

Wisconsin Institute for Law and Liberty: Releases analysis on campus free speech legislation pending in the Wisconsin Legislature

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May 15, 2017 - Milwaukee, WI - Today the Wisconsin Institute for Law & Liberty released an analysis titled [“On Freedom of Expression in the University of Wisconsin System.”](#) The report provides a history of freedom of expression in the UW system and analyzes current legislative proposals for reform that are pending before the Wisconsin Legislature.

In December 2015, the UW Board of Regents adopted a statement on “Academic Freedom and Freedom of Expression.” In his proposed 2017-2019 budget, Governor Walker sought to have a similar statement enacted into statute, but his proposal (along with all other non-fiscal items) was stripped from the budget.

Following that, members of the legislature sought to enact protections on freedom of speech on campus through stand-alone bills. The WILL report analyzes bills introduced by Representative Jesse Kremer and Senator Leah Vukmir. WILL concludes that “Both bills are a good start in that they seek to reaffirm the UW’s historic commitment to free speech and address the disturbing trend of official censorship and student interference with and ‘shout downs’ of speech.” However, WILL also concludes that both bills must be improved and offers several suggestions

for improvement.

“Freedom of speech on college and university campuses is under assault nationwide,” said WILL President and General Counsel Rick Esenberg. “With speakers shouted-down, disinvited, and unable to speak on campuses for fear of being prevented by protestors, the heckler’s veto has been effective. It is appropriate for state legislatures to consider and enact legislation that protects the rights of these speakers, allows for appropriate protest, and requires discipline of offenders. Too often those who disrupt others’ right to speak are not punished, and the protestors know that, which only ensures future speakers will also be disrupted. This legislation is necessary to ensure the institutions of higher learning in our state both protect speech and discipline those who inappropriately interfere with the rights of others to speak.”

WILL’s report provides a comprehensive analysis and recommends the following modifications to the proposed legislation:

- 1) Preserve the right of protest while preventing interference with speech,
- 2) Modify the disciplinary sanctions provisions,
- 3) Remove or modify language regarding the universities’ neutrality,
- 4) Clarify permissible limitations on speech,
- 5) Empower the Attorney General to bring actions on behalf of those whose speech rights have been violated, and
- 6) Clarify the protections provided for faculty members and their role in preserving academic freedom.

The full WILL analysis is available [here](#):