



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

**THIS IS A VIRTUAL MEETING**

**Wednesday, August 3, 2022  
11:00 a.m. – 12:00 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.

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<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](http://www.youtube.com) or search YouTube

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

If livestream fails a call-in option will be available for public access and will be posted on the ABOR website at <http://www.azregents.edu/about/abor-live>.

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

**Committee Members:**

John Arnold, Chair  
Anne Jones, ASU  
Patrick Kenney, ASU  
Lisa Loo, ASU  
Joanne Vogel, ASU  
Amit Fudim, ASU

Kimberly Ott, NAU  
Michelle Parker, NAU  
Margot Saltonstall, NAU  
Eric Yordy, NAU  
Brendan Traschel, NAU

Toni Massaro, UArizona  
David Schmitz, UArizona  
Robert “Bob” Sommerfeld, UArizona  
Kendal Washington White, UArizona  
Patrick Robles, UArizona

**11:00 a.m. CALL TO ORDER, GREETINGS, AND ANNOUNCEMENTS FROM THE COMMITTEE CHAIR**

**11:05 a.m. 1. Approval of Minutes**

The board office asks the committee to review and approve the minutes from the August 5, 2021 Committee on Free Expression meeting.

**11:10 a.m. 2. Review of Open Meeting Law**

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

**11:20 a.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.

**11:30 a.m. 4. Review of and Possible Action to Approve and Forward the Statutory Annual Report on Free Expression for FY 2022**

The board office asks the committee to review, discuss and take possible action to approve the proposed statutory Report on Free Expression and forward the proposed statutory report to the Board or Regents for its approval.

**12:00 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.

**DRAFT**

**ARIZONA BOARD OF REGENTS**

Minutes of the Committee on Free Expression

August 5, 2021

The Arizona Board of Regents Committee on Free Expression held a virtual meeting on Monday, August 5, 2021.

Committee Members present (via video): John Arnold (Chair); from Arizona State University (via video): Derrick Anderson, José Cárdenas, Joanne Vogel, Giselle Retena; from Northern Arizona University (via video): Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy, Maylee Acosta; from the University of Arizona (via video): Toni Massaro, David Schmitz, Robert “Bob” Sommerfeld, Kendal Washington White, Noah Daniel Vega.

Committee Member absent: Patrick Kenney, Arizona State University

Also present via video were: from the ABOR office: Jennifer Pollock, Samantha Blevins, Nancy Tribbensee, Sue Sosa, Suzanne Templin, Tom Merriam, Sarah Harper; from Arizona State University: Christine Wilkinson, Kim Demarchi; from Northern Arizona University: Christy Farley, Katy Yanez, Laurie Dickson; from the University of Arizona: Kody Kelleher, Art Lee; Closed Captioner: Amanda Rogues.

Chair John Arnold called the meeting to order at 12:02 p.m.

**APPROVAL OF MINUTES (ITEM 1)**

Upon motion by Chair Arnold, seconded by David Schmitz, the committee approved, with the correction, stating it was a student from the University of Arizona, not an employee, as requested by Bob Sommerfeld in Item 2, the public session minutes of the July 20, 2020 Committee on Free Expression meeting.

John Arnold, Derrick Anderson, José Cárdenas, Joanne Vogel, Giselle Retena, Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy, Maylee Acosta, Toni Massaro, David Schmitz, Robert “Bob” Sommerfeld, Kendal Washington White and Noah Daniel Vega voted in favor. None opposed and none abstained. Motion passed.

**REVIEW OF OPEN MEETING LAW (ITEM 2)**

Jennifer Pollock provided an overview of Open Meeting Law and reminded the committee that as the Committee on Free Expression, which 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.

Ms. Pollock asked the committee if they had any questions, there were none.

**REVIEW STATUTORY CHARGE TO THE FREE EXPRESSION COMMITTEE TO  
SUBMIT AN ANNUAL REPORT (ITEM 3)**

Samantha Blevins provided an overview of the A.R.S §15-1867 statutory charge.

**REVIEW OF AND POSSIBLE ACTION TO APPROVE AND FORWARD THE  
STATUTORY REPORT ON FREE EXPRESSION FOR FY 2021 (ITEM 4)**

Ms. Blevins provided an update concerning the NAU fees related to free expression.

Chair Arnold thanked Ms. Blevins and staff from each of the universities, who contributed to the report. Chair Arnold asked if there were any comments or further discussion from the committee members, none were provided.

