

RPD 4-21 requires UW System Administration to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the violation as part of the annual academic freedom and freedom of expression report. Separately from the annual reporting requirement, RPD 4-21 requires the Chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the freedom of expression rights of others.

UW System institutions reported no violations of RPD 4-21 by either students or employees between the policy's adoption in October 2017 and June 30, 2018.

Notification Requirements

The Office of the Board of Regents also requested information from UW System institutions regarding the status of efforts to meet the notification requirements found in RPD 4-21. RPD 4-21 requires each UW institution to include information regarding freedom of expression in orientation materials for freshmen and transfer students entering the institution. UW-Milwaukee, Parkside, and River Falls reported they began providing information about RPD 4-21 as part of their orientation sessions in May 2018, while UW-Stevens Point reported they sent an email notification to all incoming students in July 2018 after the summer registration period. Other institutions reported they plan to include information about RPD 4-21 during orientation sessions for the 2018-19 academic year.

RPD 4-21 also requires institutions to notify all enrolled students and employees annually of the requirements of RPD 4-21. UW-Madison, Stevens Point, and Whitewater reported that they have notified students about the policy requirement. UW-Madison, Oshkosh, Parkside, Platteville (new employees), River Falls, Stevens Point, Superior and Whitewater indicated they have notified employees about RPD 4-21. Other institutions indicated that they plan to notify students and employees about the requirements of RPD 4-21 beginning in September 2018.

Several institutions noted the Board of Regents approved RPD 4-21 in October 2017, after the beginning of the 2017-18 academic year, and that they planned to meet the RPD 4-21 notification requirements beginning in Fall 2018.

Barriers to Academic Freedom and Freedom of Expression

As required under RPD 4-21, UW System institutions were asked to report any material barriers to upholding academic freedom and freedom of expression and steps they have taken to remove those barriers. No institutions indicated that they had encountered barriers to protecting the freedoms outlined in RPD 4-21. UW-Whitewater indicated an interest in redefining free speech zones and an intent to begin an annual review of the special events policy to ensure compliance with relevant laws and policies.

Violations of RPD 4-21

Under RPD 4-21, any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others shall be suspended for a minimum of one semester. Any student found responsible a third time is required to be expelled. However, these specific provisions of the policy are not currently in force and are the subject of on-going administrative rulemaking. Employees charged with disrupting the freedom of expression of others are subject to procedures under Ch. UWS 18, Wis. Admin. Code and UW System institution policies. Until such time as the proposed rulemaking is completed, RPD 4-21 requires the Chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the expressive rights of others.

RPD 4-21 requires UW System to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the complaint as part of the annual academic freedom and freedom of expression report.

UW System institutions reported three formal complaints of violations of expressive freedoms during the academic year July 1, 2018 - June 30, 2019, none of which resulted in the suspension or expulsion of students. UW- Milwaukee reported two violations involving students and UW-Oshkosh reported one.

The first complaint at UW-Milwaukee alleged that a student on campus held a protest sign that contained offensive material outside of a student organization event and made racist and sexist comments to passersby. The student left the institution prior to completion of the investigation. A conduct hold was placed on the student's account to complete the conduct process if and/or when the student returns. The second complaint involved a student tearing up another student's sign during a protest. The investigation found the student to be responsible and resulted in educational sanctions. This was a first-time offense.

In the third complaint, a UW-Oshkosh student filed a complaint against a faculty member citing UWO policy GEN 1.2.(4). *Discrimination, Discriminatory Harassment, and Retaliation*. Subsequently the student withdrew the complaint. The review process was concluded after the student withdrew the complaint. However, University administration (Office of the Provost and Vice Chancellor for Academic Affairs) and the UWO faculty member (through the faculty member's counsel) continue to discuss the matter, as issues of classroom conduct, discipline, freedom of expression and academic freedom have been broached. No formal review or proceedings are ongoing; however, communications between UWO and the faculty member's representation continue. University administration felt it was proper to include the matter in this cycle's RPD 4-21 reporting.

