

ARIZONA BOARD OF REGENTS
Minutes of the Committee on Free Expression
July 20, 2020

The Arizona Board of Regents Committee on Free Expression held a virtual meeting on Monday, July 20, 2020.

Committee Members present via video: John Arnold (Chair); from Arizona State University: Derrick Anderson, José Cárdenas, Courtnee King, Stefanie Lindquist, Joanne Vogel; from Northern Arizona University: Joe Carter, Erin Grisham, Kimberly Ott, Michelle Parker, Eric Yordy; from the University of Arizona: Toni Massaro, David Schmitz, Bob Sommerfeld, Kendal Washington White.

Members Absent: From the University of Arizona: Sydney Hess.

Also present via video were: from the ABOR office: Jennifer Pollock, Samantha Blevins, Nancy Tribbensee, Monica Simental, Suzanne Templin; from Arizona State University: Tara Singleton; from the University of Arizona: Kody Kelleher (joined at 3:09 p.m.); Closed Captioner: Nicole Flaherty.

Chair John Arnold called the meeting to order at 3:00 p.m.

APPROVAL OF MINUTES (ITEM 1)

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

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. 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 all notices and agendas at least 24 hours before the meeting to inform the public. The agendas must list the specific matters that are going to be discussed, deliberated or decided. The committee may only discuss, consider or take action regarding those matters on the agenda or those items that are related to the matters on the agenda. And any legal action must be taken in a public session. We provide for the taking of written minutes or recording of the meeting.

A meeting is a gathering in person or through technological devices, such as Zoom, have a quorum of members of the public body at which you discuss, propose or take legal action. Including any deliberations by a quorum with respect to that action. A meeting can also include one-way communication, including electronic communication by one member of the public body (committee) that sent is to a quorum of the public body (committee) that proposes legal action.

It can also include an exchange of email communications amongst a quorum of the members of the public body (committee), where there's discussion consideration or legal action taken regarding any matter that is foreseeably likely to come before the committee. We advise to avoid any inadvertent issues with the open meeting law in regards to email communications from staff, with meeting materials and information, do not hit reply all to committee members or forward to quorum of the committee. do not email the committee on matters that may foreseeably come before the board. Also remember that email communications regarding committee business are public records and should be maintained as public records that would be subject to disclosure, pursuant to public records request.

Ms. Pollock asked the committee if they had any questions.

In response to Bob Sommerfeld's question regarding responding to an e-mail from a former university student. Ms. Pollock stated that we would advise you to have that communication with your point of contact from your university to determine if it needs to be reviewed for inclusion in the report or placed on the agenda for discussion by the full committee. Ms. Blevins added that this particular communication was shared with your university point of contact, Kody Kelleher for review for inclusion in the report.

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 to the committee, which states

- The Arizona Board of Regents shall establish a Committee on Free Expression consisting of at least fifteen members.
- 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:
 - A description of any barriers to or disruptions of free expression within the universities in this state.
 - A description of the administrative handling and discipline relating to barriers to or disruptions of free expression within the universities in this state.

- A description of substantial difficulties, controversies or successes in maintaining a posture of administrative and institutional neutrality.
 - Any assessments, criticisms, commendations or recommendations that the committee decides to include in the annual report.
 - 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.
- The committee established pursuant to this section ends on July 1, 2026 pursuant to section 41-3103.

Ms. Blevins asked if the committee had any questions regarding the statutory charge, and there were no questions.

REVIEW OF AND POSSIBLE ACTION TO APPROVE AND FORWARD THE REPORT OF THE FREE EXPRESSION COMMITTEE (ITEM 5)

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.

Upon motion by Chair Arnold and second by David Schmitz, the committee approved forwarding the proposed draft report to the full board for approval at the August 20, 2020 meeting. Chair John Arnold, Derrick Anderson, José Cárdenas, Courtnee King, Stefanie Lindquist, Joanne Vogel, Joe Carter, Erin Grisham, Kimberly Ott, Michelle Parker, Eric Yordy, Toni Massaro, David Schmitz, Bob Sommerfeld and Kendal Washington White voted in favor. None opposed and none abstained.

ADJOURNMENT

The meeting adjourned at 3:14 p.m.

Submitted by:

Sue Sosa
Committee Secretary