



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1193/P1
ARG:emw

DOA:.....Krall, BB0161 - Academic freedom; freedom of expression

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

This bill requires the Board of Regents of the UW System and each UW school to be committed to freedom of expression and inquiry and to protect and promote this freedom for members of the UW System's community.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 36.02 of the statutes is created to read:

36.02 Freedom of expression. (1) The board and each institution and college campus shall be committed to free and open inquiry in all matters and shall guarantee all members of the system's community the broadest possible latitude to speak, write, listen, challenge, and learn. Except to the extent limitations on that

freedom are necessary to the functioning of the system, the board and each institution and college campus shall fully respect and support the freedom of all members of the system's community to discuss any problem that presents itself.

(2) In the face of conflicting ideas, it is not the proper role of the board or any institution or college campus to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the board and each institution and college campus shall greatly value civility, and although all members of the system's community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of the system's community.

(3) Although members of the system's community shall have freedom to debate and discuss the merits of competing ideas, the board and each institution and college campus may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the system. In addition, the board and each institution and college campus may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the system. However, these exceptions to the general principle of freedom of expression shall be construed narrowly and are not intended to be used in a manner that is inconsistent with the system's commitment to a completely free and open discussion of ideas. The system's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the system's community to be offensive, unwise, immoral, or

wrongheaded. It is for the individual members of the system's community, not for the board or any institution or college campus, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Fostering the ability of members of the system's community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the system's educational mission.

(4) As a corollary to the system's commitment to protect and promote free expression, members of the system's community must also act in conformity with the principle of free expression. Although members of the system's community are free to criticize and contest the views expressed on the campuses of the system, and to criticize and contest speakers who are invited to express their views on these campuses, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the board and each institution and college campus has a responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

(END)