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☞ Details: First Amendment issues at UW-Eau Claire

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2005-06**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on Colleges and Universities...**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (November 2012)



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER  
ATTORNEY GENERAL

Daniel P. Bach  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
TTY 1-800-947-3529

November 21, 2005

President Kevin Reilly  
University of Wisconsin System  
1720 Van Hise Hall  
1220 Linden Drive  
Madison, WI 53706

Dear President Reilly:

You have written a letter asking for the Attorney General's opinion whether the University of Wisconsin-Eau Claire (UWEC) may enforce a policy prohibiting resident assistants (RA's) from leading, organizing or recruiting students for certain activities in their dormitory rooms and in the residence halls in which they work. In particular, you referenced concerns that this policy might implicate the First Amendment rights of RA's if it restricts their ability to conduct Bible studies in dormitory rooms, even though other campus facilities are available for that purpose. You also indicated that there is no uniform UW System policy on this matter, that the UWEC policy has not been reduced to writing, but that the policy is explained to RA's in training sessions held at the beginning of each academic year.

Your letter and the accompanying materials raise a host of questions and concerns, the first of which is in regard to the nature of the inquiry in light of the statutory obligations of the Attorney General and Department of Justice. As you know, it is the duty of the Attorney General to represent the State, generally, and the duty of this department to represent the University of Wisconsin in the event of litigation. Were the Attorney General to address substantively the issue presented and conclude that the UWEC policy likely violates, and has violated the constitutional rights of those affected, in effect we would be conceding liability on behalf of the State. At the very least this department would be unable to defend any lawsuit brought against the University and/or the State of Wisconsin, even though a viable argument in defense of the policy might exist. As there is no state civil rights statute affording us the authority to protect the rights of citizens impacted by this policy, no conflict would inure in this circumstance other than that potentially created by an opinion adverse to the policy.

Without presaging the results of any legal analysis, I think it imprudent to put this department, and the Attorney General, in the position of being unable to perform our representational functions on behalf of the State by acceding to your request for a written opinion. As always, our legal staff is available to assist yours, if desired, in analyzing the policy and correcting it, if necessary. I am

concerned that that approach appears not to have been contemplated, or if it was considered, not pursued.

Were we to honor your request for a written opinion on the issue presented, a number of questions would have to be addressed before any definitive legal conclusion could be offered. I raise these now as the letter written by the University's legal counsel, an attachment to your letter, reflects that UWEC intends to develop a written policy in regard to the activities of RA's. The following tenets and questions may guide their approach.

As you may be aware, the United States Supreme Court has stated that a public university's regulation restricting speech must be necessary to serve a compelling state interest and narrowly tailored to achieve that purpose. *Widmar v. Vincent*, 454 U.S. 263, 270 (1981). At the same time, the Supreme Court has recognized that a public university may prohibit certain activities constituting speech if those activities substantively interfere with reasonable campus rules or the opportunity of other students to obtain an education. *Healy v. James*, 408 U.S. 169, 188-89 (1972). In the context of UWEC's policy, these precepts raise the following questions:

1. If the policy is needed in order to safeguard students, why is it limited to a single campus?
2. What is the justification, and foundation therefore, for restricting the policy to dormitories?
3. How does this policy compare with other activities allowed or prohibited in University owned or operated facilities, and in particular residential facilities?
4. Are there any specific contractual terms implicated by the policy?
5. Are other university employees subject to similar restrictions?
6. Who has reviewed/approved/objected to this policy, and in particular what administrative or legal approval or review has been conducted?
7. What facts suggest or refute the notion that students feel compelled to participate in RA-led activities in dormitories?
8. Since UWEC allows Bible study and other religious activities to occur in university facilities, is there any concern that permitting Bible study in dormitories might violate the Establishment Clause of the First Amendment?
9. What alternatives to the policy has UWEC considered that would enable it to protect the interests of its students, including the rights of those wishing to conduct activities currently prohibited by this policy?
10. How long has the policy been in effect?
11. As an institution dedicated to the exchange of ideas with the objective of enhanced understanding, what effort has UWEC made toward a satisfactory compromise?

