43,798,000 (\$36,457,000 General Fund Supported Borrowing and \$7,341,000 Program Revenue Supported Borrowing) to repair, renovate, and/or replace the facilities (buildings, site improvements, and site utilities) infrastructure systemwide be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission. Individual projects contained within the proposed funding enumeration are listed below in priority order.

Summary:

- ◆ Funding used for limited scope maintenance projects to repair, renovate, replace, and upgrade building components and systems.
- ◆ High-priority projects that resolve critical items that have failed or are near failure.
 - ▶ 11.01 OSH Harrington Hall HVAC System Replacement
 - ▶ 11.02 MSN Multi-Building Elevator Modernization & Replacements
 - ▶ 11.03 MSN Multi-Building AAALAC Accreditation Repairs
 - ▶ 11.04 SUP Barstow Science Laboratory & Applied Research Renovation
 - ▶ 11.05 STO Jarvis Hall Technology Wing Laboratory Infrastructure Renovation
 - ▶ 11.06 STO Hanson/Keith/Milnes/Chinnock Halls Restroom Renovations
 - ▶ 11.07 OSH Multi-Building Historic Homes Renovation

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

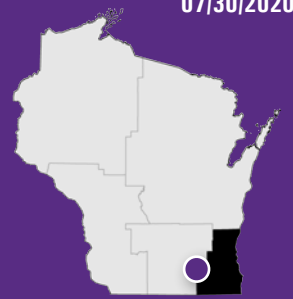
**Multi-Institution, Multi-Building****1947 Year***(proposed for selective repair/replacement/renovation)***2,378,676 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****143,909 GSF**

PRIORITY UW-WHTEWATER**WINTHER HALL/HEIDE HALL ENTRY ADDITIONS & RENOVATIONS****12 \$59,445,000**

\$59,445,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$59,445,000 General Fund Supported Borrowing to completely renovate Winther Hall, replace the Heide Hall roofing and exterior windows, and construct new entrances/vertical circulation towers on both facilities at UW-Whitewater be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ✦ Renovates Winther Hall for the College of Education and Professional Studies to resolve space and building infrastructure deficiencies.
- ✦ Improves instructional and departmental spaces and increases technology capabilities and capacity throughout the building.
- ✦ Provides new accessible restrooms and gender equity on all floors.
- ✦ Improves exterior envelope performance on Heide Hall.
- ✦ Winther Hall building systems are failing and exterior envelope has poor energy efficiency.
- ✦ Winther Hall does not support contemporary teacher education instructional methods.
- ✦ Deficient spaces include early childhood, art education, mathematics, reading, and science methods.
- ✦ All teacher programs now assessed beyond graduation through data-driven, decision making tools.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

**Winther Hall/Heide Hall***(proposed for entry additions and renovations)***1967 Year****139,562 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****24,000 GSF****Renovation****139,562 GSF**

PRIORITY UW-LA CROSSE**MITCHELL HALL HVAC SYSTEM REPLACEMENT****13 \$26,329,000**

\$26,329,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$26,329,000 General Fund Supported Borrowing to completely replace the HVAC system and create a new strength and performance laboratory in Mitchell Hall at UW-La Crosse be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.



Mitchell Hall/Mitchell Hall Addition
(proposed for HVAC system replacement)

1968 Year
212,840 GSF

Summary:

- ✦ Replaces outdated, worn out, under-performing mechanical system equipment and controls throughout the facility.
- ✦ Installs new variable air volume system with reheat capability.
- ✦ Ductwork and equipment that is still serviceable will be cleaned, repaired, and returned to service.
- ✦ New controls system will be programmable and provide automation through the central campus energy management system.
- ✦ Creates new strength and performance laboratory in the lower level.
- ✦ Majority of HVAC system equipment dates from original construction in 1964 or 1970.
- ✦ Current systems are constant volume, which are not energy efficient.
- ✦ Building is not currently connected to central campus chilled water utility, requiring multiple individual, specialized cooling systems.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	29,381	Annually	0.00 FTE

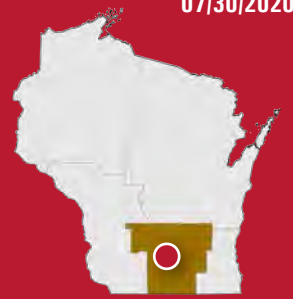
Physical Condition

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**0 GSF****New Construction****0 GSF****Renovation****212,840 GSF**

PRIORITY UW-MADISON**ENGINEERING DRIVE UTILITIES REPLACEMENT & RENOVATION****14 \$60,303,000**

\$41,609,000 GFSB and \$18,694,000 PRSB

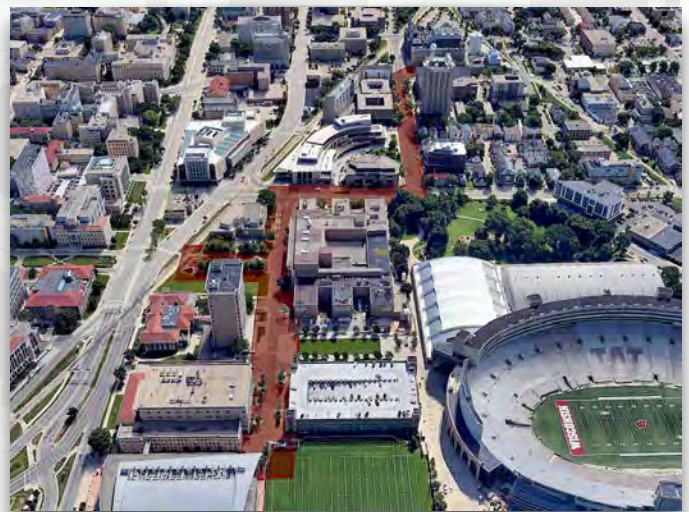
**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$60,303,000 (\$41,609,000 General Fund Supported Borrowing and \$18,694,000 Program Revenue Supported Borrowing) to replace, relocate, and/or construct thermal utilities (steam and chilled water), electrical utilities (primary electric/signal communications), and civil utilities (domestic water, sanitary sewer and storm sewer) between Parking Ramp 17 and N. Randall Avenue along Engineering Drive and in Engineering Mall at UW-Madison be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ◆ Creates an updated east-west utility corridor to support the College of Engineering (COE) Facilities Master Plan.
- ◆ A new north-south utility corridor will consolidate all utilities adjacent to Materials Science and Engineering Building and create greenspace for the proposed new COE Education Building.
- ◆ Replaces utilities near or at the end of their expected useful lives and provides adequate capacities to support both proposed phases of COE facilities in this area.
- ◆ Steam pits in poor condition, chilled water lines undersized, and limited primary electrical and signal communications in this area.
- ◆ Sanitary sewer piping between 60-80 years old and storm sewer has limited capacity which has led to local flooding.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE



PRIORITY UW-MILWAUKEE**NORTHWEST QUADRANT HEALTH SCIENCES RENOVATION****15 \$74,828,000**

\$74,828,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$74,828,000 General Fund Supported Borrowing to renovate portions of the Northwest Quadrant for the College of Health Sciences at UW-Institution be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.



Northwest Quadrant Buildings B, C, and D
(proposed for selective renovation)

1974 Year
563,851 GSF

Physical Condition

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iv	Iv	Ivi	Ivii	Iviii

Demolition

0 GSF

New Construction

0 GSF

Renovation

131,670 GSF

Summary:

- ✦ Selective renovation throughout portions of Northwest Quadrant Buildings B and D.
- ✦ Co-locations within campus health neighborhood to strengthen student experience, reflect continuum of care found in professional practice.
- ✦ New technology-rich teaching and learning hub to replace outdated, inadequate space.
- ✦ Multidisciplinary simulation center and expanded clinic provide head start for clinical training in hospitals, clinics, and home care.
- ✦ Programs expanded into five buildings when enrollment doubled between 2000 & 2012.
- ✦ Degrees offered by College of Health Sciences are in high demand, nearly 100% job placement within one year of graduating.
- ✦ College cannot expand capacity due to inadequate space, insufficient facilities.
- ✦ Partnerships with more than 600 organizations, programs tightly coupled.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE



PRIORITY UW-RIVER FALLS**SCIENCE & TECHNOLOGY INNOVATION CENTER****16 \$116,730,000**

\$116,730,000 GFSB

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$116,730,000 General Fund Supported Borrowing to demolish Hagestad Hall and construct a replacement academic facility along with the associated central utility system capacity expansions and extensions at UW-River Falls be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.



Centennial Science Hall and Hagestad Hall
(proposed for replacement and demolition)

1974 Year
147,737 GSF

Summary:

- ✦ Relocates science departments from the Agricultural Science Building and Centennial Science Hall.
- ✦ Constructs new home for Biology, Chemistry, Physics, and Psychology departments and various science and agriculture programs.
- ✦ Provides support for high demand fields of animal science and dairy science.
- ✦ Features twelve flexible undergraduate instructional laboratory suites, active learning studios, undergraduate and faculty research areas, and interdisciplinary space.
- ✦ Includes new Business Collaboration Innovation Suite with research laboratory and prototyping/maker space for applied learning opportunities.
- ✦ Incorporates fire suppression system, fire compartmentalizations, chemical storage areas, increased dynamic floor loading capacity, and 16-foot floor-to-floor infrastructure.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	259,808	Annually	3.00 FTE

	Physical Condition						
	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition	80,374 GSF
New Construction	131,300 GSF
Renovation	0 GSF



PRIORITY UW-GREEN BAY**COFRIN TECHNOLOGY & EDUCATION CENTER****17 \$96,297,000**

\$87,487,000 GFSB; \$2,447,000 PRSB; and \$6,363,000 BTF

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$96,297,000 (\$87,487,000 General Fund Supported Borrowing; \$2,447,000 Program Revenue Supported Borrowing; and \$6,363,000 Building Trust Funds) to construct a replacement multi-use academic, technology center, and administrative facility along with the associated central utility system extensions and demolish the former library learning center at UW-Green Bay be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ◆ Transforms campus layout, main entry point.
- ◆ Replaces high-rise, monolithic, impenetrable facility with a new facility having large flexible floor plates, more transparent construction, and technology-rich spaces.
- ◆ Organized physically & operationally to promote interdisciplinary collaboration.
- ◆ Exterior envelope has failed, removal and replacement of more than 75% of the face brick will be required if building not replaced.
- ◆ Building infrastructure systems have all exceeded their intended useful lives and retain only 14% of their original value.
- ◆ Lacks a fire suppression system, a costly retrofit in a high-rise facility.
- ◆ Building circulation and wayfinding presents an unwelcoming environment and discourages users from utilizing all building space to their full efficiency and intent.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

**David A. Cofrin Library***(proposed for replacement and demolition)***1972 Year****187,703 GSF**

		Physical Condition						
Functional Condition		i	ii	iii	iv	v	vi	vii
	A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**187,703 GSF****New Construction****179,600 GSF****Renovation****0 GSF**

PRIORITY UW-LA CROSSE**PRAIRIE SPRINGS SCIENCE CENTER - PHASE II****18 \$92,799,000**

\$87,892,000 GFSB and \$4,907,000 BTF

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$92,799,000 (\$87,892,000 General Fund Supported Borrowing and \$4,907,000 Building Trust Funds) to complete construction of the planned Prairie Springs Science Center and demolish Cowley Hall at UW-La Crosse be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.



Cowley Hall and Cowley Hall Additions
(proposed for replacement and demolition)

1968 Year
176,979 GSF

Physical Condition

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Summary:

- ✦ Completes new home for Biology, Chemistry, Geography and East Science, Mathematics, and Physics and replaces outdated, obsolete Cowley Hall.
- ✦ Provides student-centered, technology-rich spaces configured to maximize collaborative learning and meet enrollment demands.
- ✦ Provides a 72-station active learning classroom and additional medium sized classrooms and creates shared space for collaborative learning.
- ✦ Creates instructional labs for Botany, Chemistry, Geographic Information Systems, Mathematics, Medical Mycology, and Science Education Methods.
- ✦ Cowley Hall is structurally incapable of being effectively renovated to meet its intended function and mission.
- ✦ Cowley Hall has only 12-foot floor-to-floor height, no fire suppression system, nor fire compartmentalization, and an inadequate structural floor loading capacity.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	237,327	Annually	2.00 FTE

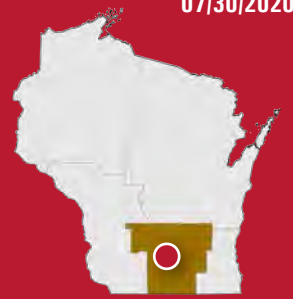
Demolition
New Construction
Renovation

176,979 GSF
171,815 GSF
0 GSF



PRIORITY UW-MADISON**ENGINEERING BUILDING REPLACEMENT - PHASE I****19 \$150,000,000**

\$100,000,000 GFSB and \$50,000,000 GIFTS

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$150,000,000 (\$100,000,000 General Fund Supported Borrowing and \$50,000,000 Gifts) to demolish the Computer Aided Engineering Facility and construct a replacement academic and research engineering facility at UW-Madison be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

**1410 Engineering Drive***(proposed for replacement and demolition)***1938 Year****63,561 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**63,561 GSF****New Construction****170,000 GSF****Renovation****0 GSF****Summary:**

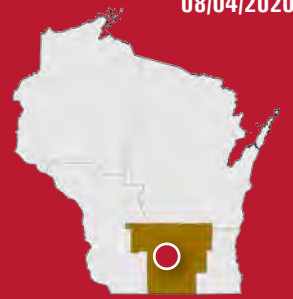
- Constructs the first of a proposed two-phase replacement facility to create continuous space for the College of Engineering.
- New space will provide modern classrooms, instructional and research laboratories, and shared collaboration spaces.
- Projected to accommodate undergraduate engineering students.
- Planned around the convergence of instructional and research platforms.
- Provides four flat floor, flexible, active learning classrooms with 100-120 capacity.
- Current facility cannot structurally provide open, flexible spaces required for modern instructional and research spaces.
- Growth in fusion energy, plasma science, and nuclear reactor systems research groups restricted in current facilities.
- Strong demand for programs and graduates, proposed facility will accommodate at least 1,000 additional STEM undergraduates.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	2,241,000	Annually	2.00 FTE



PRIORITY UW-MADISON**COLLEGE OF LETTERS & SCIENCE ACADEMIC BUILDING****20 \$88,441,000**

\$65,363,000 GFSB and \$23,078,000 GIFTS

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$88,441,000 (\$65,363,000 General Fund Supported Borrowing and \$23,078,000 Gifts and Grants) to demolish two residence halls and construct a new academic facility and the associated central utility system extensions at UW-Madison be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ✦ Creates new unified home for Department of History and nine other ethnic studies departments, programs, and centers.
- ✦ Co-locates spaces currently spread across eight campus facilities.
- ✦ New facility will include 26,000 SF of general assignment classrooms.
- ✦ Building infrastructure improvements include fire suppression system, structural fire compartmentalization, HVAC system with adequate supply, exhaust, and controls to provide required air exchanges.
- ✦ Proposed scope of work continues campus multi-phased plan to vacate and eventually demolish the Mosse Humanities Building.
- ✦ More than \$70 million of deferred maintenance and repairs in Humanities Building including exterior envelope, structural supports, MEP systems and equipment, and hazardous materials.

