

April 3, 2022

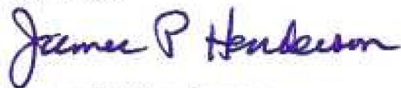
Interim President Mike Falbo
University of Wisconsin System

Dear President Falbo:

Given the events of the past week in context with the promises made to the chancellors and transition team two weeks ago, I don't feel that I can continue as interim chancellor at UW-Whitewater. This is an incredibly difficult decision on my part, and I don't take it lightly. UW-Whitewater is a wonderful university with an outstanding faculty, staff, and student body, but I don't see a path forward allowing me to effectively serve them.

I resign my position as interim chancellor of UW-Whitewater effective at the end of the day, April 4, 2022.

Regards,

A handwritten signature in blue ink that reads "James P. Henderson". The signature is written in a cursive style.

James P. Henderson
Interim Chancellor
UW-Whitewater

CC:

Regent President Ed Manydeeds
Regent Vice President Karen Walsh

From: Shiell, Timothy <ShiellT@uwstout.edu>

Sent: Wednesday, March 30, 2022 11:49 AM

To: Michael Falbo <mfalbo@uwsa.edu>; Interim President Mike Falbo <President@uwsa.edu>; Jeff Buhrandt <jbuhrandt@uwsa.edu>

Cc: bleskeal@uwec.edu; petersgd@uwec.edu; Kasper, Eric T. <kasperet@uwec.edu>; Eric Giordano <egiordano@uwsa.edu>; FRANCISKA A COLEMAN <facoleman@wisc.edu>; Rick <rick@will-law.org>; jfriedman <jfriedman@pen.org>; jpg@execpc.com; tim.higgins <tim.higgins@freespeechforcampus.org>; Jamila Lee <jlee@uwsa.edu>; rjowens@wisc.edu; riveron715@gmail.com; Howard Schweber <howard.schweber@wisc.edu>; Sean Stevens <sean.stevens@thefire.org>; Jason Yackee <jason.yackee@wisc.edu>; tricia.zunker@gmail.com

Subject: MCSII WIPPS survey cancellation

Importance: High

Interim System President Falbo,

On behalf of concerned members of the survey research team and advisory board, I request a written justification for the decision presented at Friday's virtual meeting denying us permission to proceed with the survey "Student Perceptions of Campus Free Speech, Viewpoint Diversity, and Self-Censorship." This is not a fly by night operation. The study is funded by a well-established academic center (MCSII) and being conducted by a highly reputable subunit of UWS (WIPPS). The necessary human subject research approvals were obtained, a comprehensive plan for promoting it was in place, it would produce previously unavailable and important data on a subject of national importance, and the workload for campuses would be limited to sending a few emails. In addition, we hope it was made clear that there is no funding in place for the survey beyond this semester. While we certainly value the opinions of the chancellors on this topic, we are concerned their judgements are based on incomplete and perhaps mistaken information regarding the survey.

We are well aware that controversies regarding free expression on our campuses continue to put the UW-System in the crosshairs of groups across the political spectrum. As these issues flare up, groups representing myriad viewpoints have made often outlandish claims about the System's failures in this area. They have accused us of stifling conservative speech and encouraging racist speech, and they have voiced a cornucopia of other hyperbolic statements based on idiosyncratic events on a few campuses. Unfortunately, we have been unable to effectively address these charges, as we lack the evidence to demonstrate which of these charges are false, nor do we have the evidence to determine where appropriate policy changes are needed. Without this survey, the System will continue to be forced to address future free speech controversies from a purely post hoc and anecdotal perspective. We will be unable to take proactive steps to diffuse future controversies, nor will we be able to effectively craft prudent and meaningful policies to address the deficiencies that truly do exist in our language regarding free expression. While it is certainly possible this survey will uncover some uncomfortable truths for some campuses, we will also be able to honestly speak to our stakeholders and inform them of the steps we will take to address the issues the survey may identify.

The decision to disallow the survey from being distributed to students despite it being approved by the relevant research offices appears to be in direct conflict with the Board's clearly stated support for academic freedom elucidated in RPD 4-21 "Commitment to Academic Freedom and Freedom of Expression." Chancellors intervening to deny research access merely because they dislike the funding organization, fear the results of the findings, or the like not legitimate reasons for cancelling the survey. Amongst other things, RPD 4-21 promises:

“Academic freedom includes the freedom to explore all avenues of scholarship, research, and creative expression, and to reach conclusions according to one’s own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom. These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters, or on matters of public concern. The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn.

Of course, different ideas in the university community will often and quite naturally conflict. But it is not the proper role of the university to attempt to shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive. Although the university greatly values civility, concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members within the university community.”

Moreover, RPD 4-21 it promises:

“Each institution in the University of Wisconsin System has a solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them. Exploration, deliberation, and debate may not be suppressed because the ideas put forth are thought by some or even by most members of the university community (or those outside the community) to be offensive, unwise, immoral, or wrong-headed. It is for the members of the university community, not for the institution itself, to make those judgments for themselves, and to act on those judgments not by seeking to suppress exploration of ideas or expression of speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the university community to engage in such debate and deliberation in an effective and responsible manner is an essential part of each institution’s educational mission.”

The team’s orientation is neither liberal nor conservative, nor is the survey itself designed to lean one way or the other (hence the nonpartisan advisory board). The goal is to gather useful data that will allow people to address future questions regarding free speech on our campuses with facts rather than speculation, data rather than emotion.

Because it is still possible to launch the survey next week and complete it this semester, we respectfully request that you reconsider your decision to cancel the survey. The research team would be more than willing to set up a time to discuss this with you this week. We would welcome the opportunity to walk you through the survey and discuss the reasons we are asking the questions that are included in the instrument. Because the survey deadlines are rapidly approaching, we request a response no later than end of workday April 1, 2022.

Respectfully,

Tim Shiell



TIMOTHY SHIELL

Professor of Philosophy

Director, Menard Center for the Study of Institutions and Innovation (MCSII)

English & Philosophy

African Americans and the First Amendment: <http://www.sunypress.edu/p-6790-african-americans-and-the-first.aspx>

Civil Liberties in Real Life: <https://www.cambridgescholars.com/civil-liberties-in-real-life>

Campus Hate Speech on Trial: <https://kansaspress.ku.edu/978-0-7006-1648-0.html>

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