



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

THIS IS A VIRTUAL MEETING

**Monday, July 31, 2023
1:00 p.m. – 2:00 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

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 and John.Murnane@asu.edu.

Committee Members:

John Arnold, Chair
Anne Jones, ASU
Patrick Kenney, ASU
Lisa Loo, ASU
Joanne Vogel, ASU
Andrew Kalthof, ASU

Kimberly Ott, NAU
Michelle Parker, NAU
Margot Saltonstall, NAU
Marco Cabrera Geserick, NAU
Maria Machelor, NAU

Tessa Dysart, UArizona
Art Lee, UArizona
Steve Patterson, UArizona
Kendal Washington White, UArizona
Alyssa Sanchez, UArizona

**1:00 p.m. CALL TO ORDER, GREETINGS, AND ANNOUNCEMENTS FROM
THE COMMITTEE CHAIR**

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

The board office asks the committee to review and approve the minutes from the August 3, 2022 Committee on Free Expression meeting.

1:10 p.m. 2. Review of Open Meeting Law

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

1:20 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 statutory charge A.R.S. §15-1867, as described in the executive summary.

1:30 p.m. 4. Review of and Possible Action to Approve and Forward the Statutory Annual Report on Free Expression for FY 2023

The board office asks the committee to review, discuss and take possible action to approve and forward the proposed statutory Report on Free Expression to the full board for its approval, as described in the executive summary.

2:00 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.

Approval of Minutes

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DRAFT
ARIZONA BOARD OF REGENTS
Minutes of the Committee on Free Expression
August 3, 2022

The Arizona Board of Regents Committee on Free Expression held a virtual meeting on Wednesday, August 3, 2022.

Committee Members present via video: John Arnold (Chair); from ASU: Anne Jones, Patrick Kenney, Lisa Loo, Amit Fudim; from NAU: Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy; from UArizona: Toni Massaro, Robert “Bob” Sommerfeld, Kendal Washington White, and Patrick Robles (joined at 11:02 a.m.).

Committee Member(s) absent: from ASU: Joanne Vogel; from NAU: Brendan Trachsel; and from UArizona: David Schmidt.

Also present via video were: from the ABOR office: Jennifer Pollock, Samantha Blevins, Kevin Smith, Rachel Malefors, Suzanne Templin, and Tom Merriam; from Arizona State University: Kim Demarchi; from Northern Arizona University: Laurie Dickson; from the University of Arizona: Kody Kelleher.

Chair John Arnold called the meeting to order at 11:01 a.m.

All lists, reports, summaries, background material and other documents referred to in the minutes can be found in the August 3, 2022, Document File and on the board’s website at <https://www.azregents.edu/board-committees/board>.

APPROVAL OF MINUTES (Item 1)

Upon motion by Chair Arnold, seconded by Amit Fudim, the committee approved the public session minutes of the August 5, 2021 Committee on Free Expression meeting. John Arnold, Lisa Loo, Amit Fudim, Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy, Toni Massaro, Robert “Bob” Sommerfeld, Kendal Washington White, Patrick Robles voted in favor. None opposed. Anne Jones and Patrick Kenney abstained. The motion carried.

REVIEW OF OPEN MEETING LAW (Item 2)

Samantha Blevins, ABOR Senior Associate General Counsel, provided an overview of the Open Meeting Law, she noted that the Committee on Free Expression is a statutorily required committee of the Arizona Board of Regents, which is a public body, therefore the committee is also a public body subject to the Open Meeting Law.

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

**REVIEW THE STATUTORY CHARGE TO THE COMMITTEE ON FREE EXPRESSION
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 ANNUAL REPORT ON FREE EXPRESSION FOR FY 2022 (Item 4)**

Ms. Blevins highlighted that there were no barriers to or disruptions of lawful free expression within any of Arizona's public universities and that all three of Arizona's public universities maintain the highest green light rating from the Foundation for Individual Rights in Education. She noted that before the report goes to the board there will be technical corrections to formatting, grammar, and styling. Changes will also include minor edits by Northern Arizona University (NAU) to their activity fees description and verbiage indicating NAU has rebranded its Resident's Life department to Campus Living and Resident Assistance to Community Assistance.

Chair Arnold thanked Ms. Blevins and staff from each of the universities, who contributed to the report.

