

CIVIL RIGHTS & LIBERTIES SECTION

To: Members, Assembly Committee on Colleges and Universities
From: Civil Rights & Liberties Section, State Bar of Wisconsin
Date: December 12, 2019
Re: AB 444/SB 403 – UW free expression

The Civil Rights & Liberties Section opposes SB 403/AB 444 re: free expression within the UW System. The board believes this legislation restricts counter-protests and demonstrations on college campuses by requiring college administrators to investigate and punish students and staff who "materially and substantially disrupt" by blocking or just *hindering* the ability of others to attend, listen to, view, or otherwise participate in expressive activity.

This "material and substantial disruption" is intended to protect expressive activity of certain groups who reserve space for their exclusive control. By its very nature it seeks to regulate the content of speech by protecting certain groups against protest from other groups. In addition, specific provisions concerning when "speech" loses its protection create legal shelter for hateful or harmful actions now labeled as "speech." Discriminatory harassment that is so severe as to force a student or staffer to leave school, *quid pro quo* sexual harassment, and a true threat (aka fighting words) are excluded from the definitions of protected speech here.¹ "Minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration" are also not considered to constitute material and substantial disruptions to speech. What qualifies a disruption as minor, brief, or fleeting is undefined and appears largely to turn on the feelings and observations made when lodging a complaint over the disruption. To that end, this proposal grants individuals whose "expressive" rights have been interfered with a cause of action for \$1000 or actual damages (whichever is greater) as well as attorney's fees and costs.

As such, this proposal turns free speech rights upside down by giving anyone who claims disruption with their speech the ability to demand investigations of those who oppose them as well as claims against the university should no action be taken. Given its extremely limited conceptions of harassment and discrimination, this proposal also essentially shields those who stalk students and staff or harass them because of race or gender, for instance, in ways not severe enough to cause the victims to leave school despite the harassment and stalking being prohibited under numerous other laws and policies.

On October 11th, the UW Board of Regents voted to start the process for amending administrative policy in line with what is in AB 444. As noted above, enactment of these changes would: (a) undermine the laws and policies intended to protect women and persons of color and numerous other protected groups from harassment and discrimination and (b) give those doing the harassment and discrimination a cause of action against their victims for their interference with now-protected "expressive" activity. Such an

1 As a result, many levels of discriminatory and harassing behavior are now protected as "speech." For example: A female student who is verbally harassed because of her sex will probably *only* have a viable sexual harassment claim against her harasser if she quits school because of that harassment. Under this proposal, sexual harassment is protected free speech activity unless the victim can demonstrate that she is being deprived of access to and the benefits of educational opportunities because of that sexual harassment.



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outcome goes against the very heart and ideal of what a university education and open debate should entail.

A recently proposed substitute amendment, while addressing some illegal outcomes in the original legislation, still leaves major problems in regards to the First Amendment and anti-discrimination law that have been noted above. The amendments, moreover, expand these outcomes to include both the UW system and Wisconsin's technical colleges.

For these reasons, the Civil Rights & Liberties section opposes AB 444/SB 403 and respectfully requests you do not support these changes.

For more information, please do not hesitate to contact our Government Relations Coordinator, Lynne Davis, ldavis@wisbar.org or 608.852.3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



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DATE: December 11, 2019
TO: UW System Board of Regents
FROM: Ray Cross, President *Ray Cross*
SUBJECT: Annual Academic Freedom and Freedom of Expression Report

On October 6, 2017, the UW System Board of Regents adopted Regent Policy Document (RPD) 4-21, "Commitment to Academic Freedom and Freedom of Expression." RPD 4-21 reaffirms the UW System Board of Regents' longstanding support of academic freedom and freedom of expression. The policy recognizes that each institution in the University of Wisconsin System has a "solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them."

The policy requires UW System to prepare an annual report for the Board of Regents describing the implementation of RPD 4-21, including a description of efforts to support academic freedom and freedom of expression and a report of policy violations. This annual report describes activities implemented by UW System institutions between July 1, 2018 and June 30, 2019. To collect information for this report, the Office of Compliance & Integrity surveyed UW System institutions.

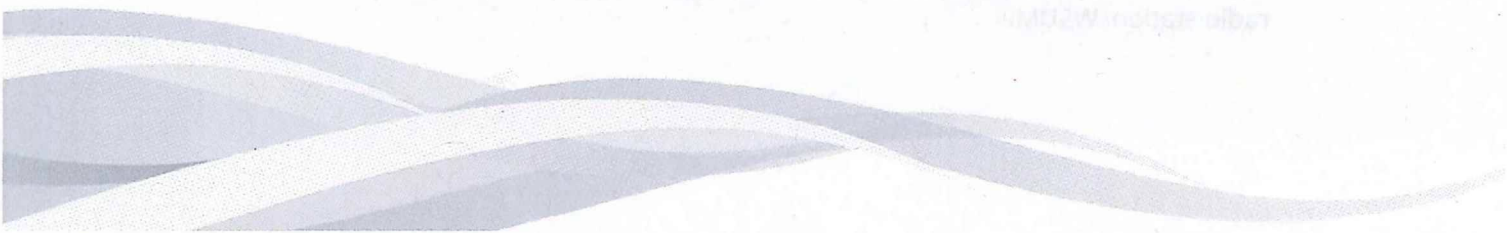
Efforts to Support Academic Freedom and Freedom of Expression

UW System institutions were asked to describe any activity endorsed by the institution to affirm a commitment to academic freedom and freedom of expression. The following report highlights examples of activities implemented by UW System institutions in support of academic freedom and freedom of expression. Institutions reported a wide variety of activities (See Attachment A, Section I).

Public Presentations on Academic Freedom and Freedom of Expression

Several institutions reported they hosted presentations and discussions open to the campus community addressing topics related to academic freedom and freedom of expression.