Frankly, I don't see how a proper legal analysis of the constitutional question raised may be done without answers to most if not all of the above questions. I would urge University officials to consider

President Kevin Reilly

November 21, 2005

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how the answers to these questions tend to support or refute the need for the policy, in light of the standards expressed by the Supreme Court.

Very truly yours,

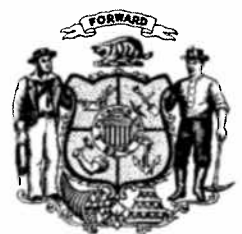
A handwritten signature in black ink, appearing to read 'DPB', with a stylized flourish at the end.

Daniel P. Bach  
Deputy Attorney General

DPB: tmw



# WISCONSIN STATE LEGISLATURE



## Hub, Brad

---

**From:** Kent Syverson [syversonkm@hotmail.com]  
**Sent:** Monday, December 05, 2005 11:59 PM  
**To:** board@uwsa.edu  
**Subject:** First Amendment issues at UW-Eau Claire (not about RA situation!)

To: Board of Regents, University of Wisconsin System

From: Kent M. Syverson, Professor of Geology, Univ. of Wisconsin-Eau Claire

5 December 2005

re: First Amendment issues at UW-Eau Claire

I am an alumnus of UW-Madison (MS 1988, Ph.D. 1992) and a faculty member at UW-Eau Claire. Thanks so much for your dedication to the University of Wisconsin System. I know that being a Regent is a labor of love, and that you recognize the value of the UW System as an economic engine for the State of Wisconsin.

I am very concerned about two First Amendment issues on the UWEC campus other than the RA issue. At this point there is one federal lawsuit against UWEC, but I can honestly see one or two others on the horizon if things are not changed.

As you may (or may not) be aware, last year the Foundation for Individual Rights in Education (FIRE) also confronted UWEC about two other First Amendment issues. One involved a Student Senate bylaw that prohibits biased groups from getting student segregated fees (see my editorial at the end of this message). The one that would be most newsworthy if/when it goes to federal court would concern the 30-hour service-learning graduation requirement. Until 2002, most types of service were accepted - a student could complete the service-learning requirement in community service activities including religious education or political advocacy. However, in May 2002, a service-learning advisory committee unanimously passed the following amendment to change service-learning requirement at UWEC:

Please note: Religious instruction, religious proselytization, conducting religious services, or projects requiring a specific religious belief or affiliation are not acceptable as service-learning experiences, since they are generally viewed as constituting a violation of the Establishment Clause of the U.S. Constitution.

This language was enforced for two years without being approved by the University Senate. It was another long-standing, unwritten rule with Constitutional justification - a serious issue in itself. The university eventually was forced to admit that there was no Constitutional mandate to do this. However, they ended up passing something similar to the language above with no mention of the Constitution. They stated that devotional religious education did not involve self-learning and was not in the "common good."

Thus, teaching 4th graders math involves self-learning, is in the common good, and meets the UWEC graduation requirement. Teaching 4th graders Sunday school does not involve self-learning, is not in the common good, and does not meet the graduation requirement. I am very troubled when the public university uses its definition of the common good to limit students' speech.

The Student Senate bylaw issue and service-learning issue are serious matters. I am concerned about the ramifications of both of them. I will close with an editorial column of mine that was published in the Eau Claire Leader-Telegram on 12/2/05.

Thanks for your time on these issues. If you have any questions, please contact me.

Sincerely,

Kent M. Syverson  
Professor  
Dept. of Geology  
University of Wisconsin  
Eau Claire, WI 54702  
(715) 836-3676 (W)

1043 Bradley Ave.  
Eau Claire, WI 54701  
(715) 835-7346 (H)

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UW-Eau Claire still limiting students' speech rights by Kent Syverson Eau Claire Leader-Telegram opinion page, "It Seems to Me," December 2, 2005

In theory, a public university should maintain a clear commitment to freedoms guaranteed by the Constitution. In practice, it doesn't always work this way. I am a professor at UW-Eau Claire committed to the Constitutional guarantee of freedom for all speech, popular or unpopular, religious or anti-religious. I am alarmed when ideas are restricted in the university. Today (11/30) Chancellor Lord Larson announced that UWEC is no longer enforcing its unwritten ban on religious, ideological, and political activities by an off-duty resident assistant (RA) in his/her dorm. I applaud this decision!

