

**FREE EXPRESSION COMMITTEE MEETING  
ARIZONA BOARD OF REGENTS  
2020 N. CENTRAL AVE. SUITE 230  
PHOENIX, AZ 85004  
Friday, August 17, 2018  
9:00 – 9:30 a.m.**

**Committee Members:**

John Arnold, Chair  
Michael Bergstrom, ASU  
Erin Grisham, NAU  
Eric Yordy, NAU  
Kathy Adams Riester, UA  
Toni Massaro, UA

José Cárdenas, ASU  
Stefanie Lindquist, ASU  
Michelle Parker, NAU  
Kimberly Ott, NAU  
David Schmitz, UA

Derrick Anderson, ASU  
Joanne Vogel, ASU  
Dylan Graham, NAU  
Natalynn Masters, UA  
Robert “Bob” Sommerfeld, UA

**9:00 a.m. CALL TO ORDER, GREETINGS, AND ANNOUNCEMENTS FROM THE COMMITTEE CHAIR**

**9:02 a.m. 1. Review of Open Meeting Law**  
The committee will review Open Meeting Law.

**9:10 a.m. 2. Discussion and Action Regarding Statutory Report**  
The committee will review, discuss and recommend forwarding to the full board for approval the Statutory Report.

**9:30 a.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.

**EXECUTIVE SUMMARY****Item Name: Discussion and Action Regarding Statutory Report** Action Item

**Requested Action:** The committee will review, discuss and recommend forwarding a proposed Statutory Report to the full board for approval.

**Background and Discussion**

- The law requires the committee to submit an annual report on or before September 1 to the Governor, the Speaker of the House, and the President of the Senate and to post a copy of the report on its website. Each report prepared by the committee will include the information required by statute and will list the participating members of the committee. The statute provides that the committee will terminate July 1, 2026.
- Timeline
  - August 18, 2018 – Committee Chair submits report to the Arizona Board of Regents
  - August 23, 2018 -- Arizona Board of Regents votes to approve the report
  - September 1, 2018 -- Committee Chair submits 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 posts the report on ABOR website
- Report and Next Steps
  - The Committee will review a draft report to confirm that it complies with statutory requirements. The report will also include additional information regarding the commitment of the board and the universities to protecting and promoting free expression.
  - The Committee may also discuss proposed topics for the upcoming year.

**Contact Information:**

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# ARIZONA BOARD OF REGENTS COMMITTEE ON FREE EXPRESSION ANNUAL REPORT

**September 1, 2018**

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 committee as of September 1, 2018, is provided in Exhibit A.

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

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As reflected in the board's policy on free expression and long-standing board and university policies and practice, the board and the universities strive to ensure the fullest degree of intellectual freedom and free expression. The universities do not shield individuals from speech protected by the First Amendment, including ideas and opinions that may be unwelcome, disagreeable or deeply offensive. The board policy on free expression is provided in Exhibit 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. A list of current board and university policies and resources that promote free speech is provided in Exhibit C.

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

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The board and the universities do not tolerate barriers to or disruptions of protected speech. Each university facilitates spontaneous expression on campus and each university has procedures to reserve space on campus for planned speech activities. All expressive activities are subject to reasonable time, place, and manner restrictions as permitted by law.

Not all speech is protected speech. Expressive activities are subject to other applicable laws, including laws that address discrimination, harassment, safety, defamation, threats, privacy and confidentiality. Actions that unlawfully disrupt the function of the board or university are also prohibited.

Examples of each university's commitment to protecting free expression are provided below.

### **ARIZONA STATE UNIVERSITY**

ASU is committed to free speech, subject to reasonable restrictions designed to promote free speech while serving the university's educational function. This is consistent with the board's recognition that university "... grounds and

properties are devoted to and maintained for the sovereign function of providing higher education to the people and are not places of unrestricted public access.” (ABOR 7-201)

As early as January, 2011, the Foundation for Individual Rights in Education (“FIRE”) gave ASU its coveted “green light” rating. At the time, FIRE pointed out that “ASU, with a total enrollment of more than 60,000 students, is the largest university to have a ‘green light’ rating. Earlier this year in a letter to President Crow asking ASU to sign onto a policy based on the University of Chicago Statement, FIRE stated: “FIRE sincerely appreciates that ASU is currently one of only 38 institutions in the entire country to earn our highest “green light” rating for campus free speech. We commend the fact that ASU has ensured that its policies and regulations fully protect the freedom of expression of its students and faculty.”