- At UW-Eau Claire, The Mary L. Hilfiker Symposium featured freedom of expression as a topic during a public discussion entitled "Free Speech and Campaign Finance: Debating the First Amendment and Citizens United." The event featured Ciara Torres-Spelliscy, a law professor at Stetson University, an expert on campaign finance reform with experience drafting legislation and briefs for the US Supreme Court.



- The Division of Global Inclusion and Engagement (GIE) sponsored *An Evening with Donna Brazile and Kelly Ayotte* as part of UW-Milwaukee's ongoing Freedom of Expression Series. Donna Brazile is a well-known executive in the Democratic Party and Kelly Ayotte is a well-known politician in the Republican Party. The discussion focused on how different political ideologies can work together on common projects for the good, and how women can play a large part in making this happen in the political arena.
- UW-Oshkosh invited Robert Yablon, law professor at UW-Madison to speak for Constitution Day; his research interests include political and election law, constitutional law, federal courts, and statutory interpretation. Professor Yablon spoke on "Voting and Equal Protection". Copies of the U.S. Constitution were also given out during the day in the student union concourse. Additionally, UW-Oshkosh Veteran's Resource Center hosted *Kneeling for the Flag Veterans Panel* on November 14, 2018.
- UW-Parkside hosted a Question & Answer Session with Charlie Sykes on "Overcoming Partisan Politics for the Good of the Public." The event was sponsored by the Tommy G. Thompson Center on Public Leadership and moderated by Parkside Political Science & Law Professor Ross Astoria.
- The Contemporary Political Issues Round Table Series at UW-River Falls sponsored Ellen Kennedy, PH.D., founder and Executive Director of World Without Genocide, which works to provide education about past and current conflicts. Kennedy presented "Statelessness' and the Refugee Crisis Today". The Round Table Series also hosted the lecture/discussion "Trump's Middle East Policy" by guest speaker Nurith Zmora, Professor of American History at Hamline University.
- At UW-Stout, the Center for the Study of Institutions and Innovation (CSII) guest speaker Karith Foster-Russell, shared stories and lead dialogue on diversity, specifically how to practice compassion and inspire change during her presentation of *Stereotyped 101*.
- President of Motlow State Community College and United States Air Force Veteran Michael Torrence's speech, "Bringing Civility to Civil Discourse" was part of annual Diversity Forum at UW-Whitewater in October of 2018. And in December a diverse group of students, faculty, and staff held a World Café event, Shaping our Future Through Civil Discourse.

Engaging Campus Leadership

Leadership across the UW System demonstrated a commitment to promote lively and fearless exploration, deliberation, and debate of ideas, and to protect those freedoms when others attempt to restrict them.

- UW-La Crosse Chancellor Joe Gow formed a Joint Committee on Free Speech Promotion whose purpose is to promote awareness of the principles of free speech including RPD 4-21 and to carry out programming for the campus on these themes. The committee includes representatives of the Student Senate, Faculty Senate, Academic Staff Council, and University Staff Council, and two Chancellor's designees.
- University of Wisconsin-Madison Chief of Police Kristen Roman and Interim Dean of Students Argyle Wade discussed Protest Guidelines with Academic Staff Executive Committee. Chief Roman and Dean Wade also were interviewed about the Protest Guidelines on the campus radio station, WSUM.

- UW-Milwaukee Vice Chancellor of Global Inclusion and Engagement Joan Prince and Chief Student Affairs Officer Kelly Haag are co-chairs of the “Care, Respect and Expression” work group to examine resources, response plans, education, and support to yield improvements and progress, and make UW-Milwaukee a better university. The group’s goals include consideration of a multidisciplinary response team for hate/bias incidents, organization of available resources, a communication plan, offerings for campus speakers and other content, an assessment plan to review incidents and a review of existing responder protocol.
- A joint statement from UW-River Falls Chancellor Dean Van Galen and Student Government Association President, Rosemary Pechous, reinforced the institution’s commitment to inclusiveness. The statement reminded students that everyone can contribute to the community by valuing and learning from people with diverse points of view by engaging with civility and respect.
- In May of 2018, UW-Stevens Point Chancellor Bernie Patterson signed the Inclusive Excellence declaration after it was endorsed by the university’s Diversity Council and passed by the Common Council.

Training and Coursework

Several institutions reported they provided training or coursework about free speech issues.

- During fall of 2018, UW-Milwaukee’s Division of Global Inclusion and Engagement sponsored eleven graduate students to present in their respective classes a session regarding Freedom of Expression and Difficult Dialogues. The eleven graduate students moderated two-session classroom dialogues in eleven different classes where they are teaching assistants (TAs). The sessions were offered in the following departments: History, Political Science (two graduate students), Cultural Foundations of Community Education, Psychology, African and African Diaspora Studies, Communication, Digital Arts and Culture, English, JAMS (Journalism, Advertising and Media Studies), Library and Information Science. Each TA provided a copy of an article regarding opposing political sides of an issue. The class read the article and discussed it over two class sessions. Over 1600 students were exposed to the discussion regarding freedom of expression and ways in which to incorporate these concepts into teaching and learning.
- Members of the UW-Platteville Bias Incident Team (UBIT) attended a Gehring Institute program focused on the topic of the First Amendment.
- Tom Stafford from UW System Legal conducted “Free Speech on Campus” training with the Chancellor’s Cabinet at UW-Superior.
- UW-Whitewater conducted multiple Residence Life Professional Staff Training sessions in July and August that covered topics ranging from civil discourse, the First Amendment, freedom of expression, and hate/bias reporting. UW-Whitewater also requires a module on civil discourse and dealing with difficult conversations for all new students.

