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# JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE ADAM NEYLON

August 3, 2021

Tommy G. Thompson, President  
University of Wisconsin System  
1720 Van Hise Hall  
1220 Linden Dr.  
Madison, WI 53706

Edmund Manydeeds III, President  
University of Wisconsin Board of Regents  
1860 Van Hise Hall  
1220 Linden Dr.  
Madison, WI 53706

Dear President Thompson and President Manydeeds:

We are writing to notify you that the Joint Committee for Review of Administrative Rules (JCRAR) voted on August 3, 2021, pursuant to s. 227.26 (2) (b), Stats., to require the UW System and its delegates to promulgate its Covid-19 response policies as an emergency rule within 30 days or cease enforcement of these policies.

The motion passed by JCRAR is as follows:

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (b), Stats., determines that the policies of the Board of Regents of the University of Wisconsin System relating to requirements associated with its response to the Covid-19 pandemic meet the definition of rules under s. 227.01 (13), Stats., and directs the agency to promulgate its current Covid-19 policies as emergency rules within 30 days, and to promulgate any similar, subsequent policies as emergency rules at the time of their adoption. The requirements subject to this directive include all Covid-19 policies that relate to physical access to system property, as well as all Covid-19 policies under which an individual may be subject to disciplinary action, whether the policies are adopted directly by the agency or by its delegates on a campus-by-campus basis.

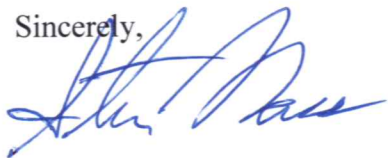
Under the motion passed by JCRAR, the committee has determined that the policies of the Board of Regents of the UW System and those issued by campus administrators relating to requirements associated with its response to the Covid-19 pandemic meet the definition of rules, and directs the agency to promulgate these policies as emergency rules within 30 days. The committee further directs UW System to promulgate any similar, subsequent policies as emergency rules at the time of their adoption.

The requirements subject to the JCRAR directive include, but are not limited to, all Covid-19 policies that relate to physical access to system property, as well as all Covid-19 policies under which an individual may be subject to disciplinary action. It applies to any policies that are adopted by the agency or by its delegates on a campus-by-campus basis. An agency may not implement or enforce policies determined to meet the definition of a rule under s. 227.01 (13), Stats., without following the statutory administrative rule promulgation process.

As required by s. 227.26 (2) (b), Stats., the UW System has 30 days to comply with the Joint Committee for Review of Administrative Rules' directive and must complete promulgation of the emergency rule(s) by publishing it no later than September 2, 2021 or cease implementation and enforcement of these policies, whether current or future.

Please contact us if you have further questions on this matter.

Sincerely,



Senator Steve Nass  
Co-Chair, JCRAR



Rep. Adam Neylon  
Co-Chair, JCRAR