



Tony Evers

Office of the Governor | State of Wisconsin

June 15, 2020

President Ray Cross
University of Wisconsin System
1700 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706

Re: Statement of Scope for Chapter UWS 17, Nonacademic Student Misconduct

Dear President Cross:

The U.S. Department of Education, under the direction of Secretary Betsy DeVos, is proposing new federal regulations to implement Title IX of the Education Amendments of 1972. Title IX has helped generations of students address systemic sex-based discrimination in our education system. Education and civil rights leaders across the nation have voiced strong concerns about the new federal regulations and the chilling effect they will have on survivors of sexual harassment and sexual assault. That is why 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.

The University of Wisconsin System (UWS) is required to implement these changes through administrative rulemaking. UWS began the emergency rulemaking process by submitting a scope statement to me for approval under Wis. Stat. § 227.24(1)(e)1d.

I am not approving the scope statement because the scope statement does not adequately identify the specific provisions UWS is proposing to change in Chapter UWS 17 as a result of the changes to federal regulations. In particular, the scope statement does not indicate whether UWS will weaken or strengthen the definition of sexual harassment contained in Wis. Admin. Code § UWS 17.009(19). This is problematic because the federal regulations restrict access to the Title IX complaint process and make the process more difficult for survivors, including weakening the federal definition of sexual harassment. I also object that the scope statement does not recognize the economic impact restricting access to the Title IX complaint process will have on Wisconsin. Restricted access to the Title IX complaint process will inevitably result in significant costs, not only to survivors' physical and emotional wellbeing, but also the resulting need for increased mental health care services.

I look forward to reviewing a new scope statement that fully addresses these concerns.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive style with a large, sweeping initial "T".

Tony Evers
Governor