Monday June 19, 2017

Dear Honorable Members of the Senate Committee on Universities and Technical Colleges,

YWCA Madison has several concerns with SB 250. We ask you to vote down the proposed legislation unless amendments are made.

First, the legislation will have a chilling impact on the first amendment rights of those protesting or opposing others. The legislation as proposed is unclear as to what behavior it regulates. How is a protestor to know if their action is interfering with the rights of others to engage in or hear another activity? If a speaker is not amplified and cannot be well heard, does that mean that a protestor must be quieter than they would have to be if the speaker had amplification? If a protestor carries a sign that blocks an audience member from seeing a speaker’s visual display, does that mean the protestor is interfering with an audience member’s right to engage? What happens when the number of protestors outnumber the size of the original audience? SB 250 as written makes it is impossible to know the answers to these questions. The result is students’ first amendment rights to protest will be chilled, leaving students reticent to participate in protests since they cannot pre-determine the impact of their actions.   
  
Second, the legislation’s suspension and expulsion penalties are extreme and out of sync with university policy. No other non-academic action carries a mandatory punishment, even for repeat violations. That includes repeat offenders found guilty of sexual assault, stalking, harassment, hazing, violation of criminal law, and dangerous conduct that threatens the health and safety of others. Under SB 250, protestors attempting to utilize their free speech rights will face mandatory suspension or expulsion for repeat offenses, but sexual predators will not.

YWCA Madison has a long history of supporting elementary, middle, and high school youth in our community and demanding restorative, non-punitive, responses to school violations. We do not support punishment of suspension or expulsion as a consequence to students’ attempting to exercise their first-amendment rights.

Barring changes, YWCA Madison urges you to vote against SB 250. If you have any questions, please do not hesitate to contact me or Carousel Bayrd, our Policy and Partnership Coordinator, at (608) 395-2196.

Sincerely,

Vanessa McDowell  
Interim CEO