

## Appendix B

### Potential Effects of Wisconsin's Proposed Constitutional Amendment Banning Domestic Partnerships, Civil Unions, and Same-Sex Marriage (AJR 66 SJR 63) on the University of Wisconsin-Milwaukee and its Faculty, Staff, and Employees

An Educational Paper  
Prepared by the LGBT Advisory Committee  
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Section 13 has been proposed to amend article XIII of Wisconsin's Constitution. This amendment (AJR 66 SJR 63) is created to read:

Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.

If this amendment passes, **it will affect the University of Wisconsin-Milwaukee as an institution** in three primary areas:

- **Benefits.** Currently, the UWM offers only three domestic partner benefits: Supplemental Dental, an Accidental Death and Dismemberment Policy, and Individual or Family Life Insurance. Based on the litigation that has arisen after the State of Michigan passed its constitutional amendment banning state recognition of any union that didn't consist of one man and one woman ("the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose" MI Const 1963, art 1, § 25), it is not certain that employees of the UW-System will be able to retain these domestic partner benefits.
- **Climate.** Hate crimes and bias-motivated incidents have been shown to increase after the passage of such amendments. The National Coalition of Anti-Violence Programs (NCAVP) report on hate violence in 2004 found a 4 percent increase in violence against LGBT people, which coincided with the numerous anti-gay state ballot initiatives. On the UWM campus, there has been a marked increase in anti-gay graffiti (particularly in, but not limited to, restrooms) following the Senate's and the Assembly's votes on the amendment this Spring. If this amendment passes, we may anticipate a corresponding increase in hate crimes and bias-motivated incidents on the UWM campus. Despite the fact that UWM's policies provide equal opportunity in its admissions, employment, educational programs, and activities without regard to sexual orientation, this amendment will nevertheless codify and institutionalize discrimination, contributing to a climate of hostility on campus toward gay, lesbian, and bisexual faculty, staff, and students, and reinforcing the false idea that such discrimination is acceptable within the higher education community generally and on the UWM campus in particular.
- **Recruitment and Retention.** Seventy-four percent of the top 50 national four-year institutions as ranked by *US News & World Report* provide domestic partnership benefits. Among the Big 10, UW-Madison is the only university that does not currently offer comprehensive domestic partner benefits, and its lack of domestic partnership benefits has been cited as having an adverse effect on faculty recruiting and retention. At UWM the lack of domestic partnership benefits similarly affects recruitment and retention. Further, if the amendment passes, we may envision the loss of the few domestic

partnership benefits that we do offer, further impeding UWM's ability to attract and keep talented and highly-qualified faculty and staff. The American Association of University Professors considers the omission of domestic partner benefits as a type of discrimination based upon an individual's sexual orientation, and this will undoubtedly affect UWM's national profile as an institution of higher learning.

In addition, if this amendment passes, **it will affect the University of Wisconsin-Milwaukee as a community striving for academic excellence and hinder its efforts to become a source of innovative regional, entrepreneurship and economic development.**

- In his plenary address of January 20, 2005, Chancellor Santiago identified three concepts that are essential to UWM's identity as an institution of higher learning noted for its academic excellence. Not surprisingly, all three concern **diversity**: (1) UWM's historical commitment to educational access and opportunity; (2) the relation of human diversity to academic excellence; and (3), the commitment to UWM as a safe haven for the diversity of ideas.
- If this amendment passes, UWM may very well be limited by law as to how it explicates and maintains its commitment to diversity.
- This amendment will hinder the creation of a healthy, innovative, and diverse research and learning environment, which is safe and supportive of all its members.

Finally, if this amendment passes, **it will have a grave and counter-productive effect on certain members of the University of Wisconsin-Milwaukee community and their families.**

- Because the amendment aims to ban the legal recognition of domestic partnerships, this amendment will affect all unmarried couples—heterosexual as well as homosexual—who are members of the UWM community, regardless of whether or not they are residents of Wisconsin.
- Members of the UWM community affected by this constitutional amendment will find their lives gravely altered potentially hindering their ability to learn and work productively. Domestic partners living in Milwaukee stand to lose their right to hospital visitation, earned health and retirement benefits, bereavement leave, having joint custody of their children, recognition by a funeral home as the next of kin in the event the partner passes away at home, and be buried next to their partner. In addition, domestic partners who have access to health insurance through their domestic partner program in Milwaukee could lose their health care coverage. The loss of these very important rights can only result in a negative effect on these as they live, work, and learn on our campus.
- This constitutional amendment may thus affect the research and learning productivity of those students, faculty, and staff who are personally affected by the amendment.

The LGBT Advisory Committee has serious concerns about how the amendment will affect the intellectual life, diversity, and climate of UWM. As a result, the LGBT Advisory Committee will continue to educate the greater UWM community about the potentially serious consequences that the passage of this amendment may have on UWM as an institution and as a community.