

The University of Wisconsin Has Much to Explain

This story has more chapters to be written. Most of the items below have been merely found in current local news sources. What emerges here suggests the stark potential of a concerted effort by right-wing forces in our state to intimidate and silence faculty, staff and students.

We think the UW has much to explain. Below are some of those pieces that taken as a whole create real concerns for our university and its administration.

Pieces of the puzzle

- Millions of dollars from the Charles Koch Foundation (a mega donor to far right-wing groups) and Menards Foundation were donated to Stout University's newly developed *Menard Center for the Study of Institutions and Innovation Center* (Wisconsin's largest corporate donor to Republican causes) between 2019 and 2021. The Menard Center (MCSII) defines its mission as promoting the study and discussion of civil liberties and related institutions (governmental, civic, business, social, scientific, religious, etc.).
- A "Top-Down" student survey on 'First Amendment Rights' funded by the Menard Center was recently developed by this body.
- This "survey" was initially approved by the UW administration for all UW students throughout the UW System this April, yet without input from campus student representatives and faculty.
- Then in early April, 2022 saw the abrupt resignation of the Whitewater campus Interim Chancellor Jim Henderson as a protest for the administration's "top-down" approval of this "survey".
- After some perseverance, the UW System President, Michael Falbo "delayed" the survey until "the fall of 2022".
- Former Republican Governor Scott Walker and the MCSII denounced the delay of the survey and threatened the future funding of the survey if it was delayed. *And finally,*
- **Assembly Bill 885:** Passed by the Republican Gerrymandered Legislature this spring, (but vetoed by Governor Evers on April 7th) would have allowed allegedly aggrieved students to sue UW Faculty for any "deprivation" of an individual (students) rights.

What's it all about, Alfie? Is the University so intimidated by the present political climate that it would have allowed this to go forth, knowing that the survey results could well be "managed" by the Menards Center for further intimidation of faculty and staff?

Addendum: Sources Found on the Internet

Madison.Com stated in a column in early April, 2022, that UW-Whitewater's interim chancellor resigned earlier this week because the University of Wisconsin System moved forward with a survey that will ask students about free speech rights despite his and other chancellors' objections. "I felt like I could not encourage candidates to apply for the chancellor job because of what I consider to be a lack of support from UW System leadership," he said. "I thought chancellors had a role and a collaborative process in making decisions with the System, and I feel that was not honored."

The free speech survey is the latest example of what Henderson described as a top-down approach from leadership.

"The most recent incident for me is the starkest, but I will say over the years that in my experience with System, the consideration of the impact on campuses hasn't played as central a role as appropriate," said Henderson, who also served as the System's vice president for academic and student affairs from 2016 through 2018. Henderson declined to elaborate on other instances.

The free speech survey will be sent to undergraduates on all campuses Thursday and must be completed by May 6 (now delayed). Questions will assess students' knowledge about the First Amendment, how much they value free speech, whether they see problems with a lack of diverse viewpoints, whether they censor themselves, and whether they have ever been sanctioned or punished for exercising their free speech rights.

The Wisconsin Institute for Public Policy and Service, a unit of the System, is administering the survey. The work is funded by UW-Stout's Menard Center for Public Policy and Service, which began in 2017 with a donation from the conservative Charles Koch Foundation.

2021 ASSEMBLY BILL 885

January 21, 2022 - Introduced by Representatives M OSES, MURPHY, HORLACHER, KNODL and S ORTWELL, cosponsored by **Senators R OTH, J AGLER** and N ASS. Referred to Committee on Colleges and Universities.

AN ACT to create 893.828 of the statutes; relating to: eliminating immunity for public campus administrators from liability for violations of individual expressive rights under the declaration of rights in the Wisconsin Constitution.

Analysis by the Legislative Reference Bureau

This bill eliminates immunity for certain campus administrators from liability for violations of certain individual expressive rights. The bill defines a "campus administrator" as a University of Wisconsin System or technical college district board employee who is an academic staff member in an academic administrator, administrative director, or administrative officer position or a position with similar duties of authority to determine policy or administer violations. **Under the bill, a person may bring a claim against a campus administrator if that administrator subjects a person or causes a person to be subjected to the deprivation of any individual expressive rights secured under article I of the Wisconsin Constitution on a University of Wisconsin System or technical college system campus. The bill provides that none of the following applies or may be used as a defense to claims made under the bill: 1) statutory immunity; 2) statutory limitations on damages; 3) any claim that the rights, privileges, or immunities secured by article I of the Wisconsin Constitution or the U.S. Constitution were not clearly established at the time of the**

conduct; or 4) any claim that the campus administrator acted in good faith or believed his or her conduct to be lawful at the time the conduct was committed, or that the campus administrator did not intend to cause a deprivation of the rights, privileges, or immunities secured by article I of the Wisconsin Constitution or the U.S. Constitution.

