



Representing UW-Madison Faculty.
Strengthening Wisconsin.

Testimony to the Senate Committee on Universities and Technical Colleges in Opposition to Senate Bill 498, which purports to protect free speech and academic freedom at the Universities of Wisconsin

October 15, 2025

The Public Representation Organization of the Faculty Senate of the University of Wisconsin-Madison (PROFS) has registered against Senate Bill 498, which purports to provide First Amendment protections at University of Wisconsin institutions, and which allows any individual who believes their expressive rights to have been violated to sue the University. PROFS believes that this bill is yet another instance of legislative overreach, a wild overreaction to a very small number of anecdotal reports of free speech violations on college campuses outside the state of Wisconsin, and that it creates a vigilante system of reporting alleged violations of the law – not unlike the vigilante system set up under Texas’s anti-reproductive rights bill.

It is unclear why those bringing these bills forward believe there is a free speech problem at the Universities of Wisconsin. The universities themselves have put into place policies that ensure that free speech is protected and promoted on their campuses, and they have made sure that faculty members have the academic freedom necessary to provide access to the disciplinary knowledge necessary for democratic competence. University of Wisconsin-Madison policy allows faculty to “enjoy and exercise all rights secured to them by the Constitution of the United States and the State of Wisconsin,” free speech included.

In 2015, the University of Wisconsin System Board of Regents adopted a statement of commitment to the principles of free speech and academic freedom, part of which reads that free speech involves the right to discuss all matters both inside and outside the classroom, and that it isn’t the proper role of the university to “shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive.” There is no free speech problem at the University of Wisconsin; the university has, quite to the contrary, declared in very strong terms that not only must there be free speech on its campuses, but that the capacity to speak freely is one of its central aims.

There is no evidence that freedom of speech is threatened on UW campuses. A survey conducted a couple of years ago showed that students were comfortable sharing their opinions, and for those who didn’t, it was more likely that they were concerned with what their peers would think of them, not because of concern over unfair treatment by their professors.

The bill is redundant: it enumerates a list of actions the universities may not take, including restrictions of speech allowed under the First Amendment; time, place, and manner restrictions on expression in public areas; designation of free speech zones; and sanctioning individuals for harassment that doesn’t meet the threshold of severity, pervasiveness, or protected class status. All of these provisions are already well established in constitutional law through decisions by the U.S. Supreme Court and the Wisconsin Supreme Court, and there is a well-recognized body of law that – were any of these provisions violated – would take corrective action. The bill is attempting to address a problem that doesn’t exist, because it fails recognize that there are already policies and procedures in place to prevent the violations enumerated in them, and provide remedies for such violations should they occur.

There is a strong culture of free speech at the state's public universities, and especially at UW-Madison. University faculty understand that fostering and encouraging free speech is necessary for their students to hone their abilities to learn, to critically engage with ideas, and to obtain the disciplinary knowledge they'll need to productively participate as citizens in both the workplace and in democratic self-governance. The Board of Regents and the universities have already adopted policies that reiterate that commitment to free speech, and put into place reasonable sanctions when that commitment falls short.

The Board's and UW-Madison's actions are consistent with the idea that institutions of higher education should have the autonomy to address their own speech issues; appropriate institutional autonomy is itself an important aspect of academic freedom. Given all of this, we register against Senate Bill 498, which seeks to address a free speech "problem" in the state's public universities, since we don't believe there is one.