



*Representing UW-Madison Faculty.
Strengthening Wisconsin.*

Statement to the Senate Committee on Universities, Technical Colleges, Children and Families in Opposition to Senate Bill 403, Relating to “Free Expression” Within the University of Wisconsin System

January 22, 2020

PROFS is the Public Representation Organization of the (UW-Madison) Faculty Senate, which represents the interests of the UW-Madison faculty. PROFS is linked to the shared governance structure at the university. The University Committee, the elected executive committee of the Faculty Senate, serves as the PROFS Board of Directors.

PROFS opposes Senate Bill 403 as introduced and also opposes Senate Substitute Amendment 1. Both the original bill and substitute amendment start with a “Legislative Finding” that is inaccurate on its face: “In recent years, institutions have abdicated their responsibility to uphold free speech principles... “

Have the authors of the bill made any effort to actually know and understand what UW-Madison has done when it comes to free speech? We do not believe they have.

What has been happening at UW-Madison? The governance structure at the university has been working diligently on speech issues. Faculty, students, and staff have all been engaged in this process, which has laid out a transparent and fair system for dealing with potentially volatile situations. The university has had many speakers from a variety of perspectives speak at the university in recent years, and problems have been minimized.

Also in recent years, UW-Madison has used the Handbook for Civic Discourse on Campus, prepared by Emeritus Professor Donald Downs, a campus free speech expert, to educate freshmen on free speech principles. And the UW-Madison Faculty Senate has enacted policies that protect speech at the university.

Perhaps most importantly, PROFS opposes SB 403 because the legislation would very likely have the opposite effect of what the bill’s authors say it will do. It will actually chill free speech, not protect it, by combining ambiguous language with strict sanctions. If passed, the law would certainly be challenged in court, leading to big legal bills for taxpayers, and it would most likely be found unconstitutional.

All higher education institutions – including UW-Madison and other universities in the UW System – should be given the autonomy to address their own speech issues. Appropriate institutional autonomy is itself an aspect of academic freedom.

This is a politically-driven solution in search of a problem. The legislation is not needed and should be defeated.

Thank you for considering the views of the UW-Madison faculty.