ASU is in the process of formally adopting the core principles of the University of Chicago statement, which affirm the role of academic freedom and freedom of expression on college campuses and are consistent with ASU’s existing policies. The adoption process will be completed after the administration has consulted with the University Senate during the fall 2018 semester.

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 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.

## **NORTHERN ARIZONA UNIVERSITY**

This past year, President Rita Cheng sent a statement to all faculty, staff, and students ensuring them that NAU is a place of free thought, free speech and freedom of expression and that NAU upholds these values through its policies and expects its practices to reflect those values.

NAU’s “Statement Regarding Planned Events” fully supports the right to freedom of expression as protected by the First Amendment. The Statement provides that Northern Arizona University supports the expression of protected speech. The creation and maintenance of productive environments within which this expression and exchange of ideas may take place is an important mission for the university. While the issues and topics may be controversial, it is the expectation of the university that members of the university community (students, faculty, staff, and guests) will respect the right of others to freely express their opinions, beliefs and views. The university recognizes the importance of and the right to freedom of speech, including the right to assemble, to march, and to engage in other expressive activities. Related to its role of creating and maintaining a conducive atmosphere for the free expression of views, the university recognizes the importance of organizing events so that they may be carried out in a positive and safe way. These guidelines exist to ensure that the free exchange of ideas within public and designated public fora may occur, while simultaneously preserving public health, safety, welfare, the normal business uses of the campus, and the rights of all members of the NAU community to legitimately use and enjoy the campus. The statement also provides detailed procedures related to the organization of individual and group events.

## UNIVERSITY OF ARIZONA

The UA is committed to protecting the free speech rights of students, faculty, staff, and invited guests. The purpose of the university's "Policy and Regulations Governing the Use of the Campus" is to respect the campus community's rights to free speech and expressive activity within public and designated public fora.

The policy also provides for 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. It provides that: "The campus grounds and properties of the University of Arizona ... are devoted to and maintained for the sovereign function of providing higher education to the people and are not places of unrestricted public access."

As permitted by law, 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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Each university has a process for responding to allegations of barriers to or disruptions of protected speech. As appropriate, the response may address the conduct immediately and the response may include a process to determine if additional review or sanctions are appropriate under board or university policy. Campus police may be involved if allegations include criminal conduct or if safety concerns are raised.

Below are examples from each university.

### ASU

ASU received no reports of barriers to or disruptions of expression during the past year. Individuals and groups who frequent ASU for free speech purposes all have been allowed to use public spaces or present in reserved spaces when proper reservations have been made according to campus policies.

ASU has had instances when a group or a free speech visitor wanted to occupy a reserved space on campus. In those instances, the ASU Situational Response Team (SRT) asked the visitors to adhere to campus policy by relocating to any other non-reservable space on campus. Each of these situations was handled without incident or disruption of expression.

The ASU Situational Response Team is an inter-disciplinary and collaborative group of staff who come together to monitor and maintain the integrity and safety of the academic environment. Members of this team work together to educate students and respond to organized protests, demonstrations, free-speech visitors and other events that could become disruptive to the ASU campus community. The team has 15 members from different departments and is led by the Dean of Students Office.

- In academic year 2018, the SRT responded to 26 requests to address physical visitors, demonstrations and events on the Tempe campus.

- In academic year 2018, the SRT responded to seven requests to assess and address the existence of inflammatory flyers and materials on the Tempe campus.

The SRT also consulted with students and others on free speech and its significance on campus. Students who needed ongoing support were referred to other departments, such as counseling or student advocacy.

In academic year 2018, the ASU Dean of Students Office created the Gold Card, which provides information to students about free speech on campus and resources available to them should they have questions or concerns. These were handed out at various welcome events and campus events throughout the year as well as on campus by SRT members while they were engaging with students.

An ASU student was held responsible for violating the ASU Discrimination policy due to speech that this person expressed in a private forum. The student asked to have the case reviewed. The senior associate dean and director of student rights and responsibilities in the Dean of Students Office conducted additional investigation. Ultimately, the case was dismissed as it was determined that the student did not violate the policy.

