

## EDITORIAL

## UW-Richland will not be saved outside the courtroom, action is needed now

The County and the community were disheartened just over a month ago when a unilateral directive from University of Wisconsin System President Jay Rothman directed the administration of the University of Wisconsin-Platteville Richland campus in Richland Center to start winding down operations and to plan to discontinue in-person instruction starting fall 2023, with the directive also promising a transition plan that floated the red herring ideas of online instruction and continuing education.

It's become increasingly clear that the only way to save UW-Richland is inside a courtroom.

A cursory review of the 1966 agreement between the County and the UW System indicates to this editorial board that it's not even clear that Rothman's unilateral directive is legal. This alone, in addition to the many other various ways the community and the County are about to be harmed, is reason enough to play this out in a courtroom.

The 1966 agreement for the County-owned campus lays out a structure of shared responsibilities, with the County maintaining the buildings and grounds and the UW System maintaining the campus as an instructional institution itself. The agreement is set to continue in perpetuity and the lease between the County and the UW System isn't set to expire until 2042.

It takes a vote of the UW System Board of Regents to close a campus down. But that's not yet - what Rothman's directive purports to do, technically.

Legally, it is significant that UW-Richland is not an "institution" but merely a "campus." If it were independent, with its own chancellor, any fundamental change to its mission would have to go through public hearings. Fundamental responsibility for changing that mission would belong to the chancellor, not the system president.

Because it is now merely a campus, the process for closing or fundamentally changing Richland's role is streamlined, but it's still hard to understand where the UW System President would get this authority. The president has no independent powers and only carries out the directives of the regents. When did the regents direct this?

Also, although the role of the students and faculty was dramatically reduced in 2015, they are still supposed to be participants in advising university policy. What opportunity for formal input did they have?

Moreover, the 1966 agreement specifically lays out the UW System's obligation to maintain the campus, and to provide adequate instructional and administrative staff. The only way the agreement can be terminated is, in June of any given year, if: 1.) the legislature fundamentally changes how the branch campuses operate, 2.) if the legislature doesn't

provide adequate funding. (If you noticed the series missed an "and" or an "or" there, you're not alone — the agreement is missing any sort of conjunction that would indicate whether either or both conditions must apply.) Even if the necessary condition (or conditions) exist for termination, the obtuse language is not clear how the "automatic termination" of the agreement operates or is initiated in practice: what happens if one party thinks that funding is adequate and the other does not, or if they disagree whether a change in branch operations is fundamental?

Rothman's unilateral directive appears to be the best example of breach of contract and financial responsibility the County could ask for in court. Applicable here, the agreement is binding until the state doesn't adequately fund the campus, only then are there potential avenues to exit the agreement. Until that time, the UW System has an obligation to maintain the campus, and to provide adequate instructional and administrative staff.

Rothman's directive is a perfect example of intent by the UW System to not provide adequate instruction or administrative staff — and perhaps he's hoping you'll ignore that until this June when perhaps he believes the UW System can exit the agreement.

Further, one might bet the UW System has no intention of actually providing continuing education or online instruction at the campus — that it is instead an exercise in subterfuge to placate the community and spread out the adverse news until June, when the train that's currently leaving the station cannot be stopped and they believe the UW System can simply exit the agreement. Regardless, let's not mince words, the loss of in-person instruction would mean the constructive closure of the campus.

There's one foolproof way to ensure that Rothman's directive is upheld, legal or not, and that the campus fails to exist as it has — by simply doing nothing.

You may want to wait to see what the UW System's forthcoming proposal is for the future of the campus. You may welcome their promise to cooperate and negotiate with you in good faith. You may quixotically believe that any such usurpation, as Rothman's questionable directive intends, does not become lawful with time. However, the reality is, as much as we may have faith in the courts to make things right, and to sort right from wrong and legal from not, they're not God and they don't play Him on TV, and oftentimes they are forced to sanction the plan that entails the least amount of disruption. When dealing with institutions such as these, there are things that even the courts cannot undo after a time — and we are rapidly approaching that juncture. Any negotiations are a distraction and any forthcoming proposal is, at best, a delay and, at worst, a closure by another name. The County and the community will find themselves "negotiating" with their hands tied behind their back if they don't quickly take legal action.