**George L. Mosse Humanities Building***(proposed for phased replacement/eventual demolition)***1966 Year****333,363 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
Functional Condition	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**23,570 GSF****New Construction****115,881 GSF****Renovation****0 GSF**

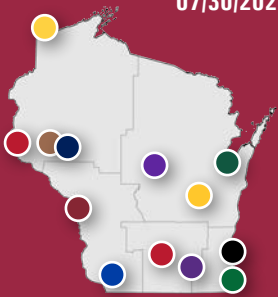
<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	1,312,000	Annually	10.50 FTE

PRIORITY UW SYSTEM

CAMPUS MASTER PLAN LAND ACQUISITION PROGRAM FUNDING

21 \$11,700,000

\$11,700,000 CASH



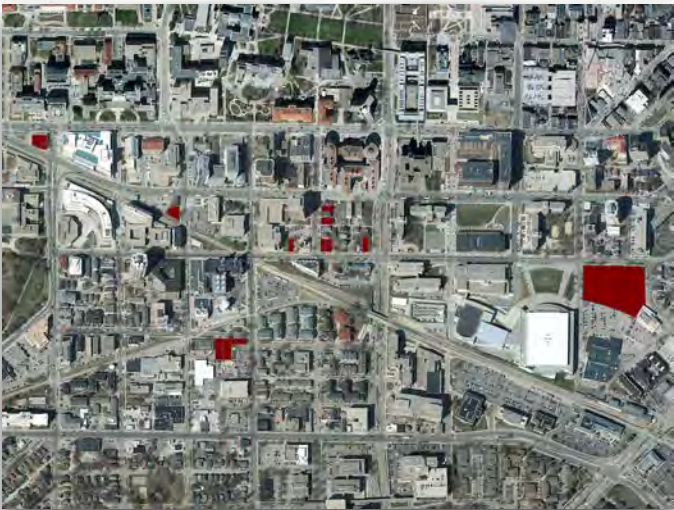
Project Request:

The UW System requests that the Board of Regents recommend this project enumerate the authority to acquire select and strategic properties not to cumulatively exceed \$11,700,000 Cash at UW-Madison be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ◆ Establish new capital program and enumerate the authority to acquire improved and unimproved land to support planned future capital projects at select institutions.
- ◆ Total purchase cost estimates include appraisals, environmental assessments, surveys, and title insurance.
- ◆ Future planned capital projects will include demolition costs when the university seeks authority to redevelop the land acquired.
- ◆ Proposed properties will range from multi-family houses to larger commercial sites.
- ◆ Strategic property locations are within the context of campus master plans and six-year capital plans.
- ◆ Without enumerated authority, there is no ability to acquire land that costs \$1 million or more in preparation for a capital project request or biennial capital budget submittal.
- ◆ Enumerating the authority to acquire these properties allows the university to act quickly if these properties become available.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE



PRIORITY UW-LA CROSSE**CENTER for the ARTS PARKING RAMP/POLICE BUILDING ADDITION****22 \$21,582,000**

\$8,582,000 PRSB and \$13,000,000 CASH

**Project Request:**

The UW System requests that the Board of Regents recommend this project of \$21,582,000 (\$8,582,000 Program Revenue Supported Borrowing and \$13,000,000 Cash) to construct a new parking ramp structure on Lot C-10 and the associated central utility system extensions, an addition to the Police Services Building, and minor remodeling within the Police Services Building where the old and new building interface at UW-La Crosse be included in the proposed 2021-23 Capital Budget request that will be submitted to the Department of Administration and the State Building Commission.

Summary:

- ✦ Constructs new 550-stall parking ramp on southwest edge of campus boundary and small addition to the Police Services Building.
- ✦ Parking ramp will include elevator and secure storage of university maintenance equipment.
- ✦ Separate public entrance to proposed Police Services Building addition to allow community use after hours.
- ✦ Expands current break room into larger squad room, converts current squad room to lieutenant's office.
- ✦ Parking ramp capacity replaces spaces lost to site of new Fieldhouse, future residence hall, and municipal parking restrictions
- ✦ More than half of UW-La Crosse students originate from Milwaukee, Madison, and the Fox Valley areas of the state.
- ✦ Current police facility lacks incident command center required to effectively and efficiently react to emergencies and natural disasters.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	65,000	Annually	0.00 FTE



PRIORITY UW-MILWAUKEE**ENGINEERING BUILDING REPLACEMENT - PLANNING & DESIGN****23 \$8,191,000**

\$8,191,000 BTF

**Project Request:**

The UW System requests enumeration of \$8,191,000 Building Trust Funds in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to demolish the Physics Building and construct a replacement engineering building at UW-Milwaukee in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.

Summary:

Lanshire St

- Provides space to relocate civil, materials, and manufacturing engineering programs from the overcrowded Engineering and Math Sciences Building.
- Constructs new space for data analysis, visualization (including virtual and mixed reality), machine learning, and artificial intelligence.
- Creates new instructional spaces for relocating electrical, environmental industrial, and mechanical engineering programs.
- Responds to industry expectations through new collaborative, contemporary, technology-rich instructional and research environments.
- Includes a 16-foot floor-to-floor height structural system capable of flexible floor layouts and room configurations.
- Exterior envelope and building infrastructure systems will be designed to maximize energy efficiency and performance.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	676,559	Annually	6.30 FTE

**Physics Building***(proposed for demolition)***1964 Year****108,329 GSF**

		Physical Condition						
Functional Condition		i	ii	iii	iv	v	vi	vii
	A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

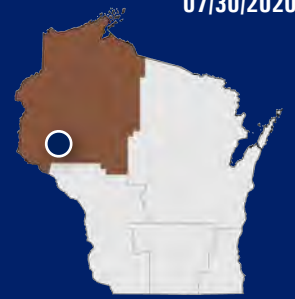
Demolition**108,329 GSF****New Construction****93,000 GSF****Renovation****37,200 GSF**

PRIORITY UW-STOUT

HERITAGE HALL ADDITION & RENOVATION - PLANNING & DESIGN

24 \$5,577,000

\$5,577,000 BTF

**Project Request:**

The UW System requests enumeration of \$5,577,000 Building Trust Funds in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to demolish a portion of the Vocational Rehabilitation building and completely renovate and construct a new entrance addition on Heritage Hall at UW-Stout in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.

Summary:

- Creates new, unified home for the College of Education, Hospitality, Health & Human Sciences (EHHHS) by co-locating spaces spread across four campus facilities.
- New north building entrance includes drive up/drop off community access, adjacent parking, and visibility to community.
- All interior floor layouts will be reconfigured and reorganized; all building systems will be replaced new fire suppression system installed; and roofing system and all exterior doors and windows replaced.
- EHHHS programs, space needs, and enrollments have progressed beyond the 1970s era home economics ethos.
- Building systems have failed, do not operate as intended, are obsolete, and undersized.
- Domestic water system has deteriorated, leading to water quality concerns.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	(19,465)	Annually	0.00 FTE



Heritage Hall (originally Home Economics) 1973 Year
(proposed for complete and comprehensive renovation) 133,784 GSF

		Physical Condition						
Functional Condition		i	ii	iii	iv	v	vi	vii
	A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
	B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
	C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
	D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
	F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
	I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition	31,000 GSF
New Construction	10,000 GSF
Renovation	133,784 GSF



PRIORITY UW-MADISON

SOUTH CENTRAL CAMPUS STEAM UTILITY - PLANNING & DESIGN

25 \$4,048,000

\$2,793,000 BTF and \$1,255,000 CASH

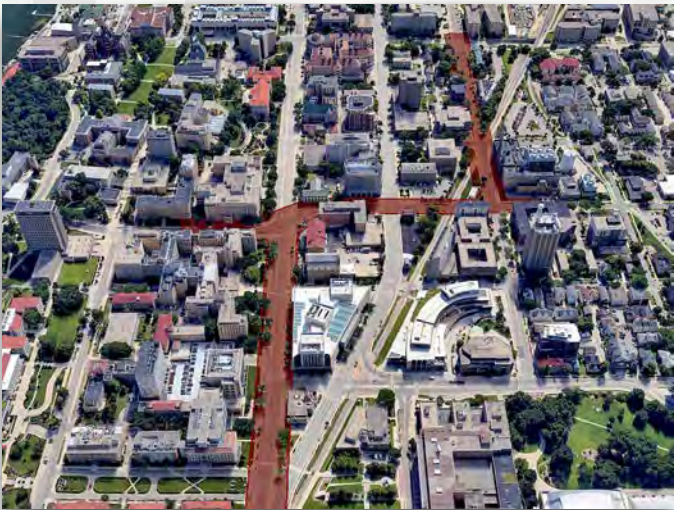


Project Request:

The UW System requests enumeration of \$4,048,000 (\$2,793,000 Building Trust Funds and \$1,255,000 Cash) in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to replace central steam utilities in multiple locations on the south central portion of campus at UW-Madison in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.

Summary:

- ◆ Project work includes replacing thermal utilities in new steam tunnels with high-pressure steam, low-pressure steam, pumped condensate return, and compressed air lines in the following locations:
 - ◆ Chemistry Building loading dock on North Charter Street heading north to Valve Room No. 2 adjacent to the Service Building and Annex, crossing University Avenue, and continuing north on North Charter Street to the tunnel intersection at Lathrop Drive.
 - ◆ Steam Pit 18/11 to Steam Pit 17/11 on North Charter Street and crossing West Johnson Street.
 - ◆ Steam Pit 19.2/11 (Charter Street Heating Plant) to Steam Pit 20/11
 - ◆ Steam Pit 3/13 to Steam Pit 4/13 on West Dayton Street, crossing North Park Street.
 - ◆ University Avenue from North Charter Street to Henry Mall.



<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

PRIORITY UW-OSHKOSH**POLK LIBRARY RENOVATION - PLANNING & DESIGN****26 \$6,184,000**

\$6,184,000 BTF

**Project Request:**

The UW System requests enumeration of \$6,184,000 Building Trust Funds in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to renovate the Polk Library at UW-Oshkosh in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.

**Summary:**

- ✦ Completely renovates and modernizes the library facility including building system replacement, architectural finishes, and site landscaping improvements.
- ✦ Creates new, unified home for Information Technology Department, relocating from multiple locations on campus.
- ✦ Compliance with all current accessibility, building, environmental, and health safety codes and standards.
- ✦ New fire suppression system will be installed.
- ✦ All remaining hazardous materials abated.
- ✦ Continues the campus plan series of capital projects set in motion with the construction of Sage Hall in 2011.
- ✦ HVAC system is failing, does not perform as designed, and cannot be adequately repaired to meet current air exchange requirements.
- ✦ Building envelope and building systems are energy inefficient and difficult to maintain.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	255,809	Annually	0.00 FTE

Polk Library and Polk Library Addition*(proposed for complete and comprehensive renovation)*

1965 Year

204,104 GSF

Physical Condition

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition

0 GSF

New Construction

0 GSF

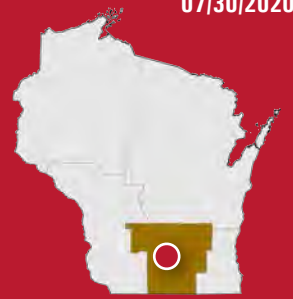
Renovation

204,104 GSF



PRIORITY UW-MADISON**ART LOFTS ADDITION & RENOVATION - PLANNING & DESIGN****27 \$6,835,000**

\$5,126,000 BTF and \$1,709,000 GIFTS

**Project Request:**

The UW System requests enumeration of \$6,835,000 (\$5,126,000 Building Trust Funds and \$1,709,000 Gifts) in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to demolish the triangular portion of the original facility; partially renovate the remainder of the existing facility; and construct a new addition to the Art Lofts facility to allow consolidation of the entire Art Department in one location at UW-Madison in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.

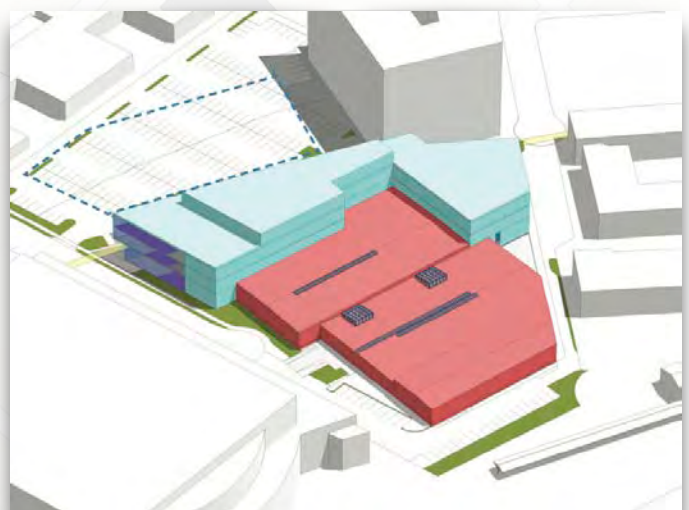
Summary:

- ✦ Creates new, unified home for the School of Education's Art Department in a renovated and expanded facility.
- ✦ 3D art (ceramics, glass/neon, paper and printmaking, sculpture, wood shops) will be relocated to ground floor.
- ✦ Upper floors to house art education, drawing, graphic design, painting, and offices.
- ✦ New student performance and exhibit spaces.
- ✦ Extends and connects central campus utilities to the renovated and expanded facility.
- ✦ Proposed scope of work continues campus multi-phased plan to vacate and eventually demolish the Mosse Humanities Building.
- ✦ Art Department occupies approximately 92,000 GSF in Mosse Humanities.

