

**University of Wisconsin System Board of Regents' 2015 Statement
Reiterating the Board's Commitment to Academic Freedom
and Affirming its Commitment to Freedom of Expression**

EDUCATION COMMITTEE

Resolution I.1.k.

The Board of Regents of the University of Wisconsin System has a longstanding tradition of support for academic freedom, dating back to 1894 and the famous “sifting and winnowing” statement contained in the University of Wisconsin Board of Regents’ Final Report on the Trial of Richard Ely. The Board of Regents of the University of Wisconsin System hereby reiterates its commitment to the principle of academic freedom and affirms its commitment to the principle of freedom of expression.

Academic freedom includes the freedom to explore all avenues of scholarship, research and creative expression, and to reach conclusions according to one's own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom. These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters or on matters of public concern. The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn.

Of course, different ideas in the university community will often and quite naturally conflict. But it is not the proper role of the university to attempt to shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive. Although the university greatly values civility, concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members within the university community.

The freedom to debate and discuss the merits of competing ideas does not mean that members of the university community may say whatever they wish, wherever they wish. Consistent with longstanding practice informed by law, institutions within the System may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university. In addition, the institutions may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt ordinary activities. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with each institution’s commitment to a completely free and open discussion of ideas.

These principles carry responsibilities. Academic freedom carries the responsibility for the faithful performance of professional duties and obligations. All members of the university community at each of the institutions in the University of Wisconsin System share in the responsibility for maintaining civility and a climate of mutual respect. Although members of the university community at each institution are free to criticize and contest the views expressed on campus, they may not obstruct or otherwise interfere with the freedom of others, including speakers who are invited to campus, to express views they reject or even loathe. Freedom of expression also carries the obligation to make clear that when speaking on matters of public interest or concern, one is speaking on behalf of oneself, not the institution.

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. Exploration, deliberation, and debate may not be suppressed because the ideas put forth are thought by some or even by most members of the university community (or those outside the community) to be offensive, unwise, immoral, or wrong-headed. It is for the members of the university community, not for the institution itself, to make those judgments for themselves, and to act on those judgments not by seeking to suppress exploration of ideas or expression of speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the university community to engage in such debate and deliberation in an effective and responsible manner is an essential part of each institution's educational mission.

Accordingly, the University of Wisconsin System Board of Regents expresses its expectation that the principles of academic freedom and freedom of expression will be upheld because today, as previously stated by Regents on September 18, 1894:

“Whatever may be the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found.”

Sources: Richard Ely Trial Committee Final Report, September 18, 1894, University of Wisconsin Board of Regents; Report of the Committee on Freedom of Expression at the University of Chicago; Johns Hopkins University Statement on Academic Freedom; Princeton University Statement on Freedom of Expression; Purdue University Commitment to Freedom of Expression.

ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

BACKGROUND

The concept of academic freedom has a long history in the University of Wisconsin System, dating back to the 1894 statement by the University of Wisconsin Board of Regents, which affirmed the Board's commitment to academic freedom:

"...Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

Over time, the Board of Regents, along with university leaders, has discussed and affirmed the concept of academic freedom on numerous occasions. For example:

- In 1922, the University of Wisconsin Board of Regents formally amended its policies to include the 1894 statement, specifying that the statement applied **"...to teaching in the classroom and to the use of university halls for public addresses, under the control of the president of the University with appeal to the regents."**
- In 1949, the University of Wisconsin Board of Regents adopted a statement indicating that **"...An opportunity critically to study the proposals and claims of systems alien to our own is the intellectual right of every student. And freedom to explore and discuss the issues in the field of his special competence is the right of every teacher..."**
- In 1962, in a statement to the Board of Regents, University Vice President Fred Harrington explained why the University of Wisconsin is a great university: **"...[W]e at Wisconsin have not been afraid to speak out. We of the faculty, and you of the Board of Regents, have been in favor of freedom of speech and academic freedom. In fact, Wisconsin has been one of the leaders of the country in this field. We are abused for this, sometimes, but we have persevered and we have made a national contribution. Other institutions often have been praised for doing things on occasion with reference to free speech that we do routinely. This is an important part of our greatness. I am pleased that members of this Board have felt so and insisted on retention of this tradition...."**
- In 1964, when approving faculty rules for appointment, tenure and dismissal procedures, the University of Wisconsin Board of Regents' statement included: **"...The concept of intellectual freedom is based upon confidence in man's capacity for growth in comprehending the universe and on faith in unshackled intelligence. The University is not partisan to any party or ideology, but it is devoted to the discovery of truth and to understanding the world in which we live. The Regents take this opportunity**

to rededicate themselves to maintaining in this University those conditions which are indispensable for the flowering of the human mind.”

- In 1985, Acting UW System President Lyall offered the following statement during a meeting of the Board of Regents: **“...Disagreement and debate is the stuff of which learning is made. We do not fear it, but it should be done openly and without threat or coercion. Great universities share this common commitment to open expression.”**
- In 1994, recognizing the 100th anniversary of the Board’s statement on academic freedom, the University of Wisconsin System Board of Regents reaffirmed its commitment to academic freedom, calling upon **“all members of our several academic communities – administrators, faculty, staff, and students alike – to guard this precious legacy, to consider differing points of view, and always to engage in ‘that continual and fearless sifting and winnowing by which alone the truth can be found.’”**
- In 2011, the University of Wisconsin System Board of Regents reviewed its past commitment to academic freedom in the context of a widely-discussed public-records request for particular emails from a faculty member. Board members spoke of the Board’s ongoing commitment to considering differing points of view and to engaging in the sifting and winnowing.

REQUESTED ACTION

Adoption of Resolution I.1.k.

DISCUSSION

At its December 2015 meeting, the Education Committee’s agenda includes a discussion of academic freedom, along with freedom of expression.

Over the course of its history, the University of Wisconsin Board of Regents has been a leader in its support of the importance of academic freedom. The present resolution provides an opportunity for a formal reaffirmation of this concept, together with an expression of support for freedom of expression among members of the university community and the responsibilities attendant to that expression. In addition, the statement affords the Board an opportunity to address concerns expressed by faculty members about the potential loss of academic freedom stemming from recent changes in the law relating to tenure.

The principles of academic freedom and freedom of expression have been tested at several other universities in the past several years, resulting in statements in support of these concepts. For example, University of Chicago President Robert Zimmer and Provost Eric Isaacs appointed a committee of faculty members in July 2014 to draft a statement “reflecting the

University's commitment to and tolerance of multiple forms of free expression." The committee was charged with drafting a statement describing the university's "overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University's community." The Committee on Free Expression at the University of Chicago, chaired by law professor Geoffrey Stone, issued its Statement on Free Expression in January 2015. Purdue University, Princeton University and others have followed.

The University of Chicago statement asserts that "it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive." The statement encourages individual members of the university community, and the university as an institution, to "openly and vigorously contest the ideas that they oppose," particularly those ideas that they consider "offensive, unwise, immoral, or wrong-headed" rather than trying to suppress, obstruct, or interfere with the freedom of others to express their views.

The Board will consider a University of Wisconsin System Board of Regents statement on academic freedom and free expression.

RELATED REGENT POLICIES

NA

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