2020

Barriers to Academic Freedom and Freedom of Expression

As required under RPD 4-21, UW System institutions were asked to report any material barriers to upholding academic freedom and freedom of expression and steps they have taken to remove those barriers. UW-Oshkosh reported that due to COVID-19 some events planned for the spring of 2020 were cancelled. However, program sponsors worked over the summer to ensure events during the 2020-21 academic year would be available virtually.

Violations of RPD 4-21

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RPD 4-21 requires UW System to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the complaint as part of the annual academic freedom and freedom of expression report.

UW System institutions reported no formal complaints of violations of expressive freedoms during the academic year July 1, 2019- June 30, 2020.

Notification Requirements

The Office of Compliance & Integrity also requested information from UW System institutions regarding the status of efforts to meet the notification requirements of RPD 4-21 (See Attachment A Section II). RPD 4-21 requires each UW institution to include information regarding freedom of expression in orientation materials for freshmen and transfer students entering the institution. All institutions reported providing information about RPD 4-21 as part of their orientation sessions for new and transfer students. Information regarding RPD 4-21 was provided in various formats, for example: UW-Eau Claire provided a PowerPoint presentation during the orientation "Opening Day Connection Session", UW-La Crosse distributed pamphlets during move-in, UW-Oshkosh printed the Freedom of Expression policy in the orientation schedule booklet and the UWO Guide. UW-River Falls also distributed a New Student and Family Program Handbook during the required New Student Registration Program. All first-year students at UW-Stout participate in a face-to-face session, presented by the Dean of Students and Associate Dean of Students, on reporting bias related incidents that occur on campus. Information on the Freedom of Expression policy and related consequences for violations are included in the presentation.

Regent Policy Document 4-21 also requires institutions to notify all enrolled students and employees annually of the requirements of the policy. Institutions across UW System reported notifying students and employees through emails and posting on their websites.

Barriers to Academic Freedom and Freedom of Expression

As required under RPD 4-21, UW System institutions were asked to report any material barriers to upholding academic freedom and freedom of expression and articulate the steps they have taken to remove those barriers. While the pandemic did affect the ability of our institutions to hold in-person events, many found ways to utilize virtual platforms in new and creative ways in order to create opportunities for individuals to share their perspectives and listen to others.

Violations of RPD 4-21

Under RPD 4-21, any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others shall be suspended for a minimum of one semester. Any student found responsible a third time is required to be expelled. However, these specific provisions of the policy are not currently in force. Instead, the current version of the policy requires the chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the expressive rights of others. Employees charged with disrupting the freedom of expression of others are subject to procedures under Ch. UWS 18, Wis. Admin. Code and UW System institution policies.

Regent Policy Document 4-21 requires UW System to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the complaint as part of the Annual Academic Freedom and Freedom of Expression Report. UW System institutions reported no formal complaints of violations of expressive freedoms during the academic year July 1, 2020- June 30, 2021.

Notification Requirements

The Office of Compliance & Integrity requested information from UW System institutions regarding the status of efforts to comply with the notification requirements of RPD 4-21 (See Attachment B). This policy requires each UW institution to include information regarding freedom of expression in orientation materials for freshmen and transfer students entering the institution. All institutions reported providing information about RPD 4-21 as part of orientation sessions for new and transfer students. Information regarding RPD 4-21 was provided in various formats, for example:

- UW-Eau Claire covered the information during the faculty panel at the virtual Academic Session which is required of all incoming students.
- UW-La Crosse distributed pamphlets during move-in and the Student Affairs Division held a video presentation.
- UW-Milwaukee freshman and transfer students were required to complete the online orientation which covers Freedom of Expression topics.
- UW-Oshkosh printed the Freedom of Expression policy in the 2020 New Student Guide and mailed a physical copy to all new students.
- UW-Stout participated in a session as part of their Week One Orientation. The presentation included information on hate/bias reporting and slides on RPD 4-21.

In addition, UW- Parkside noted faculty and instructors' apprehension to bring up challenging topics or engage in the spontaneous dialogue in the classroom. . UW-Parkside is discussing the crafting of guidelines to assist in best practices for working through divisive topics, defining the line between freedom of expression and hate speech, and the process to address complainants about course content or pedagogical approach. UW-Parkside looks forward to further guidance and collaboration with UW System to address this barrier.