<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input checked="" type="checkbox"/>	Operating Budget Impact	\$	1,741,533	Annually	10.00 FTE

**Art Lofts***(proposed for selective demolition/renovation/addition)***1963 Year****78,974 GSF****Physical Condition**

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Demolition**10,513 GSF****New Construction****112,100 GSF****Renovation****58,800 GSF**

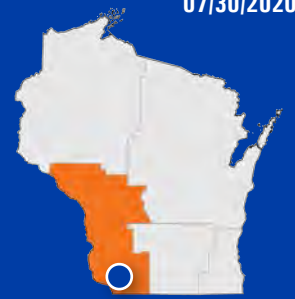
PRIORITY UW-PLATTEVILLE

OTTENSMAN HALL RENOVATION

28

\$7,346,000

\$7,346,000 BTF



Project Request:

The UW System requests enumeration of \$7,346,000 Building Trust Funds in 2021-23 to provide planning and design services (scoping, a feasibility study, phasing options, schematic design alternatives, operational budget impact estimates, energy conservation opportunities, energy cost estimates, and national benchmark/standards or peer space analysis) and prepare the Design Report to demolish a faculty office tower, four former student residence halls, restore their individual sites, and completely renovate Ottensman Hall to replace those facilities at UW-Platteville in preparation to seek enumeration for construction in the 2023-25 biennial capital budget.



Ottensman Hall

1965 Year

(proposed for complete and comprehensive renovation)

168,829 GSF

Physical Condition

	i	ii	iii	iv	v	vi	vii
A	Ai	Aii	Aiii	Aiv	Av	Avi	Avii
B	Bi	Bii	Biii	Biv	Bv	Bvi	Bvii
C	Ci	Cii	Ciii	Civ	Cv	Cvi	Cvii
D	Di	Dii	Diii	Div	Dv	Dvi	Dvii
F	Fi	Fii	Fiii	Fiv	Fv	Fvi	Fvii
I	Ii	Iii	Iiii	Iiv	Iv	Ivi	Ivii

Summary:

- Relocates a collection of departmental and individual offices from former residence halls and an administrative office tower so those facilities can be demolished.
- Includes space for three schools: College of Business, Industry, Life Sciences, and Agriculture; College of Engineering, Mathematics, and Science; and College of Liberal Arts and Education.
- New home for the campus data center.
- All interior floor layouts to be reconfigured for new program occupancy, improved way finding, and adjacency requirements.
- All architectural finishes and building infrastructure systems will be replaced.
- New fire suppression system will be installed.
- Roofing systems and exterior doors and windows will be replaced.

Demolition

215,953 GSF

New Construction

0 GSF

Renovation

168,829 GSF



<input type="checkbox"/>	Segregated Fee Increase	\$	0	Annually	
<input type="checkbox"/>	Operating Budget Impact	\$	0	Annually	0.00 FTE

Thursday, August 20, 2020

UPDATE ON EMERGENCY RULES FOR CHAPTERS UWS 4, 7, 11 & 17, WISCONSIN ADMINISTRATIVE CODE

REQUESTED ACTION

No action requested.

SUMMARY

Title IX of the Education Amendments of 1972 requires that all educational institutions that receive federal funds of financial assistance prohibit sex discrimination in their education programs and activities (34 C.F.R. Part 106). Over the past eighteen months, the U.S. Department of Education (ED) has engaged in rulemaking to further examine and clarify schools' responsibilities in responding to reports of sex discrimination, sexual harassment, sexual violence, intimate partner violence, and stalking involving faculty, staff, and students as well as pregnant and parenting students. On May 5, 2020, the Department released a final rule with which all recipient educational institutions are required to comply by August 14, 2020. Staff from the UW System Office of Compliance and Integrity will provide an update on implementation of these new regulations.

Presenter(s)

- Quinn Williams, UW System General Counsel
- Katie Ignatowski, UW System Director of Compliance and Integrity
- Sarah Harebo, UW System Title IX and Clery Administrator

BACKGROUND

The University of Wisconsin System (UW System) sought to modify the University of Wisconsin Board of Regents (Board) administrative rules, Ch. UWS 4, 7, 11, and 17. All UW System institutions would be affected by the proposed rule revisions. Governor Evers approved the emergency rules on August 7, 2020.

The Board has statutory authority for Chapters UWS 4, 7, 11, and 17 and Regent Policy Documents under Wis. Stat. 36.09(1) of the Wisconsin Statutes, 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.”

Previous Action or Discussion

The Board last discussed this topic at its August 5, 2020 meeting when it approved the emergency rule drafts for Chapters 4, 7, 11, and 17 of the Wisconsin Administrative Code. This discussion occurred after the Board approved scope statements necessary to revise Chapters 4, 7, 11, and 17 of the Wisconsin Administrative Code at its July 20, 2020 meeting. That discussion was preceded by the Board approving the preliminary hearing and public comment period regarding the scope statements, which the Board approved at its July 9, 2020 meeting. Prior to that, the Board of Regents amended UWS Chapters 4, 7, 11, and 17 of the Wisconsin Administrative Code in April 2015 through Resolutions 10475, 10477, and 10478, all of which addressed Dear Colleague Letter updates from the U.S. Department of Education.

Related Policies

- Regent Policy Document 14-2, “Sexual Harassment and Sexual Violence”
- Chapter UWS, Wis. Admin. Code: “Procedures for Dismissal”
- Chapter UWS 7, Wis. Admin. Code: “Dismissal of Faculty in Special Cases”
- Chapter UWS 11, Wis. Admin. Code: “Dismissal of Academic Staff for Cause”
- Chapter UWS 17, Wis. Admin. Code: “Student Nonacademic Disciplinary Procedures”
- UW System Administrative Policy 1261, “Personnel Files”
- UW System Administrative Policy 1275, “Recruitment Policies”

ATTACHMENTS

- A) Governor Evers’ Approval Letter for UWS 4, 7, 11, and 17 Emergency Rules



Tony Evers

Office of the Governor | State of Wisconsin

August 7, 2020

Interim President Tommy Thompson
University of Wisconsin System
1700 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706

Re: Proposed Administrative Emergency Rules (Chapters UWS 4, 7, 11, and 17)

Dear Interim President Thompson:

As you know, the new federal regulations that impact how universities must respond to allegations of sexual misconduct under Title IX of the Education Amendments of 1972 are scheduled to take effect on August 14, 2020. Many of these proposed changes, which are being implemented under the direction of the U.S. Department of Education Secretary Betsy DeVos, undermine Title IX's mission to address systemic sex-based discrimination in our education system and have prompted educators and civil rights advocates nationwide to voice their concerns over how the changes could affect sexual harassment and assault survivors.

I have been a vocal opponent of these changes. I authorized the Wisconsin Department of Justice to join 17 other states and the District of Columbia in a lawsuit seeking to protect survivors by blocking the new rules. Earlier this summer, I rejected the University of Wisconsin System's original scope statement seeking to implement these regulations out of a concern that it failed to adequately address concerns I had over how survivors would be impacted by the changes.

I also understand the reality that these federal regulations put universities in a bind – either implement the changes or lose federal funding. After years of cuts to the university system implemented under the former administration, and current uncertainties associated with the COVID-19 pandemic, this conundrum is not lost on me.

I am approving the proposed emergency rules in recognition of this reality, but also because of the University of Wisconsin System's commitment to drafting these administrative rules in a manner that strives to protect survivors to the greatest extent possible while complying with the federal regulations. While I remain opposed to the federal changes, I appreciate the University of Wisconsin System's efforts to ensure that students experience equality in their educational pursuits, which necessarily means a commitment to protecting students from sexual misconduct, harassment, and assault.

Sincerely,

A handwritten signature in dark ink that reads "Tony Evers".

Tony Evers
Governor

**APPROVAL OF CHANGES TO REGENT POLICY DOCUMENT 14-2,
"SEXUAL VIOLENCE AND SEXUAL HARASSMENT"**

REQUESTED ACTION

Adoption of Resolution 16, approving revisions to Regent Policy Document 14-2, "Sexual Violence and Sexual Harassment".

Resolution 16. That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves revisions to Regent Policy Document 14-2, "Sexual Violence and Sexual Harassment".

SUMMARY

Title IX of the Education Amendments of 1972 requires that all educational institutions that receive federal funds of financial assistance prohibit sex discrimination in their education programs and activities (34 C.F.R. Part 106). Over the past eighteen months, the U.S. Department of Education (ED) has engaged in rulemaking to further examine and clarify schools' responsibilities in responding to reports of sex discrimination, sexual harassment, sexual violence, intimate partner violence, and stalking involving faculty, staff, and students as well as pregnant and parenting students. On May 5, 2020, the Department released a final rule with which all recipient educational institutions are required to comply by August 14, 2020.

The University of Wisconsin System is seeking policy changes to Regent Policy Document 14-2, "Sexual Violence and Sexual Harassment" in order to comply with the substantive and procedural requirements provided in the new federal regulations. The changes in the interim policy draft of Regent Policy Document 14-2 align with the recently approved changes in the University of Wisconsin System Emergency Rules for Chapters UWS 4, 7, 11, and 17 of the Wisconsin Administrative Code. The most recent revisions of Interim Regent Policy Document 14-2 made technical edits to further clarify and align language with the federal regulations, clarified language related to the informal resolution process and broadened the section imposing penalties for false accusations to include all types of false statements.

Presenter(s)

- Quinn Williams, UW System General Counsel
- Katie Ignatowski, UW System Director of Compliance and Integrity
- Sarah Harebo, UW System Title IX and Clery Administrator

BACKGROUND

The changes found in Interim Regent Policy Document 14-2, “Sexual Violence and Sexual Harassment” closely mirror what is found in the recently approved changes in the University of Wisconsin System Emergency Rules for Chapters UWS 4, 7, 11, and 17 of the Wisconsin Administrative Code.

Previous Action or Discussion

In December 1980, the Board of Regents adopted Resolution 2297, which created Regent Policy Document (RPD) 80-8, outlining a process for institutions to report incidents of sexual harassment, as well as establishing the Regent Task Force on the Status of Women. In April and May 1981, the Board of Regents adopted Resolutions 2361 and 2383, which respectively adopted many of the task force recommendations and replaced RPD 80-8 with RPD 81-2. Resolution 3758, adopted in April 1987, updated RPD 81-2, which was subsequently renumbered as RPD 14-2. The Board of Regents updated RPD 14-2 through the adoption of Resolution 10786 in December 2016.

On August 5, 2020, the Board of Regents approved Resolution 11475, which approved interim policy changes to RPD 14-2 to comply with new federal Title IX regulations, which will take effect on August 14, 2020. The interim changes included revisions to Appendix A and Appendix B of Regent Policy Document 14-2, which provide templates for UW System institution policies and definitions to address the content of the Regent Policy Document. The proposed changes also created Appendix C, which outlines a procedure for investigation and resolution of formal Title IX complaints against university employees other than faculty and academic staff. Appendix C closely aligns with the language that appears in the proposed changes to the University of Wisconsin System Emergency Rules for Chapters UWS 4 and 11 of the Wisconsin Administrative Code.

Related Policies

- Regent Policy Document 14-2, "Sexual Harassment and Sexual Violence"
- Chapter UWS 4, Wis. Admin. Code: "Procedures for Dismissal"
- Chapter UWS 7, Wis. Admin. Code: "Dismissal of Faculty in Special Cases"
- Chapter UWS 11, Wis. Admin. Code: "Dismissal of Academic Staff for Cause"
- Chapter UWS 17, Wis. Admin. Code: "Student Nonacademic Disciplinary Procedures"
- UW System Administrative Policy 1261, "Personnel Files"
- UW System Administrative Policy 1275, "Recruitment Policies"

ATTACHMENTS

- A) Clean Copy of Proposed Changes to Interim Regent Policy Document 14-2
- B) Redlined Copy of Proposed Changes to Interim Regent Policy Document 14-2

CLEAN COPY

**Proposed Changes to Interim Regent Policy Document 14-2
(formerly 81-2), Sexual Violence and Sexual Harassment**

SCOPE

This policy applies to all University of Wisconsin System institutions and programs. This policy covers sexual harassment and sexual violence, including but not limited to sexual harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation.

PURPOSE

The mission of the University of Wisconsin System and its individual institutions can be realized only if the University's teaching, learning, research, and service activities occur in living, learning, and working environments that are safe and free from violence, harassment, disruption, and intimidation. The purpose of this policy is to reflect the Board of Regents' strong commitment to promoting an environment that is free from sexual violence and sexual harassment.

POLICY STATEMENT

It is the policy of the Board of Regents of the University of Wisconsin System to promote an environment free from incidents of sexual violence and sexual harassment. To address these incidents, the Board of Regents directs UW institutions to adopt policies, practices, and educational programs that serve to prevent, respond to, and redress incidents of sexual violence and sexual harassment. In addition, this policy directs institutions to identify factors that may contribute to a culture in which incidents of sexual violence and sexual harassment can exist, and to address these issues to advance a safe environment that supports healthy and respectful interactions and relationships.

This policy is in compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. This policy is also consistent with the regulations related to the Violence Against Women Act (VAWA), the Jeanne Clery Act, relevant state code provisions regarding the enforcement of sexual misconduct disciplinary procedures (See Chapters UWS 4, 7, 11, and 17) as well as other state and federal laws. In accordance with these requirements, the University of Wisconsin System is responsible for taking immediate and effective steps to respond to sexual violence and sexual harassment.

Regent Policy Documents 14-6 and 14-10 cover discrimination on the basis of other protected categories.

OVERSIGHT, ROLES, AND RESPONSIBILITIES

Each Chancellor or designee shall be responsible for implementing institutional procedures consistent with this policy.

Each UW institution is required to adopt a Sexual Violence and Sexual Harassment policy that is widely available and disseminated to all students and employees. **Appendix A** provides a template policy for institutions to customize and adopt. The institutional policy must contain, at a minimum, the following provisions:

1. Amnesty. A provision to exempt sexual violence or sexual harassment complainants, respondents, and witnesses from receiving citations or being subjected to the student disciplinary process for underage consumption of alcohol under specified circumstances
(<https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>).
2. Assessment. A description of the methodology for how the institution will assess the efficacy of its policy and educational efforts undertaken as part of this policy.
3. Collection of Data. In accordance with state and federal law, a statement that includes statistics on the number of reports received by employees alleging sexual assault of a student shall be reported in the UW System Sexual Assault Reports consistent with § 36.11(22), Wis. Stats., and the federal Jeanne Clery Act.
4. Confidentiality. Identification of employees or affiliates who may maintain in confidence any report of sexual violence or sexual harassment. Limitations or barriers to confidentiality of other employees should be addressed.
5. Definitions. Relevant words and phrases used in the policy should be defined consistent with applicable System rules and policies. (Definitions are included in **Appendix B**):
6. Education/Training. Identification of mandatory education and training concerning sexual violence and sexual harassment.
7. False Information. Information about response and consequences when an individual knowingly makes a material misstatement of fact in connection with a report of sexual violence or sexual harassment. The information should indicate the filing of a complaint that does not result in a finding of prohibited conduct, alone, is not evidence of intent to file a false report.