Policies

Several institutions reported hosting policies related to academic freedom and freedom of expression on their websites in addition to having the full policy in student handbooks. UW-Eau Claire added a summary of RPD 4-21 to the policy section on its website. The UW-La Crosse Chancellor’s website included a page on freedom of expression with information about RPD 4-21 and other relevant resources.

Barriers to Academic Freedom and Freedom of Expression

As required under RPD 4-21, UW System institutions were asked to report any material barriers to upholding academic freedom and freedom of expression and steps they have taken to remove those barriers. No institutions indicated that they had encountered barriers to protecting the freedoms outlined in RPD 4-21. UW-Whitewater indicated an interest in redefining free speech zones and an intent to begin an annual review of the special events policy to ensure compliance with relevant laws and policies.

Violations of RPD 4-21

Under RPD 4-21, any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others shall be suspended for a minimum of one semester. Any student found responsible a third time is required to be expelled. However, these specific provisions of the policy are not currently in force and are the subject of on-going administrative rulemaking. Employees charged with disrupting the freedom of expression of others are subject to procedures under Ch. UWS 18, Wis. Admin. Code and UW System institution policies. Until such time as the proposed rulemaking is completed, RPD 4-21 requires the Chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the expressive rights of others.

RPD 4-21 requires UW System to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the complaint as part of the annual academic freedom and freedom of expression report.

UW System institutions reported three formal complaints of violations of expressive freedoms during the academic year July 1, 2018 - June 30, 2019, none of which resulted in the suspension or expulsion of students. UW- Milwaukee reported two violations involving students and UW-Oshkosh reported one.

The first complaint at UW-Milwaukee alleged that a student on campus held a protest sign that contained offensive material outside of a student organization event and made racist and sexist comments to passersby. The student left the institution prior to completion of the investigation. A conduct hold was placed on the student's account to complete the conduct process if and/or when the student returns. The second complaint involved a student tearing up another student's sign during a protest. The investigation found the student to be responsible and resulted in educational sanctions. This was a first-time offense.

In the third complaint, a UW-Oshkosh student filed a complaint against a faculty member citing UWO policy GEN 1.2.(4). *Discrimination, Discriminatory Harassment, and Retaliation*. Subsequently the student withdrew the complaint. The review process was concluded after the student withdrew the complaint. However, University administration (Office of the Provost and Vice Chancellor for Academic Affairs) and the UWO faculty member (through the faculty member's counsel) continue to discuss the matter, as issues of classroom conduct, discipline, freedom of expression and academic freedom have been broached. No formal review or proceedings are ongoing; however, communications between UWO and the faculty member's representation continue. University administration felt it was proper to include the matter in this cycle's RPD 4-21 reporting.

Notification Requirements

The Office of Compliance & Integrity also requested information from UW System institutions regarding the status of efforts to meet the notification requirements of RPD 4-21 (See Attachment A Section II). RPD 4-21 requires each UW institution to include information regarding freedom of expression in orientation materials for freshmen and transfer students entering the institution. All institutions reported providing information about RPD 4-21 as part of their orientation sessions for new and transfer students. Information regarding RPD 4-21 was provided in various formats, for example: UW-Eau Claire provided a PowerPoint presentation as a part of the New Student Orientation, UW-La Crosse distributed pamphlets during move-in, UW-Whitewater printed the policy on the back of the Warhawk Welcome schedule during fall orientation, and UW-Milwaukee distributed campus resource cards with a QR code linking to a website for all students, which has a "First Year Students" section linked to the formal policy.

RPD 4-21 also requires institutions to notify all enrolled students and employees annually of the requirements of RPD 4-21. Institutions across UW System reported notifying students and employees with two exceptions. UW-Parkside did not notify employees during the 2018-19 academic year but has since sent a notification and updated the handbook and Human Resources (HR) website to include the policy. Going forward, the notification will be included in UW-Parkside's HR newsletter annually in September. UW Stout did not notify students specifically of RPD 4-21; however, notifications were sent to students regarding specific events demonstrating the institution's commitment to freedom of expression and academic freedom. UW-Stout plans to notify students of the policy on an annual basis going forward.

Attachment A, Section I
UW System Institution Initiatives in Support of
RPD 4-21, “Commitment to Academic Freedom and Freedom of Expression”
July 1, 2018 to June 30, 2019

Institution	Description of Activity	Date of Activity	Target Audience	Estimated Number of Students or Employees
UW-Eau Claire	A faculty panel titled “Free Speech, Hate Speech & Speaking Out: Finding your voice in the free speech debate” was held on Constitution Day. The event was widely publicized across campus digital displays, notice boards, and through an e-mail from the Dean of Students. Free pocket Constitutions were available at the event courtesy of the UW-Stout Center for the Study of Institutions and Innovation. The event was co-sponsored by the UWEC Center for Constitutional Studies, the Dean of Students office, and the Pre-Law Club; these partners typically host such a forum each Constitution Day. The event was open to the public but was primarily marketed toward students.	September 17, 2018	Students	175
UW-Eau Claire	The Mary L. Hilfiker Symposium featured freedom of expression as a topic during a public discussion entitled “Free Speech and Campaign Finance: Debating the First Amendment and Citizens United.” The event was promoted with a campus news story featured prominently on the UW-Eau Claire website, and students were engaged through digital display ads and major-specific e-mails.	October 18, 2018	Students	200

