



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2204/1

ARG:skw

2025 BILL

1 **AN ACT** *to renumber and amend* 36.09 (4); *to amend* 36.09 (1) (e), 36.09 (1)
2 (em), 36.09 (4m), 36.17 (1) and 36.17 (2); *to create* 36.09 (3) (c), 36.09 (4) (a)
3 and (c) 2. and 36.17 (3) and (4) of the statutes; **relating to:** the appointment of
4 certain employees of the University of Wisconsin System and faculty
5 governance.

Analysis by the Legislative Reference Bureau

This bill makes changes related to the appointment of certain University of Wisconsin System employees and to faculty eligibility to serve on or be the chairperson or director of a faculty committee, center, department, or program.

Current law specifies a tiered division of responsibilities for governance of the UW System. The primary responsibility for governance lies with the Board of Regents, but the Board of Regents may delegate authority and the president of the UW System and chancellors of the UW institutions also have specified duties and powers. Faculty, academic staff, and students also have certain governance roles subordinate to the Board of Regents, the UW System president, and the chancellors. Current law defines faculty to include persons who hold the rank of professor, associate professor, assistant professor, or instructor in a department. Academic staff are defined to include professional and administrative personnel with higher education-related duties, while instructional academic staff are defined

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as academic staff with teaching responsibilities. The various responsibilities and powers include the following:

1. The Board of Regents must enact policies and promulgate rules for governing the UW System and determine the educational programs and degrees to be offered at each UW institution. The Board of Regents must appoint a president of the UW System, a chancellor for each UW institution, and “the requisite number of officers, other than the vice presidents, associate vice presidents, and assistant vice presidents of the system; faculty; academic staff; and other employees and fix the salaries . . . , the duties and the term of office for each.” The Board of Regents must also fix the salaries and the duties for each chancellor, vice president, associate vice president, and assistant vice president of the UW System. The Board of Regents must also delegate to the chancellor of each UW System institution authority for the institution’s administration and operation, within policies and guidelines established by the Board of Regents. The Board of Regents may also delegate other authority to chancellors, faculty members, and others. However, no Board of Regents or UW institution policy or rule may require the Board of Regents to consider for appointment as president, chancellor, or vice chancellor only those individuals who are faculty members of the UW System or another college, who have been granted tenure within the UW System or another college, or who hold the highest level of academic degree in a field of study or profession.

2. The president of the UW System is responsible for administering the UW System under the policies of the Board of Regents. The president, who directs a central administration, assists the Board of Regents in establishing, monitoring, and evaluating UW System policies, coordinating programs and operations among UW institutions, and planning the programmatic, financial, and physical development of the UW System. The president appoints senior vice presidents, vice presidents, associate vice presidents, and assistant vice presidents of the UW System and fixes the term of office for each.

3. The chancellor of each UW institution is the executive head of the institution, responsible for its operation and administration consistent with the policies of the Board of Regents and under the coordinating direction of the UW System president. Each chancellor, in consultation with the faculty, is responsible for carrying out such duties as designing curricula, determining academic standards and degree requirements, and establishing and administering standards for faculty peer evaluation and screening candidates for appointment, promotion, and tenure. A chancellor may also designate a person as provost, to act as chief executive officer of the institution in the chancellor’s absence, if the person holds a limited appointment (discussed further below) as vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, or assistant vice chancellor.

4. A UW institution’s faculty has the primary responsibility for advising the chancellor regarding academic and educational activities and faculty personnel matters.

5. A UW institution’s academic staff has the primary responsibility for

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advising the chancellor regarding the formulation and review of policies and procedures concerning academic staff, including personnel matters.

6. A UW institution's students have the primary responsibility for advising the chancellor regarding the formulation and review of policies concerning student life, services, and interests.

Under current law, the authority of the faculty and academic staff is subordinate to the chancellor's authority and the authority of the academic staff is further subordinate to the authority of the faculty. Both the faculty and academic staff of an institution have the right to determine their own organizational structure and to select representatives to participate in institutional governance.