Upon motion by Chair Arnold, seconded by Amit Fudim, the committee approved the proposed report, with changes as discussed in the meeting and authorized Samantha Blevins to make non-substantive changes in preparation for submission to the board for approval at its August 25, 2022, meeting. John Arnold, Anne Jones, Lisa Loo, Patrick Kenney, Amit Fudim, Kimberly Ott, Michelle Parker, Margot Saltonstall, Eric Yordy, Toni Massaro, Robert "Bob" Sommerfeld, Kendal Washington White, Patrick Robles voted in favor. None opposed and none abstained. The motion carried.

ADJOURN

The meeting adjourned at 11:10 a.m.

Submitted by:

Rachel Malefors
Committee Secretary

EXECUTIVE SUMMARY

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

602-229-2535

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EXECUTIVE SUMMARY

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 statutory charge A.R.S. §15-1867, 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

samantha.blevins@azregents.edu

602-229-2535

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EXECUTIVE SUMMARY

Item Name: Review of and Possible Action to Approve and Forward the Statutory Annual Report on Free Expression for FY 2023

☒ 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 full board 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 24, 2023, meeting.
- By September 1, 2023, 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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602-229-2535

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FREE EXPRESSION ANNUAL REPORT

FISCAL YEAR 2023



ARIZONA BOARD OF
REGENTS

ASU ♦ NAU ♦ UA

ABOUT THIS REPORT

The Arizona Board of Regents and university leadership strive to protect intellectual freedom and free expression at Arizona's public universities. 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 board 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 in Exhibit A.

The universities and the board have historically protected and continue to protect 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.

MEMBERS

Fred DuVal, Chair
Cecilia Mata, Chair Elect
Lyndel Manson, Treasurer
Robert J. Herbold, Secretary
Gregg Brewster
Doug Goodyear
Jessica Pacheco
Larry E. Penley
Katelyn Rees, Student Regent
David Zaragoza, Student Regent
Gov. Katie Hobbs, Ex-Officio
Superintendent Tom Horne, Ex-Officio

ABOR EXECUTIVE DIRECTOR

John Arnold



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

Protecting free speech and intellectual freedom is a bedrock principle at Arizona's public universities. Perhaps no other ideal is as important to producing a quality public university. However, implementing free speech protocols in a community made up of tens of thousands of individual students, faculty and community members can sometimes produce strong and varied emotions as well as difficult social interactions. Over the last year, Arizona's universities experienced a number of on campus conflicts where community members presented opposing views. Arizona's universities encouraged the free expression of all viewpoints, within established time, place and manner restrictions. Expressing opposing viewpoints in a legally permissible manner is not a disruption of or barrier to protected speech 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 and Expression ([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 [Laura Beltz](#), FIRE policy reform senior program officer. Furthermore, all three universities have adopted the [Chicago Statement](#), the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago.

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.

ARIZONA STATE UNIVERSITY

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 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 providing options for virtual as well as in-person speech and arranging and managing space to permit speakers, listeners and protestors to engage in speech safely without disrupting university activities and while maintaining access to campus for pedestrians and emergency services.

NORTHERN ARIZONA UNIVERSITY

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, and 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; thus, NAU adopted the [Chicago Statement](#). 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 that 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. NAU does not restrict or impose discipline for constitutionally protected speech solely because that speech is controversial or objectionable to others.

UNIVERSITY OF ARIZONA

UArizona 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. 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."

As such, the university is committed to protecting the free speech rights of students, faculty, staff and invited guests, 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 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."

Additionally, the UArizona faculty endorsed the Chicago Statement in December of 2018 to further demonstrate the university's commitment to the broadest possible latitude to speak, write, listen, challenge and learn.

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

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 provide support for, students and community members 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 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, practices that are incorporated in its policies. When allegations of barriers to or disruptions of speech are reported, ASU addresses these 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 in retaliation for protected speech on social media. The university is defending against this allegation in court. In addition, ASU has been the subject of news reports regarding an individual who was cited for trespassing in connection with expressive activity on campus. The trespassing citation arose not from the expressive activity itself, but from the individual's repeated refusal to relocate from one of the small number of specific campus locations that is reserved for the exclusive use of ASU's more than 1,000 student organizations to an adjacent area that is open for unrestricted use. Lastly, ASU has been the subject of media accounts regarding a panel of speakers who were invited to participate in an event in February 2023. While the choice of speakers generated attention and discussion both within and outside of the university community, the event was held successfully and without disruption, with hundreds in attendance and thousands attending via livestream video. Although the donor who funded the program subsequently chose to withdraw his funding, resulting in the dissolution of the center and the discontinuation of the associated executive director position, ASU will maintain the speaker series and classes delivered through the center, with the faculty positions remaining intact. ASU is conducting a review of this event.

