

Kent Syverson: UW-Eau Claire decision limits its students' free speech rights

By Kent Syverson
December 20, 2005

I am a professor at UW-Eau Claire committed to the constitutional guarantee of freedom for all speech, popular or unpopular, religious or anti-religious. I am alarmed when ideas are restricted in the university.

Recently interim Chancellor Vicki Lord Larson announced that UW-EC is no longer enforcing its unwritten ban on religious, ideological and political activities by an off-duty resident assistant in his/her dorm. I applaud this decision!

UW-EC was attempting to avoid coercion and "unapproachable" RAs. Could these issues be solved by prohibitions? Consider an RA who asks a resident to join a fantasy football league hosted in the RA's room. The resident declines, so the RA pressures the resident to change. When that fails, the RA ignores the resident and only associates with fantasy football participants. The resident feels uncomfortable approaching the RA. Should fantasy football be banned in all RA rooms? Of course not!

Coercion by RAs, wherever it is found, must be dealt with appropriately by university housing officials. However, the university made an unfounded assertion when it claimed that RAs with ideological commitments would necessarily foist them on their residents. Now the UW System advisory committee must develop a legal, written policy that respects the civil liberties of its RAs, one that clearly defines "on duty" and "on call" times for RAs. A simple disclaimer policy would prevent residents from confusing private versus dorm-sponsored events.

Unfortunately, the abandoned RA policy was not the only example of student speech limitations at UW-EC. Two other cases have received national attention during the past year.

In 2004 the UW-EC Student Senate amended its bylaws to forbid using student fees to fund official student groups that promote a "particular ideological, religious or partisan viewpoint." Why? Apparently to prevent future funding of an alternative news magazine associated with the Progressive Student Association.

But what group doesn't have a viewpoint? This bylaw violates Supreme Court decisions requiring the distribution of student fees in a viewpoint-neutral manner. Is UW-EC willing to de-fund all expressive organizations just to silence a political viewpoint?

In addition, UW-EC has a 30-hour service learning graduation requirement. Last year a complaint revealed UW-EC's two-year enforcement of an unapproved academic policy (another long-standing, unwritten rule) prohibiting most types of religious service from meeting the graduation requirement because "they are generally viewed as constituting a violation of the Establishment

Clause of the U.S. Constitution."

A vocal student and public outcry ensued, and two national First Amendment legal groups voiced opposition as well. Eventually UW System legal experts stated that student-selected religious service learning did not violate the First Amendment, but that the university could limit such service activities if it had sound academic justifications. Former Chancellor Donald Mash expressed a willingness to allow some religious service activities and sent the matter to a committee for further debate.

That committee proposed banning devotional religious service and partisan political service. The service learning director explained in an article in an April issue of the Spectator student newspaper that "... one person's common good may be different from that of another. (So) promoting a certain political or religious viewpoint is not necessarily in the common good of society as a whole."

Eventually the University Senate passed service learning guidelines (now in effect) that allow partisan political activities and virtually all types of education other than devotional religious education (i.e. a student can choose to teach 4th-graders math, but not Sunday school, to fulfill the graduation requirement).

University Senate debate detailed this double standard: Devotional religious education (speech) isn't in the "common good" and doesn't involve self-learning. Walking dogs for 30 hours at the Humane Society does involve self-learning. Senate minutes from May 10, 2005, record a senator saying that faith "is antithetical to (the) reasoned scientific process I believe (the) university stands for."

UW-EC is using its "common good" orthodoxy to regulate speech. This is not an academic justification it is religious viewpoint discrimination.

The UW System advisory committee has the chance to strengthen the marketplace of ideas by supporting individual student liberties. I encourage my institution, UW-EC, to consistently protect free speech, pass viewpoint-neutral policies, and promote student intellectual engagement.

[Return to story](#)

[madison.com](#) is operated by Capital Newspapers, publishers of the Wisconsin State Journal, The Capital Times, Agri-View and Apartment Showcase. All contents Copyright ©2005, Capital Newspapers. All rights reserved.