The universities all believe that education is the best approach to minimizing barriers to or disruptions of protected speech. One example of ASU's educational programming to foster learning and discussion regarding free expression during the past year was an eight-part lecture series: "Free Speech and Intellectual Diversity in Higher Education and American Society," co-sponsored by ASU's School of Civil and Economic Thought and Leadership (SCETL), Walter Cronkite School of Journalism and Mass Communication, and the Sandra Day O'Connor College of Law.

## NAU

NAU received no reports of barriers to or disruptions of expression in the previous year. Individuals and groups who frequent NAU for free speech purposes have all been allowed to use public spaces or present in reserved spaces when they have followed the procedures related to the organization of individual and group events or they held a spontaneous event in a place and manner of expression that are consistent with First Amendment rights.

The Speech Expression Action Knowledge (SpEAK) team is an interdisciplinary team that responds to free expression concerns and facilitates educational opportunities to students, staff and faculty regarding free expression. The team has 28 members and is led by the Dean of Student's Office. The SpEAK team has a standardized response to notifications of planned and unplanned events in order to provide reasonable resources to address the safety of the speaker and others in attendance as well as provide education regarding the university's primary function as an institution that supports the transmission and dissemination of knowledge.

While NAU did not experience any reports of barriers to or disruptions of expression in the previous year, NAU received and responded to the following reports, each of which involved protected speech:

- They responded to three reports related to visitors walking through campus sharing their religious beliefs. SpEAK team members were present to answer questions from students and address safety concerns.
- An online petition was created to have a deceased student's name read at graduation. It generated the interest of students who signed it, but there weren't any known campus disruptions.
- The Young Americans for Liberty (YAL) hosted their Free Speech Ball on the walkway by the NAU Babbitt Academic Annex. The Future Teachers Club joined in the national walk out on behalf of the victims of the Florida school shootings. Amnesty International Student Organization hosted a "Spring into Action: Arms Control Info. Rally" in the amphitheater outside the University Union. SpEAK team members attended these events and were available to assist with questions.

In addition to supporting spontaneous and planned speech events, the Dean of Students and the Office of Student Life provided consultation to faculty, staff and students who contacted the office to encourage, educate and support free expression on campus.

NAU offers several educational programs on campus related to free expression, including a “First Amendment: Free Expression on Campus” guide to provide information to students and student organizations planning events about their First Amendment rights and the applicable restrictions on time, place and manner of expression. NAU Residence Life facilitates training to professional and student staff regarding First Amendment rights and provides guidance to address free expression concerns or barriers/disruptions to free expression that may occur in the residence halls. During this past academic year, the Office of General Counsel offered a 4-hour educational opportunity to faculty who were interested in information about the First Amendment and freedom of expression. NAU also provides a website with information for community members regarding protected speech and a description of the time, place and manner restrictions that may exist on free expression.

## UA

While UA did not experience any barriers to or disruptions of expressive speech in the 2017-2018 academic year, it also uses education to respond to community concerns about speech, as demonstrated in the following examples.

UA receives numerous complaints regarding the ideology, messaging, language, and tactics of itinerant preachers who visit the UA mall. Inquiries and complaints come from faculty, students, staff, parents, and visitors who believe that the university should not allow this behavior on campus. The Dean of Students Office monitors the activity on the mall and meets with community members to provide support and education regarding freedom of expression at a public institution and to provide information on ways that individuals may express their voice, counter the speech, or disengage from the situation.

The lecture by Jonathan Anomaly of the Philosophy, Politics, Economics and Law (PPEL) program, advertised through the UA’s Freedom Center, was initially planned for September 2017 but postponed until January 2018 because of scheduling conflicts within the PPEL program. Protestors who organized for the September event ended up having an extended discussion with another faculty member from the Freedom Center, and the January event was attended by the UA Vice President for Communications and the Associate Dean of Students, who were there to ensure that the lecture was allowed to go forward. A robust discussion followed the lecture.

The UA’s Dean of Students Office provides support for speech-related issues, including assisting with the coordination of events, fielding complaints, and monitoring for safety issues, in partnership with UA Police Department. The UA also provides educational materials and information regarding the First Amendment and information on reporting concerns.

