

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

Saturday, December 9, 2023
10:10 a.m.

via Zoom Videoconference

-President Walsh presiding-

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The recording of this meeting's open session is available at: [December 9, 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

(Regent Miller was present virtually during the calling of the roll but was initially unable to unmute due to technical difficulties.)

UNABLE TO ATTEND: Regent Jill Underly

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DISCUSSION AND VOTE ON STATE FUNDING PROPOSAL

President Walsh invited President Rothman to comment on the proposed terms related to a negotiated stated funding proposal.

President Rothman said reaching the proposed agreement was a challenging and arduous process. He thanked Regents for their feedback and guidance throughout the negotiation process. President Rothman said he believed the proposed agreement was, on balance, in the best interest of the Universities of Wisconsin.

Before opening the floor to discussion, President Walsh sought a motion and a second to adopt a resolution approving the proposed terms related to the state funding proposal. The motion was made by Regent Rai and seconded by Regent Colón.

Proposed Resolution That, upon the recommendation of 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.

Regent Wachs moved to lay the present motion on the table, in the interest of getting more detail on the impacts of approving the resolution and more input from shared governance. Regent Manydeeds seconded the motion to table.

After consulting General Counsel on proper parliamentary procedure, President Walsh requested a roll call vote on the motion to table. The motion to table failed with 8 voting in favor (Regents Adams, Atwell, Brenkus, Manydeeds, Miller, Prince, Staton, and Wachs) and 9 voting against (Regents Bogost, Colón, Jones, Kreuser, Peterson, Rai, Tyler, Walsh, and Weatherly). There were no abstentions.

President Walsh then opened the floor to discussion on the original motion to approve the proposed terms related to the state funding proposal.

Regent Colón shared his thoughts on diversity, equity, and inclusion (DEI) values within the Universities of Wisconsin, and stated his support of the proposed resolution. He then asked President Rothman how the UWs will ensure diversity, equity, and inclusion values remain unchanged and if there were specific measures that can be put in place ensure it.

President Rothman said the core values of the Universities of Wisconsin would not be changing as a result of the proposed agreement. He said it is critical for the success of the universities, the students, and the state that the UWs continue to evolve efforts surrounding diversity, equity, and inclusion. President Rothman also noted the strategic plan, approved by the Board in December 2022, contains specific measures to close retention and graduation rate gaps for underrepresented students as well as others.

Noting that the Universities of Wisconsin brand and reputation also have value, Regent Adams said she did not support the current resolution and that she would like the UWs to return to negotiations, citing numerous messages received from the students, faculty, staff, shared governance, alumni, and the general public requesting the Board do so.

Regnet Brenkus said he disagreed with the compromise within the proposed agreement and that it was dismantling the systems intended to help minorities and underrepresented groups.

Regent Manydeeds said that while he supported many of the items within the proposed agreement, including legislative approval of the pay plan, enumeration of the UW-Madison engineering building, and reciprocity with Minnesota, he did not support the overall agreement. He shared his own personal testimony pertaining to the significance of diversity, equity, and inclusion efforts as a symbol of hope for students from underrepresented backgrounds.

Regent Jones said the proposed agreement was not perfect, but would give the UWs an opportunity to reimagine its approach to DEI efforts. Noting other portions of the proposal are important not only to Regents but also to faculty, staff, and students, he expressed support for the proposed agreement and urged his fellow Regents to do the same.

Regent Prince suggested feedback about the proposed agreement from faculty, staff, and students should be considered further before an agreement is finalized. Like Regent Manydeeds, she expressed concerns about the compromises the UWs may be expected to make in the future with the legislature if the present resolution were to be adopted.

Regent Rai shared personal testimony regarding DEI and his experiences as a former student at UW-Milwaukee and as the parent of current UW students. He said the resolution gives a necessary opportunity for the Universities of Wisconsin to reimagine DEI efforts and that he would support the proposed resolution.

Regent Wachs also expressed concerns about the precedent that might be set with this proposal, and about the student perception of the UWs' support for DEI if the proposed agreement passed. He said he wants to ensure that the UWs remain a welcoming environment for all and therefore would not be supporting the proposed resolution.

Regent Weatherly said he agreed with many of the concerns already stated about both the message this proposal sends about the UWs' commitment to diversity and the speed with which the matter had proceed to a vote after becoming public. He then read a joint statement from shared governance leaders which had been shared with him at the previous day's Board meeting, expressing an ongoing commitment to DEI as "inherent in the work that we do to serve students, conduct research, and positively impact our communities," and noting that further delays in the release of the pay plan would risk the loss of more faculty and staff.

Regent Staton said her reservations about the proposed agreement stemmed from the large quantity of communications received from students, faculty, and staff. She said she would feel more comfortable with the proposal if everyone had a better understanding about what it means for future DEI efforts within the UW.

Regent Tyler said the UWs' current DEI efforts are not resulting in enough progress as is. He noted there are some successful programs in this area that have been adopted by the Wisconsin Technical College System, including microgrants and intensive advising. He said DEI should continue to be a daily part of the UWs work and that DEI efforts should be reimanged in order to better support the students. Regent Tyler expressed his support for the proposed resolution.

Regent Miller said his vote would be based on the promise made by Chancellor Jennifer Mnookin that UW-Madison's commitment to fostering and growing its diverse student body is unwavering and would not be diminished by the proposed agreement. He noted that this proposal would not eliminate any positions, and that the Board's strategic plan includes a commitment to further advance DEI efforts in quantifiable ways.

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The Board recessed from 10:59 a.m. to 11:03 a.m.

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President Walsh acknowledged both the emotional testimonies shared by Regents earlier in the meeting, as well as the work of President Rothman, Chancellor Mnookin, and their staff that went into negotiating the proposed agreement.

President Walsh requested a roll call vote on the motion to adopt the proposed resolution approving terms related to the negotiated state funding proposal. The motion failed, with 8 voting in favor (Regents Atwell, Colón, Jones, Kreuser, Peterson, Rai, Tyler, and Weatherly) and 9 voting against (Regents Adams, Brenkus, Bogost, Manydeeds, Miller, Prince, Staton, Wachs, and Walsh). There were no abstentions.

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The meeting was adjourned at 11:06 a.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