

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

Wednesday, December 13, 2023
5:00 p.m.

via Zoom Videoconference

-President Walsh presiding-

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The recording of this meeting is available at: [December 13, 2023 Webcast](#)

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CALLING OF THE ROLL

PRESENT: Regents Angela Adams, Robert Atwell, Amy Bogost, Evan Brenkus, Héctor Colón, Mike Jones, James Kreuser, Edmund Manydeeds, John Miller, Cris Peterson, Joan Prince, Ashok Rai, Jennifer Staton, Mark Tyler, Dana Wachs, Karen Walsh, and Kyle Weatherly

UNABLE TO ATTEND: Regent Jill Underly

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DECLARATION OF CONFLICTS

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

No conflicts were declared.

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RECOMMENDATION TO APPROVE PROPOSED TERMS RELATED TO STATE FUNDING PROPOSAL

In her opening remarks, President Walsh said the Board recently faced one of the toughest votes in recent memory at a time when the Universities of Wisconsin are being challenged as never before. She said it was clear at the Board's last meeting that there had not been sufficient time at that point to discuss the funding proposal, but since that vote Regents have had the opportunity to hear views from chancellors, faculty, staff, and students. President Walsh emphasized this proposal would not jeopardize the core values of the Universities of Wisconsin, but would offer an opportunity to reimagine current efforts in collaboration with campuses and communities in order to get better results.

President Walsh called upon Regent Rai to present a resolution to approve terms related to the state funding proposal.

Regent Rai acknowledged his fellow Regents' dedication to the best interests of the Universities of Wisconsin and its students, staff, and faculty. He said he would again vote in favor of the proposed agreement because he believed it was his fiduciary duty to put the needs of the UWs above any personal opinions he may hold. Regardless of the outcome of the next vote, Regent Rai said that to successfully move forward the Board must directly engage with the decision-makers who have authority over the resources the Universities of Wisconsin need.

Regent Rai moved for the approval of Resolution 12129. The motion was seconded by Regent Weatherly.

Regent Weatherly said that while he did not like the proposed agreement and respected the opinions of other Board members who opposed it, he would continue to support it. Sharing some statistics regarding low-income and underrepresented students in Wisconsin being less likely to attend a UW institution, more likely to drop out in their first year, and less likely to graduate within six years, Regent Weatherly said the Universities of Wisconsin must do more to offer opportunities to underserved Wisconsin sites. He said this deal would, on balance, better able the UWs to serve all students.

President Walsh invited UW-Milwaukee Chancellor Mark Mone, UW-Superior Chancellor Renee Wachter, and UW-Whitewater Chancellor Corey King to speak.

Chancellor Mone said the proposed agreement was very important to UW-Milwaukee's future and to its students and employees. He said the proposal supports UW-Milwaukee's ability to serve students, its community, and its commitment to close the opportunity and achievement gap for students. Chancellor Mone said the proposed resolution would not change UW-Milwaukee's goals and commitment to inclusion, belonging, and access. He noted the financial needs the agreement would help mitigate, and stated his concern that a

rejection of the funding proposal could potentially be used to justify future budget cuts for the UWs.

Chancellor Wachter said UW-Superior's commitment to student success would not change if the proposed agreement was approved. She said the agreement makes it so that real money can be applied to desperately-needed programs and initiatives on campus and that employees who support students are recognized with due compensation.

Chancellor King said UW-Whitewater's collective commitment to diversity, equity, inclusion, and belonging is unwavering. He said it is important that programs, activities, and initiatives with intentional outcomes and real results are available for students and their success. Chancellor King said it was important to reimagine programs to ensure inclusivity and belonging. He said the faculty and staff who dedicate themselves to ensuring student success deserve their pay plan increases and concluded that more resources and investments are needed to continue ensuring student success.

Regent Colón thanked his fellow Regents for their comments and insight into how they voted. He said after hearing from chancellors, it is even more clear that the Board should approve the proposed agreement. He said he was not concerned about perception, but rather reality and actions regarding DEI initiatives. Regent Colón said he was confident that many of the capital projects would move forward regardless of the agreement, but it would be at the detriment of student success and DEI efforts because the universities have finite resources. Highlighting the commitment to DEI within the strategic plan, Regent Colón requested that the Board be given periodic updates about the UWs' progress in relation to DEI goals.

