

Nass seeking permission to sue after UW System refuses to submit COVID-19 policies for review

Posted on Wednesday, Aug 25, 2021

A key Republican lawmaker says he's seeking permission to sue the UW System after President Tommy Thompson vowed to reject a JCRAR request to submit COVID-19 policies as rules by Sept. 2.

The committee's Co-chair Sen. Steve Nass, R-Whitewater, said he will ask Assembly Speaker Robin Vos, R-Rochester, and Senate Majority Leader Devin LeMahieu, R-Oostburg, to take legal action against the System after the deadline.

"It is sad that Interim President Tommy Thompson has once again shown his belief in big government control over the rights of individuals to make their own health related decisions," Nass said in a statement Tuesday.

He accused the System of attempting to "banish" unvaccinated people from campuses despite Thompson's comments doubling down on his refusal to require immunizations against COVID-19. Nass also said different rules apply to those attending football games, though UW-Madison is requiring masks for attendees while they are indoors.

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

Thompson during a call Tuesday said the UW System is a "separate entity" and has the authority to manage its buildings and the safety of students under Wisconsin statutes and administrative rules. Despite his confidence that the System will win any potential battle in court, Thompson said an unfavorable ruling could be costly for universities. Removing testing, masking and vaccination protocols would drive students and faculty away, he said.

“If in fact, they find a way to rule against the university, how in the hell would you run it?” Thompson said. “The university could not function with the Legislature overruling on all decisions.”

But Thompson added that he won’t be intimidated by efforts to strike down the System’s COVID-19 mitigation policies.

“We will contest it aggressively, whether it be in the circuit court, Court of Appeals, or the Supreme Court,” Thompson said. “I’m going to use public health science in order to make my decisions. I’m not going to abdicate my responsibility. I’m not going to deviate.”

The offices of LeMahieu and Vos didn’t immediately respond to requests for comment on whether they’re open to suing the UW System.

Fellow JCRAR Co-chair Adam Neylon, R-Waukesha, said he planned to talk with his colleagues on the next steps forward, including possible legal action. He also called Thompson a “political role model” and “friend” even though we “disagree on this issue.”

“I understand he has a responsibility and I hope he understands we do too,” Neylon said. “JCRAR has a responsibility to make sure that state agencies are following the law when issuing emergency orders. We have oversight responsibilities and must protect the rule of law.”