8. Informal Resolution. A description of the informal Title IX misconduct resolution process, if offered.
9. Office for Civil Rights Complaint. A description of how individuals can file a complaint with the U.S. Department of Education, Office for Civil Rights under Title IX.
10. Official with Authority. Identification of those individuals who are considered officials with authority to institute corrective measures on behalf of the university.
11. Policy Statement. A statement expressing the institution's commitment to promoting an environment free from incidents of sexual violence and sexual harassment.
12. Procedures. Reference to, or inclusion of, institutional policies governing procedures for reporting allegations of sexual violence and sexual harassment, including information for reporting to campus and local police as well as for filing a formal Title IX complaint.
13. Prohibition against Retaliation. A statement explicitly prohibiting retaliation as defined in Appendix B.
14. Prompt Resolution. Inclusion of language that reflects the institution's efforts to pursue the prompt resolution of reports of sexual violence and sexual harassment.
15. Purpose Statement. A statement that indicates sexual violence and sexual harassment are prohibited and expresses the institution's commitment to prevent and promptly and effectively respond to and redress incidents of sexual violence and sexual harassment, and states how such actions support the System and institutional missions.
16. Recordkeeping. A description of how records of reports of sexual violence and sexual harassment will be maintained.
17. Reporting Options and Obligations. Identification of employees to whom or offices to which an individual can report an allegation of sexual violence and sexual harassment, including the U.S. Department of Education, Office for Civil Rights; likewise, identification of employees who are obligated to notify an "Official with Authority" that they have received such a report.
18. Resources. A description of counseling, medical, legal, and other resources for complainants and respondents.
19. Responsible Employees. Identification of those individuals who are considered "responsible employees" as defined in Appendix B. A responsible employee is not necessarily an "Official with Authority" to institute corrective measures on behalf of the university.

20. Roles and Duties of University Employees. Identification of the role and responsibility of institutional employees regarding reporting, prevention, and response involving allegations of sexual violence and sexual harassment.
21. Sanctions. Identification of potential sanctions for students and employees who are found responsible under the policy.
22. Scope Statement. Provision of a scope statement covering all institutional students and employees in university sponsored and supported activities.
23. Supportive Measures. Information for students and employees concerning the availability of academic and employment supportive measures related to the individual as a complainant or respondent.
24. Title IX Committee. Provision for a campus Title IX Committee, tasked with the responsibility to, among other things, support the efforts of the Title IX Coordinator, implement the institutional Sexual Violence and Sexual Harassment policy, perform assessment, and address campus climate and culture issues.
25. Title IX Coordinator. Identification of the name and contact information for the institutional Title IX Coordinator and any Deputy Title IX Coordinators.

Related Regent Policies and Applicable Laws

- RPD 14-3, “Equal Opportunities in Education: Elimination of Discrimination Based on Gender”
- RPD 14-6, “Discrimination, Harassment, and Retaliation”
- RPD 14-7, “Implementation of Statute on Discrimination Against Students”
- RPD 14-8, “Consensual Relationships”
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106)
- § 36.11(22), Wis. Stats., Orientation Program; Information on Sexual Assault and Harassment
- Violence Against Women Act (1994) 42 U.S.C. §§ 1371-14040

(See definitions in **Appendix B** for other statutory references.)

History: Res. 2297, adopted 12/05/1980, created Regent Policy Document 80-8. Res. 2384, adopted 05/08/1981, created Regent Policy Document 81-2, replacing Regent Policy Document 80-8. Res. 3758, adopted 04/10/1987, amended Regent Policy Document 81-2; subsequently renumbered 14-2. Res. 10786, adopted 12/08/2016, amended Regent Policy Document 14-2. Res. 11475, adopted 08/05/2020, amended Regent Policy Document 14-2.

Interim RPD 14-2 Appendix A: Template for UW Institutions' Policies

UW-[institution] Sexual Violence and Sexual Harassment Policy

Policy Statement

The mission of University of Wisconsin-_____ is to provide a teaching, learning and working environment in which faculty, staff, and students can discover, examine critically, preserve, and transmit the knowledge, wisdom, and values that will improve quality of life for all. To promote these institutional values, UW-_____ is committed to creating and maintaining a community environment that is free from sexual violence and sexual harassment.

Purpose and Scope of Policy

This policy prohibits acts of sexual violence and sexual harassment on university property, at university-sanctioned or university-affiliated events, and where off-campus conduct affects a member of the university community. The university is committed to educating its community and to promptly and effectively respond to and redress conduct that violates this policy. This policy provides the UW-_____ community with information and resources to identify, report, and respond to sexual violence and sexual harassment including sexual assault, sexual exploitation, stalking, and dating and domestic violence. These efforts support the overall missions of UW-_____ and the UW System.

This policy applies to:

- A. University sponsored and supported activities held both on and off campus, including those held in other municipalities, states, and nations.
- B. All students while they are on campus or if their off-campus conduct meets any of the following criteria:
 - 1. The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.
 - 2. The conduct indicates that the student presented or may present a danger or threat to the health or safety of self or others.
 - 3. The conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions.
- C. All other members of the University community (including, but not limited to employees, volunteers, visitors, guests, contractors, and third-party vendors) while

they are on campus or engaged in activities associated with University sponsored and supported activities.

Title IX Statement

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

I. Definitions

(See Appendix B).

II. Role and Duties of University Officials and Employees

A. Title IX Coordinator

The duties of the UW-_____ Title IX Coordinator are described in the institutional position description. Those duties include:

- receiving reports of sexual violence and sexual harassment
- maintaining appropriate records
- providing or supporting the provision of appropriate education and training
- maintaining ongoing communication with any Deputy Title IX Coordinators and the Title IX Committee
- overseeing and/or investigating allegations of sexual violence and sexual harassment, as appropriate
- coordinating the effective implementation of supportive measures
- ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated.

The duties of the Title IX Coordinator will be guided by principles of trauma-informed care and ensuring equity and due process for complainants and respondents.

B. Title IX Committee

The Title IX committee at UW-_____ meets on a _____ *[Insert period of time, such as monthly]* basis to:

- discuss policy implementation and revision
- assess the effectiveness of trainings and educational programming
- address campus climate issues
- provide guidance to the Title IX Coordinator.

The following are offices represented on this committee:

[Identify, refer to Title IX Committee Bylaws].

C. Responsible Employees

UW-_____ has designated individuals with the following titles as “Responsible Employees” under this policy:

[Identify].

Responsible Employees are not necessarily “Officials with Authority” to institute corrective measures on behalf of the university. These individuals should be properly trained to do the following:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

D. Official with Authority

UW-_____ has designated individuals with the following titles as “Officials with Authority,” under this policy, as they have the authority to institute corrective measures on behalf of the university. All Officials with Authority are also Responsible Employees.

E. All Employees

Regardless of whether they are a “Responsible Employee” or an “Official with Authority,” all employees are required to comply with the following reporting obligations.

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Office of the Dean of Students or designee. “Confidential Employees”, described below, are only required to report the occurrence of the sexual assault without any personally identifying information about the complainant or respondent.

All employees must comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to

law enforcement or the county department of social services or human services.
[https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf].

III. Reporting an Incident of Sexual Violence or Sexual Harassment

A. Reporting Options

Those who have been subjected to an incident of sexual violence or sexual harassment have several options for reporting the incident:

1. The individual may elect not to report or may only seek confidential services.
2. The individual may report information to the campus Title IX Coordinator or other designated reporting office:

[Name, contact information of institutional Title IX Coordinator].

3. The individual may report information to campus law enforcement:

[Name, contact information of campus law enforcement].

4. The individual may report information to local law enforcement:

[Name, contact information of local law enforcement].

Note: An individual may make a report to one or more of the offices or individuals noted above.

Individuals have the option to file a complaint with the **U.S. Department of Education, Office for Civil Rights**: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

B. Amnesty

Individuals, including complainants, respondents, and witnesses, who have made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing regarding incidents of sexual harassment or sexual violence generally will not be issued citations by campus law enforcement or subject to disciplinary sanctions for alcohol violations arising out of the same facts and circumstances of the alleged incident unless the institution determines that the violation was egregious, and/or placed the health or safety of any person at risk, and was beyond the amnesty provided by state law. (See <https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>.)

C. Confidentiality

Individuals, including complainants, who report to any of the offices or individuals noted above, or to any other university employee, except confidential employees or resources as defined in Appendix B, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding will only be shared with those individuals who have a need to know to fulfill obligations consistent with university policies or laws.

D. Resources and Supportive Measures

1. Supportive Measures

The university will work with individuals involved in alleged incidents of sexual violence and sexual harassment to undertake appropriate measures to assist in their safety and wellbeing. These may include no-contact directives, academic or work modifications, and relocation of living or working space. Supportive measures are available to complainants and respondents.

2. Resources

The university offers a variety of resources that are available to individuals involved in incidents of sexual violence or sexual harassment, including the following:

[List of resources including medical, advocacy, counseling, tutoring.]

E. Procedures

1. University Procedures:

- a) When a report is made to the *Title IX Coordinator* alleging that a *student* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapter UWS 17, Wis. Admin. Code].*
- b) When a report is made to the *Title IX Coordinator* alleging that a *faculty member* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapters UWS 4 and 7, Wis. Admin. Code and UWS 6, Wis. Admin. Code].*
- c) When a report is made to the *Title IX Coordinator* alleging that a *member of the academic staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapters UWS 11 and 13, Wis. Admin. Code].*
- d) When a report is made to the *Title IX Coordinator* alleging that a *member of the university staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Appendix C].*

- e) When a report is made to the *Title IX Coordinator* alleging that *any other university employee who does not fall into any of the above categories* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. [Link to Appendix C].

2. Title IX Misconduct Informal Resolution Procedures

At any time prior to reaching a determination regarding responsibility for Title IX misconduct, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the university:

- a) Provides to the parties a written notice disclosing:
 - i. the allegations
 - ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, at any time prior to agreeing to a resolution
 - iii. any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
 - iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
- b) Obtains the parties' voluntary, written consent to the informal resolution process
- c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The university may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Title IX misconduct. Similarly, the university may not require the parties to participate in an informal resolution process to address Title IX misconduct and may not offer an informal resolution process for Title IX misconduct unless a formal complaint is filed. The requirements of this section do not apply to allegations of sexual harassment and sexual violence that do not constitute Title IX misconduct.

3. Law Enforcement Procedures:

- a) When a report is made to campus law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

[Link to campus law enforcement procedures].

- b) When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

[Link to local law enforcement procedures].

F. Prompt Resolution

The university offices and employees that receive a report of sexual violence or sexual harassment will endeavor to resolve the matter in a timely manner, with consideration to available information and context.

1. Time Frames

Best efforts will be made for the university to complete an informal resolution process or an investigation of a complaint within ninety (90) calendar days. The ninety (90) calendar day timeframe and any other timeframe set by the university related to appeals and conclusion of the grievance process may be extended for good cause. Good cause may include but is not limited to considerations such as:

- the absence of a party or party's advisor or witness
- concurrent law enforcement activity
- the need for language assistance or accommodation of disabilities.

The complainant and the respondent will be notified in writing of an extension for good cause.

2. Potential Sanctions

The procedures identified above provide for disciplinary action against employees and students who are found responsible for violating a university policy. For students, such sanctions include those listed in UWS 17. Employee sanctions may include measures that range from a written reprimand through dismissal. Vendors and guests may be subject to other sanctions.

3. Notice of Outcome

Both the complainant and the respondent will be provided with notice of the outcome of the final resolution.

G. Prohibition Against Retaliation

Prohibited retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or Deputy. Those who believe they have been subjected to retaliation that would also constitute a crime may report to campus law enforcement or campus safety office. (See contact information above)

H. False Information

Providing false information to a reporting or investigatory office. Any person who knowingly makes false statements or knowingly provides false information when reporting a violation of this policy or during the course of any investigation or disciplinary proceeding pursuant to this policy may be subject to disciplinary action. The fact that a complaint of sexual harassment or sexual violence did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

IV. Education and Training

The Title IX Coordinator will be primarily responsible for facilitating the training and educational programs for the campus community. At a minimum, all students and employees will be required to complete the campus-supported on-line training covering issues of sexual violence and sexual harassment.

The Chancellor or designee will identify and offer more in-depth training for employees who are Officials with Authority, Responsible Employees, Title IX Personnel, and those connected with the disciplinary process.

All Title IX personnel, including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution, shall receive training on the definitions of sexual violence and sexual harassment, scope of the institution's program or activity, how to conduct an investigation and grievance process, how to serve impartially, and how to avoid conflicts of interest and bias. All decision-makers shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence. All investigators shall receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

V. Record Keeping and Data Collection

As noted above, the Title IX Coordinator will maintain records of reports and resolution of sexual violence and sexual harassment consistent with the institutional records-retention policy, which must be at least seven (7) years. In addition, the Title IX Coordinator will track compliance with mandatory training programs and maintain a list of training and education offered on campus.

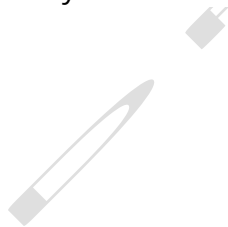
The institution will post a link to all training materials for Title IX Personnel (including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution), whether developed internally or purchased externally, on their website for public viewing. All materials used to train Title IX Personnel will be maintained for at least seven (7) years.

The UW-_____ Police Department or other appropriate office will collect, maintain, and submit the Annual Security Report, consistent with the federal Clery Act.

The Office of the Dean of Students, or other appropriate office, will collect appropriate data and compile the state report required under § 36.11(22), Wis. Stats.

VI. Assessment

The *(insert campus office name)* will conduct a study that seeks to gather data and information concerning sexual violence and sexual harassment. Efforts will be made to conduct such a study once every ___ years. All students and employees are encouraged to participate. The Title IX office will also work to design methods for effectively evaluating the outcomes of campus training and educational programming. It is imperative that UW System institutions proactively integrate empirically informed assessment and evaluations into sexual violence and sexual harassment prevention and awareness programs to measure whether they are achieving the intended outcomes.



