



FOR IMMEDIATE RELEASE  
July 29, 2019

CONTACT: Representative Dave Murphy  
Rep.Murphy@legis.wi.gov, (920) 378-1424

## **Rep. Murphy Statement A UW Freedom of Expression Law is Still Needed**

I've heard a lot of guff lately that the legislature and university have no need to improve protections for freedom of expression on University of Wisconsin System campuses. I recently read a [piece by Bill Lueders](#), in which he and UW System claim that free speech disruptions haven't occurred for years. I also recently attended a public hearing on a proposed administrative rule change on the subject at which about a dozen folks spoke about how the university was trying to stifle speech.

The current Regent Policy Document is merely a position statement by the Board of Regents and does not have the force of law, but state statute and administrative code do. Current administrative rules governing conduct on university lands (UWS 18) and non-academic misconduct (UWS 17) supersede regent policies and have not yet been amended to address freedom of expression.

The policy isn't actually a workable disciplinary code and campus administrators will not effectively apply it until after it has been incorporated into a revised administrative rule or state statute, with the force of law.

I've been told by regents, students, and faculty that legislation protecting freedom of expression is still critical. Not only will legislation send an important signal to the entire university community that freedom of expression is highly valued and actively protected, but it will give the university and the public the necessary tools to uphold freedom of expression to its fullest extent under the law on our public university campuses.

Most instances in which speakers are disrupted or in which freedom of expression is stifled on a campus occur without any attention at all, and since university administrators frequently decline to investigate such instances, unless they are the ones being disrupted, there is a gap in university data collection in this particular area. When someone like Ben Shapiro gains media attention for being silenced on a college campus, he's labeled as a provocateur and told that he was asking for it. When folks like Bill Lueders brand someone as a "provocateur," it's no more productive than when Joe McCarthy labeled someone as a communist.

I am not surprised that UW System is unaware of new examples of disruption on their campuses, although I am disappointed that any journalist would accept this statement as fact that disruptions never occur.

(more)

UW System is notorious for failing to collect data about what's going on across the institutions they oversee. Even the Obama administration [took issue with UW System's lack of compliance with student disciplinary issues](#). Even when millions of dollars and its reputation are on the line, [UW System administrators have failed to notice major issues](#).

Since disciplinary investigations are already shrouded in secrecy, it's unlikely that UW's right hand knows what its left hand is doing, or not doing. While a UW System spokesperson claims, "[we know of no such \[free speech policy\] violations](#)," they fail to indicate whether they actually collect such data. If I had a dollar for every time UW System claimed they are unaware of something, I might be able to fill [the budget hole they created](#) when they lost millions of dollars when [campus officials engaged in unauthorized agreements with affiliated organizations](#).

Why should we expect students, especially conservative students, to come forward to report disruptions of their freedom of expression, when day in and day out they are faced with administrators who readily dismiss their views? No one wants to waste their time reporting an incident if it will never result in an investigation or hearing.

Our freedom of expression legislation sends a clear signal that all speech must be protected and treated equally by the university, regardless of whether they agree or disagree with it. Under our bill, better records will be kept by the university about instances of disruption and how the university handles them. My staff and I have heard from students that disruptions do occur on campuses; however, we won't know the full extent of the issue until the university begins tracking it.

###