Remember, the UW System also promised to maintain the campus and provide adequate instruction and administration. When you look at the recent history of funding, instruction, administration and enrollment decisions by the UW System with regard to UW-Richland, the simple "falling enrollment" narrative falls apart. By most measures, the data appears to indicate that this is a long-planned constructive closure and the campus was set up to fail. It becomes easier to see and easier to legally argue that the UW System has failed to maintain and adequately provide funding, instruction and admin for quite some time.

So what can you do?

This is your time to show your support. This is not the time to reminisce about how nice the campus was in the past. This is the time to fight for its future. This is the time to take action and get involved. Urge your County Board to fight this fight in the courtroom. Sign on to a court case with fellow community members to legally address the harm the UW System is threatening to do to you educationally and as taxpayers. Sign a sincere letter of intent that says you would seek education in its many forms at UW-Richland if it continued to provide in-person instruction.

Organize. Sign hundreds of community members onto a lawsuit asserting harm by this constructive closure. If possible, get certified as a class action. Hold regular meetings as a community, with legal counsel, as things progress in court, keeping everyone involved and empowered. Regardless, fight this fight and show the UW System that UW-Richland isn't just a memory, it's a need.

Ask your County Board to take this fight to the courtroom. This sort of fight is part of their job and part of representing your interests. It could be said that the County has the best chance and best legal argument to stop this. Ask them to put together a legal team that knows the UW System and contract law (even better if they take this fight pro bono or on contingency). Push for an immediate request in court for an injunction preserving the status quo that existed before the directive, enjoining the UW System and UW-Platteville from moving forward with winding things down and discontinuing in-person instruction.

Then move forward with a legal challenge to the directive and the ability of the UW System to unilaterally remove itself from its agreement with the County. While the legal fight plays out, in-person instruction continues, giving the community time to organize to secure the campus' future.

With the right legal team, what does the County have to lose by taking this action? The campus is County-owned, they will need to maintain the buildings and grounds as a financial pit if the campus closes anyway. There's so much more to lose by not taking this fight.

We need to be clear: legal action is not the only way to affect policy. Action outside of the court is essential. Public pressure should be put on

the president and the regents to do the right thing; with secondary targets being the chancellor, faculty and students, the public and the legislature. Asking the courts to fix this has many problems of its own: it is slow, expensive and uncertain, and limited by the law. But the courts have one important power that is essential: to freeze the actions of the university so that the community has the chance to mobilize and the president's scheme does not become a fait accompli. It will be much easier to prevent this plan from finishing than it would be to try and undo it once it is complete.

All the while the community, organizations, the UW-Richland Foundation and the County and its Education Committee need to come up with a plan for the campus to succeed, financially and otherwise, for years to come. A court will need to be shown that there is a need and there is a plan, if it is to uphold the agreement and order the UW System to continue to properly maintain the campus, its instruction and administration.

It's time for Richland County and its Board to take action, taking the stance that Rothman's directive isn't legal while posturing to maintain the status quo that existed before the directive and asserting the attitude and policy that the campus isn't closing or discontinuing in-person instruction, now or until at least 2042.

The agreement remains in effect and, while it does, the UW System should not be allowed to discontinue in-person instruction. Continuing education, online education or other offhand proposals intended to placate the community could never have been contemplated to meet the threshold of adequate instruction and intent of the agreement when signed, and they do not. The UW System needs to be held to account and held to their promise to maintain the campus and provide the agreed to adequate instruction and administration.

Should this be fought in the courtroom, and should the UW System be enjoined from winding down, closing the campus or discontinuing in-person instruction while the legal fight continues, this is your time to show the County, the UW System, the Legislature and the Governor that there is interest and a need for UW-Richland and that there is a plan to support it. These public officials need to be lobbied in support of adequate funding of UW-Richland.

This is the time to fight. Attend the next County Board meeting, attend the next County Education Committee meeting, lobby your elected officials, reach out to the Friends of the Campus group and figure out how to organize and get involved.

If you wait and see, or start simply inventorying the campus' assets, you'll lose UW-Richland, the campus' storied history and impact on so many and all the potential it has to impact the educational pursuits of future students — and it's not something you'll ever get back.

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