	The event featured Ciara Torres-Spelliscy, a law professor at Stetson University, an expert on campaign finance reform with experience drafting legislation and briefs for the US Supreme Court. Funding for the Hilfiker Symposium is provided through the UW-Eau Claire Foundation.			
UW-La Crosse	Free Speech Week public presentation.	November 1, 2018	Students and employees	80
UW-La Crosse	Workshop on Classroom Discussions, Free Speech, and UW System Policy.	September 25, 2018	Employees	30
UW-Madison	Interim Dean of Students Argyle Wade discussed Protest Guidelines at Division of Student Life Advisory Board.	November 1, 2018	Students	20
UW-Madison	University of Wisconsin-Madison Chief of Police Kristen Roman and Interim Dean of Students Argyle Wade discussed Protest Guidelines with Academic Staff Executive Committee.	December 6, 2018	Employee	10
UW-Madison	The campus Protest Guidelines are permanently listed in the Center for Leadership and Involvement Student Organization Resource & Policy Guide. https://guide.cfli.wisc.edu/policies/ (Protest Guidelines & Information accordion panel)	July 1, 2018 – June 30, 2019	Students	All students participating in Registered Student Organizations

UW-Madison	Chief Roman and Dean Wade also were interviewed about the Protest Guidelines on the campus radio station, WSUM.	October 2018	Students	
UW-Madison	The Center for First Year Experience co-sponsored with the Wisconsin Union Directorate Society and Politics Committee a lecture and discussion led by Political Science Professor Howard Schweber on "Free Speech and Academic Freedom."	November 19, 2018	Students	Approximately 60
UW-Milwaukee	The Division of Global Inclusion and Engagement (GIE) sponsored "An Evening with Donna Brazile and Kelly Ayotte" as part of UWM's ongoing Freedom of Expression Series. Donna Brazile is a well-known executive in the Democratic Party and Kelly Ayotte is a well-known politician of the Republic Party. The discussion focused on how different political ideologies can work together on common projects for the good, and how women can play a large part in making this happen in the political arena.	April 2, 2019	Employees and students	497
UW-Milwaukee	The Division of Global Inclusion and Engagement sponsored 11 graduate students to present in their respective classes a session regarding Freedom of Expression and Difficult Dialogues. The 11 graduate students moderated a two-session classroom dialogue in 11 different classes where they are teaching assistants (TAs). The sessions were offered in the following departments: History,	Academic Semester, Fall 2018	Students	Over 1600

	Political Science (two graduate students), Cultural Foundations of Community Education, Psychology, African and African Diaspora Studies, Communication, Digital Arts and Culture, English, JAMS (Journalism, Advertising and Media Studies), Library and Information Science. Each TA provided a copy of an article regarding opposing political sides of an issue. The class read the article and discussed it over two class sessions.			
UW-Milwaukee	Chancellor's message: Announcement of Examine Care, Respect and Expression work group, June 19, 2019. https://uwm.edu/chancellor/chancellors-update-group-to-examine-care-respect-and-expression/	June 19, 2019	Employees and students	
UW-Milwaukee	Chancellor's message: Balancing free speech and civility in response to student carrying swastika sign, May 7, 2019. https://uwm.edu/chancellor/chancellors-update-balancing-free-speech-and-civility/	May 7, 2019	Employees and students	
UW-Milwaukee	Chancellor's message: Additional response to student carrying swastika sign, May 14, 2019. https://uwm.edu/chancellor/chancellors-update-care-in-the-face-of-hate/	May 14, 2019	Employees and students	
UW-Milwaukee	Chancellor's message: Response to the Pittsburgh synagogue tragedy, Oct. 30, 2018. https://uwm.edu/chancellor/chancellors-update-pittsburgh-synagogue-tragedy/	October 30, 2018	Employees and students	

UW-Milwaukee	Chancellor's message: Compliance issues including freedom of expression, Sept. 18, 2018. https://uwm.edu/chancellor/chancellors-update-our-behavior-and-actions-matter/	September 18, 2018	Employees and students	
UW-Milwaukee	Chancellor's plenary to campus with message about guiding values and differing views, September 20, 201. Slides and video: https://uwm.edu/chancellor/fall-2018-plenary/	September 20, 2018	Employees and students	
UW-Milwaukee	Chancellor's message: Fall welcome on Guiding Values and freedom of expression events, August 23, 2018. https://uwm.edu/chancellor/chancellors-update-welcome-to-fall-at-uwm/	August 23, 2018	Employees and students	
UW-Oshkosh	Constitution Day speaker at UW-Oshkosh Campus: Robert Yablon teaches law at UW Madison; his research interests include political and election law, constitutional law, federal courts, and statutory interpretation. Copies of the constitution were also given out during the day in the student union concourse. https://uwosh.edu/adp/constitution-day/	September 17, 2018	Students	Several dozen
UW-Oshkosh	UW-Oshkosh-Fond du Lac & UW-Oshkosh-Fox Cities Campuses: Constitution Day- Posed a written question in the University Commons asking: "What does Constitution mean to YOU?"	September 17, 2018	Students	Offered to entire campus community passing by the installation

UW-Oshkosh	Voting 101: educating students on how to register, where to vote, etc...(UW-Oshkosh Campus):	October 10, 2018	Students	Approximately 100
UW-Oshkosh	2018 Veterans Panel – “Kneeling For The Flag” (UW-Oshkosh Campus). Event video: https://www.facebook.com/watch/?v=1088225541348743	November 13, 2018	Student	
UW-Oshkosh	Special Civil Liberties Undergraduate Student/Faculty Collaborative Research Grants support a broad range of research or creative work engaging issues of free speech, civil liberties, civil rights and academic freedom. These competitive grants provide undergraduate students with a \$3,000 scholarship and \$550 in supplies and expenses. Collaborating faculty and instructional staff will receive a stipend of \$750. UW OSHKOSH TODAY: https://uwosh.edu/today/72735/research-study-brings-student-and-professor-together-to-study-generation-zs-involvement-in-the-political-process/	Fall 2018	Students and faculty	
UW-Oshkosh	Humans of Oshkosh – Oshkosh Corp. Veteran Stories. UW OSHKOSH TODAY: https://uwosh.edu/today/73464/uw-oshkosh-student-project-tells-the-stories-of-oshkosh-corporation-veterans/	October 25, 2018	Campus Community	

