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# Restrictive policies under FIRE

## University receives 'red light' rating for policies restricting freedom of speech

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College life changed for RA Lance Steiger in the fall of 2005 when he contacted the Foundation for Individual Rights in Education about a policy banning him from holding Bible studies in his residence hall.

Calls pummeled his phone as his story reverberated throughout local, state and national media outlets, he said. He later filed a lawsuit against the university - while continuing to work as an RA - that ended after a UW System-wide policy change of constitutional proportions.

"I felt like I needed to stand my ground," said Steiger, a spring 2006 graduate.

But Steiger's experience, while prominent, is only one of four apparent clashes between FIRE and UW-Eau Claire in a little more than two years.

It's a history that's due to fundamental differences between how the university and this constitutional watchdog group view student rights, but also to the efforts of a few students and one outspoken faculty member to rally support for various causes.

### Varying viewpoints

By FIRE's own 2006 Spotlight study of policies on public campuses, Eau Claire is but one of 229 "red light" universities that "clearly and substantially restrict speech." Schools that received a "yellow light" rating for less restrictive policies numbered 91, and eight received a "green light" grade. That makes approximately 70 percent of all schools in FIRE's recent spotlight study "red light" institutions.

Eau Claire's poor grade is due to sexual and general harassment policies that FIRE says are so vague they limit free speech.

But Eau Claire's previous controversies - which have arisen from a Service-Learning policy, organizational funding and the RA incident - also make it prominent, said Will Creeley, senior program officer for FIRE.

"They're one of the public schools that seem to continually show up," Creeley said.

University officials say they must balance conflicting interests to provide the best possible environment for all students.

"Some of these issues, there are gray areas," said Andy Soll, vice chancellor for Student and Business Services. "You have to look at the number of students we deal with."

Free speech and open discourse, officials said, are fundamental requirements for a public university, and an integral part of how policy develops.

"(University policy) is not monolithic," Communications Director Mike Rindo said. "We want to have these discussions."

FIRE counters that Eau Claire harbors a flawed approach to free speech that wrongfully tries to protect people from offense or discomfort.

"UWEC seems to be trying to have it both ways," Creeley said. "Risk management posture, which UWEC has, is free speech modified for the fact that someone might get hurt."

Students with varying views - many of whom had not realized FIRE has weighed in on so many issues - agreed public scrutiny is good for an institution like Eau Claire, but that too much could lead to unfair judgment of the university.

"I think it's good (FIRE) brings out different points," said senior Tyler Geske, adding, however, that the university is "in a tough position."

## A history of criticism

The first apparent clash came in December 2004, when FIRE sent the university a letter addressing campus discussions of a ban on Service-Learning projects that promote religious doctrine and a controversy about student funding.

Kent Syverson professor of geology and chair of a committee considering the Service-Learning policy - which originally found its justification in the U.S. Constitution - contacted the American Center for Law and Justice and FIRE.

The debate drew national media coverage, though FIRE's role in campus discussions was minor, according to Spectator reports.

University Senate passed a new policy in the spring of 2005 that still banned projects promoting religion, but omitted the original constitutional justification.

FIRE backed off after the university dropped the constitutional language, Syverson said, though some senators who voted in favor of the restriction still invoked the Constitution, according to Spectator archives.

FIRE has repeatedly declined to comment on Eau Claire's current policy.

Syverson said he also encouraged The Flip Side, an alternative campus publication, to contact FIRE after the Student Senate Finance Commission denied it funding in the fall of 2004, perhaps, in part, because of the publication's perceived liberal bias.

University officials said they had never allowed the "bias" policy to go into effect, and Senate later reversed

the decision in the spring of 2005.

Still, FIRE criticized the initial decision in its 2004 letter, saying it was a misapplication of "content neutrality," which should allow for public funding regardless of bias.

Syverson, who himself became the subject of public criticism from professors in the political science department, said he keeps in contact with FIRE and still disagrees with the university's Service-Learning policy and general approach to rights.

"The university should be a marketplace of diverse ideas, including ideas that make faculty and students uncomfortable," he said.

In the fall of 2005, the RA controversy finally launched FIRE and the university into a direct public confrontation that drew extensive media coverage.

University officials said the policy, which also applied to political and sales-related events, was meant to protect dorm residents from intimidation, since RAs are university employees in positions of power.

FIRE said the policy trampled on the rights of RAs under the First Amendment - a cry politicians and Steiger's lawsuit echoed.

In the spring of 2006, the Board of Regents passed a new policy allowing RAs to lead any activities in their dorms, but banning them from inappropriately influencing residents, according to System records.

University officials said the board's decision was solely about student interest, though they acknowledged the political and public pressure.

An out-of-court settlement to Steiger's lawsuit was announced soon after.

## The aftermath

The results of this dynamic history are mixed.

University officials recoil at FIRE's recent Spotlight study and continual negative characterization of Eau Claire, but also speak highly of the need for open discussion of policies.

"I am proud that this institution looked at these things," Interim Provost and Vice Chancellor for Academic Affairs Steve Tallant said.

But for FIRE and those who agree with its assessments, Eau Claire still has more to look at.

"Once you start taking crucial rungs out of the free speech ladder, it gets very difficult to stop," Creeley said.

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