NAU

To respond to potential allegations of barriers to or disruptions of protected speech, NAU's Speech Expression Action Knowledge (SpEAK) Team — which includes 21 trained volunteers — and the 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, as well as the free expression of any other attendees. 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. NAU's SpEAK Team observed and/or provided support to a number of events as discussed further in Exhibit E.

UARIZONA

On April 12, 2023, the Center for Bioethical Reform (CBR) set up an anti-abortion display on the Tucson Campus Mall. CBR was sponsored by and invited to come to campus by the UArizona chapter of College Republicans United. The display included several volunteers passing out information opposing abortion and several large posters with graphic images of dismembered, unborn human remains and international genocide. During the first day of the display, several eggs were thrown at the CBR volunteers and their display, resulting in one suspect being arrested by the UArizona Police Department (UAPD). Subsequently, UAPD identified two other individuals suspected of throwing eggs at the CBR volunteers and display by investigating social media posts and videos. The three suspects were charged with misdemeanor criminal damage and misdemeanor disorderly conduct. All three cases are in ongoing legal proceedings as of mid-July

2023. Three assault charges were also submitted for the first identified suspect but were not filed by the Pima County Attorney's Office. Additionally, several complaints were reported that a volunteer with CBR was making derogatory comments toward women opposing the display. This volunteer was asked to leave by CBR organizers.

The following day, April 13, 2023, CBR continued their display and distribution of information on the campus mall. A UArizona student organization within the UArizona Women and Gender Resource Center called Feminists Organized to Resist, Create and Empower (FORCE) held a counter demonstration with over 100 students who chanted and marched around the Tucson Campus Mall. No accusations of any disruptions to the opportunity to engage in protected expressive activity were reported.

During this time, members of the UArizona Dean of Students Office and other resource centers on campus were made available to provide assistance, including mental health counseling, to any students who were distressed by the two days of the CBR display and the counter demonstrations. The expressive activities by both CBR and FORCE adhered to the processes required for engaging in expressive activities on campus to the extent applicable and were protected by UArizona's speech and expression policies and protocols.

There were no other allegations or reports of barriers to or disruptions of protected speech at UArizona, and the university continues 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

The board and the universities are committed to maintaining administrative and institutional neutrality regarding 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.

ARIZONA BOARD OF REGENTS

In support of its commitment to free speech, civil discourse, and administrative and institutional neutrality for all protected speech, the Arizona Board of Regents and Arizona's public universities held the fourth Regents' Cup debate competition on February 25, 2023. The Regents' Cup is a tri-university debate and speech event designed to engage students in rigorous debate and public speaking anchored by respect and civil discourse.

For the second year in a row, UArizona won the Regents' Cup in the board's 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 - liberty, prosperity and the Constitution.

Debate and storytelling winners received scholarships from \$500 - \$15,000 to use for their education.

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 the federal government should implement a Fairness Doctrine; if pursuit of liberty should take precedence over pursuit of prosperity; and if a term limit should be added to U.S. Supreme Court justices. Storytelling events focused on how the Constitution affects liberty and prosperity.

Arizona's public universities are recognized as exemplars in free speech; ASU, NAU and UArizona are all recognized with a green light rating, the highest rating by [FIRE](#). 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.

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 FIRE as well as an additional video prepared by ASU featuring student speakers. These videos have a permanent home on a Free Speech at ASU website that is available year-round for reference, and additional materials about freedom of expression and campus access continue to be added to this resource and elsewhere in ASU's public communications. 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, the School of Civic and Economic Thought and Leadership's 2022-23 season of its Civic Discourse Project focused on "Ideological Conformity on Campus and in American Society" while the Sandra Day O'Connor College of Law Center for Constitutional Design hosted a talk by Robert Post on "The Unfortunate Consequences of a Misguided Free Speech Principle."

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](#), further affirming NAU's broad commitment to freedom of expression among all members of the NAU community.

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 community assistants and other Campus Living staff also participate in training annually, which includes learning how to appropriately address the expression of students' First Amendment rights via acting out scenarios that 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 that plan to host events on campus. And, as part of its orientations for both students and their families, NAU emphasizes the following:

- 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.
- Freedom of speech allows everyone to expand their thinking.