Interim RPD 14-2 Appendix B: Definitions to be Included in Institutional Policies

Advisor: An individual who assists a complainant or respondent in any grievance proceeding or related meetings. This individual may or may not be an attorney.

Complainant: Any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Confidential Employee: Any employee, who is a licensed medical, clinical, or mental health professional when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee's professional capacity unless with the consent of the reporting individual or unless required by the Employee's license or by law.

Confidential Resource: Individuals or agencies in the community, whose professional license, or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent: Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definition of sexual assault and sexual exploitation. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).

Employee: Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (See, e.g., UW System Administrative Policy 1225 (formerly GEN 0), General Terms and Definitions (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/general-terms-and-definitions/>))

Education Program or Activity: For purposes of Title IX misconduct only, locations, events, or circumstances at which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

Executive Order 54: Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

(https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

Formal Complaint: For the purposes of Title IX misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against a respondent and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.

Incapacitation: The state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Official with Authority: Any official of the university who has the authority to institute corrective measures on behalf of the university.

Office for Civil Rights: The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of

1972, and other education-based discrimination acts.

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Preponderance of the Evidence: Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than “clear and convincing evidence” and is the minimum standard for a finding of responsibility.

Respondent: An individual who has been reported to be the perpetrator of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Responsible Employee: Any employee (other than a “confidential resource”) who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX Coordinator or other appropriate school designee.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured in, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Sex Discrimination: Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See [20 USC §§ 1681-1688](#)]

Sexual Assault: An offense that meets the definition of rape, [fondling](#), [incest](#), or [statutory rape](#) as defined below. [20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).]

- a) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
- b) **Fondling:** The touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
- d) **Statutory Rape:** Sexual intercourse with a complainant who is under the statutory age of consent (See s. 948.02, Stats.)

Sexual Exploitation: Occurs when an individual attempts, takes, or threatens to take nonconsensual sexual advantage of another person. Examples include, but are not limited to:

- a) Any of the following without the knowledge and consent of all participants:
 - 1. observing, recording, or photographing private body parts or sexual activity of one or more persons
 - 2. allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons
 - 3. otherwise distributing recordings, photographs, or other images of the same of one or more persons
- b) Masturbating, touching one's genitals, or exposing one's genitals in another person's presence without the consent of that person, or inducing another person to do the same.
- c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse
- d) Inducing incapacitation through deception for the purpose of making another person vulnerable to non-consensual sexual activity
- e) Coercing another person to engage in sexual activity for money or anything of value
- f) Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
 - 1. Photos, videos, or recordings depicting private body parts or sexual activity of one or more persons
 - 2. Other information of a sexual nature (for example, may include but is not limited to, sexual history or sexual orientation).

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct
- b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard:
 - 1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity; or

2. Is so severe or pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in an university sponsored or supported activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

Sexual Violence: The phrase, as used in this policy, refers to incidents involving sexual assault, dating violence, domestic violence, stalking, and sexual exploitation.

Stalking: Engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

Student: Any person who is registered for study in a University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [See [Chapter UWS 17.02\(14\), Wis. Admin. Code.](#)]

Title IX: Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." [20 U.S.C. § 1681\(a\).](#)

Title IX Misconduct: A report of sexual harassment or sexual violence under this policy will be considered Title IX misconduct when a formal complaint (as defined in this section) is either filed by a complainant or signed by the Title IX Coordinator and the alleged conduct meets the definition of sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined in 34 C.F.R. 106.30, occurred within a university "education program or activity" (as defined in this section) and occurred against the complainant while in the United States; and the complainant is participating in or attempting to participate in a university education program or activity at the time they file the formal complaint. Title IX misconduct cases will follow procedures as detailed in Chs. [UWS 4.11-24](#) (faculty), [UWS 11.13-26](#) (academic staff), [UWS 17.16-21](#) (students), and Appendix C (university employees other than faculty or academic staff).

Title IX Coordinator (and Deputies): An employee designated to coordinate compliance with Title IX, who plays an important role in an institution's efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs.

Trauma-Informed Care: Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health.

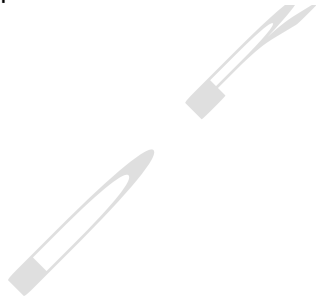
<https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>.

Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. *See also:*

<http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf> and http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building_cultures-of-care.pdf.

A process that employs trauma-informed care accounts for the impact of trauma but does not recognize symptoms of trauma as evidence that a particular incident did or did not occur.

Violence Against Women Act (VAWA): Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it enacted amendments to the Clery Act [[42 U.S.C. §§ 13701-14040](#)], through the Campus Sexual Violence Elimination Act (SaVE) provision, Section 304.



Interim RPD 14-2 Appendix C: Policy for Investigation and Resolution of Formal Title IX Complaints Against University Employees Other Than Faculty and Academic Staff

Application of this policy.

This policy applies to the investigation and resolution of formal Title IX complaints filed against university employees other than faculty and academic staff employees. This includes employees who otherwise do not have the right to a formal disciplinary process.

The disciplinary process in Chapter UWS 4 applies to faculty employees and the process in Chapter UWS 11 applies to academic staff employees. The university may discipline an employee up to and including dismissal for cause for Title IX misconduct. The disciplinary process for employee sexual misconduct that is outside the scope of Title IX, and related definitions, are found in separate university policies.

The disciplinary procedure in this policy for Title IX misconduct will be used only when all of the following requirements are met:

- (1) There is a formal complaint alleging Title IX misconduct on the basis of sex.
- (2) The conduct occurred in the United States.
- (3) The conduct occurred within a university education program or activity.
- (4) The complainant must be participating in or attempting to participate in the education program or activity of the university at the time of filing the complaint.
- (5) The complainant or Title IX coordinator have submitted a formal complaint.

The employee is presumed to be not responsible for the alleged Title IX misconduct until a final decision regarding responsibility is made at the conclusion of the disciplinary process. The university may dismiss or discipline an employee for Title IX misconduct only after due notice and hearing. The burden of proof is on the university administration.

Definitions.

As used in this policy, the following terms shall have the meaning given below:

- (1) **"Complainant"** means any individual who is alleged to be the subject of Title IX misconduct, as defined in this section.
- (2) **"Consent"** means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity

or other activity referenced in the definition of sexual assault. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.

- (3) **"Consult"** or **"consulting"** means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (4) **"Dating violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (5) **"Domestic violence"** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).
- (6) **"Education program or activity"** means, for purposes of Title IX misconduct only, locations, events, or circumstances at which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- (7) **"Formal complaint"** is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against an employee and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.
- (8) **"Incapacitation"** means the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or

drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

- (9) **"Preponderance of the evidence"** means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (10) **"Respondent"** means an individual who has been reported to be the perpetrator of Title IX misconduct as defined in this section.
- (11) **"Sexual assault"** means an offense that meets the definition of rape, [fondling](#), [incest](#), or [statutory rape](#) as defined below. [20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).]
 - (1) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
 - (2) **Fondling:** The touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - (3) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
 - (4) **Statutory Rape:** Sexual intercourse with a complainant who is under the statutory age of consent (See s. 948.02, Stats.)
- (12) **"Sexual harassment"** means conduct on the basis of sex that satisfies one or more of the following:
 - a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct
 - b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard, is so severe,

pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.

(13) **"Stalking"** means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

(14) **"Title IX misconduct"** means sexual harassment, sexual assault, stalking, dating violence, and /or domestic violence.

Disciplinary Sanctions.

The disciplinary sanctions that may be imposed for misconduct under this policy range from a written reprimand through dismissal.

Dismissal of Formal Complaint and Related Appeal.

(1) The university must dismiss a formal complaint consisting of allegations that:

- a) Would not constitute Title IX misconduct if proved;
- b) Did not occur in a university education program or activity; or
- c) Did not involve actions against someone physically located in the United States.

(2) The university may dismiss a formal complaint when:

- a) The complainant formally requests in writing to withdraw the formal complaint;
- b) The respondent is no longer employed by the university; or
- c) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal complaint.

(3) The university generally shall decide whether to dismiss a formal complaint within thirty (30) days of receipt of the formal complaint, but the university may extend that timeline as necessary. If a formal complaint is dismissed, then the university must provide written notice of the dismissal and reasons therefore to the complainant and respondent if notified of the formal complaint. Within twenty days of receipt of the notice of dismissal, the complainant or respondent may appeal the dismissal by filing a written appeal with the chancellor's designee (hereinafter "chancellor's designee"). Dismissal of a Title IX formal complaint does not preclude

the university from otherwise pursuing conduct charges against the respondent under other university policies. The appeal process is outlined in the Appeal to Chancellor section below.

Investigation.

- (1) Unless the university dismisses a formal complaint, the university shall appoint an investigator to conduct an investigation of the allegations in the formal complaint.
- (2) The investigator shall provide the complainant and the respondent with a notice of investigation. The notice must include:
 - a) The grievance process, including informal resolution options
 - b) The allegations of Title IX misconduct with sufficient detail for the complainant or respondent to prepare a response to the allegations, including but not limited to, the identity of the complainant as well as the date and location of the incident(s) if available
 - c) A statement affirming the respondent is presumed not responsible for the alleged violation
 - d) The complainant and the respondent have the right to an advisor of their choice
 - e) The complainant and respondent have the right to inspect and review the evidence
 - f) Information about any code of conduct rules which prohibit the complainant and respondent from knowingly making false statements or submitting false information during the disciplinary process.
- (3) The complainant and respondent must receive an amended notice of investigation any time additional charges are added during the course of an investigation. Formal complaints involving more than one complainant or respondent may be consolidated if they arise out of the same facts or circumstances.
- (4) The university's investigator shall:
 - a) Provide both the complainant and respondent an equal opportunity to provide witnesses (including fact and expert witnesses) who may be interviewed by the investigator, and other inculpatory and exculpatory evidence

- b) Not restrict the ability of either the complainant and respondent to discuss the allegations under investigation or to gather and present relevant evidence
 - c) Provide the complainant and respondent the same opportunity to be accompanied by an advisor of their choice during meetings relating to the investigation but may limit the participation by the advisor so long as those limits are applied equally
 - d) Provide both the complainant and respondent equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a complainant, respondent, or other source, so that the complainant and respondent can meaningfully respond to the evidence prior to conclusion of the investigation.
- (5) As part of its investigation and disciplinary process, the university cannot access, consider, disclose, or otherwise use a complainant's or respondent's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the complainant or respondent, unless the university obtains the complainant's or respondent's voluntary, written consent to do so in relation to the investigation and disciplinary process.
- (6) The university's investigator generally shall complete the investigation and issue a final investigative report within ninety (90) days of the investigator's appointment. However, the investigator may extend the investigation's time frame where circumstances warrant.

Review of evidence.

- (1) Prior to completion of the final investigative report, the investigator must send to the complainant and respondent and their respective advisors, if any, the evidence gathered during the investigation for inspection and review by the complainant and respondent. The evidence may be provided in an electronic format or a hard copy. The evidence provided includes evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from the complainant, respondent, or

other source, to permit the complainant and respondent to meaningfully respond to the evidence prior to conclusion of the investigation.

- (2) The complainant and respondent must have at least ten (10) days to submit a written response to the evidence. The investigator will consider any written responses prior to completion of the final investigative report.

Final Investigative Report.

The investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to the complainant and the respondent (and their advisors, if any) for their review and response at least ten (10) days prior to a hearing. The written report shall be delivered simultaneously to the complainant and respondent.

The university shall, upon receipt of the final investigative report, proceed to schedule a live hearing before a hearing examiner or hearing committee. A hearing shall be conducted unless both the complainant and respondent waive, in writing, the right to such a hearing.

Hearing Examiner or Hearing Committee.

- (1) The chancellor of each university shall designate a Title IX conduct hearing examiner or hearing committee to hear employee dismissal and discipline cases.
- (2) The hearing examiner or hearing committee shall conduct the hearing, make a verbatim record of the hearing, and transmit such record along with factual findings and decision to the chancellor. The hearing shall be held not later than forty-five (45) days after completion of the final investigative report except that this time limit may be extended by the hearing examiner or hearing committee.

Hearing Process.

- (1) A fair hearing for a complainant and respondent under this policy shall include the following rights:
 - (a) Service of written notice of a live hearing on the allegations in the formal complaint at least ten (10) days prior to the hearing
 - (b) A right to the names of witnesses and of access to documentary and other evidence upon the basis of which dismissal or other discipline is sought
 - (c) A right for the complainant and respondent to be heard on their own behalf
 - (d) A right to an advisor, counsel, or other representatives, and to offer witnesses. The complainant's or respondent's advisor or counsel may ask all witnesses

relevant questions and follow-up questions, including those challenging credibility. Credibility determinations, however, may not be made based on a person's status as a complainant, respondent, or witness. If the complainant or respondent does not have an advisor, the university shall provide the complainant or respondent, without charge, an advisor of the university's choice to conduct cross-examination on behalf of the complainant or respondent. The advisor may be an attorney.