Under current law, an appointment to certain positions is referred to as a limited appointment and the appointment is at the pleasure of the Board of Regents. A faculty member who has been granted tenure or a person holding an academic staff appointment does not lose that appointment by accepting a limited appointment. The following are the limited appointment positions: UW System president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, secretary of the Board of Regents, associate secretary of the Board of Regents, assistant secretary of the Board of Regents, trust officer and assistant trust officer, and any other administrative position identified by the Board of Regents at the time of the appointment.

This bill provides that any limited appointment must be made by the Board of Regents, at the pleasure of the Board of Regents, except that the Board of Regents does not appoint senior vice presidents, vice presidents, associate vice presidents, and assistant vice presidents of the UW System or a provost of a UW institution. The Board of Regents may not delegate its authority to make limited appointments. The Board of Regents must approve a title, salary, and position description for each limited appointment and must submit an annual report to the legislature and governor that includes the title, salary, and position description for each limited appointment and the number of limited appointments at each UW institution. The bill also specifies that the position of senior vice president is a limited appointment.

The bill also expands the prohibition on appointment of president, chancellor, or vice chancellor discussed in item 1 above so that no Board of Regents or UW institution policy or rule may require the Board of Regents, the UW System president, or a chancellor, as applicable, to consider for a limited appointment or as a dean, associate dean, or assistant dean only those individuals who are faculty members of the UW System or another college, who have been granted tenure within the UW System or another college, or who hold the highest level of academic degree in a field of study or profession.

The bill also modifies governance responsibilities and powers of faculty and academic staff, including changing the definition of faculty for governance purposes. Under the bill, "faculty" means all individuals who have at least a 50 percent appointment and whose job duties consist primarily of teaching or research or who are serving as an academic department, center, or program chairperson or director. This includes instructional academic staff. The bill also specifies that the

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faculty may not limit eligibility of faculty members to serve on or be the chairperson or director of a faculty committee, center, academic department, or program on the basis of a faculty member's rank, tenure, appointment to a faculty title, or terminal degree attainment.

Also under the bill, a chancellor or the Board of Regents may not exclude a full-time faculty member or full-time academic staff member with instructional or research responsibilities from consideration for appointment as a dean, associate dean, or department chairperson on the basis that the faculty or academic staff member has not been granted tenure, is appointed for a probationary term, or does not hold the highest level of academic degree in a field of study or profession.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.09 (1) (e) of the statutes is amended to read:

2 36.09 (1) (e) Subject to par. (em), sub. (3) (c), and s. 36.17 (1), the board shall
3 appoint a president of the system; a chancellor for each institution; a dean for each
4 college campus; the state geologist; the director of the laboratory of hygiene; the
5 director of the psychiatric institute; the state cartographer; and the requisite
6 number of officers, other than the vice presidents, associate vice presidents, and
7 assistant vice presidents of the system; faculty; academic staff; and other employees
8 and fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), the
9 duties and the term of office for each. The board shall fix the salaries, subject to the
10 limitations under par. (j) and s. 230.12 (3) (e), and the duties for each chancellor,
11 vice president, associate vice president, and assistant vice president of the system.
12 No sectarian or partisan tests or any tests based upon race, religion, national
13 origin, or sex shall ever be allowed or exercised in the appointment of the employees
14 of the system.

15 **SECTION 2.** 36.09 (1) (em) of the statutes is amended to read:

16 36.09 (1) (em) Neither the board nor any institution may adopt any policy or

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1 promulgate any rule that requires the board, the president, or a chancellor, as
2 applicable, to consider for appointment ~~as president of the system, chancellor, or~~
3 ~~vice chancellor~~ to a position listed in s. 36.17 (2) or as a dean, associate dean, or
4 assistant dean only those individuals who are faculty members of the system or
5 another institution of higher education, who have been granted tenure within the
6 system or another institution of higher education, or who hold the highest level of
7 academic degree in a field of study or profession.

8 **SECTION 3.** 36.09 (3) (c) of the statutes is created to read:

9 36.09 (3) (c) Neither a chancellor nor the board may exclude from
10 consideration for appointment as a dean, associate dean, or academic department
11 chairperson at an institution a full-time faculty member or full-time academic staff
12 member with instructional or research responsibilities on the basis that the faculty
13 or academic staff member has not been granted tenure, is appointed for a
14 probationary term, or does not hold the highest level of academic degree in a field of
15 study or profession.