Violations of RPD 4-21

Under RPD 4-21, any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others shall be suspended for a minimum of one semester. Any student found responsible a third time is required to be expelled. However, these specific provisions of the policy are not currently in force. Instead, the current version of the policy requires the chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the expressive rights of others. Employees charged with disrupting the freedom of expression of others are subject to procedures under Ch. UWS 18, Wis. Admin. Code and UW System institution policies.

As part of the annual academic freedom and freedom of expression report, RPD 4-21 requires UW System to include a description of any formal complaint of violations of academic freedom or freedom of expression and the administrative response to the complaint . During the 2021-22 academic year there were two formal complaints. On April 28, 2022 a non-student distributing religious materials on UW-Milwaukee's campus was threatened by a student which prompted a complaint against the student. UW-Milwaukee administrators processed the complaint following the nonacademic misconduct process via UWS Chapter 17. The student' was found responsible and placed on probation. This was the student's first offense. On February 27, 2022 there was a workplace conduct violation reported because of the installation of a light display by an employee at UW-Stout. The violation was reviewed by the UW-Stout Freedom of Expression Steering Committee, investigated by UW System, and resulted in UW-Stout issuing a written reprimand to the individual.

Notification Requirements

The Office of Compliance & Integrity also requested information from UW System institutions regarding the status of efforts to meet the notification requirements of RPD 4-21 (See Attachment A Section II). RPD 4-21 requires each UW institution to include information regarding freedom of expression in orientation materials for freshmen and transfer students entering the institution. All institutions reported providing information about RPD 4-21 as part of their orientation sessions for new and transfer students. Information regarding RPD 4-21 was provided in various formats, for example:

- UW-La Crosse distributed pamphlets during move-in and the Student Affairs Division held a video presentation.
- UW-Milwaukee's Divisions of Diversity, Equity, and Inclusion and Student Affairs hosted a "Dialogues Across Difference" series. Vice Chancellor Chia Youyee Vang and Vice Chancellor Kelly Haag sponsored the series. Events were moderated by DEI special assistant, Dr. Liz Drame, and Student Affairs Director of Advocacy and Engagement, Michael Rogers.

Barriers to Academic Freedom and Freedom of Expression

UW System universities were asked to identify any material barriers that impacted their efforts to uphold academic freedom and freedom of expression and steps taken to remove those barriers. In response to the survey and questionnaire, there were no reported barriers during this reporting period of July 1, 2022 through June 30, 2023.

Formal Complaints and Violations of RPD 4-21

Under RPD 4-21, any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others shall be suspended for a minimum of one semester. Any student found responsible a third time is required to be expelled. However, these specific provisions of the policy are not currently in force due to legal concerns and the lack of administrative rule governing the penalty. Instead, the current version of the policy requires the chancellor of a UW System institution to report directly to the Board any instance where the institution does not suspend or expel a student whom the institution has found responsible on two or more occasions of disrupting the expressive rights of others. Employees charged with disrupting the freedom of expression of others are subject to procedures under Ch. UWS 18, Wis. Admin. Code and UW System institution policies.

As part of the annual academic freedom and freedom of expression report, RPD 4-21 requires UW System to include a description of any formal complaints of violations of these freedoms during the reporting period and the administrative response to the complaint, including any disciplinary proceedings involving students or employees. During the 2022-23 academic year there were two formal complaints (one student and one employee).

- On October 17, 2022, a student organization at UW-Milwaukee filed a complaint stating that it had put posters out for an event and found that several posters had been damaged or destroyed. UW-Milwaukee's Dean of Students Office met with the complaining parties and worked with UWM Police Department (UWMPD) to review available camera footage. UWMPD reviewed videos of those spaces, but the responsible party was not identified.
- On December 14, 2022, an informational handout was left around a meeting room at a UW-River Falls Faculty Senate meeting, with no explanation. The author of the document and its appropriateness was challenged by another employee. The UW-River Falls Faculty Grievance Committee reviewed the situation, and the recommendation was for the supervisor to address the issue as an employee performance matter.