



**COMMITTEE ON FREE EXPRESSION
ARIZONA BOARD OF REGENTS**

THIS IS A VIRTUAL MEETING

**Monday, July 20, 2020
3:00 – 4:00 p.m.**

Members of the public may attend the public portion of the virtual meeting by viewing the livestream of the meeting.

To view the livestream of the meeting please follow the instructions below.

ABOR Live is available at the following link:

<https://www.youtube.com/user/abornews>

- Click the top video for the livestream of the meeting.

If the above link does not work, open a browser, go to www.youtube.com or search YouTube

- Once in YouTube, use the search bar to search for ABOR News
- Click the video that says Live

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For technical assistance, click the link here [ABOR Tech Support](#) or email Tom.Merriam@azregents.edu and John.Murnane@asu.edu.

Committee Members:

John Arnold, Chair
Derrick Anderson, ASU
José Cárdenas, ASU
Courtnee King, ASU
Stefanie Lindquist, ASU
Joanne Vogel, ASU

Joe Carter, NAU
Erin Grisham, NAU
Kimberly Ott, NAU
Michelle Parker, NAU
Eric Yordy, NAU

Sydney Hess, UA
Kody Kelleher, UA
Toni Massaro, UA
David Schmidtz, UA
Robert “Bob” Sommerfeld, UA
Kendal Washington White, UA

**3:00 p.m. CALL TO ORDER, GREETINGS, AND ANNOUNCEMENTS FROM
THE COMMITTEE CHAIR**

3:05 p.m. 1. Approval of Minutes

The board office asks the committee to review and approve the minutes from the July 22, 2019 Committee on Free Expression meeting.

3:10 p.m. 2. Review of Open Meeting Law

The board office will provide the committee with an overview of the Open Meeting Law.

3:15 p.m. 3. Review the Statutory Charge to the Committee on Free Expression to Submit an Annual Report

The board office asks the committee to review the statutory charge to the Committee on Free Expression to submit an annual report.

3:45 p.m. 4. Review of and Possible Action to Approve and Forward the Statutory Report of the Committee on Free Expression

The board office asks the committee to review, discuss and take possible action to approve and forward a proposed statutory report to the full board for its approval.

4:00 p.m. ADJOURN

PLEASE NOTE: This agenda may be amended at any time prior to 24 hours before the committee meeting. Estimated starting times for the agenda items are indicated; however, discussions may commence, or action may be taken, before or after the suggested times. Any item on the agenda may be considered at any time out of order at the discretion of the committee chair. The committee may discuss, consider, or take action regarding any item on the agenda. During the meeting, the committee may convene in executive session pursuant to A.R.S. § 38-431.03(A)(3) for legal advice regarding any item on the agenda.

ARIZONA BOARD OF REGENTS
Minutes of the Committee on Free Expression
July 22, 2019

A meeting of the Committee on Free Expression was held on July 22, 2019 at the board office in Phoenix, Arizona.

Committee Members Present: John Arnold, José Cárdenas (via phone), Derrick Anderson (via phone), Joanne Vogel (via phone), Erin Grisham (via phone), Michelle Parker (via phone), Dylan Graham (via phone), Eric Yordy (via phone), Kimberly Ott (via phone) and Robert “Bob” Sommerfeld (via phone)
Members Absent: Stefanie Lindquist, Roni Marks, and Sydney Hess

Also present were: from the board office Nancy Tribbensee, Jennifer Pollock, Suzanne Templin, Julie Newberg, and Monica Simental.

Chair Arnold called the meeting to order at 11:32 a.m.

Approval of Minutes (Item 1)

Upon motion by Chair Arnold and seconded by Kendal Washington White, the committee approved the minutes of the July 22, 2019 Committee on Free Expression meeting with José Cárdenas, Derrick Anderson, Joanne Vogel, Erin Grisham, Michelle Parker, Eric Yordy, Kimberly Ott, Toni Massaro, David Schmitz, Bob Sommerfeld voted in favor. None opposed and none abstained.