President Rothman said the strategic plan, adopted by the Board in December 2022, has specific goals related to better serving underrepresented students, students of lower socioeconomic needs, and first-generation students, to create a more inclusive environment on campus. He said updates on strategic plan progress will continue to be presented to the Board, and reassured Regents of both his personal commitment and the universities' commitment to every measure of student success in the strategic plan.

Regent Bogost acknowledged the Board's unique position in reconsidering the proposed resolution. She said more deliberation was needed after the Board's initial vote in order to move the proposal forward, and that after further discussions with stakeholders from every campus she had decided to support the proposed resolution. Regent Bogost said the proposed resolution included a much needed wage increase for employees and other financial aspects would allow the UWs to continue to pursue opportunities for underserved students, as outlined in the 2023-2028 strategic plan.

Regent Atwell said it was imperative to address pay levels and get faculty and staff the pay increases they deserve. He said more must be done to remove barriers of success for

underrepresented students. Regent Atwell identified the decline in the participation rate for higher education, particularly for male students of all races, and the decline in the number of high school graduates as presenting existential threats for the universities. He said he was confident the funds released upon approval of the resolution would help underrepresented students.

Regent Staton said diversity, equity, and inclusion are intrinsic to the Universities of Wisconsin and that it was unfortunate DEI has been politicised. She shared personal testimony about her experiences serving as a medic in the U.S. Army and as a student at UW-Parkside, and how these experiences inform her views on the role of leadership in supporting the mission of the Universities of Wisconsin. Regent Staton said after further discussions with the chancellors who the Board has entrusted with leadership of their campuses, she has decided to support the proposed resolution and has full confidence in President Rothman and the 13 chancellors to lead the UWs.

Regent Miller said he would vote against the resolution because he rejected its premise, stating that withholding funds for building projects and pay raises in order to make a political statement is wrong. He said he was concerned with the precedent it could set and what concessions might need to be made in the future. Regent Miller noted the Board of Regents does not have the authority to appropriate money or grant pay raises; rather, that power rests with the legislature, which does not need Board approval to do so. He implored that legislators confine political battles to the Capitol Square, and leave the business of running the universities to the Chancellors and their exceptional employees.

Regent Wachs said he would be voting against the proposed resolution citing similar concerns regarding setting precedent and the message being sent to those who most need help.

Regent Adams reiterated her position that the premise of the proposed agreement was a non-starter and that support for DEI on campus should not be exchanged for dollars. She said she would again be voting against the proposed resolution.

Resolution 12129 was adopted on a roll call vote with Regents Atwell, Bogost, Colón, Jones, Kreuser, Peterson, Rai, Staton, Tyler, Walsh, and Weatherly (11) voting in the affirmative. Regents Adams, Brenkus, Manydeeds, Miller, Prince, and Wachs (6) dissented. There were no abstentions.

Approval of Terms Related to State Funding Proposal

Resolution 12129 That, upon the recommendation of the Vice President of the Board of Regents, the Chair of the Business & Finance Committee, the Chair of the Education Committee, and the President of the University of

Wisconsin System, the Board of Regents approves the following terms, with the proviso that (a) the commitments of the UW System to take action as described in paragraphs 1 through 7 will not be memorialized in state statutes; and (b) the commitments of the System as described in paragraphs 1 through 8 will be subject to and contingent upon the Wisconsin Legislature taking the actions as described in paragraphs 9 through 16:

1. The System will maintain through December 31, 2026 the number of positions across the entire enterprise that are funded by either GPR or program revenue dollars (including tuition) at the level in effect on January 1, 2024. The position count will be calculated in the same manner as the System's annual report to the Joint Committee on Finance. The number of positions will be determined on a System-wide basis, which would allow for position expansion at one or more universities to accommodate growth so long as there were a comparable number of position reductions at other universities. The position cap will not apply to faculty. It also will not apply to instructional and other staff who spend at least 75% of their time working directly with students and/or patients, or whose research positions are funded at 75% or more by gifts or grants. In addition, the position cap will not apply to other positions funded by gifts, grants or contracts, positions related to outreach such as Extension provided that such positions are funded 75% or more by gifts, grants, or intergovernmental contracts, or to new positions necessary to address subsequently enacted or expanded state and/or federal compliance mandates. Part-time student employees, who gain both useful employment experience and whose employment helps fund their educational pursuits, would likewise be excluded.
2. Through December 31, 2026, the System will not increase from the level currently in effect the aggregate number of positions that serve the System's core DEI functions: (i) the DEI subfamily that provides DEI services, (ii) the job subgroup "academic services and student experience" with job titles that include DEI, and (iii) senior leadership positions in the dean and/or vice chancellor series focused on DEI. In addition, to continue the enhanced focus on student success, the System will, through a mixture of normal attrition and active restructuring and reimagining of the DEI function, realign over two academic years