Upon motion by Chair Arnold, seconded by Toni Massaro, the committee approved the proposed report with changes as discussed in this meeting and authorized Samantha Blevins to make non-substantive changes in preparation for submission to the board for approval at its August 26, 2021 meeting.

John Arnold, Derrick Anderson, José Cárdenas, Joanne Vogel, Giselle Retena, Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy, Maylee Acosta, Toni Massaro, David Schmitz, Robert “Bob” Sommerfeld, Kendal Washington White and Noah Daniel Vega voted in favor. None opposed and none abstained. Motion passed.

**ADJOURNMENT**

The meeting adjourned at 12:11 p.m.

Submitted by:

\_\_\_\_\_  
Sue Sosa  
Committee Secretary

**EXECUTIVE SUMMARY**

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**Item Name: Review of Open Meeting Law**

Action Item

**Requested Action:** The board office will provide the committee with an overview of the Open Meeting Law.

**Discussion**

There are no written materials provided at this time for this item.

**Contact Information:**

Samantha Blevins, ABOR

[samantha.blevins@azregents.edu](mailto:samantha.blevins@azregents.edu)

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## EXECUTIVE SUMMARY

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### Item Name: Review the Statutory Charge to the Committee on Free Expression to Submit an Annual Report

Action Item

**Requested Action:** The board office asks the committee to review the statutory charge to the Committee on Free Expression to submit an annual report, as described in this executive summary.

### Statutory/Policy Requirements

A.R.S. §15-1867

15-1867- Arizona board of regents; committee on free expression; annual report

A. The Arizona board of regents shall establish a committee on free expression consisting of at least fifteen members.

B. The committee on free expression shall submit an annual report on or before September 1 to the governor, the speaker of the house of representatives and the president of the senate. The Arizona board of regents shall post a copy of the annual report on its website and shall submit a copy of the annual report to the secretary of state. The annual report shall include:

1. A description of any barriers to or disruptions of free expression within the universities in this state.
2. A description of the administrative handling and discipline relating to barriers to or disruptions of free expression within the universities in this state.
3. A description of substantial difficulties, controversies or successes in maintaining a posture of administrative and institutional neutrality.
4. Any assessments, criticisms, commendations or recommendations that the committee decides to include in the annual report.
5. An accounting of how student activity fees were allocated in the prior year. For the purposes of this paragraph, "student activity fees" means any fee that is charged to students by a university in this state and that is used to support and facilitate the expression and activities of students or student organizations.

### Contact Information:

Samantha Blevins, ABOR

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## EXECUTIVE SUMMARY

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### Item Name: **Review of and Possible Action to Approve and Forward the Statutory Annual Report on Free Expression for FY 2022**

Action Item

**Requested Action:** The board office asks the committee to review, discuss and take possible action to approve the proposed statutory Report on Free Expression and forward the proposed statutory report to the Board or Regents for its approval, as described in this executive summary.

### Background and Discussion

- The Committee on Free Expression 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 25, 2022, meeting.
- By September 1, 2022, 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:

Samantha Blevins, ABOR

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# DRAFT

## ARIZONA BOARD OF REGENTS' COMMITTEE ON FREE EXPRESSION ANNUAL REPORT

September 1, 2022

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

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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 guaranteed by the First Amendment, and within the limits of reasonable content and viewpoint-neutral restrictions on time, place and manner of expression 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

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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.

Instead, 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 has a longstanding commitment to free speech consistent with the university's educational function. [ASU](#) has adopted the core principles of the University of Chicago's Report of the Committee on the Freedom of Expression from the University of Chicago (the "Chicago [Statement](#)") affirming the role of academic freedom and freedom of expression on college campuses.

As such, ASU welcomes both members of the university community and campus visitors to engage in expressive activities on campus. Both indoor and outdoor spaces are set aside for use on a reservation-basis, while other areas are available without reservations and for spontaneous expression. 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 and while maintaining access to campus for pedestrians and emergency services.

Driven in part by public health needs during the pandemic, ASU staff also worked with student organizations to increase their awareness and utilization of available tools to continue expressive activity in a virtual setting, such as bringing invited speakers via Zoom. These tools for virtual participation have continued to be popular and useful even as the public health situation has improved.