Review of Open Meeting Law (Item 2)

Jennifer Pollock reminded the committee that as the Committee on Free Expression is a statutorily required committee of the Arizona Board of Regents, which is a public body, the committee is also a public body subject to the Open Meeting Law. This means that the committee meetings are public and the public is permitted to attend and listen to the committee’s discussions and deliberations. We post notices and make agendas available at least twenty-four hours before each meeting. The agendas identify what items are scheduled for discussion and the committee must stick to the agenda items and related matters, and any action taken by the committee has to be done during the public portion of the meeting. Generally, this committee does not hold Executive Sessions but if it did, the notice and agenda would be posted reflecting the executive session.

As a refresher, a meeting is a gathering of a quorum of the committee in-person or through technological means, that includes email, where there is discussion, deliberation or proposed legal action regarding matters that will foreseeably come before the committee. Be aware if you are emailing, if you email a quorum of the committee regarding matters that could foreseeably come before committee that could constitute a meeting and we would be required to post that meeting. We ask that if you get email communications from staff regarding meeting materials for upcoming meetings, don’t hit reply all, don’t copy a quorum of the committee with a reply because we want to avoid any kind of inadvertent

violation of the Open Meeting Law. Also, as a reminder, email communications regarding committee business are public records that are required to be maintained, and if we get a public records request, those emails could be disclosed pursuant to the public records law. Jennie Pollock asked the committee if they had any questions.

Chair Arnold asked the committee if they had any questions about Open Meeting Law.

Review Statutory Charge to the Free Expression Committee to Submit an Annual Report (Item 3)

Review of and Possible Action to Approve and Forward the Report of the Free Expression Committee (Item 4)

Item 3 and Item 4 were discussed together.

Nancy Tribbensee mentioned to the committee that she was combining agenda items three and four. One is reviewing the statutory charge and item four is reviewing the report draft with an eye towards possibly taken action to have this committee approve it and forward it to the full board after the committee conversation. Nancy reviewed the statutory charge again and said this is done at each meeting because it's a very limited statutory charge. It is a charge to draft a report that includes a description of barriers to or disruptions of free speech if there are any. A description of the administrative handling and discipline relating to barriers or disruptions, a description of substantial difficulties, controversies or successes in maintaining institutional neutrality and any assessments, criticisms, commendations or recommendations by the committee.

The report also needs to include how activity fees were allocated in the prior year (exhibit D). Nancy thanked the universities for their tremendous contributions and timely contributions to the report. There is a lot going on and we appreciate you getting in as much as you possibly could by the time of this meeting so that we have as full of a draft as we can for people to look at. Nancy said she really appreciated the slight change to our process that we implemented for this meeting which was to have comments go through an individual single contact at each university and then that contact provide the information to me. We hope that worked for the members of the committee. It makes it easier to put together a draft for you to review but it also encourages discussion at the university level among the members of the committee.

A copy of the report was put together and hope you have had a chance to review it. Nancy mentioned she tried to stick very closely to the limited requirements in the statute. Nancy said she would be happy to answer any questions. ASU will be submitting some information for Exhibit D. I'm advised that the language is going to look very much like the language that has already been submitted by NAU and U of A. Bob Sommerfeld with the University of Arizona commented that on page four of the report there is incorrect information that indicates that the date for the incident at the U of A occurred on May 19 but actually occurred on March 19. Bob Sommerfeld asked for the correction to be made. Bob also commented that the report indicates that two students were charged with the interference of an educational facility, one of the students, was also charged with threats

and intimidation. Kendal Washington White commented that that information was initially correct but that all the charges were dropped by the county prosecutor's office. Bob Sommerfeld added that the charges were dismissed without prejudice.

Nancy Tribbensee asked the committee if there were any other comments or corrections. Nancy Tribbensee asked Chair Arnold to ask the committee to make a motion to move this forward to the full board for their approval and their August meeting subject to the additions from ASU for Exhibit D, adding the student representative from ASU and making the corrections for U of A. A motion was made by Chair Arnold and seconded by Erin Grisham. Chair Arnold asked the committee if there any questions or comments before the vote. Chair Arnold, José Cárdenas, Derrick Anderson, Joanne Vogel, Erin Grisham, Michelle Parker, Eric Yordy, Kimberly Ott, Toni Massaro, David Schmitz, Bob Sommerfeld voting "Aye", none opposed, none abstained.

Chair Arnold thanked the committee for their time and participation in developing the report. He commented that the process has been successful, it's a good report and gets the information out that we're supposed to. Thank you for your time today, the meeting is adjourned.