This past year, UA also provided the following educational programs across campus:

- All UA community directors, resident assistants and desk assistants in student housing received training on the First Amendment and bias-related incidents (approximately 300 staff).
- The Dean of Students Office has a website dedicated to information and education on the First Amendment called #speakyourpeace. The website includes resources, a calendar of events and ways to report concerns about speech.
- The Dean of Students Office and ASUA hosted a “#speakyourpeace” week during Oct. 16–20, 2017, which included students voluntarily signing a pledge to #speakyourpeace, First Amendment Monitor Training, a

student activist panel hosted by ASUA entitled, “Making Your Voice Heard,” and a banned book display in the main UA BookStore all week.

- First Amendment Monitor Training was held twice in the fall semester. There are 48 trained First Amendment monitors.
- The Dean of Students Office held the third annual Constitutional Issues in Higher Education Symposium on June 21, 2018. The theme was Abiding Freedoms. The symposium was free to UA students, faculty and staff and non-UA participants paid \$30 to attend. There were approximately 175 attendees.

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

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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 B.

As described in this report, the board and the universities remain committed to promoting and protecting diversity of thought and free expression. From time to time, however, 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 expression permitted under applicable law. They 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 that 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.

Consistent with maintaining institutional neutrality, state law imposes restrictions on the use of university resources for political activity. A.R.S. § 15-1633. Board policy reflects the law, providing that a person acting on behalf of a university may not use university personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome on an election or advocating in support of or in opposition to pending or proposed legislation which limits the use of university resources or employees to influence elections. Both the law and board policy recognize that: “employees may participate in political activity outside their employment but shall not allow their interest in a particular party candidate, or political issue to affect the objectivity of their teaching or the performance of their regular university duties.” ABOR Policy 6-905.

## **COMMITTEE RECOMMENDATIONS AND PLANS FOR THE UPCOMING YEAR**

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The Committee on Free Expression will continue to meet over the next year to review free expression on our university campuses and to consider additional ways to support and promote protected speech at Arizona’s public universities. Each university includes information about free expression in its freshman orientation materials. Each university has programming planned throughout the year to address the importance of free expression. What follows are examples and not a comprehensive list.



## ABOR

The Regents Cup is a tri-university team debate competition designed to highlight and encourage civil discourse and discussion regarding the important topics that dominate the American political landscape. The first Regents Cup is expected to take place during the 2019-20 academic year. The Regents Cup is an opportunity for Arizona's public universities to showcase their commitment to diversity of thought and civil discourse.

## ASU

ASU is in the process of adopting the core principles of the Chicago Statement. The administration will consult with the University Senate during the fall 2018 semester.

In addition, ASU will be hosting a new lecture series and conference, "Polarization and Civil Disagreement: Confronting America's Civic Crisis."

For 2018-19, ASU has conducted training on free speech for the residential life community director and community advisor staff. The university will be including the topic of free speech in all floor meetings during move-in weekend and students will be provided with the Gold Card as a resource. Digital materials have been created for the television monitors and will be displayed in the ASU student unions, Sun Devil Fitness centers and residence hall facilities.

## NAU

NAU plans to provide a two-day educational opportunity for faculty regarding free expression. The Associated Students of NAU (ASNAU) is in the early stages of planning a day dedicated to civil discourse and diversity of thought. The event will focus on speakers and events that expose students to diverse political, ideological and other perspectives.

The SpEAK team will continue to meet and review free expression to consider additional strategies to help promote free expression.

The orientation program will include education to new students about protected speech.

## UA

In addition to the training for student housing staff and the web resources described above, UA has the following activities planned:

- It will hold First Amendment Monitor Training workshops in the fall. Associate Vice President, Campus Life and Dean of Students Kendal Washington White will send an email in September to all students recommending that they view a video on the First Amendment as part of education for students.
- College of Social and Behavioral Sciences will host a Panel on Free Speech on Campus with Noam Chomsky, Sept. 5, 2018.

- The Dean of Students Office is celebrating [Constitution Day](#) on Monday, Sept. 17, with a campaign to distribute 1,000 pocket Constitutions, test student knowledge of the Constitution, promote voter registration and education, and a social media campaign.
- The UA College of Law will host its annual Constitutional Day program, under the umbrella of the William H. Rehnquist Center on Constitutional Structures of Government. A distinguished panel of judges and scholars will discuss important cases from the last term of the U.S. Supreme Court, including First Amendment cases. The program is free and open to the public.