	Facebook synopsis: https://www.facebook.com/notes/humans-of-oshkosh/humans-of-oshkosh-veterans-storytelling-project-veterans-and-student-storyteller/1289388181213983/			
UW-Oshkosh	American Democracy Project Debate Night - provided information about the candidates running and debated issue. Student newspaper coverage. https://advancetitan.com/news/2018/11/08/students-debate-political-issues	November 5, 2018	Students	150
UW-Oshkosh	Student Open Forum to discuss campus issues with Chancellor & Vice Chancellors.	November 15, 2018	Students	60
UW-Oshkosh	Fredric March Theatre Open Forum:- discussion of possible name change due to KKK affiliations.	March 4, 2019 April 8, 2019	Campus Community	Approx. 10
UW-Oshkosh	UW-Oshkosh Student Association Elections Debate.	March 11, 2019	Students	100
UW-Oshkosh	"Call to Action" Forum: Discussing a bias incident. https://www.postcrescent.com/story/news/education/2019/03/19/racist-homophobic-snapchat-sparks-frustration-anger-uw-oshkosh/3202560002/	March 18, 2019	Employees and students	220 to 300
UW-Oshkosh	Women and Religion Panel	March 21, 2019	Campus Community	

UW-Oshkosh	Speaker: Moving Past Hate	April 8, 2019	Campus Community	150
UW-Oshkosh	Social Justice Week: various speakers on a wide variety of topics. https://www.uwosh.edu/social_justice/social-justice-week-2019	April 16- 21, 2019	Campus Community	Dozens of faculty, students, and staff
UW-Oshkosh	Center for Excellence in Teaching and Learning sponsored "Creating an Inclusive & Equitable Campus."	April 25, 2019	Employees	
UW-Oshkosh	Campus Open Forum: discussed bias incidents on campus. Media coverage (ex.): https://fox11online.com/news/local/uw-oshkosh-chancellor-reacts-after-racist-images-involving-students-emerge	April 26, 2019	Campus Community	500 +
UW-Oshkosh	Polling location for primaries and general elections (UW-Oshkosh campus).	August 14, 2018, November 6, 2018, February 19, 2019, April 2, 2019	Students	
UW-Parkside	Guest speaker/lecturer Charlie Sykes, Topic: "Partisanship and Overcoming Partisanship in Politics." Event sponsored by the Tommy G. Thompson Center on Public Leadership at UW-Madison	April 21, 2019	Public event	75-80
UW-Parkside	Guest speaker/lecturer Jonah Goldberg, Topic: "Suicide of the West." Event sponsored by the Tommy G. Thompson Center on Public Leadership at UW-Madison.	April 9, 2019	Public Event	75-80

UW-Platteville	Members of the University Bias Incident Team (UBIT) attended a Gehring Institute program on the topic of First Amendment. Lee Bird, author of The First Amendment on Campus: A Handbook for College and University Administrators.	Week of July 8, 2018	Employees	8
UW-River Falls	Open session with Higher Learning Commission Review team on Criterion 2: Integrity: Ethical and Responsible Conduct, including component 2.D: "The institution is committed to freedom of expression and the pursuit of truth in teaching and learning."	September 15, 2018	Employees	50
UW-River Falls	Lecture/Discussion "Trump's Middle East Policy" by guest speaker Nurith Zmora, Professor of American History at Hamline University. Sponsored by the Contemporary Political Issues Round Table Series and the Department of Political Science & International Studies.	October 23, 2018	Students	60
UW-River Falls	Contemporary Political Issues Round Table Discussion of recent election with UWRF political science professors Neil Kraus and Davida Alperin.	December 5, 2019	Students	60
UW-River Falls	"Statelessness and the Refugee Crisis Today," a lecture and discussion with guest speaker Ellen Kennedy, Ph.D., director of World Without Genocide at Mitchell Hamline School of Law. Contemporary Political Issues Round Table Series.	February 11, 2019	Students	60

UW-River Falls	Joint Statement on UWRF Core Values (includes reference to "discussing political issues in ways that are fair, constructive, and respectful.")	October 2, 2018	Employees and students	Email distributed to 100 % of students and employees
UW-Stevens Point	First Amendment/Free Speech forum.	September 26, 2018	Campus community	100
UW-Stevens Point	UW-Stevens Points Chancellor Patterson signed the Inclusive Excellence declaration after endorsement by the university's Diversity Council and passing by the common council.	May 2018	Campus community	
UW-Stout	Center for the Study of Institutions and Innovation (CSII) Guest speaker, Karith Foster-Russell, spoke on relationships between stereotyping and free speech.	September 25, 2018	Students	30 Students and employees
UW-Stout	CSII held panel discussing free speech and anti-orthodoxy with independent scholar Bret Weinstein, Damon Sajani of UW-Madison and John Sharpless of UW-Madison.	October 15, 2018	Students	30 Students and employees
UW-Stout	CSII held panel discussion on important US Supreme Court First Amendment decisions with UW-Stout faculty Richard Schutta, Kate Edenberg, and David Seim.	October 16, 2018	Employees and students	20 Students and employees
UW-Stout	CSII held panel discussion on student free speech in UW System with Casey Mattox of Koch Institute, Jim Manley from Goldwater Institute, and UW-Stout student Coltan Schoenke.	October 16, 2018	Employees and students	35 Students and employees