ADJOURNMENT

Chair Arnold adjourned the meeting at 11:43 a.m.

Submitted by:

Monica Simental
Committee Secretary

EXECUTIVE SUMMARY

**Item Name: Review of and Possible Action to Approve and Forward the
Report of the Free Expression Committee**

Action Item

Requested Action: The Free Expression Committee will review, discuss and may vote to approve and forward a proposed statutory report to the full board for its approval.

Background and Discussion

- The Free Expression Committee will review a draft report to confirm that it complies with the requirements of A.R.S. §15-1867 and that it demonstrates the commitment of the board and the universities to protecting and promoting free expression.
- Following committee review and approval, the committee chair will submit the report to the Arizona Board of Regents for its approval.
- The board is anticipated to consider approval of the report at its August 20, 2020 meeting.
- By September 1, 2020, the committee chair will submit the approved report to the governor, the speaker of the house of representatives, the president of the senate, the secretary of state and the ABOR office will post the final report on the ABOR website.

Contact Information:

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ARIZONA BOARD OF REGENTS' COMMITTEE ON FREE EXPRESSION ANNUAL REPORT

September 1, 2020

THE ARIZONA BOARD OF REGENTS AND ARIZONA'S PUBLIC UNIVERSITIES PROMOTE AND PROTECT FREE EXPRESSION

The board and the universities protect and ensure intellectual freedom and free expression at our institutions. Students, staff and faculty members may discuss any topic, as the First Amendment allows and within the limits of reasonable content- and viewpoint-neutral restrictions on time, place and manner of expression that are consistent with applicable law.

The Arizona Board of Regents has established a Committee on Free Expression, which submits this report as required by A.R.S. §15-1867. The membership of the Free Expression Committee is provided in Exhibit A.

The universities and the board have historically protected free expression. A comprehensive list of current board and university policies that protect and promote free speech is provided in Exhibit B. The ABOR Policy on Free Expression is included as Exhibit C.

THE BOARD AND THE UNIVERSITIES DO NOT TOLERATE BARRIERS TO OR DISRUPTIONS OF PROTECTED SPEECH

There were no barriers to or disruptions of lawful free expression within any of Arizona's public universities, as described in A.R.S. §15-1867. All three of Arizona's public universities maintain the highest green light rating from the Foundation for Individual Rights in Education ([FIRE](#)), recognizing the commitment of the board and the universities to free speech. "Arizona's green light schools are setting a standard for free expression that colleges across the country should aspire to follow," said FIRE's Laura Beltz, policy reform senior program officer.

Each university has policies and procedures to encourage and protect all lawful speech. All expressive activities are subject to reasonable time, place and manner restrictions as permitted by law. Expressive activities are subject to applicable law, including laws that address discrimination, harassment, safety, defamation, threats, privacy and confidentiality. The board and universities do not permit actions that unlawfully disrupt the functions of the institutions. As required by statute, board policy provides:

A student who is subject to the jurisdiction of a university and who engages in individual conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity, as defined in A.R.S. § 15-1861, is subject to disciplinary sanctions under the Student Code of Conduct and other applicable university and board policies. This does not preclude students from engaging in counter speech as First Amendment principles may permit.

Although a more complete list of applicable policies is provided in Exhibit B, here are some examples of how the Board and University policies promote lawful free expression within any of Arizona's public universities without barriers.

ASU

ASU is committed to free speech, subject to reasonable restrictions designed to promote free speech while serving the university's educational function.

The University of Chicago Statement affirms the role of academic freedom and freedom of expression on college campuses. ASU has adopted the core principles of the Statement as those principles reflect and are consistent with ASU's existing policies.

ASU community members and visitors may reserve space both indoors and outside in accordance with University policy ([SSM 802-01](#) and [SSM 801-02](#)) and may use other areas where reservations are not necessary. The university respects the ASU community's rights to engage in expressive activities within public and designated public fora while: 1) facilitating the free flow of pedestrian traffic and access for all fire, police and emergency services; 2) preserving the health and safety of its community members; and 3) protecting the mission of the university, which includes activities related to studying, teaching, research, service, and university administration. ASU staff are available to actively assist in facilitating and supporting speech activities on campus, including arranging and managing space to permit speakers, listeners, and protestors to engage in speech without disrupting university activities. In addition, during the current pandemic situation when in-person gatherings are limited by public health orders and considerations, ASU staff have worked with student organizations to increase their awareness of available tools for virtual events, such as Zoom.