UWEC was attempting to avoid coercion and "unapproachable" RAs. Could these issues be solved by prohibitions? Consider an RA who asks a resident to join a fantasy football league hosted in the RA's room. The resident declines, so the RA pressures the resident to change. When that fails, the RA ignores the resident and only associates with fantasy football participants. The resident feels uncomfortable approaching the RA. Should fantasy football be banned in all RA rooms? Of course not!

Coercion by RAs, wherever it is found, must be dealt with appropriately by Housing officials. However, the university made an unfounded assertion when it claimed that RAs with ideological commitments would necessarily foist them on their residents. Now the UW System must develop a legal, written policy that respects the civil liberties of its RAs, one that clearly defines "on duty" and "on call" times for RAs. A simple disclaimer policy would prevent residents from confusing private versus dorm-sponsored events.

Unfortunately, the abandoned RA policy was not the only example of student speech limitations at UWEC. Two other cases have received national attention during the past year.

In 2004 the UWEC Student Senate amended its bylaws to forbid using student fees to fund official student groups that promote a "particular ideological, religious, or partisan viewpoint." Why? Apparently to prevent future funding of an alternative news magazine associated with the Progressive Student Association.

But what group doesn't have a viewpoint? This bylaw violates Supreme Court decisions requiring the distribution of student fees in a viewpoint-neutral manner. Is UWEC willing to de-fund all expressive organizations just to silence a political viewpoint?

In addition, UWEC has a 30-hour service-learning graduation requirement. Last year a complaint revealed UWEC's two-year enforcement of an unapproved academic policy (another long-standing, unwritten rule) prohibiting most types of religious service from meeting the graduation requirement because "they are generally viewed as constituting a violation of the Establishment Clause of the U.S. Constitution."

A vocal student and public outcry ensued, and two national First Amendment legal groups voiced opposition as well. Eventually UW-System legal experts stated that student-selected religious service-learning did not violate the First Amendment, but that the university could limit such service activities if it had sound academic justifications. Chancellor Mash expressed a willingness to allow some religious service activities and sent the matter to a committee for further debate.

That committee proposed banning devotional religious service and partisan political service. The Service-Learning director explained in the 4/7/05 issue of The Spectator that "... one person's common good may be different from that of another. [So] promoting a

certain political or religious viewpoint is not necessarily in the common good of society as a whole."

Eventually the University Senate passed service-learning guidelines (now in effect) that allow partisan political activities and virtually all types of education other than devotional religious education (i.e. a student can choose to teach 4th graders math, but not Sunday school, to fulfill the graduation requirement).

University Senate debate clarifies this double standard. Devotional religious education (speech) isn't in the "common good" and doesn't involve self-learning. Walking dogs for thirty hours at the Humane Society does involve self-learning. Senate minutes from May 10, 2005, record a senator saying that faith "is antithetical to [the] reasoned scientific process I believe [the] university stands for."

UWEC is using its "common good" orthodoxy to regulate speech. This is not an academic justification - it is religious viewpoint discrimination.

Today UWEC has strengthened the marketplace of ideas by supporting individual student liberties. I encourage UWEC to consistently protect free speech, pass viewpoint-neutral policies, and promote student intellectual engagement.

Kent Syverson is a professor of geology and faculty advisor for the InterVarsity Christian Fellowship student group at UWEC

Documentation:

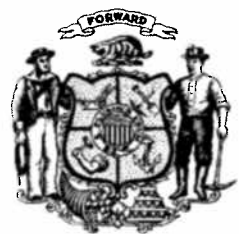
Visit the FIRE website to see what they said about service-learning issue  
<http://www.thefire.org/index.php/article/5572.html> and  
<http://www.thefire.org/index.php/article/5576.html> .