16 **SECTION 4.** 36.09 (4) of the statutes is renumbered 36.09 (4) (b) and amended
17 to read:

18 36.09 (4) (b) The faculty of each institution, subject to the responsibilities and
19 powers of the board, the president, and the chancellor of such institution, shall have
20 the primary responsibility for advising the chancellor regarding academic and
21 educational activities and faculty personnel matters. ~~The~~

22 (c) The faculty of each institution shall have the right to determine their own
23 faculty organizational structure and to select representatives to participate in
24 institutional governance, except ~~that the~~ as follows:

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1 1. The faculty of each institution shall ensure that faculty in academic
2 disciplines related to science, technology, engineering, and mathematics are
3 adequately represented in the faculty organizational structure.

4 **SECTION 5.** 36.09 (4) (a) and (c) 2. of the statutes are created to read:

5 36.09 (4) (a) 1. Notwithstanding s. 36.05 (8) and subject to subd. 2., in this
6 subsection, “faculty” means all individuals who have at least a 50 percent
7 appointment and whose job duties consist primarily of teaching or research or who
8 are serving as an academic department, center, or program chairperson or director.

9 2. Faculty status under this paragraph does not confer rank or tenure or
10 convert an academic staff appointment into a faculty appointment, but
11 instructional academic staff are considered faculty for the purpose of this
12 subsection.

13 (c) 2. The faculty may not limit eligibility of faculty members to serve on or be
14 the chairperson or director of a faculty committee, center, academic department, or
15 program on the basis of a faculty member’s rank, tenure, appointment to a faculty
16 title, or terminal degree attainment.

17 **SECTION 6.** 36.09 (4m) of the statutes is amended to read:

18 36.09 (4m) ACADEMIC STAFF. The academic staff members of each institution,
19 subject to the responsibilities and powers of the board, the president, the chancellor,
20 and, subject to sub. (4), the faculty of the institution, shall have the primary
21 responsibility for advising the chancellor regarding the formulation and review, and
22 shall be represented in the development, of all policies and procedures concerning
23 academic staff members, including academic staff personnel matters. ~~The Subject~~
24 to sub. (4), the academic staff members of each institution shall have the right to

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1 organize themselves in a manner they determine and to select their representatives
2 to participate in institutional governance.

3 **SECTION 7.** 36.17 (1) of the statutes is amended to read:

4 36.17 (1) An appointment to a position listed in sub. (2) shall be a limited
5 appointment and the appointment shall, except as provided in s. 36.09 (2) (a) and
6 (3) (b), be made by the board and shall be at the pleasure of the board.
7 Notwithstanding s. 36.09 (1) (f), the board may not delegate its authority to make
8 limited appointments. A faculty member who has been granted tenure or a person
9 holding an academic staff appointment under s. 36.15 shall not lose that
10 appointment by accepting a limited appointment.

11 **SECTION 8.** 36.17 (2) of the statutes is amended to read:

12 36.17 (2) Limited appointments apply to the following positions: president,
13 provost, vice president, senior vice president, associate vice president, assistant
14 vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor,
15 associate vice chancellor, assistant vice chancellor, college campus dean, secretary
16 of the board, associate secretary of the board, assistant secretary of the board, trust
17 officer and assistant trust officer and such other administrative positions as the
18 board determines at the time of the appointment.

19 **SECTION 9.** 36.17 (3) and (4) of the statutes are created to read:

20 36.17 (3) The board shall approve a title, salary, and position description for
21 each limited appointment.

22 (4) The board shall include in the annual report under s. 36.11 (54) (b) the
23 title, salary, and position description for each limited appointment and the number
24 of limited appointments at each institution.

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SECTION 10

1 **SECTION 10. Initial applicability.**

2 (1) The treatment of ss. 36.09 (1) (em) and (3) (c) and 36.17 (1) and (2) first
3 applies to appointments made on the effective date of this subsection.

4 (END)