NAU

[The NAU Speech Expressive Action Knowledge \(SpEAK\)](#) team worked to ensure all planned, reported and spontaneous representations of speech on campus were supported. The Campus Inclusion Team (CIT), which includes the SpEAK team, serves as an impartial support system committed to fostering a campus community that honors freedom of expression and therefore does not discipline, investigate or adjudicate any reported concerns. The CIT served as a support resource for several on-campus speakers, events, and protests, and also provided support for students and community members who expressed concerns about the speech activity of others by listening, discussing and connecting individuals with resources such as counseling services and Office of Inclusion support services.

UARIZONA

University of Arizona policy reflects individual rights to free speech and expressive activity within public and designated public forums, while preserving public health, safety, and welfare; the

normal business uses of the campus; and the rights of others to legitimately use and enjoy the campus. The UArizona’s “Campus Use Policy - Interim,” provides:

The campus grounds and properties of the University of Arizona (the “University”) are devoted to and maintained for the sovereign function of providing higher education to the people and are not places of unrestricted public access.

The University is committed to protecting the free speech rights of students, faculty, staff, and invited guests. The purpose of this policy is to respect the Campus Community’s rights to free speech and expressive activity within public and designated public forums, while preserving public health, safety, and welfare; the normal business uses of the campus; and the rights of others to legitimately use and enjoy the campus.

The University may regulate the time, place, and manner of free speech and expressive activities in order to prevent unreasonable interference with or disruption of its educational, research, outreach, and business functions, and normal or scheduled uses of University property by the Campus Community, as well as to protect public health, safety, and welfare. Commercial Activity... is prohibited on campus except as authorized by the Business Practices Guidelines Policy, guidelines on ‘Sponsored Commercial Activity on University Property.’

THE BOARD AND THE UNIVERSITIES PROMOTE PROTECTED SPEECH AND PROMPTLY ADDRESS ALL ALLEGATIONS OF BARRIERS TO OR DISRUPTIONS OF PROTECTED SPEECH

Each university has an administrative process for responding to allegations of barriers to or disruptions of protected speech. All three universities provide active support for free speech activities on campus, including managing campus events to support meaningful opportunities for protest and to listen to invited speakers. The universities also engage in dialogue with, and providing support for, students and community who feel negatively impacted by the speech of others. However, consistent with the provisions of ABOR’s policy on free expression and the ABOR Student Code of Conduct, the universities do not impose discipline for constitutionally protected speech solely because that speech is controversial or objectionable to others. As appropriate, the response may address the conduct immediately and may include additional review or sanctions under board or university policy. Campus police may be involved if allegations include criminal conduct or implicate safety concerns.

ASU

ASU reported one allegation involving the election code adopted and enforced by the student government, which certain candidates claimed violated their speech rights as written and applied. The university reviewed the candidates’ concerns and found no violation of their speech rights.

NAU

There were no conduct-related incidents this past year related to barriers to or disruptions of free expression at NAU. However, there were incidents addressed by the Campus Inclusion Team (CIT), which includes the SpEAK team, who serves as an impartial support system committed to fostering a campus community that honors freedom of expression and therefore does not discipline, investigate or adjudicate any reported concerns. The CIT served as a support resource for students that felt negatively impacted by speech, both protected and not protected, as well as a resource for the campus community, including the Office of the Dean of Students (ODOS) and Residence Life. The CIT provided support for several impacted community members by listening, discussing and connecting individuals with resources such as counseling services and Office of Inclusion support services. In particular, the CIT served as a support for the following reported concerns:

- Early fall – SpEAK Team was deployed for a March for LGBTQ rights, and provided resources to organizers.
- Fall– A Non-student made statements to a Jewish student that the Jewish student found upsetting. The Jewish student was provided resources from ODOS and NAU’s Office of Inclusion.
- October 2019 – Near Halloween, a few NAU students posted pictures on social media while dressed in attire that other NAU students found culturally insensitive. To express their opinions, the second group of students posted comments on the social media pages of the original students who had posted the pictures. After the postings were reported to ODOS, staff met with each group of students, to educate the students regarding freedom of expression (and the right that the original group of students had to post photos and express themselves by their attire, as well as the right the second group of students had to “fight speech with speech”) and to provide them with resources to assist them in navigating social media.
- March 3, 2020– SpEAK Team was deployed for a “March! Stand Up to Rita” event. This involved roughly 6 students who gathered at the Union and marched down to the High Country Conference Center (HCCC) prior to a Campus Forum. Once at the HCCC the students dispersed. The SpEAK team let the students know that they had a right to Freedom of Expression and provided materials on NAU’s support of Freedom of Expression on campus.
- Spring 2020 – A social media photo of a person with a swastika drawn on their face was brought to the attention of Fraternity & Sorority Life (FSL) staff. One person in the photo was a member of a fraternity but the other two people, including the person with the swastika drawn on their face, were not members. FSL staff reached out to the fraternity president and also reported it to the CIT.
- June 2020: A former student posted racist comments on Social Media. This student’s social media account incorrectly listed her as a current student. Many current students called and emailed the university with concerns about this post. No action was taken related to former student’s posts.

UARIZONA

During the Fall 2019 semester, many UArizona students and community members participated in on-campus protests related to the University's handling of an on-campus assault of a Black student. These protests were peaceful and did not result in any University discipline or actions for the speech-related

activities. After this event, there was increased dialogue between students and University leaders on issues of race, safety, and inclusion.

More recently, in the wake of the mass protests related to George Floyd's death, the University has received a large number of complaints about the social media accounts of UArizona students (or purported students) who allegedly have a history of posting racially insensitive or blatantly racist content. There has been intense community pressure on UArizona leaders to rescind the admission of or initiate disciplinary actions towards these individuals. Although each case is unique, the University is keenly aware of the First Amendment rights of current or prospective students and how those rights intersect with the Arizona Board of Regents Code of Conduct for Students. No students have been disciplined for their social media posts, nor have any offers of admission been rescinded. The UArizona believes that focusing on student safety and the opportunity to receive and benefit from an education are its top priorities. In that vein, it plans to connect with those students who allegedly posted racist or offensive content when they arrive on campus or enroll in classes.

Also, there was a large Black Lives Matter rally on campus in June of 2020. The rally was peaceful and was very well attended. Since the event, a number of students have reengaged the University leadership to address the concerns and other issues that remain regarding their experience on campus, including their ability to engage in lawful expression.

THE BOARD AND THE UNIVERSITIES PROMOTE DIVERSITY OF THOUGHT AND ADMINISTRATIVE AND INSTITUTIONAL NEUTRALITY

The board and the universities are committed to maintaining a posture of administrative and institutional neutrality about speech and to allowing all protected speech, even speech that some may find offensive. From time to time, the board and the universities hear concerns from members of campus and the broader community who may not appreciate the broad constitutional protections afforded to speech – even to speech that many in the community may find deeply offensive. The universities are committed to protecting all lawful expression. The universities are also committed, as part of their educational missions, to providing information about protected speech to those who may seek to have the board or universities interfere with or suppress free expression. When protected but offensive speech occurs on campus, universities may use this as an opportunity to educate the broader community as to the nature of constitutional protections as well as to identify opportunities for the safe expression of divergent viewpoints – countering the offensive speech with more speech.

At its August 23, 2018 meeting, the board adopted a free expression policy in compliance with A.R.S. § 15-1866. A copy of the policy is attached as Exhibit C. State statute and board policy also address political speech. Board and university policies recognize the limitations imposed by A.R.S. § 15-1633, which limits the use of university resources or employees to influence elections.

ABOR

To highlight its support of free speech, while maintaining administrative and institutional neutrality, on November 16, 2019, ABOR and the universities held the inaugural Regents' Cup debate [competition](#) at

the University of Arizona. The Regents' Cup is a tri-university team debate competition designed to highlight and encourage civil discourse among students.

Thirty-six students on two-student teams from ASU, NAU and the UA competed during the daylong event at UArizona showcasing Arizona's public universities commitment to freedom of expression. Subjects debated included how (if at all) social media sites should regulate speech, free speech on college campuses, and if the United States should have tougher libel, slander and defamation laws.