## NAU

NAU similarly honors its commitment to the freedoms of speech and expression guaranteed by the First Amendment of the Constitution and the Arizona Board of Regents' Policy regarding free expression. As public universities are considered to be the quintessential "marketplace of ideas," NAU recognizes that lawful freedom of expression is integral to the purpose and process of the university, whose primary mission is education. Many speakers use NAU's campus, even though in the marketplace of ideas, not all ideas will resonate with every listener, and some ideas may even seem distasteful or offensive. NAU encourages both listeners and speakers to exercise this important freedom with respect, civility and responsibility.

The principles of free speech are reflected in NAU's policies and practices. In addition to NAU's established practices which support and encourage freedom of expression on campus, NAU also has many public and designated public spaces throughout campus that are available for NAU community members or visitors to use and which facilitate freedom of expression. Additionally, NAU staff facilitate and support free speech [activities](#) on campus, including arranging and managing space to permit speakers, listeners and protestors to engage in free speech and expression. NAU respects that members of the university community have the right to engage in free speech without disrupting campus,

jeopardizing the health, safety and welfare of the campus community, or interfering with NAU’s mission of educating students. And importantly, any disciplinary processes which might relate to an incident of free expression on campus occur strictly in accordance with ABOR and NAU policies, and NAU does not restrict or impose discipline for constitutionally protected speech solely because that speech is controversial or objectionable to others.

## UARIZONA

UARizona policy also 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. 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 PROMPTLY ADDRESS ALL ALLEGATIONS OF BARRIERS TO OR DISRUPTIONS OF PROTECTED SPEECH**

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Committed to the First Amendment, each university has an administrative process for responding to allegations of barriers to or disruptions of protected speech that complies with applicable law. 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. The following reflect the universities’ handling of allegations of barriers to or disruptions of free expression.

## ASU

As a community of nearly 200,000 people from every state and more than 150 countries that is committed to free and open inquiry, ASU expects that differences of opinion will be a part of the university experience. ASU educates members of its community on the role of free speech, civil discourse, and the expectation to refrain from interfering with the speech of others that are incorporated in its policies. When allegations of barriers to or disruptions of speech are reported, ASU addresses them through available tools including educational interventions and proactive measures, as well as sanctions where appropriate and necessary.

ASU previously reported an allegation involving a prospective administrator whose offer of employment was rescinded based on allegations of misconduct not disclosed during the hiring process, who has alleged the decision was actually in retaliation for protected speech on social media. The university is defending against this allegation in court. In addition, ASU reported that a previously disclosed matter involving the speech of student government candidates had resulted in the filing of litigation, which was dismissed by the federal district court and which was then on appeal. The appeal has now been dismissed with prejudice by agreement with the plaintiffs. Lastly, ASU has been the subject of media accounts regarding the handling of a verbal dispute between students on campus. While ASU's ability to comment on the specifics of the situation is limited by federal and state law regarding the confidentiality of student records, the situation was addressed with all involved consistent with the values of civil dialogue.

## NAU

To respond to potential allegations of barriers to or disruptions of protected speech, NAU's Speech Expression Action Knowledge (SpEAK) Team and Campus Inclusion Team (CIT) actively work together to ensure that all planned, reported and spontaneous expressions of speech on campus are supported; this includes facilitating the free expression of all on-campus speakers, events and protests. These [teams](#) are committed to fostering freedom of expression within the campus community. Furthermore, if members of the campus community express concerns about the speech activity of others, these teams listen to concerns, connect individuals who have experienced the free speech of others negatively with supportive resources (including counseling) and, as appropriate, educate these individuals regarding the importance of First Amendment rights and NAU's commitment to promoting freedom of expression on campus.

During the past year, there were no allegations of barriers to or disruptions of free expression. And, NAU's SpEAK Team observed and/or provided support to a number of events:

- **September 18, 2021** – Two citizens assembled on the pedway near the University Union to preach the Gospel. Unknown individual(s) called NAUPD. The citizens voluntarily decided to depart campus. The SpEAK Team observed no barriers to the citizens' speech, and the Team was prepared to discuss the importance of freedom of expression with any observers or community members who might have expressed concerns.
- **September 23, 2021** – The SpEAK Team supported a Global Climate Strike that was gathering near the University Union, apparently with plans to march to Flagstaff City Hall. Approximately 39 participants convened near the Union and proceeded to march as planned through campus. No barriers to freedom of expression occurred.