- (e) A right to confront and cross-examine adverse witnesses. Cross examination must be conducted directly, orally, and in real time by the complainant's or respondent's advisor. The complainant and the respondent shall not be permitted to personally conduct cross-examination. If the complainant, respondent, or a witness does not submit to cross-examination at the hearing, the hearing examiner or hearing committee must not rely on any statement of the complainant, respondent, or witness in reaching a decision. However, the hearing examiner or hearing committee shall not draw a negative inference in reaching a decision based solely on a complainant's, respondent's, or witness' absence from the hearing or refusal to answer cross-examination or other question.
- (f) A verbatim record of all hearings, which might be a sound recording, made available at no cost for inspection and review
- (g) Written findings of fact and recommendations based on the hearing record. The written findings of fact and recommendations must include:
 - 1. Identification of the allegations potentially constituting Title IX misconduct
 - 2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing committee's or hearing examiner's completion of written findings and recommendations, including any notifications to the complainant and the respondent, interviews with the complainant, respondent, and witnesses, site visits, methods used to gather evidence, and hearings held
 - 3. Conclusions regarding the application of the university's conduct rules and policies to the facts; a statement of, and rationale for, the result as to each allegation, including recommendations regarding responsibility, any disciplinary sanction recommended to be imposed, and whether remedies designed to restore or preserve equal access to the university's educational program or activity will be provided to the complainant
 - 4. The university's procedures and permissible bases for the complainant and respondent to appeal

- (h) Admissibility of evidence governed by s. [227.45 \(1\) to \(4\)](#), Stats. Only relevant questions may be asked of the complainant, respondent, and any witnesses. The hearing committee or hearing examiner shall determine whether a question is relevant and explain the decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or unless the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove consent.
- (i) The hearing may be conducted with all participants physically present in the same location, or at the hearing examiner's or hearing committee's discretion, any or all participants may appear at the hearing virtually, with technology enabling the participants simultaneously to see and hear each other. Upon the complainant's or respondent's request, the university shall provide for hearing to occur with the complainant and respondent located in separate rooms with technology enabling all participants to simultaneously see and hear witnesses answering questions.
- (j) The burden of proof to support dismissal, or of grounds to support other discipline, is on the university administration, which shall present witnesses and evidence to meet its burden
- (k) The standard of proof shall be a preponderance of the evidence
- (l) No employee or other individual who participated in the investigation of the formal complaint, or who is a material witness, shall be qualified to serve as the hearing examiner or on the hearing committee in that case
- (m) The hearing shall be closed unless the respondent or complainant requests an open hearing; in which case it shall be open (see subch. [V of ch. 19](#), Stats., Open Meeting Law)
- (n) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration, the complainant, and the respondent
- (o) Delay or adjournment of the hearing for good cause may be granted by the hearing examiner or hearing committee. Good cause includes the need to investigate evidence as to which a valid claim of surprise is made; to ensure the presence of the complainant or the respondent, their advisors, or a witness; to provide language assistance or accommodation of disabilities; and to accommodate concurrent law enforcement activity.

Hearing Examiner's or Hearing Committee's Findings and Recommendations.

The hearing examiner or hearing committee shall simultaneously send to the chancellor's designee, to the complainant, and to the respondent, within thirty (30) days after conclusion of the hearing, or as soon as practicable, a verbatim record of the testimony and a copy of the hearing examiner's or hearing committee's written findings of fact and recommendations.

Chancellor's Designee's Decision.

- (1) Within ten (10) days after receipt of the record and findings and recommendations from the hearing examiner or hearing committee, the complainant and respondent may submit written exceptions. The chancellor's designee shall review those materials and their decision shall be based on the record created before the hearing examiner or hearing committee without consideration of any new evidence submitted by the complainant or the respondent. The chancellor's designee shall prepare a written decision within twenty (20) days after the deadline of submission for the written exceptions by the complainant or the respondent. If the chancellor's designee's proposed decision differs substantially from those recommendations, the chancellor's designee shall promptly consult the hearing examiner or hearing committee and provide the hearing examiner or hearing committee with a reasonable opportunity for a written response prior to making a decision.
- (2) The chancellor's designee may adopt the hearing examiner's or hearing committee's findings and recommendations as the chancellor's designee's decision. The chancellor's designee shall explain in the decision any substantial differences from those findings and recommendations.
- (3) The chancellor's designee's decision shall be simultaneously sent to the complainant, respondent, and to the hearing examiner or hearing committee within forty-five (45) days of the chancellor's designee's receipt of the hearing examiner's or hearing committee's materials.

Appeal to Chancellor.

The complainant or respondent may appeal the dismissal of a formal Title IX complaint or the chancellor designee's decision by filing a written appeal with the chancellor within twenty (20) days of receiving the decision. The appeal to the chancellor may be made only on the following bases: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing before the hearing examiner or hearing committee that could affect the outcome of the matter; the Title IX coordinator, investigator(s), chancellor's designee, or the hearing examiner or hearing committee had a conflict of interest or bias for or against the complainant or respondent, or against complainants and respondents generally, that affected the

outcome. The complainant and the respondent shall be notified of any appeal to the chancellor.

The chancellor shall permit the complainant and respondent to file a written statement on the appeal. The chancellor shall review the appeal based on the record before the hearing examiner or hearing committee. The complainant and respondent shall be simultaneously provided the final written decision of the chancellor, which shall include the rationale for the decision.

Discretionary review by the Board of Regents.

The chancellor's decision shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by the complainant or the respondent within fourteen (14) days of the final university decision. If the board of regents grants a review upon the record, it will:

- (1) Notify the complainant and respondent in writing and give both the complainant and respondent a reasonable, equal opportunity to submit a written statement supporting or challenging the outcome.
- (2) Issue a written decision describing the result of the review and the rationale for the result and provide the written decision simultaneously to both the complainant and respondent.

Administrative Leave.

Pending the final decision on the allegations in the formal complaint, the employee/respondent may be placed on administrative leave.

TRACKED CHANGES

Proposed Changes to Interim Regent Policy Document 14-2 (formerly 81-2), Sexual Violence and Sexual Harassment

SCOPE

This policy applies to all University of Wisconsin System institutions and programs. This policy covers sexual harassment and sexual violence, including but not limited to sexual harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation.

PURPOSE

The mission of the University of Wisconsin System and its individual institutions can be realized only if the University's teaching, learning, research, and service activities occur in living, learning, and working environments that are safe and free from violence, harassment, disruption, and intimidation. The purpose of this policy is to reflect the Board of Regents' strong commitment to promoting an environment that is free from sexual violence and sexual harassment.

POLICY STATEMENT

It is the policy of the Board of Regents of the University of Wisconsin System to promote an environment free from incidents of sexual violence and sexual harassment. To address these incidents, the Board of Regents directs UW institutions to adopt policies, practices, and educational programs that serve to prevent, respond to, and redress incidents of sexual violence and sexual harassment. In addition, this policy directs institutions to identify factors that may contribute to a culture in which incidents of sexual violence and sexual harassment can exist, and to address these issues to advance a safe environment that supports healthy and respectful interactions and relationships.

This policy is in compliance ~~complies~~ with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. This policy is also consistent with the regulations related to the Violence Against Women Act (VAWA), the Jeanne Clery Act, relevant state code provisions regarding the enforcement of sexual misconduct disciplinary procedures (See Chapters UWS 4, 7, 11, and 17) as well as other state and federal laws. In accordance with these requirements, the University of Wisconsin System is responsible for taking immediate and effective steps to respond to sexual violence and sexual harassment.

Regent Policy Documents 14-6 and 14-10 cover discrimination on the basis of other protected categories.

OVERSIGHT, ROLES, AND RESPONSIBILITIES

Each Chancellor or designee shall be responsible for implementing institutional procedures consistent with this policy.

Each UW institution is required to adopt a Sexual Violence and Sexual Harassment policy that is widely available and disseminated to all students and employees. **Appendix A** provides a template policy for institutions to customize and adopt. The institutional policy must contain, at a minimum, the following provisions:

- ~~1. Supportive Measures. Information for students and employees concerning the availability of academic and employment supportive measures related to the individual as a complainant or respondent.~~
- ~~2.1. Amnesty. A provision to exempt sexual violence or sexual harassment complainants, respondents, and witnesses from receiving citations or being subjected to the student disciplinary process for underage consumption of alcohol under specified circumstances~~
~~(<https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>).~~
- ~~3.2. Assessment. A description of the methodology for how the institution will assess the efficacy of its policy and educational efforts undertaken as part of this policy.~~
- ~~4.3. Collection of Data. In accordance with state and federal law, a statement that includes statistics on the number of reports received by employees alleging sexual assault of a student shall be reported in the UW System Sexual Assault Reports consistent with § 36.11(22), Wis. Stats., and the federal Jeanne Clery Act.~~
- ~~5.4. Confidentiality. Identification of employees or affiliates who may maintain in confidence any report of sexual violence or sexual harassment. Limitations or barriers to confidentiality of other employees should be addressed.~~
- ~~6.5. Definitions. Relevant words and phrases used in the policy should be defined consistent with applicable System rules and policies. (Definitions are included in **Appendix B**).~~
- ~~7.6. Education/Training. Identification of mandatory education and training concerning sexual violence and sexual harassment.~~

~~8.7.~~ False Information Accusations. Information about response and consequences when an individual knowingly makes a material misstatement of fact in connection with a report of sexual violence or sexual harassment. The information should indicate ~~that~~ the filing of a complaint that does not result in a finding of prohibited conduct, alone, is not evidence of intent to file a false report.

~~9.8.~~ Informal Resolution. A description of the informal Title IX misconduct resolution process, if offered.

~~10.9.~~ Office for Civil Rights Complaint. A description of how individuals can file a complaint with the U.S. Department of Education, Office for Civil Rights under Title IX.

~~11.10.~~ Official with Authority: Identification of those individuals who are considered officials with authority to institute corrective measures on behalf of the university.

~~12.1.~~ ~~Procedures.~~ ~~Reference to, or inclusion of, institutional policies governing procedures for reporting allegations of sexual violence and sexual harassment, including information for reporting to campus and local police as well as for filing a formal Title IX complaint.~~

~~13.11.~~ Policy Statement. A statement expressing the institution's commitment to promoting an environment free from incidents of sexual violence and sexual harassment.

~~12.~~ Procedures. Reference to, or inclusion of, institutional policies governing procedures for reporting allegations of sexual violence and sexual harassment, including information for reporting to campus and local police as well as for filing a formal Title IX complaint.

~~14.13.~~ Prohibition against Retaliation. A statement explicitly prohibiting retaliation as defined in Appendix B.

~~15.14.~~ Prompt Resolution. Inclusion of language that reflects the institution's efforts to pursue the prompt resolution of reports of sexual violence and sexual harassment.

~~16.15.~~ Purpose Statement. A statement that indicates sexual violence and sexual harassment are prohibited and expresses the institution's commitment to prevent and promptly and effectively respond to and redress incidents of sexual violence and sexual harassment, and states how such actions support the System and institutional missions.

~~17.16.~~ Recordkeeping. A description of how records of reports of sexual violence and sexual harassment will be maintained.

~~18.17.~~ Reporting Options and Obligations. Identification of employees to whom or offices to which an individual can report an allegation of sexual violence and sexual harassment, including the U.S. Department of Education, Office for Civil Rights; likewise, identification of employees who are obligated to notify an “Official with Authority” that they have received such a report.

~~19.18.~~ Resources. A description of counseling, medical, legal, and other resources for complainants and respondents.

~~20.19.~~ Responsible Employees. Identification of those individuals who are considered “responsible employees” as defined in Appendix B. A responsible employee is not necessarily an “Official with Authority” to institute corrective measures on behalf of the university.

~~21.20.~~ Roles and Duties of University Employees. Identification of the role and responsibility of institutional employees regarding reporting, prevention, and response involving allegations of sexual violence and sexual harassment.

~~22.21.~~ Sanctions. Identification of potential sanctions for students and employees who are found responsible under the policy.

~~23.22.~~ Scope Statement. Provision of a scope statement covering all institutional students and employees in university sponsored and supported activities.

~~24.23.~~ Supportive Measures. Information for students and employees concerning the availability of academic and employment supportive measures related to the individual as a complainant or respondent.

~~25.24.~~ Title IX Committee. Provision for a campus Title IX Committee, tasked with the responsibility to, among other things, support the efforts of the Title IX Coordinator, implement the institutional Sexual Violence and Sexual Harassment policy, perform assessment, and address campus climate and culture issues.

~~26.25.~~ Title IX Coordinator. Identification of the name and contact information for the institutional Title IX Coordinator and any Deputy Title IX Coordinators.

Related Regent Policies and Applicable Laws

- RPD 14-3, “Equal Opportunities in Education: Elimination of Discrimination Based on Gender”
- RPD 14-6, “Discrimination, Harassment, and Retaliation”
- RPD 14-7, “Implementation of Statute on Discrimination Against Students”
- RPD 14-8, “Consensual Relationships”
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106)

- § 36.11(22), Wis. Stats., Orientation Program; Information on Sexual Assault and Harassment
- Violence Against Women Act (1994) 42 U.S.C. §§ 1371-14040

(See definitions in **Appendix B** for other statutory references.)

History: Res. 2297, adopted 12/05/1980, created Regent Policy Document 80-8. Res. 2384, adopted 05/08/1981, created Regent Policy Document 81-2, replacing Regent Policy Document 80-8. Res. 3758, adopted 04/10/1987, amended Regent Policy Document 81-2; subsequently renumbered 14-2. Res. 10786, adopted 12/08/2016, amended Regent Policy Document 14-2. Res. 11475, adopted 08/05/2020, amended Regent Policy Document 14-2.

DRAFT

Interim RPD 14-2 Appendix A: Template for UW Institutions' Policies

UW-[institution] Sexual Violence and Sexual Harassment Policy

Policy Statement

The mission of University of Wisconsin-_____ is to provide a teaching, learning and working environment in which faculty, staff, and students can discover, examine critically, preserve, and transmit the knowledge, wisdom, and values that will improve quality of life for all. To promote these institutional values, UW-_____ is committed to creating and maintaining a community environment that is free from sexual violence and sexual harassment.

Purpose and Scope of Policy

This policy prohibits acts of sexual violence and sexual harassment on university property, at university-sanctioned or university-affiliated events, and where off-campus conduct affects a member of the university community. ~~This policy applies to all university students and employees.~~ The university is committed to educating its community and to promptly and effectively respond to and redress conduct that violates this policy. This policy provides the UW-_____ community with information and resources to identify, report, and respond to sexual violence and sexual harassment including sexual assault, sexual exploitation, stalking, and dating and domestic violence. These efforts support the overall missions of UW-_____ and the UW System.

This policy applies to:

- A. University sponsored and supported activities held both on and off campus, including those held in other municipalities, states, and nations.
- B. All students while they are on campus or if their off-campus conduct meets any of the following criteria:
 1. The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.
 2. The conduct indicates that the student presented or may present a danger or threat to the health or safety of self or others.
 3. The conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions.

- C. All other members of the University community (including, but not limited to employees, volunteers, visitors, guests, contractors, and third-party vendors) while they are on campus or engaged in activities associated with University sponsored and supported activities.

Title IX Statement

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

I. Definitions

(See Appendix B).

II. Role and Duties of University Officials and Employees

A. Title IX Coordinator

The duties of the UW-_____ Title IX Coordinator are described in the institutional position description. Those duties include:

- receiving reports of sexual violence and sexual harassment;
- maintaining appropriate records;
- providing or supporting the provision of appropriate education and training;
- maintaining ongoing communication with any Deputy Title IX Coordinators and the Title IX Committee;
- ~~overseeing and/or~~ investigating allegations of sexual violence and sexual harassment, as appropriate;
- coordinating the effective implementation of supportive measures;
- ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated.