UW-Stout	CSII held debate on hate speech and the First Amendment with Azhar Majeed from FIRE and Laura Beth Nielsen from Northwestern.	October 17, 2018	Employees and students	30 Students and employees
UW-Superior	Chancellor's Cabinet training with Tom Stafford from System Legal	October 9, 2018	Employees	11
UW-Whitewater	President of Motlow State Community College and United States Air Force Veteran Michael Torrence's speech, "Bringing Civility to Civil Discourse" as part of annual Diversity Forum.	October 8, 2018	Employees and students	
UW-Whitewater	"Shaping our Future Through Civil Discourse." A World Café model planned by a diverse group of students, faculty, and staff from across the university.	December 15, 2018	Employees and students	100
UW-Whitewater	Residence Life Professional Staff Training conducted by Eddie Moore on micro aggressions and civil discourse.	July 2018	Employees	22
UW-Whitewater	Residence Life Professional Staff Training by the Director of Residence Life that covered civil discourse, the First Amendment, and Freedom of Expression.	August 2018	Employees	23
UW-Whitewater	Resident Assistant Training by Chief Equity, Inclusion and Diversity officer, Dr. Kenny Yarbrough "Social Justice in Community".	August 2018	Employees and students	150
UW-Whitewater	Hate/Bias Reporting and Civil Discourse Discussions. Every Resident Assistant Staff	August 2018	Students	130

	discussed hate/bias reporting and civil discourse in their communities.			
UW-Whitewater	New Student Seminar required module on civil discourse and dealing with difficult conversations.	Fall 2018 Spring 2019	Students	93% of new students
UW-Whitewater	Whitewater Student Government Constitution Study Guide Event - To encourage conversation regarding the US Constitution and Free Speech. 400 informational pamphlets were sent to student leaders and advisors.	September 17, 2018	Students	400
UW-Whitewater	Whitewater Student Government Listening Session - To encourage conversation regarding civil discourse and provide avenue for definition and exploration.	October 4, 2018	Students	
UW-Whitewater	Website. https://www.uww.edu/adminaffairs/compliance/freedom-of-expression	On-going	Campus Community	
UW-Whitewater	User Friendly Principles in English and Spanish . (http://www.uww.edu/adminaffairs/audit-risk-compliance-ethics#user-friendly-principles-)	On-going	Campus Community	

Attachment A, Section II
Notification Requirements as required by RPD 4-21, "Commitment to Academic Freedom and Freedom of Expression"
July 1, 2018 to June 30, 2019

Institution	Description of Activity	Date of Activity	Target Audience
UW-Eau Claire	During New Student Orientation's opening day ceremonies, discussion of freedom of expression, open discussion, and academic freedom were facilitated through a PowerPoint presentation which linked to RPD 4-21	September 4, 2018 February 2, 2019	New Student Orientation
UW-Eau Claire	Prominent inclusion of UWS Policy in weekly all faculty/staff e-mail update	September 18, 2018 September 25, 2018	Employees
UW-Eau Claire	UWS Policy notification e-mailed from Dean of Students office	September 12, 2018	Students
UW-Eau Claire	RPD 4-21 summary was added to the policy section of UW-Eau Claire's public website	January 16, 2019	Students and employees
UW-Green Bay	Face to Face review of RPD 4-21 during New Student Orientation	August 16, 2019	New Student Orientation
UW-Green Bay	UWS Policy notification emailed	October 18, 2019	Students and employees
UW-La Crosse	Distribution of pamphlets to students during move-in	August 31, 2018 – September 2, 2018	Students
UW-La Crosse	UWS Policy notification emailed from Chancellor	September 4, 2018 October 23, 2018	Students and employees
UW-La Crosse	Video presentation by the Division of Student Affairs (https://www.youtube.com/watch?v=XgE2tDFBjGY)	August 31, 2018 – September 2, 2018	New Student Orientation

UW-Madison	E-mailed article "Guidelines help students distinguish between activism and disruption" in the Student Weekly newsletter. See attached document: "Student Protest Guidelines Story final"	September 6, 2018	Employees and students
UW-Madison	Center for Leadership and Involvement sent a message to the leadership of all Registered Student Organizations	October 18, 2018	Student leaders of Registered Student Organizations
UW-Madison	Protest Guidelines appeared in Center for Leadership and Involvement Buzz Newsletter	October 15, 2018	Student leaders of Registered Student Organizations
UW-Madison	Protest Guidelines appeared in the Registered Student Organization Advisor Newsletter	October 22, 2018	Registered Student Organization advisors
UW-Madison	The University of Wisconsin-Madison's orientation process spans a student's entire first year. Conversations about student rights and responsibilities begin in summer orientation sessions, are reinforced at floor meetings in University Housing, and continue to be reiterated through all student messaging on specific topics like freedom of expression.	July 1, 2018 - June 30, 2019	New and transfer students
UW-Milwaukee	All students attending New Student, Transfer, and Adult Student Orientations received a card with a QR code on it. The QR Code links to this website: https://uwm.edu/studenthandbook/student-resources/ When the students click on "First Year Students", it takes them to this site: https://uwm.edu/studenthandbook/student-		New and transfer students

	resources/first-year-students/ where a link to the formal policy is listed		
UW-Milwaukee	<p>During in-person orientation sessions, Dean of Students Office representatives' reference and encourage students to visit and review the UWM Student Handbook, which contains various resources, policies, and procedures. Regents Policy 4-21 is located on this site:</p> <p>https://uwm.edu/studenthandbook/policies/student-conduct/. In addition, first year students have a separate resource website, where Regent Policy 4-21 is listed on this site: https://uwm.edu/studenthandbook/student-resources/first-year-students/</p>	June 4 – August 29, 2019	New and transfer students
UW-Milwaukee	The Chancellor's welcome email to all students addressed Guiding Values and Freedom of Expression. This was a non-opt out email, meaning all students receive it regardless as to whether students have opted out of email messages from the University	August 28, 2018	Students
UW-Milwaukee	<p>For branch campuses, all first-year students were shown a video at their New Student Orientation that contained information about UWM Health & Safety. In this video, students were encouraged to review the UWM Student Handbook, which contains various resources, policies, and procedures. In addition, all students receive a packet of information that contained the link for the Student Handbook. Regents Policy 4-21 is located on these sites connected to the Handbook:</p> <p>https://uwm.edu/studenthandbook/policies/student-conduct/ and at</p>	June 4 – August 29, 2019	Students