- **February 25, 2022** – The SpEAK Team supported “The Debate of the Year” in the University Union, which featured NAU student organizations Turning Point USA and the Young Democrats @ NAU. The debate featured a discussion regarding COVID vaccine mandates, criminal justice reform, capitalism vs. socialism, and election integrity. No barriers to freedom of expression occurred.
- **March 28, 2022** – The SpEAK Team supported the event “Gabriel Nadales Coming to NAU! Come watch how a former ANTIFA Member became a Conservative Activist and Author,” which was sponsored by NAU student organization Turning Point USA and which was held in Cline Library. No barriers to freedom of expression occurred.

## UARIZONA

During the 2021-2022 academic year, the University received a report from a third-party organization as well as an employee that a supervisor sent an email message to employees near the 2020 election directing them to not discuss politics in the library. UArizona confirmed that the email from the supervisor, sent over a year earlier, was not a policy and was never enforced. UArizona addressed the concerns through administrative channels and educational counseling.

Additionally, UArizona was made aware of claims made by a faculty member to a third-party organization that alleged disciplinary action that the faculty member was subject to constituted an infringement upon the faculty member's expressive rights. UArizona responded to the third-party organization and has not received any additional reports from them or any other party of concern regarding the faculty member's rights to free expression. The faculty member's claims were also addressed internally through the established grievance process for UArizona faculty.

There were no other allegations or reports of barriers to or disruptions of protected speech at UArizona and we continue to uphold and promote protected speech and to promptly address allegations of barriers to or disruptions of protected speech."

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

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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, civil discourse and commitment to administrative and institutional neutrality to all protected speech, ABOR and Arizona's public universities held the third Regents' Cup debate competition on April 30, 2022. The Regents' Cup is a tri-university debate event designed to engage students in rigorous debate and public speaking anchored by respect and civil discourse.

UArizona won the 2022 Regents' Cup in the Arizona Board of Regents' debate and speech competition celebrating free speech and civil discourse. Students from Arizona's public universities took part in spirited debate and speech events centered around the theme of this year's competition - the importance of the preservation of democracy.

Debate and storytelling winners received scholarships from \$500 - \$15,000 to use for their education. Arizona's public universities are recognized as exemplars in free speech; Arizona State University, Northern Arizona University and UArizona are all recognized with a green light rating, the highest rating by the [Foundation for Individual Rights in Education](#). With a commitment to free speech and graduating knowledgeable citizens, the board adopted a [general education policy](#) and has worked closely with the three public universities on general education revisions, including requirements for students to learn how America's founding documents impact the present, the impact of key Supreme Court cases and economics knowledge.

During the competition, nearly 40 students participated in rounds of persuasive storytelling and Oxford-style debate. Judges for the event included policymakers, legislators, judges and educators.

Students debated subjects such as: if democracies should prioritize the expansion of democratic values worldwide; if unregulated social media is a threat to institutions that uphold democracy; and if unlimited spending on political speech is a threat to democracy. Persuasive storytelling events centered on "how democracy has influenced my life."

## ASU

To foster administrative and institutional neutrality about speech and to allow all protected speech, ASU regularly communicates its values regarding campus speech. Materials used during new student orientation now include a series of videos on campus free speech prepared by the Foundation for Individual Rights in Education ("FIRE") as well as an additional video prepared by ASU featuring student speakers. These videos have a permanent home on a new "Free Speech at ASU" [website](#) that is available year-round for reference, and additional materials about freedom of expression and campus access have continued to be added to that resource.

As in prior years, ASU's faculty and its more than 1,000 student organizations host numerous events encouraging public discourse on a wide variety of topics and from multiple perspectives in both in-person and virtual settings. These events regularly include speakers focusing on the issue of freedom of expression in contemporary society directly. For example, Sandra Day O'Connor College of Law organized an academic conference focused on "Non-Governmental Restrictions on Free Speech" that



will result in a published volume in the Journal of Free Speech Law, while Zócalo Public Square hosted a panel discussion in Los Angeles on the question “Does the First Amendment Still Protect Free Speech?”

## NAU

As a public institution, NAU recognizes that lawful freedom of expression is integral to the purpose of the university and its primary goal of education, and NAU is committed to fostering a campus community that honors and respects robust freedom of speech and the diversity of thought of all individuals. NAU also welcomes the exchange of ideas through open, courageous, and challenging discussions which occur within academic inquiry and the education of its students.

In May of 2022, after discussions with NAU leaders, NAU’s Faculty Senate recommended that NAU adopt a Freedom of Expression Statement, reflecting the core principles of the Chicago Statement. President José Luis Cruz Rivera endorsed and supported the Faculty Senate’s recommendation, further affirming NAU’s broad commitment to freedom of expression among all members of the NAU community.