The duties of the Title IX Coordinator will be guided by principles of trauma-informed care and ensuring equity and due process for complainants and respondents.

B. Title IX Committee

The Title IX committee at UW-_____ meets on a _____ *[Insert period of time, such as monthly]* basis to:

- -discuss policy implementation and revision;
- ~~to~~ assess the effectiveness of trainings and educational programming; ~~to~~
- -address campus climate issues; ~~and to~~
- -provide guidance to the Title IX Coordinator.

The following are offices represented on this committee:

[Identify, refer to Title IX Committee Bylaws].

C. Responsible Employees

UW-_____ has designated individuals with the following titles as “Responsible Employees” under this policy:

[Identify].

Responsible Employees are not necessarily “Officials with Authority” to institute corrective measures on behalf of the university. These individuals should be properly trained to do the following:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

D. Official with Authority

UW-_____ has designated individuals with the following titles as “Officials with Authority,” under this policy, as they have the authority to institute corrective measures on behalf of the university. All Officials with Authority are also Responsible Employees.

E. All Employees

Regardless of whether they are a “Responsible Employee” or an “Official with Authority,” all employees are required to comply with the following reporting obligations.

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Office of the Dean of Students or designee. “Confidential Employees”, described below, are only required to report the occurrence of the sexual assault without any personally identifying information about the complainant or respondent.

All employees must comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to

law enforcement or the county department of social services or human services.
[https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf].

III. Reporting an Incident of Sexual Violence or Sexual Harassment

A. Reporting Options

Those who have been subjected to an incident of sexual violence or sexual harassment, ~~or who have received a report of or witnessed an incident of sexual violence or sexual harassment,~~ have several options for reporting the incident:

1. The individual ~~who has been subjected to an incident of sexual violence or sexual harassment~~ may elect not to report or may only seek confidential services.
2. The individual may report information to the campus Title IX Coordinator or other designated reporting office:
[Name, contact information of institutional Title IX Coordinator].
3. The individual may report information to campus law enforcement:
[Name, contact information of campus law enforcement].
4. The individual may report information to local law enforcement:
[Name, contact information of local law enforcement].

Note: An individual may make a report to one or more of the offices or individuals noted above.

Individuals have the option to file a complaint with the **U.S. Department of Education, Office for Civil Rights:** <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

B. Amnesty

Individuals, including complainants, respondents, and witnesses, who have made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing regarding incidents of sexual harassment or sexual violence generally will not be issued citations by campus law enforcement or subject to disciplinary sanctions for alcohol violations arising out of the same facts and circumstances of the alleged incident unless the institution determines that the violation was egregious, and/or placed the health or safety of any person at risk, and was beyond the amnesty provided by state law. (See <https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>.)

C. Confidentiality

Individuals, including complainants, who report to any of the offices or individuals noted above, or to any other university employee, except confidential employees or resources as defined in Appendix B, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding will only be shared with those individuals who have a need to know to fulfill obligations consistent with university policies or laws.

D. Resources and Supportive Measures

1. Supportive Measures

The university will work with individuals involved in alleged incidents of sexual violence and sexual harassment to undertake appropriate measures to assist in their safety and wellbeing. These may include no-contact directives, academic or work modifications, and relocation of living or working space. Supportive measures are available to complainants and respondents.

2. Resources

The university offers a variety of resources that are available to individuals involved in incidents of sexual violence or sexual harassment, including the following:

[List of resources including medical, advocacy, counseling, tutoring.]

E. Procedures

1. University Procedures:

- a) When a report is made to the *Title IX Coordinator* alleging that a *student* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapter UWS 17, Wis. Admin. Code].*
- b) When a report is made to the *Title IX Coordinator* alleging that a *faculty member* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapters UWS 4 and 7, Wis. Admin. Code and UWS 6, Wis. Admin. Code].*
- c) When a report is made to the *Title IX Coordinator* alleging that a *member of the academic staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Emergency Rule Chapters UWS 11 and 13, Wis. Admin. Code].*
- d) When a report is made to the *Title IX Coordinator* alleging that a *member of the university staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. *[Link to Appendix C].*

- e) When a report is made to the *Title IX Coordinator* alleging that *any other university employee who does not fall into any of the above categories* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. [Link to Appendix C].

2. ~~University~~ Title IX Misconduct Informal Resolution Procedures

At any time prior to reaching a determination regarding responsibility for ~~a formal~~ Title IX ~~Complaint~~misconduct, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the university:

~~Provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;~~

- a) Provides to the parties a written notice disclosing:
- i. the allegations
 - ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, at any time prior to agreeing to a resolution
 - iii. any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
 - iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
- b) Obtains the parties' voluntary, written consent to the informal resolution process
- c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The university may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of ~~formal~~ Title IX ~~misconduct~~ ~~complaints~~. Similarly, the university may not require the parties to participate in an informal resolution process ~~to address Title IX misconduct under this section~~ and may not offer an informal resolution process ~~for Title IX misconduct~~ unless a formal complaint is filed. The requirements of this section do not apply to allegations of sexual harassment and sexual violence that do not constitute Title IX misconduct.

3. Law Enforcement Procedures:

- a) When a report is made to campus law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

[Link to campus law enforcement procedures].

- b) When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

[Link to local law enforcement procedures].

F. Prompt Resolution

The university offices and employees that receive a report of sexual violence or sexual harassment will endeavor to resolve the matter in a timely manner, with consideration to available information and context.

1. Time Frames

Best efforts will be made for the university to complete an informal resolution process or an investigation of a complaint within ninety (90) calendar days. The ninety (90) calendar day timeframe and any other timeframe set by the university related to appeals and conclusion of the grievance process may be extended for good cause. Good cause may include but is not limited to considerations such as:

- the absence of a party or party's advisor, ~~or~~ witness,
- concurrent law enforcement activity, ~~or~~
- the need for language assistance or accommodation of disabilities.

The complainant and the respondent will be notified in writing of an extension for good cause.

2. Potential Sanctions

The procedures identified above provide for disciplinary action against employees and students who are found responsible for violating a university policy. For students, such sanctions include those listed in UWS 17. Employee sanctions may include measures that range from a written reprimand through dismissal. Vendors and guests may be subject to other sanctions.

3. Notice of Outcome

Both the complainant and the respondent will be provided with notice of the outcome of the final resolution.

G. Prohibition Against Retaliation

Prohibited retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or Deputy. Those who believe they have been subjected to retaliation that would also constitute a crime may report to campus law enforcement or campus safety office. (See contact information above)

H. False Accusations Information

~~Knowingly making a material misstatement of fact in connection with reporting under this policy may subject the individual to disciplinary action. Anyone who believes they have been the subject of a false complaint may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct alone, is not evidence of the intent to file a false complaint.~~

Providing false information to a reporting or investigatory office. Any person who knowingly makes false statements or knowingly provides false information when reporting a violation of this policy or during the course of any investigation or disciplinary proceeding pursuant to this policy may be subject to disciplinary action. The fact that a complaint of sexual harassment or sexual violence did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

IV. Education and Training

The Title IX Coordinator will be primarily responsible for facilitating the training and educational programs for the campus community. At a minimum, all students and employees will be required to complete the campus-supported on-line training covering issues of sexual violence and sexual harassment.

The Chancellor or designee will identify and offer more in-depth training for employees who are Officials with Authority, Responsible Employees, Title IX Personnel, and those connected with the disciplinary process.

All Title IX personnel, including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution, shall receive training on the definitions of sexual violence and sexual harassment, scope of the institution's program or activity, how to conduct an investigation and grievance process, how to serve impartially, and how to avoid conflicts of interest and bias. All decision-makers shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence. All investigators shall receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

V. Record Keeping and Data Collection

As noted above, the Title IX Coordinator will maintain records of reports and resolution of sexual violence and sexual harassment consistent with the institutional records-retention policy, which must be at least seven (7) years. In addition, the Title IX Coordinator will track compliance with mandatory training programs and maintain a list of training and education offered on campus.

The institution will post a link to all training materials for Title IX Personnel (including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution), whether developed internally or purchased externally, on their website for public viewing. All materials used to train Title IX Personnel will be maintained for at least seven (7) years.

The UW-_____ Police Department or other appropriate office will collect, maintain, and submit the Annual Security Report, consistent with the federal Clery Act.

The Office of the Dean of Students, or other appropriate office, will collect appropriate data and compile the state report required under § 36.11(22), Wis. Stats.

VI. Assessment

The *(insert campus office name)* will conduct a study that seeks to gather data and information concerning sexual violence and sexual harassment. Efforts will be made to conduct such a study once every ___ years. All students and employees are encouraged to participate. The Title IX office will also work to design methods for effectively evaluating the outcomes of campus training and educational programming. It is imperative that UW

System institutions proactively integrate empirically informed assessment and evaluations into sexual violence and sexual harassment prevention and awareness programs to measure whether they are achieving the intended outcomes.

DRAFT

Interim RPD 14-2 Appendix B: Definitions to be Included in Institutional Policies

Advisor: An individual who assists a complainant or respondent in any grievance proceeding or related meetings. This individual may or may not be an attorney.

Complainant: Any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Confidential Employee: Any employee, who is a licensed medical, clinical, or mental health professional when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee's professional capacity unless with the consent of the reporting individual or unless required by the Employee's license or by law.

Confidential Resource: Individuals or agencies in the community, whose professional license, or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent: Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definition of sexual assault and sexual exploitation in this policy. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).

Employee: Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (See, e.g., UW System Administrative Policy 1225 (formerly GEN 0), General Terms and Definitions (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/general-terms-and-definitions/>))

Education Program or Activity: For purposes of ~~a~~-Title IX ~~misconduct~~~~Complaint~~ only, locations, events, or circumstances at which the university exercised substantial control over both the ~~respondent faculty member~~ and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

Executive Order 54: Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

(https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

Formal Complaint: For the purposes of Title IX misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against a ~~respondent faculty member~~ and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.

Incapacitation: The state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Official with Authority: Any official of the university who has the authority to institute corrective measures on behalf of the university.

Office for Civil Rights: The U.S. Department of Education office that is responsible for

enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts.

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Preponderance of the Evidence: Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than “clear and convincing evidence” and is the minimum standard for a finding of responsibility. [~~Sections UWS 17.02(13), UWS 11.015(7), UWS 4.015(7), and UWS 7.015(5), Wis. Admin. Code]~~

Respondent: An individual who has been reported to be the perpetrator of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Responsible Employee: Any employee (other than a “confidential resource”) who has: ~~the authority to take action to redress sexual misconduct; or~~
~~the been given the~~ duty of reporting incidents of sexual misconduct by students or employees to the Title IX coordinator or other appropriate school designee.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured in, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Sex Discrimination: Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See [20 USC §§ 1681-1688](#)]

Sexual Assault: An offense that meets the definition of rape, [fondling](#), [incest](#), or [statutory rape](#) as defined below. [20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).]

- a) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
- b) **Fondling:** The touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)

- d) **Statutory Rape:** Sexual intercourse with a complainant who is under the statutory age of consent (See s. 948.02, Stats.)

Sexual Exploitation: Occurs when an individual attempts, takes, or threatens to take nonconsensual sexual advantage of another person. Examples include, but are not limited to:

- a) Any of the following w~~W~~ithout the knowledge and consent of all participants:
1. observing, recording, or photographing private body parts or sexual activity of one or more persons;~~;~~
 2. allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons;~~;~~ ~~or~~
 3. otherwise distributing recordings, photographs, or other images of the same of one or more persons;~~;~~
- b) Masturbating, touching one's genitals, or exposing one's genitals in another person's presence without the consent of that person, or inducing another person to do the same.
- c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse
- d) Inducing incapacitation through deception for the purpose of making another person vulnerable to non-consensual sexual activity
- e) Coercing another person to engage in sexual activity for money or anything of value
- f) Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
1. Photos, videos, or recordings depicting private body parts or sexual activity of one or more persons;~~;~~ ~~or~~
 2. Other information of a sexual nature (for example, may include but is not limited to, sexual history or sexual orientation).

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct

b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal “reasonable person” standard:

1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity; or
2. Is so severe or pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or participation in an university sponsored or supported activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

Sexual Violence: The phrase, as used in this policy, refers to incidents involving sexual assault, dating violence, domestic violence, stalking, and sexual exploitation.

Stalking: Engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

Student: ~~“Student” means any~~Any person who is registered for study in a University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [See [Chapter UWS 17.02\(14\), Wis. Admin. Code.](#)]

Title IX: Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” [20 U.S.C. § 1681\(a\).](#)

Title IX Misconduct: A report of sexual harassment or sexual violence under this policy will be considered Title IX misconduct when a formal complaint (as defined in this section) is either filed by a complainant or signed by the Title IX Coordinator and the alleged conduct meets the definition of sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined in 34 C.F.R. 106.30, occurred within a university “education program or activity” (as defined in this section) and occurred against the complainant while in the United States; and the complainant is participating in or attempting to participate in a university education program or activity at the time they file the formal complaint. Title IX ~~misconduct cases~~[Complaints](#) will follow procedures as detailed [in](#) Chs. [UWS 4.11-24](#) (faculty), [UWS 11.13-26](#) (academic staff), [UWS 17.16-21](#) (students), and Appendix C (university employees other than faculty or academic staff).

Title IX Coordinator (and Deputies): An employee designated to coordinate compliance with Title IX, who plays an ~~in~~ important role in an institution's efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs.

Trauma-Informed Care: Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health.

<https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>.

Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. *See also:*

<http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf> and http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building_cultures-of-care.pdf.

A process that employs trauma-informed care accounts for the impact of trauma but does not recognize symptoms of trauma as evidence that a particular incident did or did not occur.

Violence Against Women Act (VAWA): Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it enacted amendments to the Clery Act [[42 U.S.C. §§ 13701-14040](#)], through the Campus Sexual Violence Elimination Act (SaVE) provision, Section 304.



Interim RPD 14-2 Appendix C: Policy for Investigation and Resolution of Formal Title IX Complaints Against University Employees Other Than Faculty and Academic Staff

Application of this policy.

This policy applies to the investigation and resolution of formal Title IX complaints filed against university employees other than faculty and academic staff employees. This includes employees who otherwise do not have the right to a formal disciplinary process.