UARIZONA

UArizona remains committed to continual improvement and innovation regarding education delivery and knowledge discovery. Fundamental to its success in its endeavors is ensuring that all students and faculty practice and promote principles of freedom of expression and inquiry, which helps the administrative and institutional neutrality toward expressive activity protected by the First Amendment of the U.S. Constitution. During the past year, UArizona continued its commitment to promote 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 expressive activity 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 2023 Regents' Cup for the second year in a row and to have hosted this incredibly significant competition on our main Tucson campus.

DRAFT

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, 2023

COMMITTEE CHAIR: John Arnold, Executive Director, Arizona Board of Regents

ASU REPRESENTATIVES:

Lisa Loo, Senior Vice President and General Counsel

Patrick Kenney, Executive Vice Provost and Dean, 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

Andrew Kalthof, Student Representative

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

NAU REPRESENTATIVES:

Margot Saltonstall, Vice President of Student Affairs

Kimberly Ott, Associate Vice President, Communications

Marco Cabrera Geserick, Assistant Professor of Humanities,

Maria Machelor, ASNAU Student Body President

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

UARIZONA REPRESENTATIVES:

Tessa Dysart, Assistant Director of Legal Writing & Clinical Professor of Law

Art Lee, Vice President and Deputy General Counsel

Steve Patterson, Interim, Vice President & Chief Safety Officer

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

Alyssa Sanchez, 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 202-01 \(Faculty Responsibilities\)](#)
- [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](#)
- [Freedom of Speech at ASU](#)

NAU Policies and Statements

- [Non-Discrimination and Harassment 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](#)

UArizona Policies and Statements

- [Policy and Regulations Governing the Use of Campus, SA-200](#)
- [Political Activity Policy, HR-104](#)
- [Non-discrimination and Anti-harassment Policy, HR-200E](#)
- [Religious Accommodation Policy, HR-202](#)

EXHIBIT B CONTINUED

- 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 7.01.01](#)
- [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 \$3,704,464.21 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 2022-2023. The Undergraduate Student Government also spent approximately \$277,713.94 on 398 individuals who traveled to academic and professional conferences. The Graduate and Professional Student Association spent approximately \$73,391.41 on appropriations for more than 125 graduate clubs and organizations. The Graduate and Professional Student Association also spent approximately \$100,000 on 350 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 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, such as concerts, speakers, movies, Homecoming events, Family Weekend, leadership programs and recreational activities. Additionally, the Student Activity Fee provides funding for student organizations to host events on the Flagstaff Mountain campus. During academic year 2022-2023, funding was provided to 20 student organizations that hosted events; the average amount of funding support per hosted event was \$5,921, totaling \$118,450.

Every NAU Flagstaff Mountain undergraduate student pays the Associated Students of Northern Arizona University (ASNAU) 23 Fee each semester. During academic year 2022-2023, ASNAU distributed approximately \$379,500 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 and awards made to recognize NAU students. The fee is also utilized to increase access to the university library by supporting extended hours for its operations and also funds NAU students in their pursuits to study abroad. Additionally, the ASNAU Advocacy Committee met monthly

EXHIBIT D. CONTINUED

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.

UARIZONA

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 WEB is funded by a \$5 per-semester fee per student and is refundable for any student who requests one. The 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. The WEB plans and executes a variety of campus-wide events, including concerts, special activities and programs celebrating the arts, different cultures and entertainment. At the time of this report, the WEB has not received any requests for funding specifically for events related to freedom of expression in the past year.

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EXHIBIT E

NAU's SpEAK Team observed and/or provided support to the following events:

- October 8, 2022 – Eight members of the SpEAK Team provided support for a Pro Choice rally and march called Women's Wave Flagstaff. One hundred and fifty citizens assembled on the NAU Pedway adjacent to the University Union for this two-hour event. Participants made posters/signage, spoke to all in attendance about the purpose of the event, and then peacefully marched from campus to Flagstaff City Hall. The team observed the event and answered questions from participants and onlookers about the benefits of encouraging free speech and assembly on the NAU campus. Overall, the event was highly successful, and no barriers to any citizen's freedom of speech occurred.
- October 10, 2022 – The SpEAK Team provided support for a rally and march commemorating Indigenous People's Day. Fifty citizens assembled on the NAU Pedway adjacent to the University Union for this two-hour event. Participants made posters/signage, spoke to all in attendance about the purpose of the event and then peacefully marched from campus to Flagstaff City Hall. SpEAK Team volunteers were present and were available to answer questions about free speech and ensure the event was successful. No barriers to freedom of expression occurred.
- October 21, 2022 – Arizona Senator Mark Kelly visited the NAU campus for a political rally. Senator Kelly and staff members set up a table, handed out marketing materials and spoke to approximately 30 citizens. Three SpEAK Team volunteers were present, and the event on the NAU Pedway went smoothly and provided for the free discussion of ideas relevant to the then upcoming election.
- November 4, 2022 – Arizona Secretary of State Katie Hobbs visited the NAU Campus for a political rally in her campaign for governor. Secretary of State Hobbs greeted and spoke to an audience of 37 citizens in the NAU University Union. Issues relevant to the upcoming election were discussed, and four SpEAK Team volunteers were in attendance. The event went smoothly and SpEAK Team members answered questions about the role of the team regarding promoting free speech and expression.
- November 16, 2022 – The SpEAK team provided support for a rally and march called MMIW Awareness Walk. The purpose of this two- and one-half-hour event was to raise awareness of the missing and murdered Indigenous women epidemic. Thirty-two citizens assembled on the NAU Pedway adjacent to the University Union. Participants made posters/signage, spoke to all in attendance to raise awareness about the purpose of the event and then peacefully marched from campus to Flagstaff City Hall. Six SpEAK volunteers were present to ensure that the event was successful, and no barriers to freedom of expression occurred.
- November 17, 2022 – The SpEAK Team provided support for a rally and march called No Thanks, No Giving. The purpose of the event was for participants to join in a celebration of Native American Heritage Month and in protest of colonialism. Eighty citizens participated in this event; nine SpEAK Team volunteers provided the group with an avenue to practice free speech and expression free of any barriers or restrictions.
- December 2, 2022 – The SpEAK Team provided support for an event called Debate Round II, Turning Point USA NAU vs. NAU Young Democrats. Hosted by the NAU Pi Sigma Alpha Student Honor Society, 75 citizens participated in the debate, with topics including reproductive rights, the Electoral College, the state role in the classroom and climate change. The event occurred at the NAU International Pavilion, and four SpEAK Team volunteers were present. This was a lively and engaging event with all participants speaking freely without barriers or restrictions.

EXHIBIT E. CONTINUED

- March 8, 2023 – The SpEAK Team provided support to an event called Walk Out on Sexual Assault. Sixty-five citizens participated in a four-hour event that began on the NAU Pedway adjacent to the University Union. Posters/signage were made as citizens gathered, organizers spoke to the group and then all proceeded to the NAU Gammage building housing the Office for the Resolution of Sexual Misconduct: Title IX Institutional Compliance, Prevention & Response. Due to physical restrictions/limitations in gathering in the building, NAU's Title IX Coordinator met with citizens attending directly outside the main entrance of Gammage. A question and answer session followed, with the Title IX Coordinator addressing questions and concerns from participants. There were eight SpEAK Team members in attendance to ensure a successful free expression event.
- March 24, 2023 – The SpEAK Team provided support to an event called BSU vs. NAU Anti-Blackness Demonstration and March. This three- and one-half-hour event was attended by 70 citizens who gathered at the NAU Office of Inclusion, made posters/signage, marched to the NAU Health and Learning Center, and congregated in the lobby. Ten SpEAK Team volunteers were present, and a silent protest occurred that included speakers addressing the topic of concern. All in attendance had an opportunity to speak freely, and there were no barriers or restrictions.
- April 19, 2023 – The SpEAK Team provided support to an event called Abolish Grad. Fees Now! This event was coordinated by an external group called the University Union of Northern Arizona, the American Federation of Teachers and members of the NAU Graduate Student Council to protest the graduate student fee structure. The group organized on the NAU Pedway outside of the University Union, made posters and then marched to the President's Office in the Babbitt building. Thirty citizens participated in the event, and five SpEAK Team members volunteered. Upon reaching Babbitt, the participants recited chants and then proceeded to the President's Office. The President's chief of staff greeted the group and accepted their declaration along with letters. The event was well organized, and participants were free to express their views without interruption.
- May 5, 2023 – The SpEAK Team provided support to a small gathering of citizens near the west end of the University Union to promote Pro Life Initiatives and Viewpoints. An audience of approximately 20 citizens gathered around a table for a free and open discussion. There were two SpEAK Team members in attendance to ensure that all those in attendance could speak freely and without restriction.

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