



Office of General Counsel

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To: Chancellor Joe Gow
From: Quinn Williams, General Counsel
Date: December 15, 2023
Re: UW-La Crosse Student Bylaws Diversity Statement

Dear Chancellor Gow,

The Office of General Counsel received a joint letter (attachment 1) yesterday from the Wisconsin Institute for Law and Liberty (WILL) and the Mountain States Legal Foundation (MSLF), entitled “Re: First and Final Notice to Cure Constitutional Violation” (the Letter). The Letter states that the Young Americans for Freedom (YAF) chapter at the University of Wisconsin – La Crosse (UW-La Crosse) is being denied recognition on the basis of failing to adopt an “inclusivity statement” required by the UW-La Crosse Student Association. The Letter asks that UW-La Crosse immediately remove the “inclusivity statement” condition for YAF’s recognition as a student organization. It is my further understanding that the basis for the denial is not related to any UW-La Crosse policy, but is rather directly related to a student organization bylaw resolution requirement passed by UW-La Crosse Student Association in March of 2021 (attachment 2) (the Resolution) that states:

THEREFORE BE IT RESOLVED that the UWL Student Association approves the inclusion of the following statement in all student organization bylaws:

The University of Wisconsin - La Crosse [Organization Name] recognizes and values the diverse identities, backgrounds, and beliefs of our faculty and of the University of Wisconsin - La Crosse student body. Our definition of diversity includes, but is not limited to ability, age, class, documentation status, gender identity, language, military status, nationality, race, religion, and sexual orientation. We are committed to providing and promoting an environment free of prejudice by addressing issues of equity and justice in our community, and we support the success of marginalized identities.

The requirement in the Resolution for the inclusivity statements (the Statement) inclusion in all student organization bylaws is prohibited by Regent Policy Document 30-6, entitled “Recognition of Student Organizations” (RPD 30-6) under the “Policy” section, which states:

Student organizations that select their members or officers on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership, officer positions, or participation in the organization to students who affirm that they support the organization’s goals and agree with its beliefs, so long as no student is excluded from

membership, officer positions, or participation on the basis of his or her race, color, creed other than commitment to the beliefs of the organization, religion, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status, or, unless exempt under Title IX, sex.

(emphasis added)

RPD 30-6 specifically allows a student organization the authority to condition membership to such student organization on its own goals and beliefs. Since the Resolution requires the Statement in to be included in all UW-La Crosse student organization's bylaws, it impermissibly limits the ability of such student organizations' ability to determine their own goals and beliefs, and so is superseded by RPD 30-6. Under Wis. Stat. s. 36.09(3m) and (5), the authority of student shared governance is subject to the authority of the Board of Regents and its policies, including RPD 30-6.

As a result, it is the determination of the Office of General Counsel that the requirement for the Statement as a condition for inclusion in any student organization's bylaws, including YAF, at UW-La Crosse as a condition of recognition, is invalid, and may not be used as a condition of recognition for student organizations at UW-La Crosse. Enforcement of the Resolution should cease immediately.