	https://uwm.edu/studenthandbook/student-resources/first-year-students/		
UW-Milwaukee	UW-Milwaukee delivered cards with a QR code to branch campus students which when scanned takes students to the UW-Milwaukee Student Handbook		Students
UW-Oshkosh	UWS Policy given to all new students during summer orientation	Various dates	Students
UW-Oshkosh	UWS Policy emailed to all new students and family members (Oshkosh campus)	July 30, 2018	New students and their family members
UW-Oshkosh	UWS Policy notification emailed to all students (Oshkosh campus)	September 6, 2018	Students
UW-Oshkosh	UWS Policy notification emailed to employees (Oshkosh campus)	November 19, 2018	Employees
UW-Oshkosh	UWS Policy notification emailed (Fox Cities Campus)	September 2018	Employees and students
UW-Oshkosh	Orientation materials were presented to new students on rights and responsibilities and policies related to student conduct (Fox Cities Campus)	August 29, 2018	New students
UW-Oshkosh	UWS Policy notification emailed (Fond du Lac Campus)	September 6, 2018	Employees and students
UW-Oshkosh	Orientation materials presented to new students on rights and responsibilities and policies related to student conduct (Fond du Lac Campus)	August 28, 2018	New students

UW-Parkside	"Midnight Ranger" – Weekly electronic newsletter to students. Provides a link to the Student Handbook which includes the policy on Academic Freedom and Freedom of Expression	September 1, 2018 February 2, 2019	Students enrolled for the current term
UW-Parkside	"Be a Ranger" Orientation Session for Freshmen – topics covered include Freedom of Expression, Title IX, Classroom Behavior Expectations, Campus Safety	July 10, 12, 17, 19, 24, 26, 2018; August 24, 30, 2018; January 24, 2019; June 13, 18, 2019	Freshman students
UW-Parkside	"Be a Ranger" Orientation Session for Transfer Students - topics covered include Freedom of Expression, Title IX, Classroom Behavior Expectations, Campus Safety	July 11, 18, 25, 2018; August 15, 22, 29, 2018; December 19, 2018; January 19, 2019; April 18, 2019; May 15, 2019; June 12, 19, 2019	Transfer students
UW-Platteville	New employee onboarding includes RPD 4-21 for all new employees to read and attest to having read.	July 1, 2018 – June 30, 2019	Employees
UW-Platteville	New Student Orientation included a presentation that covered a variety of topics, including RPD 4-21. Guest speaker Jason LeVasseur addressed the policy in detail	September 2, 2018	Students
UW-Platteville	Email sent to all students containing the Student Handbook, which includes the full text of the policy	December 4, 2018	Students
UW-Platteville	UWS Policy notification emailed to all employees	September 24, 2018	Employees
UW-River Falls	Email reminder of the Student Handbook on UW-River Falls website which contains specific reference to RPD 4-21	Beginning of each semester	Employees and students

UW-River Falls	New Student and Family Programs outlines the Commitment to Academic Freedom and Freedom of Expression within the New Student and Family Program Handbook that is distributed to all incoming students and families who attend the required New Student Registration program	Distributed in August 2018, January 2019, and June 2019 for incoming students for the Fall 2018, Spring 2019, and Fall 2019 semesters.	New students
UW-Stevens Point	UWS Policy notification emailed to new and transfer students	July 24, 2018	New and transfer students
UW-Stevens Point	Free speech forum invitation emailed	September 25, 2018	Employees and students
UW-Stout	UWS Policy notification emailed to all employees	November 28, 2019	Employees
UW-Stout	Orientation for all new and transfer students included session on reporting incidents of hate or bias and included information on RPD 4-21	September 23, 2018	New and transfer students
UW-Superior	UWS Policy notification emailed from Chancellor	September 12, 2018	Employees and students
UW-Superior	UWS Policy notification emailed from Dean of Students Office	October 1, 2018	Students
UW-Superior	Dean of Students Office reviewed policy and posted on UW-Superior website	August 12, 2018	Employees and students
UW-Superior	UWS Policy statement included in written material distributed to first year students who attend Weekend of Welcome	September 3, 2018	New students

UW-Superior	UWS Policy statement included in online orientation for first year students who were unable to attend Weekend of Welcome	September 3, 2018	New students
UW-Whitewater	RPD 4-21 Academic Freedom and Freedom of Expression Announcement	September 13, 2018	Employees and students
UW-Whitewater	Students were given a copy of the Board of Regents Policy 4-21 during Warhawk Welcome (fall orientation) check-in. In an effort for students to read the policy it was printed on the back of the Warhawk Welcome events schedule.	September 2-3, 2018	New and transfer students



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Campus Free Speech Testimony

Assembly Committee on Colleges and Universities

Thursday December 12th, 2019

Thank you Chairman Murphy and committee members for hearing testimony on Assembly Bill 444 today. The free exercise of speech is a fundamental, constitutional right. Here in Wisconsin and across the country, we have seen examples of free speech being targeted and suppressed on university campuses. Part of this growing trend teaches young people that disrupting a speech or acting with violence can shut down anyone from having their voice heard or censor speech you do not agree with. This has become the blueprint for the anti-free speech movement in America.

Our bill will address this concerning movement as well as strengthen our First Amendment rights on university campuses and technical colleges. AB 444 also provides clear parameters for school policies as we have seen school administrations demand for conformity under the cover of “speech codes” or “safe spaces”.