at least 33% of the above-referenced roles that are currently filled (or at least 43 positions) to areas with a primary focus on academic and student success.

3. The System will ensure strict compliance in the admissions processes across all institutions with the recent U.S. Supreme Court decision in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions, Inc. v. University of North Carolina et. al.
4. UW-Madison will seek philanthropic support to create an endowed chair to focus on conservative political thought, classical economic theory, or classical liberalism, depending on the donor's interest, conducting a national search to fill the position.
5. UW-Madison will not renew the Target of Opportunity Program ("TOP") after completion of the 23/24 academic year. In lieu of TOP, UW-Madison will initiate an alternative program focused on recruiting faculty (regardless of their identity or ethnic/racial background) who have demonstrated the ability to mentor "at risk" and/or underrepresented students to achieve academic success and who have demonstrated academic and research excellence.
6. The System will eliminate (unless specifically required by applicable accreditation bodies) any requirement for a diversity statement in the System-designed admissions application consistent with the action previously taken regarding diversity statements in employment applications.
7. The System will develop and implement on all campuses a module regarding freedom of expression for entering undergraduate students.
8. The System will support adoption of a statute pursuant to which the top Wisconsin residents attending high school in Wisconsin (public, private, charter and parochial) will have the opportunity to receive automatic admission under one of the following conditions:
 - i. if they are in the top 5% of academic performers (for admission to UW-Madison) and in the top 10% of academic

performers (for admission to any other UW institution) in a graduating class of 15 or more students, with the applicable performance rankings based entirely on GPA (whether weighted, partially weighted, or unweighted) as of the conclusion of the student's junior year; or

- ii. if they are home schooled or attend a completely virtual school with no opportunity for GPA comparison to peers and score on the ACT/SAT in the 98th percentile or above for admission into UW-Madison or the 90th percentile or above for admission to any other UW institution, with the test score being achieved in one sitting; or
- iii. if they are a National Merit Finalist, regardless of the type of high school attended.

The foregoing assumes the statute will include the following for all students:

- iv. The student is required to complete any necessary application for admission during their senior year. For UW-Madison, the application would need to be submitted during the early application period.
 - v. The student has completed the necessary range of high school courses for admission to a System school per Board of Regent policy.
 - vi. Academic misconduct or significantly declining grades may be cause for revoking admission, as per existing admission practices.
 - vii. The guaranteed admission will apply to any respective UW campus as detailed above but will not provide admission to a specific school and/or program.
9. The Joint Committee on Employment Relations will approve the pay plan and the trades contracts for System and UW-Madison employees no later than December 31, 2023, with an effective date of July 1, 2023.
10. The Joint Committee on Finance will approve before the end of the legislative session in February 2024 the System's request for a supplemental appropriation of \$32 million for workforce development substantially in the form presented to the JFC by the System.

11. The legislature will enumerate before the end of the legislative session in February 2024 the proposed new engineering building at UW-Madison substantially on the terms set forth in the System's original budget request.
12. The legislature will enumerate before the end of the legislative session in February 2024 the Winther/Heide Hall project at UW-Whitewater substantially on the terms set forth in the System's original budget request.
13. The legislature will approve the current version of Assembly Bill 140 (the allocation of funds related to Minnesota-Wisconsin reciprocity) before the end of the legislative session in February 2024; provided that, prior to passage, the bill will be amended to update the current termination date of the reciprocity agreement with Minnesota to be effective upon Board of Regent approval of an extension to that agreement.
14. The legislature will enumerate before the end of the legislative session in February 2024 the Kronshage-Jorns-Humphrey Resident Halls renovation project at UW-Madison substantially on the terms as set forth in the System's original budget request.
15. The legislature will approve no later than before the end of the legislative session in February 2024 \$45.4 million in one-time GPR funding to be used by various universities to demolish unused and/or uninhabitable facilities on System campuses. A list of the demolition projects is set forth in Table 1.
16. The legislature will enumerate before the end of the legislative session in February 2024 the System's utility projects substantially on the terms as set forth in the System's original budget request.

