

# The University of Wisconsin System

## UPS OPERATIONAL POLICY: GEN 7



**SUBJECT:** Freedom of Speech Protections

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**Original Issuance Date:** July 1, 2015

**Last Revision Date:**

### 1. POLICY PURPOSE:

The purpose of this policy is to provide UW System institutions with information on the freedom of speech protections contained in [Wis. Stat. Chapter 230](#).

### 2. POLICY BACKGROUND:

Four subchapters make up [Wis. Stat. Chapter 230](#). Effective July 1, 2015, Subchapters I and II no longer applied to UW System employees. Subchapters III (Whistleblower Law) and IV (Employee Freedom of Speech Protection) continue to apply to UW System employees because UW System institution employees remain employees of governmental units within the meaning of Subchapters III and IV of Chapter 230. Subchapter IV ([Wis. Stat. § 230.90](#)) permits a state employee to bring an action against his or her employer if the employer retaliates against the employee because the employee exercised his or her right to free speech under the United States Constitution or Wisconsin Constitution.

### 3. POLICY DEFINITIONS:

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

#### **Definitions specific to this policy:**

“Employee” means any person employed by any governmental unit except:

- (a) A person employed by the office of the governor, the courts, the legislature or a service agency under Subchapter IV of Wis. Stat. Chapter 13.
- (b) A person who is, or whose immediate supervisor is, assigned to an executive salary group or university senior executive salary group under [Wis. Stat. § 20.923](#).

“Governmental unit” means any association, authority, board, commission, department, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor, and the courts, but excluding the Health Insurance Risk-Sharing Plan Authority. “Governmental unit” does not mean any political subdivision of the state or body within one or more political subdivisions that is created by law or by action of one or more political subdivisions.

**4. POLICY:**

The development of new personnel systems for UW-Madison and for the balance of UW System institutions does not affect the protections provided by Subchapter IV of Chapter 230 of the Wisconsin Statutes.

**5. RELATED DOCUMENTS:**

Wis. Stat. Chapter [230, Subchapter III, Employee Protection](#)  
[UPS Operational Policy WE 3: Workplace Expectations](#)

**6. POLICY HISTORY:**