STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
January __, 2020

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Chapter UWS 18, Conduct on University Lands, UWS 18.11(1) and UWS 18.11(3)

4. Subject
Conduct on University lands involving prohibition on the use of electronic communications and telephones to harass another person.

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected
None

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☐ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$0.00

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
Prohibition of harassment of persons by use of electronic communications or the telephone to preserve a safe and respectful campus environment critical to the University's function.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
None

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
No economic and fiscal impact is anticipated.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The Board of Regents recognizes its duty to protect members of the University community from electronic or telephonic harassment while also respecting individual free speech rights. After reviewing the issue, the Board has determined that the proposed amendments to UWS 18.11(1) and UWS 18.11(3) are necessary to address concerns that current code language may impinge on free speech rights and also to expand protections against electronic or telephonic harassment beyond those currently contained in the code. Alternatives include leaving the language as it currently is and not addressing stated concerns or expanding the protections in the code.

16. Long Range Implications of Implementing the Rule

17. Compare With Approaches Being Used by Federal Government
The Federal government generally has not legislated or regulated on improper conduct on university lands with the

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exception of federal statutory and rule prohibitions on sexual harassment and sexual violence under Title VII and Title IX and prohibitions on racial harassment under Title VI. The federal government currently is promulgating additional federal administrative rules under Title IX on sexual harassment and violence.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Public universities in Illinois, Michigan, Iowa and Minnesota have individual policies and procedures regulating conduct on their property and lands. On information and belief, the public universities in these four, neighboring states have policies regulating conduct on their property, and policies specifically relating to electronic or telephonic harassment, similar to the proposed rule here.

19. Contact Name	20. Contact Phone Number
Tomas L. Stafford, UW System, Senior System Legal Counsel	608-265-5319

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No