Visit the FIRE website to see what they said about Student Senate bylaw issue  
<http://www.thefire.org/index.php/case/675.html> and  
<http://www.thefire.org/index.php/article/5706.html> . )

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Stout Student Association  
Phone 715.232.2100  
Fax 715.232.1028

Date: 12/06/2005

Session: Session 4 Thirty-Sixth Congress

Moved by: Legislative Affairs

Second by: None Needed

USS 36

Name of the Resolution: Resolution to Protect Resident Advisors' 1<sup>st</sup> Amendment Rights

**Resolution:**

Whereas: The University of Wisconsin-Stout Campus allows resident advisors to lead religious events and voice their political views in their residence halls.

Whereas: The 1<sup>st</sup> Amendment of the United States of America states: "CONGRESS SHALL MAKE NO LAW REPECTING AN ESTABLISHMENT OF RELIGION, OR PHROHIBITING THE EXERCISE THEREOF; or abridging the freedom of speech, or freedom of the press; or the right of people to peacefully to assemble, and the right to petition the government for redress of grievances.

Whereas: The Stout Student Association would like to see that the 1<sup>st</sup> Amendment Rights of the resident advisors on The University of Wisconsin-Stout Campus, as well as all University of Wisconsin Campuses are protected and preserved.

Be it resolved: The Stout Student Association believes that it is a violation of the 1<sup>st</sup> Amendment rights to prohibit the leading of religious events and expression of political views by resident advisors in their residence hall on The University of Wisconsin-Stout Campus and all University of Wisconsin Campuses.

Be it finally resolved: The Stout Student Association would like to see the University of Wisconsin Taskforce create a consistent and uniform written policy that protect the 1<sup>st</sup> Amendment Rights of resident advisors at University of Wisconsin-Stout and all University Wisconsin System Campuses.

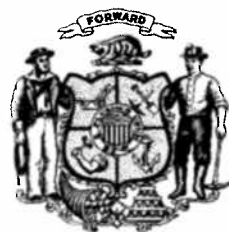
Motion: Passed  
Tabled for \_\_\_\_\_  
Tabled Indefinitely  
Passed as amended

  
\_\_\_\_\_  
Adam Duffenbach  
President

  
\_\_\_\_\_  
Jacob Hiffer  
Vice President



# WISCONSIN STATE LEGISLATURE



**Hub, Brad**

---

**From:** Annie Laurie Gaylor [fttoday@mailbag.com]  
**Sent:** Thursday, December 08, 2005 4:16 PM  
**To:** Rep.Kreibich  
**Subject:** Request to Speak at Tuesday's hearing  
**Follow Up Flag:** Follow up  
**Flag Status:** Blue

December 8, 2005

Rep. Kreibich, Chair

Wisconsin Assembly Committee on Colleges and Universities

State Capitol

PO Box 8952

Madison WI 53708

Dear Rep. Kreibich:

Our national association, which works to uphold the separation of church and state, is writing on behalf of our Wisconsin members about your "Public Hearing" to discuss the former ban on bible study at the UW-Eau Claire.

Calling what you have scheduled a "public hearing" is a misnomer, however. It ought to be dubbed a "Private Hearing." Who has ever heard of a "public hearing" where only "invited speakers" may speak? Are you afraid of public input?

The purpose of this hearing appears to be political grandstanding, not hearing from the public.

I respectfully ask that I or someone from our office be invited to speak at this hearing, to assure that at least ONE speaker is in support of the sensible policy to bar RAs from using their taxpayer-supported dorm rooms to promote religion or politics, to the potential discomfort of the students they are hired to help.

I also respectfully ask that this hearing be opened to the public, so that they may *participate*, not just watch or "sign in." To assure that the public has adequate notice to attend a truly "public hearing" would necessitate rescheduling the hearing, preferably until after the holidays.

There is certainly no urgency. The UW-Eau Claire has already capitulated to the demands of the religious right.

I look forward to your response.