Specifically, the UW Board of Regents and Technical College System Board are directed to implement a policy on free expression. This policy must include items such as students and faculty have the freedom to discuss anything as permitted by the First Amendment, that it is not the role of an institution to shield individuals from speech protected by the First Amendment, and that any person lawfully on campus may protest or demonstrate, but actions interfering with the expressive rights of others can be punished.

Students accused of violating this policy are entitled to a disciplinary hearing and due process in their case. Those guilty for violent or disorderly conduct disrupting the free expression of others are subject to a range of sanctions.

Agitators trying to silence public discourse have used the current system to avoid accountability for their personal actions, shouting down speech rather than engage in an open exchange of ideas. The goal of this bill is not to limit any speech protected under the Constitution but rather protect all spectrums of speech letting free speech thrive regardless of ideology or politics. With this bill, we can affirm the ability to engage in the exchange of ideas without the fear of intimidation or disruption.

Thank you committee members for your time and consideration of this bill. I would be happy to answer any questions you have.



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December 12th, 2019

Chairman Murphy and Assembly Colleges and Universities Committee Members,

Thank you for holding a Public Hearing on AB 444 related to free expression within the University of Wisconsin System.

I am honored to have worked with Senator Kapenga, Representative Vos, and Representative Murphy on this legislation as well as the substitute amendment.

Campuses across the country have erupted in protest, including violent riots, as the growing debate over who has the right to speak threatens our nation's first amendment. This bill will protect free speech and ensure the free exchange of ideas at our institutions of higher learning.

AB 444 is a commitment to protect the freedom of expression on college campuses in order to encourage the broadening of thought and growth of ideas. This bill directs the Board of Regents to develop and adopt a policy on free expression, allowing students and faculty the freedom to express themselves as the first amendment permits. In addition, the amendment expands these protections to students who are part of our Wisconsin Technical College System as well.

The bill and the amendment direct the Board of Regents and the Technical College System Board to implement disciplinary measures for anyone who engages in violent and disorderly conduct that interferes with the free expression of others, while allowing a person whose rights have been violated to take action. Suppressing a viewpoint to ensure the protection of another stifles the growth of new thought. We must ensure universities remain a place of openness and diversity for all opinions and viewpoints.

Too often across our state we have seen viewpoints marginalized and attacked in both the UW System and our Wisconsin Technical College System. Disruption has led to a chilling effect on discourse.

We can all agree to disagree respectfully but no one should feel that their voice cannot be heard, or that their viewpoint is going to be suppressed.

We need this legislation to codify these protections for all students. We cannot stand by and allow the system to simply regulate itself. We must stand up and demand accountability.

Thank you for your time and I am available to answer any questions you may have.



ROBIN J. VOS

SPEAKER OF THE WISCONSIN STATE ASSEMBLY

Testimony on Assembly Bill 444
Assembly Committee on Colleges and Universities
December 12, 2019

Mr. Chairman, members of the committee, thank you for the opportunity to provide written testimony on Assembly Bill 444. I write to you today to defend one of our most fundamental rights, the right to free speech. Campuses across the country are under attack, as intolerance and physical aggression have replaced healthy debate and a free market place of ideas. AB 444 directs the Board of Regents to implement a policy, standing against the suppression of free speech and protecting the rights of students, faculty and staff across the state.

In our own backyard, we have seen the trend of suppression of ideas as speakers have been shouted down and physically assaulted by those who do not share their beliefs. Our universities and colleges have the responsibility to encourage debate and offer a wide range of perspectives.

While the Board of Regents has adopted a freedom of speech policy, I challenged the UW System to practice what it preaches. As recently as 2016, my office obtained records revealing that millions of tax payer dollars are being spent primarily on liberal speakers. Colleges are a place to cultivate beliefs, but you cannot have a debate when only one side is allowed to show up.

In 1964, while the civil rights movement spurred anger, suppression, and separation throughout the nation, the University of Wisconsin – Madison stood as a pillar for free speech. Inviting controversial Alabama Governor George Wallace, civil rights activist Dion Diamond, and journalist Louis Lomax, university students encouraged a conversation from all perspectives on the “Discourses of Dissent”. Students protested the event, but that day, every voice was heard and the nation watched as Wisconsin set the bar.

Today, our nation has turned its back on the values of intellectual diversity and is instead erupting in protests challenging different views. UC Berkeley disinvented conservative speakers after protestors damaged over \$100,000 of university property. At Middlebury College in Vermont, physically violent protestors shut down a speech by Charles Murray and injured a professor. The College Republicans at Binghamton University in New York sponsored economist Arthur Laffer to speak at an event on campus. However, members of Antifa disrupted and according to the university, entirely prevented the speaker from addressing the audience. Closer to home, students at the UW – Madison disrupted a speech by Ben Shapiro, shouting obscenities and physically blocking the audience’s view of the speaker.

Not only are we seeing free speech stifled at universities around the country and our state, but this is occurring on technical college campuses as well. At Northeast Technical College here in Wisconsin, Polly Olson, a student who is testifying today, was banned from handing out Valentine's Day cards with religious messages. Ms. Olson fought for her First Amendment rights, suing NWTC for unconstitutionally restricting her of these rights. While Ms. Olson ultimately won the lawsuit, students should not have to go to court to ensure that they maintain the freedom of speech on the campus that they are attending.

AB 444 encourages free speech by setting a standard within the UW Systems, providing definitive language in the universities' role in protecting free speech and the amendment to this bill includes the Technical Colleges, as well. In addition, the bill creates a disciplinary process for those who infringe on the expressive rights of others, ensuring everyone has the opportunity to be heard.

As civil unrest continues across the country, this bill will ensure Wisconsin stands as an example of the rights provided to us by our founding fathers. An individual should not have the ability to strip the rights of others to suppress conflicting views. We must assure campuses remain a place of diversity of thought and freedom of expression.

Thank you for your time and consideration.