Winning student teams received scholarships and were eligible for course credit. The Regents' Cup was an opportunity for Arizona's public universities to showcase their commitment to diversity of thought and civil discourse.

The Second 2020-21 Regents Cup is scheduled to take place in Spring 2021.

ASU

ASU, its faculty, and its student organizations continue to host numerous events encouraging public discourse on a wide variety of topics, many of which focus on free speech. Examples during the Academic Year 2020 include Rodney Smolla, [Free Speech at 100](#) and Robby Soave, [Panic Attack: Young Radicals in the Age of Trump](#).

ASU regularly communicates its values regarding campus speech, such as in this November 2019 [message](#) from President Crow to the campus community reminding them that the university aspires to be a place that "invites civil dialogue and debate and where thoughts and ideas can be shared in an environment free from threat and intimidation."

ASU is also a joint sponsor of the Future Tense initiative, whose ongoing Free Speech Project is conducting a series of public programs on timely free expression topics, including a recent virtual [program](#) on the effect of the pandemic on free speech, See its [recent "Symptoms May Include Censorship" event](#) focused on the pandemic.

NAU

To reinforce NAU's commitment to the First Amendment, NAU added language to its orientations for both students and parents regarding free expression, namely:

- *NAU is a public institution committed to free, robust and uninhibited sharing of ideas among all members of the University's community.*
- *Freedom of Speech is protected by the US Constitution.*
- *There are limits to free speech: Inciting comments and discrimination are not allowed.*
- *Free speech visitors come to campus to share their ideas. Students have the choice of engaging with them or walking away.*
- *Free Speech is allowed even when we don't agree with the person or group speaking.*
- *Even though Free Speech is given by visitors, this does not mean the University approves of the message.*
- *Freedom of speech allows us to expand our thinking.*

NAU also shared the [First Amendment: Free Expression on Campus Handout](#) when training with our student organizations who are planning or hosting events and on the day of events as we interact/engage with students. It is also used for training Student Affairs and the SpEAK team members.

NAU also added the following *New Student Handbook* Language:

- *Northern Arizona University honors its commitment to the freedoms of speech and assembly guaranteed by the First Amendment of the Constitution. NAU is a public institution, and public universities are considered to be the quintessential “marketplace of ideas” – where both the campus community and the general public engage in free speech activities. As a public institution, NAU recognizes that freedom of expression is integral to the purpose and process of the University, whose primary goal is education. Many speakers use our campus, and some may have messages which seem inconsistent with the mission and values of the institution. In the “marketplace of ideas” not all ideas will resonate with the listener and some ideas may even seem distasteful or offensive. NAU encourages both the listener and the speaker to exercise this important freedom with respect, civility and responsibility. Students always have the choice of engaging with the free speech visitor(s) or walking away.*

Furthermore, NAU’s Economic Policy Institute continues to host an annual conference on economic climate, bringing information to the northern region with a variety of perspectives from panelists. Finally, NAU’s students participated in the inaugural Regents Cup.

UARIZONA

The UArizona’s mission is one of service, and fundamental to its success is ensuring that all students and faculty practice and promote principles of freedom of expression and inquiry. One example of UArizona’s engagement in its mission is that in mid-November, the University of Arizona hosted the above-referenced inaugural Regents’ Cup for a weekend in Tucson, promoting the discussion of diverse and civil discourse.

ALLOCATION OF STUDENT ACTIVITY FEES

Exhibit D provides the allocation of student activity fees, if any, that are used to support and facilitate the expression and activities of students or student organizations as required by A.R.S. §15-1867 (B)(5).

DISTRIBUTION OF THIS REPORT

As required by A.R.S. §15-1867, this report will be posted on the ABOR website and submitted to:

- The governor
- The speaker of the Arizona House of Representatives
- The president of the Arizona Senate
- The Arizona Secretary of State

EXHIBIT A

MEMBERS OF THE COMMITTEE ON FREE EXPRESSION AS OF SEPTEMBER 1, 2020

Committee Chair: John Arnold, Executive Director, Arizona Board of Regents

ASU REPRESENTATIVES:

- Derrick Anderson, School of Public Policy and Design and Advisor to the President
- José Cárdenas, Senior Vice President and General Counsel
- Courtnee King, Student
- Stefanie Lindquist, Deputy Provost and Vice President for Academic Affairs
- Joanne Vogel, Deputy Vice President and Dean of Students, Tempe campus