12/09/2005

Yours very truly

Annie Laurie Gaylor

Co-President

Freedom From Religion Foundation

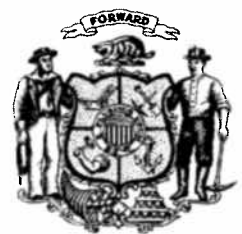
PO Box 750

Madison WI 53701

608/256-5800



# WISCONSIN STATE LEGISLATURE



## Hub, Brad

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**From:** guilfoil [guilfoil@wisc.edu]  
**Sent:** Friday, December 09, 2005 12:12 PM  
**To:** kreilly@uwsa.edu; Rep.Kreibich; Hub, Brad  
**Subject:** separation of church and state

Please accept this as my written testimony in the hearing on public employees in the University system using his or her authority as a TA or RA to evangelize. Whether it is called bible study or catechism or whatever it should be supported with public tax monies. RA's are subsidized by the University authorities to set a public example to those under their care and should not use that respect for authority to suggest or give guidance in religious instruction. TA's are restricted to their disciplines for instruction. RA's are not authorized for any instruction according to those disciplines recognized by the faculties of the universities. Please keep the separation of church and state clearly defined in matters of religious instruction.  
Thank you.

--  
Daniel J. (jim) Guilfoil  
5306 Tonyawatha tr.  
Monona, Wis. 53716  
608 221 8782





**To: Assembly Committee on Colleges and Universities**

**From: Kent M. Syverson, Professor of Geology, UW-Eau Claire**

**December 10, 2005**

**re: First Amendment issues at UW-Eau Claire**

I wish to thank the legislators present for their support of the University of Wisconsin System. The university is a valuable asset to the State of Wisconsin and is a strong economic engine for the entire state. I would have liked to attend this hearing and present my concerns in person, but I am teaching today. Thus, I am submitting this document to express my concerns about several First Amendment issues at UW-Eau Claire.

**I. My background: I am fully committed to First Amendment**

- The public university must protect freedom of speech for all individuals and groups (whether or not those groups are advocating "popular" or unpopular speech). The public university should be a marketplace for ideas.
- I will stand up for the university to host "unpopular" speakers such as Ward Churchill from CU-Boulder.
- I am a faculty advisor for InterVarsity Christian Fellowship, a group that leads Bible studies in the dormitories
- I am fearful whenever I see a group trying to take ideas OUT of a public university.

**II. The UWEC RA controversy involving religious, political, and ideological activities**

- I have talked to many past and present RAs about this issue. Everything that I have heard suggests that no official policy about religious, political, or ideological activities was present. Rather, it appears each hall director was doing what he/she thought best in the absence of a policy.
- **Unwritten rules are bad.** It troubles me that the University justified its position in the press for a month by saying that "this has been a long-standing unwritten rule." Unwritten "rules" are typically enforced in a capricious manner and are inappropriate in *any* university.
- Seems like university's efforts to prohibit RA activities (religious, ideological, political) in their own dorm rooms during their private time is an over-reaction.
- RAs are not "on duty" constantly because they are allowed to work outside jobs for 10 hrs/week. They might be "on call," but they can have private lives while "on call."
- I am relieved that UW-Eau Claire administration is no longer enforcing the unwritten rule. **Now that the matter is being referred to a UW System advisory committee, I have the following suggestions/comments:**
  - The committee is to be composed of "residence life experts" (i.e. the same sort of housing officials who initially contributed to this unwritten rule). I strongly encourage President Reilly to appoint a person from outside of that group who will look out for the rights of students. I think that UW-Madison political science professor Donald Downs would be an excellent person. I suspect that having such

a person on the committee might prevent some future headaches for the entire UW System.