President Walsh called upon Regent Manydeeds for closing remarks. Regent Manydeeds said his vote remained unchanged, but that he would accept and support the decision made by the Board. He said he intends to ensure the pledges made by representatives of the UW System, the campuses, and the Board of Regents of their commitment to improving and reimaging diversity, equity, and inclusion at the Universities of Wisconsin are fulfilled.

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The meeting was adjourned at 5:47 p.m.

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Submitted by:

/s/ Megan Wasley

Megan Wasley

Executive Director & Corporate Secretary

Office of the Board of Regents

University of Wisconsin System

UNIVERSITY OF WISCONSIN SYSTEM
MULTI-BUILDING DEMOLITION - PHASE I FY2023-25

Building List	Quantity	Unit	Unit Cost	Subtotal
UWM Chemistry	149,596.00	GSF	\$ 19.80	\$ 2,962,001
PLT Brigham Hall	25,442.00	GSF	\$ 19.80	\$ 503,752
PLT Brigham Hall/Addition	8,461.00	GSF	\$ 19.80	\$ 167,528
MSN ARS Landscape Shed	2,992.00	GSF	\$ 19.80	\$ 59,242
MSN KRC Transformer	80.00	GSF	\$ 19.80	\$ 1,584
MSN KRC Physics Garage	294.00	GSF	\$ 19.80	\$ 5,821
MSN ARS Horticulture House	1,932.00	GSF	\$ 19.80	\$ 38,254
MSN Charter St N 26 Bldg 1,2,3	2,745.00	GSF	\$ 19.80	\$ 54,351
MSN Meat Science	30,190.00	GSF	\$ 19.80	\$ 597,762
MSN Biotron	106,907.00	GSF	\$ 19.80	\$ 2,116,759
MSN Charter 45	22,510.00	GSF	\$ 19.80	\$ 445,698
MSN Merit Hall	19,662.00	GSF	\$ 19.80	\$ 389,308
EAU Campus School	4,962.00	GSF	\$ 19.80	\$ 98,248
EAU Kjer Theatre	13,864.00	GSF	\$ 19.80	\$ 274,507
EAU Zorn Arena	43,884.00	GSF	\$ 19.80	\$ 868,903
MSN Lancaster Dairy Barn	7,354.00	GSF	\$ 19.80	\$ 145,609
MSN KRC Med Physics Tomotherapy	1,907.00	GSF	\$ 19.80	\$ 37,759
MSN KRC Med Physics Trailer	720.00	GSF	\$ 19.80	\$ 14,256
MSN Lake Street	76,318.00	GSF	\$ 19.80	\$ 1,511,096
MSN 1800 University Avenue	5,101.00	GSF	\$ 19.80	\$ 101,000
GBY Cofrin Library	187,703.00	GSF	\$ 19.80	\$ 3,716,519
Site Restoration	1.00	LUMP SUM	\$ 3,000,000.00	\$ 3,000,000
Cofrin Tunnel Repair	1.00	LUMP SUM	\$ 3,000,000.00	\$ 3,000,000
				\$ 20,109,955
Design Contingency	\$ 20,110,000	Demolition	10%	\$ 2,011,000
Overhead & Profit	\$ 20,110,000	Demolition	10%	\$ 2,011,000
Hazardous Materials Abatement	712,624	SF	\$ 5.00	\$ 3,563,120
Unescalated Construction Cost				\$ 27,695,075
Escalation Factor	\$ 27,695,000		1.28%	\$ 35,506,900
Architect/Engineer Design and Reimbursable Services	\$ 35,507,000		7.70%	\$ 2,733,000
WEPA/EIS/EIA	\$ 2,627,500		0.56%	\$ 200,000
Project Contingency	\$ 35,507,000		15%	\$ 5,326,000
DFD Project Management	\$ 35,507,000		4%	\$ 1,633,000
				\$ 45,398,900