## **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 Arizona Board of Regents website and will be 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, 2018

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

### ASU REPRESENTATIVES:

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

### NAU REPRESENTATIVES:

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- Kimberley Ott, Assistant to the President for Executive Communications & Media Relations
- Eric Yordy, Interim Executive Director, School of Hotel & Restaurant Management, and Assoc. Professor, Business Law, W.A. Franke College of Business
- Erin Grisham, Associate Vice President for Student Affairs
- Dylan Graham, NAU Student Body President
- Michelle Parker, General Counsel

### UA REPRESENTATIVES:

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- Natalynn Masters, ASUA Student Body President
- Toni Massaro, College of Law
- Kathy Adams Riester, Dean of Students Office
- David Schmidtz, Social & Behavioral Sciences, Political Economy and Moral Science
- Bob Sommerfeld, UA Police Department

# EXHIBIT B

## ABOR FREE EXPRESSION POLICY

### (TO BE SUBMITTED FOR BOARD APPROVAL 8-23-18)

#### 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 C

## ABOR POLICIES AND RESOURCES

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- 1-124 (Free Expression) [link will be added following board approval 8-23-18]
- 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 RESOURCES

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- 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>
- <https://scetl.asu.edu/news-events/signature-events/free-speech-series>
- <https://scetl.asu.edu/news-events/events>

## NAU POLICIES AND RESOURCES

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- 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/>

## UA POLICIES AND RESOURCES

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- [Policy and Regulations Governing the Use of Campus, SA-200: http://policy.arizona.edu/ethics-and-conduct/policy-and-regulations-governing-use-campus](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](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](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](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/default-academic freedom with senate edit 9-14-09 final.pdf](https://facultygovernance.arizona.edu/sites/default/files/default-academic%20freedom%20with%20senate%20edit%209-14-09%20final.pdf)
  - From UHAP 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>
- Standards of Professional Conduct for Faculty Members and Academic Professionals
- 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>
- <http://www.wildcat.arizona.edu/article/2018/01/n-freedom-center-follow-up>

# EXHIBIT D

## ALLOCATION OF STUDENT ACTIVITY FEES BY UNIVERSITY

**A.R.S. § 15-1867 B. 5. REQUIRES THAT THE REPORT OF THE FREE EXPRESSION COMMITTEE INCLUDE AN ACCOUNTING OF HOW STUDENT ACTIVITY FEES WERE ALLOCATED IN THE PRIOR YEAR. FOR THE PURPOSES OF THIS [REQUIREMENT], "STUDENT ACTIVITY FEES" MEANS ANY FEE THAT IS CHARGED TO STUDENTS BY A UNIVERSITY ... AND THAT IS USED TO SUPPORT AND FACILITATE THE EXPRESSION AND ACTIVITIES OF STUDENTS OR STUDENT ORGANIZATIONS.**

### ASU

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- Associated Students of ASU (ASASU) is responsible for allocating the student program fee. Registered student organizations can apply to ASASU for events, travel and similar expense funding. ASASU also utilizes the student program fee to support a variety of other services offered to students. During the 2017-2018 academic year, ASASU expensed \$4,768,263 from the student program fee to enhance the student experience of more than 1,100 registered student organizations or individual students. Information about the specific allocation of funds towards the support and/or facilitation of free expression is not available.

### NAU

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- Registered student organizations and individual students can apply to ASNAU for financial support to host events, travel to conferences or competitions, etc. During the 2017-2018 academic year, ASNAU paid out \$262,019.18 to nearly 200 registered student organizations and individual students. Information about the specific allocation of funds towards the support and/or facilitation of free expression is not available.
- The Student Activities Council (STAC) receives a portion of the student activity fee. Registered student organizations and campus departments can apply to STAC for financial support for events that are open to all students and take place on the Flagstaff Mountain campus. During the 2017-2018 academic year, STAC paid out \$98,991.52 for events hosted by registered student organizations. Although some of the funded events included guest speakers, information about the specific allocation of the funds towards the support and/or facilitation of free expression is not available.

### UA

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- UA's student activity fees are not used to support or facilitate the expression and activities of students or student organizations.