From the Newsletter, **Inside Higher Ed**

Florida deployed a controversial survey on campus ideological diversity to public college and university students, faculty and staff members this week, after a federal judge refused to grant an emergency injunction against it.

Faculty groups, in particular, have [criticized the survey](#) as a political litmus test since it was first proposed in broader, Republican-backed “intellectual freedom” legislation, in 2019. Florida’s statewide faculty union continued to oppose the survey even after it [became part of the law](#) last year, ultimately seeking an injunction on the grounds that it violated respondents’ First Amendment rights, and that survey data could be used to target certain academic programs for funding cuts. This latter argument is bolstered by Florida Republican governor Ron DeSantis’s public comments about the bill, specifically about how institutions that are “indoctrinating” students aren’t worth tax dollars.

What the Survey Asks

The faculty and staff version of the survey asks respondents to what extent they agree or disagree with statements such as, “I have felt intimidated to share my ideas or political opinions because they were different from those of my colleagues,” “Students at my institution are not shielded from ideas and opinions they find unwelcome, disagreeable or even deeply offensive,” and (for instructors only), “I rarely inject my own political ideas and beliefs into my classes.”

“Where would you place yourself on the following scale: Conservative/Moderate/Liberal/None of the Above,” the survey asks.

Employees who say there is a poor climate for viewpoint diversity are also asked whether liberal or conservative ideas and beliefs are more prevalent. The survey is anonymous but asks respondents to identify themselves as faculty members with or without tenure, administrators or staff members, as well as by race, gender and one of nine broad subject areas (liberal arts and humanities, business, education, STEM, et cetera).

The student version of the survey includes similar prompts, from a student perspective, plus questions like this: “My professors or course instructors are generally more: Conservative/Liberal/Other/Don’t know.” Students are asked to identify themselves as studying at a public college or university, full-time or part-time, and online or in person.

Urging Nonparticipation

Now that the survey is live, the United Faculty of Florida union is urging professors, staff members and even students not to complete it.

“Florida’s government has no right to know the thoughts, feelings, or political or religious beliefs of anyone, including the higher education community. Privacy is the bedrock of democracy and a safeguard against autocratic control,” Andrew Gothard, union president, said in a [statement](#). “Ignoring this survey is an act that protects individuals of all political persuasions, now and into the future. This survey would not pass ‘validity tests’ in any institutional review process, as there is no way to ensure that responses

will reflect the demographics of the institution. It is not worthy of time away from our teaching and research.

The Wisconsin State Senator, Roger Roth, (R-Appleton), who chairs the Senate Committee on Universities and Technical Colleges who co-sponsored AB 885 provided his comments on this process:

From the State Journal: Sen. Roger Roth, R-Appleton said a healthy university environment encourages and protects the free exchange of ideas. “That’s why I can’t understand why universities would be afraid to ask their students how they feel about free speech on their campus — to the point that one chancellor resigned over initiating the survey,” he said.

Tyler Katzenberger, press secretary of **Associated Students of Madison**, said UW-Madison’s student governance was concerned about the survey because student leaders were not consulted about it.

Katzenberger said ASM additionally questioned the legitimacy of the survey because it received an exemption from UW-Stout’s institutional review board, which protects the rights and welfare of human research subjects.

Citing [reporting from Wisconsin Public Radio](#) — which said Republican lawmakers, including state Rep. Dave Murphy, R-Greenville, encouraged the UW System to carry on with the survey — **Nick Fleischer**, a linguistics professor at UW-Milwaukee, said there seems to be an “outrageous level of political interference” in the System.

“All signs point to there being fairly intense legislative interest in this in a way that appears to be highly inappropriate,” Fleischer said. “The level of legislative interest and intervention in the affairs of the UW System around this one survey is highly inappropriate, extraordinary and worrisome.”

The delay comes in response to mounting concerns from campuses this week about potential politicization of results ahead of the November election, questions about the research protocol process and allegations of political interference

This is not meant to be other than a perusal of easily obtained news stories. A lot more should be done by journalists on this worrisome subject. I hope that happens.

-Damien Wilson, April 2022