NAU REPRESENTATIVES:

- Erin Grisham, Associate Vice President for Student Affairs
- Joe Carter, ASNAU Student Body President
- Kimberley Ott, Assistant to the President for Executive Communications & Media Relations
- Michelle Parker, General Counsel
- Eric Yordy, Associate Professor, Business Law, The W.A. Franke College of Business

UA REPRESENTATIVES:

- Sydney Hess, ASUA Student Body President
- Toni Massaro, College of Law
- David Schmitz, Social & Behavioral Sciences, Political Economy and Moral Science
- Bob Sommerfeld, UA Police Department
- Kendal Washington White, Dean of Students

EXHIBIT B

- ABOR Policies
 - 1-124 (Free Expression) <https://public.azregents.edu/Policy%20Manual/1-124-Free%20Expression.pdf>
 - 1-119 (B)(4) (Nondiscrimination and Anti-harassment) <https://public.azregents.edu/Policy%20Manual/1-119-Nondiscrimination%20and%20Anti-Harassment.pdf>
 - 5-301(B)(1) (Code of Conduct) <https://public.azregents.edu/Policy%20Manual/5-301-Code%20of%20Conduct%20-%20Jurisdiction,%20Philosophy,%20Purpose%20and%20Limitations.pdf>
 - 5-303(11) (Prohibited Conduct) <https://public.azregents.edu/Policy%20Manual/5-303-Prohibited%20Conduct.pdf>
 - 5-308 (A)(1) and (B)(1) (Student Code of Conduct) <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>
 - 6-202 (Academic Freedom) <https://public.azregents.edu/Policy%20Manual/6-202-Academic%20Freedom.pdf>
 - 6-905 (Political Activity) <https://public.azregents.edu/Policy%20Manual/6-905-Political%20Activity.pdf>
- ASU Policies and Statements
 - ACD 201 (Academic Freedom)
 - ACD 201-01 (Faculty Responsibilities)
 - ACD 204-01 (Code of Ethics)
 - ACD 204-02 (Standards of Professional Conduct for Faculty Members and Academic Professionals)
 - ACD 205-01 (Political Activity)
 - Policy Statement Supporting Diversity and Free Speech <https://inclusion.asu.edu/ci/policies-procedures>
- NAU Policies and Statements
 - Safe Working and Learning Environment Policy
 - NAU HR Policy 5.10 regarding Political Activity <http://hr.nau.edu/apps/policy-manual/10256>
 - NAU HR Policy 5.14 Use of university property <http://hr.nau.edu/apps/policy-manual/10258>
 - NAU Faculty Handbook 1.7.1 (Role of the Faculty)
 - NAU Faculty Handbook 4.1 (Code of Ethics and Conduct)
 - NAU Conditions of Faculty Service
 - NAU Student Handbook <https://nau.edu/student-life/student-handbook/>
 - NAU Statement Regarding Planned Events <https://nau.edu/student-life/statement-regarding-planned-events/>
 - NAU Club & Organization Event Approval Process <https://nau.edu/student-life/approval-process/>
 - Information distribution policy <https://nau.edu/student-life/university-policies-rules-regulations/>
 - First Amendment: Free Expression on Campus Handout

- UA Policies and Statements
 - Policy and Regulations Governing the Use of Campus, SA-200: <http://policy.arizona.edu/ethics-and-conduct/policy-and-regulations-governing-use-campus>
 - Political Activity: UHAP 2.10: <http://policy.arizona.edu/employmenthuman-resources/political-activity-uhap>
 - Non-discrimination and anti-harassment policy, HR-200E: <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>
 - Religious Accommodation Policy, HR-202: <http://policy.arizona.edu/human-resources/religious-accommodation-policy>
 - Academic Freedom
 - Statement on academic freedom from the Committee on Academic Freedom and Tenure, approved by Faculty Senate 9/14/09: https://facultygovernance.arizona.edu/sites/default/files/def-academic_freedom_with_senate_edit_9-14-09_final.pdf
 - From University Handbook for Appointed Personnel Definitions: “Professional and intellectual freedom means the right and responsibility to exercise judgment within the standards of the employee's profession. Professional and intellectual freedom is defined as ‘academic freedom’ for employees involved in teaching or research.” <http://policy.arizona.edu/uhap-definitions>
 - Faculty Responsibilities: UHAP 3.1, Duties and Responsibilities of Faculty: <http://policy.arizona.edu/employmenthuman-resources/duties-and-appointments-faculty#revision>
 - Statement on Professional Conduct, UHAP 7.01: <http://policy.arizona.edu/employmenthuman-resources/statement-professional-conduct>
 - Proposed revision: <http://policy.arizona.edu/faculty-affairs-and-academics/proposed-revision-uhap-statement-professional-conduct>

