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**Lawmakers, public divided over bill that punishes students who disrupt free speech**

*By WisPolitics.com*

Lawmakers and the public appear largely divided over the necessity of a bill that would require mandatory punishments for any University of Wisconsin student who “materially or substantially disrupts the free expression of others.”

Members of the Assembly Committee on Colleges and Universities split along party lines over whether the bill would have a “chilling effect” for campus free speech or be a protector of it.

Rep. Katrina Shankland, D-Stevens Point, criticized the bill as “a bad solution in search of a problem” and worried the mandatory punishments in the proposal would cause students to hold back on expressing themselves freely out of fear of retaliation.

AB 444 would suspend UW students for a minimum of one semester after a formal investigation and disciplinary hearing found them responsible for two offenses. Students would then be expelled after a third charge. Rep. David Murphy, R-Greenville, also introduced an amendment that would expand the bill’s policy to Wisconsin Technical College System campuses.

“You are choosing to limit what people would even say in a public forum, because they’d be so afraid of being disruptive that they wouldn’t even challenge someone who deserves to be challenged,” Shankland said at the hearing on Dec. 12. “They will not even engage in civil debates, because they will not have time to run around with definitions of “material,’ ‘substantial’ or ‘disruptive.'”

But the bill’s co-author Sen. Chris Kapenga, R-Delafield, fired back, saying the language is meant to only go after students who are outright harming or disrupting others to the point where their constitutional freedoms are infringed upon.

“Free speech ends when you limit the free speech of others,” Kapenga said. “It doesn’t matter the ideology. The point is we’re protecting your ability to speak, regardless of what’s on your mind. We’re ensuring that 100% of speech is heard.”

While all agreed the goal is to protect First Amendment rights, Shankland and the Democrats were steadfast in their assertion that the bill could “backfire tremendously.” Democrats also criticized the timing of the public hearing for taking place during final exams week on many campuses, making it difficult for students to come out to the hearing and voice their opinion.

Shankland told Kapenga the conservative think tank Wisconsin Institute for Law and Liberty even declared opposition to AB 444 because of its mandatory punishments. The Delafield Republican said that while he took into consideration the opinions of everyone, he and his fellow lawmakers were the ones elected to make policy, “not the organizations.”

The UW System Board of Regents is currently in the process of drafting an amendment to administrative code with similar language. Murphy pointed out that the UW System’s amendment originated after the freedom of expression bill began circulating the Legislature in the previous biennium.

Any final bill or administrative code amendment would need the governor’s approval. Gov. Tony Evers voted “no” on the proposal when he sat on the board as superintendent of public instruction. And a spokeswoman for the governor previously said his opinions on the matter “haven’t changed” since assuming office.

*The Capitol Report is written by editorial staff at WisPolitics.com, a nonpartisan, Madison-based news service that specializes in coverage of government and politics, and is distributed for publication by members of the Wisconsin Newspaper Association.*

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