The disciplinary process in Chapter UWS 4 applies to faculty employees and the process in Chapter UWS 11 applies to academic staff employees. The university may discipline an employee up to and including dismissal for cause for Title IX misconduct. The disciplinary process for employee sexual misconduct that is outside the scope of Title IX, and related definitions, are found in separate university policies.

The disciplinary procedure in this policy for Title IX misconduct will be used only when all of the following requirements are met:

- (1) There is a formal complaint alleging Title IX misconduct on the basis of sex.
- (2) The conduct occurred in the United States.
- (3) The conduct occurred within a university education program or activity.
- (4) The complainant must be participating in or attempting to participate in the education program or activity of the university at the time of filing the complaint.
- (5) The complainant or Title IX coordinator have submitted a formal complaint.

The employee is presumed to be not responsible for the alleged Title IX misconduct until a final decision regarding responsibility is made at the conclusion of the disciplinary process. The university may dismiss or discipline an employee for Title IX misconduct only after due notice and hearing. The burden of proof is on the university administration.

Definitions.

As used in this policy, the following terms shall have the meaning given below:

- (1) **"Complainant"** means any individual who is alleged to be the subject of Title IX misconduct, as defined in this section.
- (2) **"Consent"** means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity

or other activity referenced in ~~the definition of sexual assault. this section.~~ A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.

- (3) **"Consult"** or **"consulting"** means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (4) **"Dating violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (5) **"Domestic violence"** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).
- (6) **"Education program or activity"** means, for purposes of ~~Title IX misconduct a formal complaint~~ only, locations, events, or circumstances at which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- (7) **"Formal complaint"** is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against an employee and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.
- (8) **"Incapacitation"** means the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or

drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

- (9) **"Preponderance of the evidence"** means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (10) **"Respondent"** means an individual who has been reported to be the perpetrator of Title IX misconduct as defined in this section.
- (11) **"Sexual assault"** means an offense that meets the definition of rape, [fondling](#), [incest](#), or [statutory rape](#) as defined below. [20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).]
 - (1) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
 - (2) **Fondling:** The touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - (3) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
 - (4) **Statutory Rape:** Sexual intercourse with a complainant who is under the statutory age of consent (See s. 948.02, Stats.)
- (12) **"Sexual harassment"** means conduct on the basis of sex that satisfies one or more of the following:
 - a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct
 - b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard [is so severe](#),

pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.:

~~1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.~~

(13) **"Stalking"** means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

(14) **"Title IX misconduct"** means sexual harassment, sexual assault, stalking, dating violence, and/or domestic violence.

Disciplinary Sanctions.

The disciplinary sanctions that may be imposed for misconduct under this policy range from a written reprimand through dismissal.

Dismissal of Formal Complaint and Related Appeal.

(1) The university must dismiss a formal complaint consisting of allegations that:

- a) Would not constitute Title IX misconduct if proved;
- b) Did not occur in a university education program or activity; or
- c) Did not involve actions against someone physically located in the United States.

(2) The university may dismiss a formal complaint when:

- a) The complainant formally requests in writing to withdraw the formal complaint;
- b) The respondent is no longer employed by the university; or
- c) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal complaint.

(3) The university generally shall decide whether to dismiss a formal complaint within thirty (30) days of receipt of the formal complaint, but the university may extend that timeline as necessary. If a formal complaint is dismissed, then the university must provide written notice of the dismissal and reasons therefore to the

complainant and respondent if notified of the formal complaint. Within twenty days of receipt of the notice of dismissal, the complainant or respondent may appeal the dismissal by filing a written appeal with the chancellor's designee (hereinafter "chancellor's designee"). Dismissal of a Title IX formal complaint does not preclude the university from otherwise pursuing conduct charges against the ~~respondent~~employee under other university policies. The appeal process is outlined in the Appeal to Chancellor section below.

Investigation.

- (1) Unless the university dismisses a formal complaint, the university shall appoint an investigator to ~~conduct an investigation of~~investigate the allegations in the formal complaint.
- (2) The investigator shall provide the complainant and the respondent with a notice of investigation. The notice must include:
 - a) The grievance process, including informal resolution options;
 - b) The allegations of Title IX misconduct with sufficient detail for the ~~complainant or~~ respondent to prepare a response to the allegations, including but not limited to, the identity of the complainant as well as the date and location of the incident(s) if available;
 - c) A statement affirming the respondent is presumed not responsible for the alleged violation;
 - d) The complainant and the respondent have the right to an advisor of their choice;
 - e) The complainant and respondent have the right to inspect and review the evidence;~~and~~
 - f) Information about any code of conduct rules which prohibit the complainant and respondent from knowingly making false statements or submitting false information during the disciplinary process.
- (3) The complainant and respondent must receive an amended notice of investigation any time additional charges are added during the course of an investigation. Formal complaints involving more than one complainant or respondent may be consolidated if they arise out of the same facts or circumstances.
- (4) The university's investigator shall:

- a) Provide both the complainant and respondent an equal opportunity to provide witnesses (including fact and expert witnesses) who may be interviewed by the investigator, and other inculpatory and exculpatory evidence
 - b) Not restrict the ability of either the complainant and respondent to discuss the allegations under investigation or to gather and present relevant evidence
 - c) Provide the complainant and respondent the same opportunity to be accompanied by an advisor of their choice during meetings relating to the investigation but may limit the participation by the advisor so long as those limits are applied equally
 - d) Provide both the complainant and respondent equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a complainant, respondent, or other source, so that the complainant and respondent can meaningfully respond to the evidence prior to conclusion of the investigation.
- (5) As part of its investigation and disciplinary process, the university cannot access, consider, disclose, or otherwise use a complainant's or respondent's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the complainant or respondent, unless the university obtains the complainant's or respondent's voluntary, written consent to do so in relation to the investigation and disciplinary process.
- (6) The university's investigator generally shall complete the investigation and issue a final investigative report within ninety (90) days of the investigator's appointment. However, the investigator may extend the investigation's time frame where circumstances warrant.

Review of evidence.

- (1) Prior to completion of the final investigative report, the investigator must send to the complainant and respondent and their respective advisors, if any, the evidence gathered during the investigation for inspection and review by the complainant and respondent. The evidence may be provided in an electronic format or a hard copy.

The evidence provided includes evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from the complainant, respondent, or other source, to permit the complainant and respondent to meaningfully respond to the evidence prior to conclusion of the investigation.

- (2) The complainant and respondent must have at least ten (10) days to submit a written response to the evidence. The investigator will consider any written responses prior to completion of the final investigative report.

Final Investigative Report.

The investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to the complainant and the respondent (and their advisors, if any) for their review and response at least ten (10) days prior to a hearing. The written report shall be delivered simultaneously to the complainant and respondent.

The university shall, upon receipt of the final investigative report, proceed to schedule a live hearing before a hearing examiner or hearing committee. A hearing shall be conducted unless both the complainant and respondent waive, in writing, the right to such a hearing.

Hearing Examiner or Hearing Committee.

- (1) The chancellor of each university shall designate a Title IX conduct hearing examiner or hearing committee to hear employee dismissal and discipline cases.
- (2) The hearing examiner or hearing committee shall conduct the hearing, make a verbatim record of the hearing, and transmit such record along with factual findings and decision to the chancellor. The hearing shall be held not later than forty-five (45) days after completion of the final investigative report except that this time limit may be extended by the hearing examiner or hearing committee.

Hearing Process.

- (1) A fair hearing for a complainant and respondent under this policy shall include the following rights:
 - (a) Service of written notice of a live hearing on the allegations in the formal complaint at least ten (10) days prior to the hearing
 - (b) A right to the names of witnesses and of access to documentary and other evidence upon the basis of which dismissal or other discipline is sought
 - (c) A right for the complainant and respondent to be heard on their own behalf

(d) A right to an advisor, counsel, or other representatives, and to offer witnesses. ~~The university may establish restrictions regarding the extent to which the advisor may participate in the hearing, as long as the restrictions apply equally to the complainant and the respondent.~~ The complainant's ~~and or~~ respondent's advisor or counsel may ask all witnesses relevant questions and follow-up questions, including ~~those questions~~ challenging credibility. Credibility determinations, however, may not be made based on a person's status as a complainant, respondent, or witness. If the complainant or respondent does not have an advisor, the university shall provide the complainant or respondent, without charge, an advisor of the university's choice to conduct cross-examination on behalf of the complainant or respondent. The advisor may be, ~~but is not required to be~~ an attorney; ~~;~~

(e) A right to confront and cross-examine adverse witnesses. Cross examination must be conducted directly, orally, and in real time by the complainant's or respondent's advisor. The complainant and the respondent shall not be permitted to personally conduct cross-examination. If the complainant, respondent, or a witness does not submit to cross-examination at the hearing, the hearing examiner or hearing committee must not rely on any statement of the complainant, respondent, or witness in reaching a decision. However, the hearing examiner or hearing committee shall not draw a negative inference in reaching a decision based solely on a complainant's, respondent's, or witness's s absence from the hearing or refusal to answer cross-examination or other questions; ~~;~~

(f) A verbatim record of all hearings, which might be a sound recording, made available at no cost for inspection and review

(g) Written findings of fact ~~supporting the decision and decision and~~ recommendations based on the hearing record. The written findings of fact and ~~decision recommendations~~ must include:

1. ~~1.~~ A identification of the allegations potentially constituting Title IX misconduct; ~~a~~

2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing committee's or hearing examiner's completion of written findings and recommendations ~~decision~~, including any notifications to the complainant and the respondent, interviews with the complainant, respondent, and witnesses, site visits, methods used to gather evidence, and hearings held; ~~;~~

3. ~~3.~~ Conclusions regarding the application of the university's conduct rules and policies to the facts; a statement of, and rationale for, the result as to

each allegation, including ~~a determination~~recommendations regarding responsibility, any disciplinary sanction recommended to be imposed, and whether remedies designed to restore or preserve equal access to the university's educational program or activity will be provided to the complainant; ~~and~~

1.4. ~~¶~~1 The university's procedures and permissible bases for complainant and the respondent to appeal;

~~(g)~~(h) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats. ~~The hearing examiner or hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges unless the person holding the privilege has waived it.~~ Only relevant questions may be asked of the complainant, respondent, ~~and/or~~ any witnesseses. The hearing ~~examiner~~ committee or hearing ~~examiner~~committee shall determine whether a question is relevant and explain the decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or unless the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove consent.

~~(h)~~(i) The hearing may be conducted with all participants physically present in the same location, or at the hearing examiner's or hearing committee's discretion, any or all participants may appear at the hearing virtually, with technology enabling the participants simultaneously to see and hear each other. Upon the complainant's or respondent's request, the university shall provide for hearing to occur with the complainant and respondent located in separate rooms with technology enabling all participants to simultaneously see and hear witnesses answering questions.

~~(i)~~(j) The burden of proof to support dismissal, or of grounds to support other discipline, is on the university administration, which shall present witnesses and evidence to meet its burden

~~(j)~~(k) The standard of proof shall be a preponderance of the evidence

~~(k)~~(l) No employee or other individual who participated in the investigation of the formal complaint, or who is a material witness, shall be qualified to serve as the hearing examiner or on the hearing committee in that case

(m) The hearing shall be closed unless the respondent or complainant requests an open hearing; in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law)

(H)(n) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration, the complainant, and the respondent

(m)(o) Delay or adjournment of the hearing for good cause may be granted by the hearing examiner or hearing committee. Good cause includes the need to investigate evidence as to which a valid claim of surprise is made; to ensure the presence of the complainant or the respondent, their advisors, or a witness; to provide language assistance or accommodation of disabilities; and to accommodate concurrent law enforcement activity.

Hearing Examiner's or Hearing Committee's Findings and Recommendations.

The hearing examiner or hearing committee shall simultaneously send to the chancellor's designee, to the complainant, and to the respondent, within thirty (30) days after conclusion of the hearing, or as soon as practicable, a verbatim record of the testimony and a copy of the hearing examiner's or hearing committee's written findings of fact and recommendations.

Chancellor's Designee's Decision.

- (1) Within ten (10) days after receipt of the record and findings and recommendations from the hearing examiner or hearing committee, the complainant and respondent may submit written exceptions. The chancellor's designee shall review those materials and their decision shall be based on the record created before the hearing examiner or hearing committee without consideration of any new evidence submitted by the complainant or the respondent. The chancellor's designee shall prepare a written decision within twenty (20) days after the deadline of submission for the written exceptions by the complainant or the respondent. If the chancellor's designee's proposed decision differs substantially from those recommendations, the chancellor's designee shall promptly consult the hearing examiner or hearing committee and provide the hearing examiner or hearing committee with a reasonable opportunity for a written response prior to making a decision.
- (2) The chancellor's designee may adopt the hearing examiner's or hearing committee's findings and recommendations as the chancellor's designee's decision. The chancellor's designee shall explain in the decision any substantial differences from those findings and recommendations.
- (3) The chancellor's designee's decision shall be simultaneously sent to the complainant, respondent, and to the hearing examiner or hearing committee within

forty-five (45) days of the chancellor's designee's receipt of the hearing examiner's or hearing committee's materials.

Appeal to Chancellor.

The complainant or respondent may appeal the dismissal of a formal Title IX complaint or the chancellor designee's decision by filing a written appeal with the chancellor within twenty (20) days of receiving the decision. The appeal to the chancellor may be made only on the following bases: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing before the hearing examiner or hearing committee that could affect the outcome of the matter; the Title IX coordinator, investigator(s), chancellor's designee, or the hearing examiner or hearing committee had a conflict of interest or bias for or against the complainant or respondent, or against complainants and respondents generally, that affected the outcome. The complainant and the respondent shall be notified of any appeal to the chancellor.

The chancellor shall permit the complainant and respondent to file a written statement on the appeal. The chancellor shall review the appeal based on the record before the hearing examiner or hearing committee. The complainant and respondent shall be simultaneously provided the final written decision of the chancellor, which shall include the rationale for the decision.

Discretionary review by the Board of Regents.

The chancellor's decision shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by the complainant or the respondent within fourteen (14) days of the final university decision. If the board of regents grants a review upon the record, it will:

- (1) Notify the complainant and respondent in writing and give both the complainant and respondent a reasonable, equal opportunity to submit a written statement supporting or challenging the outcome.
- (2) Issue a written decision describing the result of the review and the rationale for the result and provide the written decision simultaneously to both the complainant and respondent.

Administrative Leave.

Pending the final decision on the allegations in the formal complaint, the employee/respondent may be placed on administrative leave.