In February of 2022, the NAU Institute for Public and Professional Ethics in Leadership promoted and supported a discussion regarding book banning and censorship, hosted by the Department of Comparative Cultural Studies.

And, to further reinforce NAU’s commitment to the First Amendment, NAU’s student handbook affirms the value of free speech and how integral it is to NAU’s campus. NAU’s resident assistants and other residence life staff also participate in training annually, which includes learning how to appropriately address the expression of students’ First Amendment rights via acting out scenarios which envision conflict in shared living spaces. NAU furthermore provides training regarding the importance of the First Amendment and free expression on campus to all student organizations which plan to host events on campus. And, as part of its orientations for both students and their families NAU provides education to emphasize that:

- NAU is a public institution committed to the free, robust and uninhibited sharing of ideas among
- all members of the university’s community;
- Freedom of speech is protected by the U.S. Constitution and may only be limited by NAU to specifically address reasonable time, place and manner issues;
- Speakers visit NAU’s campus to share their ideas, and members of the campus community are individually free to determine whether to engage with or listen to speakers;
- Free speech is protected and permitted on NAU’s campus, even if a listener doesn’t agree with the person or group speaking;
- NAU’s protection of free speech does not mean that the institution approves of or endorses a speaker’s message; and
- Freedom of speech allows everyone to expand their thinking.

## UARIZONA

UARizona is committed to continual improvement and innovation regarding education delivery and knowledge discovery – fundamental to its success is ensuring that all students and faculty practice and promote principles of freedom of expression and inquiry, and this ensures the administrative and

institutional neutrality to speech protected by the First Amendment. During the past year, UArizona continued its commitment to the promotion of diversity of thought and administrative and institutional neutrality. The university continued to conduct reviews of administrative and institutional processes as well as legislation that may impact freedom of expression to determine if there are any potential concerns and address them. UArizona also continued to support activities and efforts that encourage free expression at the university such as the board's Regents' Cup. UArizona is proud to be named the winner of the overall 2022 Regents Cup, and particularly applauds UArizona student Celeste Lugo who took home first place overall in the 2022 storytelling portion of the Regents' Cup.

## **ALLOCATION OF STUDENT ACTIVITY FEES**

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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**

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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, 2022

### COMMITTEE CHAIR

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**John Arnold**, Executive Director, Arizona Board of Regents

### ASU REPRESENTATIVES

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**Lisa Loo**, Senior Vice President and General Counsel

**Patrick Kenney**, Dean of the College of Liberal Arts and Sciences

**Anne Jones**, Vice Provost for Undergraduate Education; Professor, School of Molecular Sciences, College of Liberal Arts and Sciences

**Joanne Vogel**, Vice President of Student Services

**Amit Fudim**, Student Representative

**\*\*Kim Demarchi**, Vice President for Legal Affairs and Deputy General Counsel

### NAU REPRESENTATIVES

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**Margot Saltonstall**, Vice President of Student Affairs

**Kimberly Ott**, Associate Vice President, Communications

**Eric Yordy**, Professor of Business Law and Ethics, The W.A. Franke College of Business

**Brendan Traschel**, ASNAU Student Body President

**\*Michelle Parker**, Vice President of Legal Affairs and General Counsel

### UA REPRESENTATIVES

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**Toni Massaro**, Professor, College of Law