EXHIBIT C

ABOR FREE EXPRESSION POLICY

1-124 Free Expression

- A.** The primary function of Arizona’s public universities is to promote the discovery, improvement, transmission and dissemination of knowledge through research, teaching, discussion and debate. The universities must strive to ensure the fullest degree of intellectual freedom and free expression. It is not the proper role of a university to shield individuals from speech protected by the First Amendment, including ideas and opinions that may be unwelcome, disagreeable or deeply offensive.
- B.** Students, staff and faculty members may discuss any topic, as the First Amendment allows and within the limits of reasonable content- and viewpoint-neutral restrictions on time, place and manner of expression that are consistent with applicable law and that are necessary to achieve a compelling institutional interest if these restrictions are clear, are published and provide ample alternative means of expression. The board’s policy on political activity by employees or others acting on behalf of a university is set forth in Board Policy 6-905.
- C.** Students, staff and faculty members may assemble and engage in spontaneous expressive activities if those activities are not unlawful and do not materially and substantially disrupt the functioning of the university.
- D.** A student who is subject to the jurisdiction of a university and who engages in individual conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity, as defined in A.R.S. § 15-1861, is subject to disciplinary sanctions under the Student Code of Conduct and other applicable university and board policies. This does not preclude students from engaging in counter speech as First Amendment principles may permit.
- E.** Universities may restrict expressive activity that is not protected by the First Amendment.
- F.** The board will establish a committee on free expression composed of representatives from the universities and the board office, which will submit an annual report as required by A.R.S. §15-1867.

EXHIBIT D

ALLOCATION OF STUDENT ACTIVITY FEES BY UNIVERSITY

ASU:

The Associated Students of Arizona State University is responsible for oversight of the student programming fee that provides funding to more than 1,000 student organizations annually. This includes funding for the Programming and Activities Board, Sport Club Organizations, Cultural Coalitions, College Councils and registered organizations who seek funding. Students and student organizations can also seek funding for traveling to professional and academic conferences. The Undergraduate Student Government spent approximately \$2,343,938 on appropriations for more than 700 undergraduate clubs and organizations (including general clubs, sport clubs, cultural coalitions, college councils and programming and activities board) in the Fiscal Year 2019-2020. The Undergraduate Student Government also spent approximately \$100,000 on 280 individuals who traveled to academic and professional conferences. The Graduate and Professional Student Association spent approximately \$47,000 on appropriations for more than 40 graduate clubs and organizations. The Graduate and Professional Student Association also spent approximately \$305,000 on 607 individuals who traveled to academic and professional conferences. Undergraduates pay \$30/semester and Graduate students pay \$35/semester for the student programming fee. The remainder of the student programming fee budget supported the Safety Escort Service, Bike Co-op, large events such as the Infernofest concert, community gatherings, professional artists and speakers, rental fees, and supplies.

NAU:

NAU supported 25 different events this past year. Our total expenditure FY20 was \$108,920.31 (\$2,798.45 of that going to Student Wages/ERE).

UA:

The Associated Students of the University of Arizona (ASUA) operates the Wildcat Events Board (WEB), a student-run group that programs campus-wide social and educational events that are open and accessible to all UA students. The WEB is funded by a \$5 fee per-student. This fee is refundable for any student who requests one. WEB aims to bring about a greater spirit of unity and cooperation among all students and to encourage the development of leadership abilities and other skills through participation in programming. This year the budget supported large events such as concerts, community gatherings, partnering with campus departments for speakers, rental and facility fees, and supplies. At this time, WEB has not received any requests for funding specifically for events related to freedom of expression.