- It might be possible for the advisory committee to propose a system-wide policy that would ban virtually all religious, political, and ideological activities by RAs in dormitories. That might not be the best solution given the outcry from alumni, taxpayers, official editorials in newspapers around the state, and the outcry in the national press. **I encourage UW System to develop the most broad, legal policy that allows RAs to be more than cardboard cutouts.**
- UWEC was attempting to avoid coercion and "unapproachable" RAs. Could these issues be solved by prohibitions? Consider an RA who asks a resident to join a fantasy football league hosted in the RA's room. The resident declines, so the RA pressures the resident to change. When that fails, the RA ignores the resident and only associates with fantasy football participants. The resident feels uncomfortable approaching the RA. Should fantasy football be banned in all RA rooms? Of course not!
- If coercion is the issue, then the committee should write a policy that discipline RAs who are coercing students about religion, Green Bay football, politics, Frisbee golf, etc. **To limit speech *before it happens* to ward off future problems seems overbroad because it will not be possible to ban everything that might lead to coercion.**
- It will not be possible to legislate away everything that might offend a resident or make the RA seem less approachable to a student. An RA who is a 4.0 chemistry student might be intimidating to a student who is failing. Thus, an RA can't be too good of a student? Things that make one resident comfortable might make another resident more uncomfortable. That is human nature -- complex.
- If I am offended by somebody else's ideas/actions in the public university, should I be able to veto their ideas/actions? Of course not!
- The committee should clearly define when an RA is "on duty" and "on call." I can support prohibiting political, religious, anti-religious, ideological, and backpacking club meetings in an RA's dorm when he/she is on duty. Notice the backpacking club example. All activities must be limited if the UW System is going to be consistent. If the RA is simply "on call," let them be persons with interests, dreams, goals, etc.
- The committee should develop a disclaimer for political, religious, anti-religious, ideological, and backpacking club meetings in an RA's dorm. These could be stated verbally at the start of a meeting and on any promotional materials for the meeting. The disclaimer would clearly state that a meeting is not an official dorm-sponsored meeting.
- **What chance will campuses have for input on the advisory committee's recommendations?** Can those recommendations be modified based on that input?

**I think a more serious question that has not been addressed during this RA religious study controversy is this: Is there other evidence that suggests viewpoint discrimination at UWEC? Based on things in the news the past 1.5 years, I think that the answer is yes. I will address a couple of other First Amendment issues that have received national attention.**

**III. In 2004 the UWEC Student Senate amended its bylaws to forbid using student fees to fund official student groups that promote a “particular ideological, religious, or partisan viewpoint.”**

- This new policy directly contradicts the university’s First Amendment obligation to distribute student funds regardless of viewpoint and violates the rights of all UWEC students. One of the landmark Supreme Court cases illustrating this principle is *UW System v. Southworth* (2000)!
- Purpose was apparently to prevent future funding of an alternative news magazine, *The Flip Side*, associated with the Progressive Student Association. See the following comments by *Matt Wisnepske, the Student Senate Finance Commission director*:
  - While *The Flip Side* is a recognized organization, [Wisnepske] said, for it to be an organized activity, it would have to be approved through System Legal to be ideologically neutral, to have an academic home in a department and to be trustworthy with spending and budgeting its money. Paraphrase of Wisnepske’s comment in *The Spectator*, 11/22/04
  - "I'm hoping that Finance Commission will write that the position of the Eau Claire Student Senate is that the Finance Commission will not fund any group that has an ideological purpose," [Wisnepske] said. "We want to exclude any groups that would be religious in nature, political in nature or anything that would have a political agenda (from being funded through student segregated fees)." Quote in *The Spectator*, 12/9/04
- What group doesn’t have a viewpoint? This bylaw violates Supreme Court decisions requiring the distribution of student fees in a viewpoint-neutral manner. Is UWEC willing to de-fund all expressive organizations just to silence a political viewpoint?
- **Is this bylaw still officially in place?** If so, it could have a chilling effect on individual liberties and intellectual diversity on the UWEC campus.

**IV. UW-Eau Claire has a 30-hour service-learning graduation requirement. Students can select their service projects, but last year the university passed new service-learning guidelines that discriminate against student-selected religious viewpoints.**

- The issue arose because a complaint revealed that **UWEC had enforced the following unapproved academic policy for two years** (another long-standing, unwritten rule):

“Please note: Religious instruction, religious proselytization, conducting religious services, or projects requiring a specific religious belief or affiliation are not acceptable as service-learning experiences, since they are generally viewed as constituting a violation of the Establishment Clause of the U.S. Constitution.”
- An argument for this action was that students were wards of the State (basically state employees) because they were covered by state insurance while conducting their student-selected service project. Thus, Americorps guidelines for service were appropriate for the UWEC service-learning program.
- A vocal student and public outcry ensued, and two national First Amendment legal groups voiced opposition as well. Eventually UW-System legal experts stated that student-selected religious service-learning did not violate the First Amendment, but that the university could limit such service activities if it had sound academic justifications.

