

## CO-SPONSORSHIP MEMORANDUM

**TO:** All Legislators

**FROM:** Representatives Jesse Kremer, Robin Vos, and Dave Murphy, Senator Sheila Harsdorf

**DATE:** Wednesday, April 26

**RE:** Co-sponsorship of LRB-2408/1 & LRB-3295/1, relating to free expression within the University of Wisconsin System, providing an exemption from rule-making procedures, and granting rule-making authority.

**DEADLINE: Friday, May 5 at 5:00 p.m.**

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. Invited speakers have been taunted, harassed, and even assaulted, leading many universities to cancel events. Recently, UW-Madison experienced a similar situation when students interrupted invited guest Ben Shapiro as they lined up on stage and shouted, halting the event.

LRB-2408 is the Republican's promise 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 bill directs the university to remain neutral as an institution on the public policy controversies of the day, preventing the institution from restraining students or faculty from public expression.

In addition, the bill directs the Board of Regents 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.

To be added on as a co-sponsor of this legislation, please reply to this email or contact Nik in Rep. Kremer's office at 6-9175 or Brooke in Sen. Harsdorf's office at 6-7745 by **5:00pm on Friday, May 5<sup>th</sup>**. All co-sponsors will be added to the corresponding companion version of the bill unless specified otherwise.

### *Analysis by the Legislative Reference Bureau*

This bill requires the Board of Regents of the University of Wisconsin System to adopt a policy on free expression that applies at the four-year and two-year institutions of the system and supersedes and nullifies any prior Board of Regents or institution policies or rules restricting free expression. The bill allows the Board of Regents to adopt the policy without promulgating rules and requires the policy to be adopted no later than 120 days after the bill's effective date. The policy must contain statements regarding the following: 1) that the primary function of an institution is the discovery, improvement, transmission, and dissemination of knowledge; 2) that it is not the proper role of an institution to shield individuals from speech protected by the First Amendment of the U.S. Constitution; 3) that students and faculty have the freedom to discuss any problem as permitted by

the First Amendment and within specified limits; 4) that any person lawfully present on campus may protest or demonstrate, but that protests and demonstrations that interfere with the expressive rights of others are subject to sanction; 5) that campuses are open to invited speakers; 6) that public areas are public forums and open on the same terms to any speaker; and 7) that institutions must remain neutral on public policy controversies.

The policy must include a range of disciplinary sanctions for anyone under an institution's jurisdiction who engages in violent, abusive, indecent, profane, boisterous, obscene, unreasonably loud, or other disorderly conduct that interferes with the free expression of others. In addition, the policy must provide that in disciplinary cases involving expressive conduct, students are entitled to a disciplinary hearing under published procedures that include specified rights. Also, the second time that a student is found responsible for interfering with the expressive rights of others, the policy must require the student to be suspended for a minimum of one semester or expelled.

The bill also provides that institutions may restrict student expression only for expressive activity that is not protected by the First Amendment, including state or federal law violations, defamation, specified types of harassment and threats, certain invasions of privacy or confidentiality, and violations of reasonable time, place, or manner restrictions on expressive activities.

The bill also requires the Board of Regents to appoint a council on free expression to make annual reports to the Board of Regents, legislature, and governor that describe institutional neutrality, free expression barriers and disruptions, and administrative handling and discipline relating to those barriers and disruptions. The council must consist of 13 members who represent each four-year university and the chairpersons of the assembly and senate standing committees with jurisdiction over universities.

The bill also does the following:

1. Allows a person whose expressive rights are violated by a violation of the bill's requirements to bring an action to enjoin a violation.
2. Sets forth legislative findings regarding free expression at the institutions of the UW system.
3. Requires institutions to describe free expression policies and rules in freshman orientation programs.