**David Schmitz**, Director, UA Center for the Philosophy of Freedom

**Robert "Bob" Sommerfeld**, Assistant Chief of Police, UA Police Department

**Kendal Washington White**, Vice Provost for Campus Life and Dean of Students

**Patrick Robles**, ASUA Student Body President

**\*\*Kody Kelleher**, Senior Advisor, Government Relations

\* **Point of contact and Committee Member**

\*\* **Point of contact and Non-Committee Member**

# EXHIBIT B

- ABOR Policies
  - [1-124 \(Free Expression\)](#)
  - [1-119 \(B\)\(4\) \(Nondiscrimination and Anti-harassment\)](#)
  - [5-301\(B\)\(1\) \(Code of Conduct\)](#)
  - [5-303\(11\) \(Prohibited Conduct\)](#)
  - [5-308 \(A\)\(1\) and \(B\)\(1\) \(Student Code of Conduct\)](#)
  - [6-202 \(Academic Freedom\)](#)
  - [6-905 \(Political Activity\)](#)
- 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 \(Political Activity\)](#)
  - [Adoption of Chicago Statement of Freedom of Speech](#)
  - [Policy Statement Supporting Diversity and Free Speech](#)
  - [Free Speech at ASU](#)
- NAU Policies and Statements
  - [Safe Working and Learning Environment Policy](#)
  - [NAU HR Policy 5.10 regarding Political Activity](#)
  - [NAU HR Policy 5.14 Use of university property](#)
  - [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](#)
  - [NAU Statement Regarding Planned Events](#)
  - [NAU Club & Organization Event Approval](#)
  - [NAU Information distribution policy](#)
  - [First Amendment: Free Expression on Campus Handout](#)
  - [Adoption of Chicago Statement of Freedom of Expression](#)
- UA Policies and Statements
  - [Policy and Regulations Governing the Use of Campus, SA-200](#)
  - [Political Activity: UHAP 2.10](#)
  - [Non-discrimination and anti-harassment policy, HR-200E](#)
  - [Religious Accommodation Policy, HR-202](#)
  - Academic Freedom
    - [Statement on academic freedom from the Committee on Academic Freedom and Tenure, approved by Faculty Senate 9/14/09](#)

- 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.”
- Faculty Responsibilities: UHAP 3.1, Duties and Responsibilities of Faculty
- Statement on Professional Conduct, UHAP 7.01
- Adoption of Chicago Statement of Freedom of Expression

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# 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 that seek funding. Students and student organizations can also seek funding for traveling to professional and academic conferences. The Undergraduate Student Government spent approximately \$2,885,700 on appropriations for more than 600 undergraduate clubs and organizations (including general clubs, sport clubs, cultural coalitions, college councils and Programming and Activities Board) in fiscal year 2021-2022. The Undergraduate Student Government also spent approximately \$110,500 on 187 individuals who traveled to academic and professional conferences. The Graduate and Professional Student Association spent approximately \$80,000 on appropriations for more than 100 graduate clubs and organizations. The Graduate and Professional Student Association also spent approximately \$100,000 on 325 individuals who traveled to academic and professional conferences. Undergraduates pay \$35 per semester and graduate students pay \$35 per 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 Inferno fest concert, community gatherings, professional artists and speakers, rental fees, and supplies.

### NAU:

All Flagstaff campus students pay the \$25 per semester Student Activity Fee, which supports on-campus programs and activities that enhance campus life. It provides free admission to the Wall Aquatic Center, free fitness classes at the Recreation Center, and supports the Safe Ride program. Also, the Student Activity Fee provides funding for student organizations to host events on the Flagstaff Mountain campus. During academic year 2021-2022, funding was provided to 12 student organizations who hosted events—the average amount of funding support per hosted event was \$6,343.83, totaling \$76,126.00.

Every NAU Flagstaff Mountain Undergraduate Student pays the Associated Students of Northern Arizona University (ASNAU) 23 Fee each semester. During academic year 2021-2022, ASNAU distributed approximately \$561,200 to directly contribute to a variety of services and programs that benefit NAU's students, including providing support to more than 400 campus student organizations and clubs, individual students, and campus-wide programming and events, including facilitating speakers, forums, and regular meetings with academic leadership, which enable students to express their perspectives directly to NAU's leaders. The ASNAU 23 Fee was further distributed to support endeavors such as the Lumberjack Concert Series, Homecoming Carnival, small community events, reimbursements to student clubs and organizations, support of students' basic needs (Lumberjack Emergency Assistant Fund), and awards made to recognize NAU students. This year, ASNAU supported an event to bring together black faculty, staff, and students which aimed to foster community and a sense of belonging. The fee is also

utilized to increase access to the university library by supporting extended hours for its operations, as well as funds NAU students in their pursuits to study abroad. Additionally, the ASNAU Advocacy Committee met monthly in order to discuss any issues of importance to students; the committee's focus is to help NAU students more effectively make their voices heard and share their opinions throughout campus, thereby amplifying the voices and diverse opinions of all NAU undergraduate students.

**UA:**

The Associated Students of UArizona (ASUA) operate the Wildcat Events Board (WEB), a student-run group that programs campus-wide social and educational events that are open and accessible to all UArizona students. The Wildcat Events Board is funded by a \$10 fee per student and is refundable for any student who requests one. WEB aims to bring about a greater spirit of unity and cooperation amongst all students and to encourage development of leadership abilities and skills through participation in event programming. At the time of this report, the WEB has not received any requests for funding specifically for events related to freedom of expression.

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