Chancellor Mash expressed a willingness to allow some religious service activities and sent the matter to a committee for further debate.

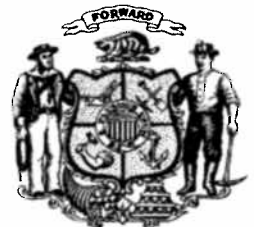
- That committee proposed banning devotional religious service and partisan political service. The Service-Learning director, Dr. Donald Mowry, explained in the 4/7/05 issue of *The Spectator* that "... **one person's common good may be different from that of another. [So] promoting a certain political or religious viewpoint is not necessarily in the common good of society as a whole.**"
- Eventually the University Senate passed service-learning guidelines (now in effect) that ***allow partisan political activities and virtually all types of education other than devotional religious education*** (i.e. a student can choose to teach 4th graders math, but not Sunday school, to fulfill the graduation requirement).
- University Senate debate clarifies this double standard.
  - Was difficult for [the Service-Learning] committee to look at issue of devotional content or discipleship concepts and translate those into service and see how that contributed to benefit of community at-large. (Senate minutes from 4/12/05)
  - Senate minutes from May 10, 2005, record a senator saying that faith "is antithetical to [the] reasoned scientific process I believe [the] university stands for."
  - Devotional religious education (speech) isn't in the "common good" and doesn't involve self-learning.
  - **Walking dogs** for thirty hours at the Humane Society is in the "common good" and does involve **self-learning**.
- **UWEC is using its "common good" orthodoxy to regulate speech.** This is not an academic justification – it is religious viewpoint discrimination. This is inappropriate for a public university.
  - UW-Eau Claire claims that its guidelines are viewpoint neutral because students can still serve in churches (moving boxes, teaching about religion from a non-devotional standpoint, serving soup, etc.)
  - However, what is the academic justification for preventing devotional religious speech from meeting the requirement? Is there something inherently dangerous or worthless about such service through speech that it is not accepted?

**V. In conclusion, two unwritten rules involving First Amendment issues have come to light at UWEC during the past two years.** I have seen the First Amendment rights of UWEC students under attack. If you have any questions, please contact me. I urge the Assembly Committee on Colleges and Universities to ensure that the University of Wisconsin is a marketplace for all ideas. I urge you to challenge all University of Wisconsin faculty and administrators to rise to the wonderful standard emblazoned in bronze on Bascom Hall:

**"Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."**



# WISCONSIN STATE LEGISLATURE



## Hub, Brad

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**From:** SSA Office [ssaoffice@uwstout.edu]  
**Sent:** Monday, December 12, 2005 3:17 PM  
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**Subject:** RA Resolution

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** Resolution.pdf



Resolution.pdf  
(289 KB)

Greetings:

Recently, the Legislative Affairs Committee of The Stout Student Association (SSA) drafted a resolution to show our concern about the issues and policies that are being created by the taskforce appointed by University of Wisconsin System President Kevin Reilly to deal with University of Wisconsin Resident Advisors and the activities they lead or participate in on their personal time.

The taskforce has been given the difficult task of creating a consistent and uniform written policy regarding University of Wisconsin Resident Advisors and what Religious or Political Activities they lead or participate in on their personal time. With regards to the 1st Amendment of the United States of America protecting the freedom of religion and

freedom of speech by citizens; it is the opinion of SSA that any policy, uniform or otherwise prohibiting anyone from such activities due to a job title for anyplace of employment, would be unconstitutional. No one should have to give up their 1st Amendment rights or any other constitutional rights because of their job title.

The attached resolution to make sure that the taskforce knows how the students at The University of Wisconsin-Stout Students feel and hopes that a policy is drafted that does not take away the constitutional rights of resident advisors.

This resolution is being sent to all of you in hopes that you will help ensure that the constitutional rights of resident advisors, fellow students, and fellow citizens of Wisconsin, and constituents are not taken away.

Sincerely,

Stout Student Association