



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

THIS IS A VIRTUAL MEETING

**Wednesday, July 31, 2024
11:00 a.m. – 12:00 p.m.**

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

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

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

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

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Committee Members:

Chad Sampson, Chair	Kimberly Ott, NAU	Tessa Dysart, U of A
Anne Jones, ASU	Michelle Parker, NAU	Art Lee, U of A
Patrick Kenney, ASU	Margot Saltonstall, NAU	Steve Patterson, U of A
Lisa Loo, ASU	Marco Cabrera Geserick, NAU	Chrissy Lieberman, U of A
Joanne Vogel, ASU	Karli Vander Meersch, NAU	Adriana Grijalva, U of A
Andrew Kalthof, ASU		

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

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

The board office asks the committee to review and approve the minutes from the July 31, 2023 Committee on Free Expression meeting.

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

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

11:20 a.m. 3. Review the Statutory Charge to the Committee on Free Expression to Submit an Annual Report

The board office asks the committee to review statutory charge A.R.S. §15-1867, as described in the executive summary.

11:30 a.m. 4. Review of and Possible Action to Approve and Forward the Statutory Annual Report on Free Expression for FY 2024

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 board for its approval, as described in the executive summary.

12:00 p.m. ADJOURN

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

Approval of Minutes

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DRAFT
ARIZONA BOARD OF REGENTS
Minutes of the Committee on Free Expression
July 31, 2023

The Arizona Board of Regents Committee on Free Expression held a virtual meeting on Monday, July 31, 2023.

Committee Members present via video: Executive Director John Arnold (Chair); from ASU: Lisa Loo, Patrick Kenney, Anne Jones, Joanne Vogel, and Andrew Kalthoff (joined at 1:09 p.m.); from NAU: Margot Saltonstall, Kimberly Ott, Marco Cabrera Geserick, Maria Machelor, and Michelle Parker; from UArizona: Tessa Dysart, Art Lee, Steve Patterson, and Kendal Washington White

Committee Members absent: from UArizona: Alyssa Sanchez

Also present via video 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 and Jon Dudas

Chair Arnold called the meeting to order at 1:01 p.m.

All lists, reports, summaries, background material and other documents referred to in the minutes can be found in the July 31, 2023, Document File and on the board's website.

APPROVAL OF MINUTES (Item 1)

Upon motion by Chair Arnold, seconded by member Lee, the committee approved the public session minutes of the August 3, 2022, Committee on Free Expression meeting. Committee members Arnold, Loo, Kenney, Jones, Vogel, Saltonstall, Ott, Cabrera Geserick, Machelor, Parker, Lee, Patterson and Washington White voted in favor. None opposed. Member Dysart 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 2023 (Item 4)

Ms. Blevins noted that the 2023 report discusses how protecting free speech and intellectual freedom is a bedrock principle. All three of Arizona's public universities maintain the highest green light rating from the Foundation for Individual Rights in Education (FIRE) and 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. The report contains links to all of those policies. The report then highlights how each university promptly responds to allegations of barriers to disruptions of protected speech in manners that comply with applicable law. The report emphasizes that implementing free speech in communities of thousands of students, faculty, and community members can sometimes produce strong and varied emotions. The universities did experience several of those interactions that the report goes through, but it highlights that even in moments of heightened conflict, the universities encouraged free expression of all viewpoints within established restrictions. Ms. Blevins noted that before the report goes to the board there will be technical corrections to formatting, grammar, and styling.

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

Upon motion by Chair Arnold, seconded by member Lee, the committee approved the proposed report, with changes as discussed in this meeting and authorized Samantha Blevins to make non-substantive changes in preparation for submission to the board for approval at its August 24, 2023, meeting. Committee members Arnold, Loo, Kenney, Jones, Vogel, Kolthoff, Saltonstall, Ott, Cabrera Geserick, Machelor, Parker, Dysart, Lee, Patterson, and Washington White voted in favor. None opposed and none abstained. The motion carried.

ADJOURN

The meeting adjourned at 1:14 p.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.

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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 2024**

Action Item

Requested Action: The board office asks the committee to review, discuss and take possible action to approve the proposed statutory Report on Free Expression and forward the proposed statutory report to the board 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 29, 2024, meeting.
- By September 1, 2024, 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

samantha.blevins@azregents.edu

602-229-2535

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FREE EXPRESSION ANNUAL REPORT

FISCAL YEAR 2024





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.

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.

ABOUT THE ARIZONA BOARD OF REGENTS

The Arizona Board of Regents is committed to ensuring access for qualified residents of Arizona to undergraduate and graduate institutions; promoting the discovery, application, and dissemination of new knowledge; extending the benefits of university activities to Arizona's citizens outside the university; and maximizing the benefits derived from the state's investment in education.

REGENTS

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Superintendent Tom Horne, Ex-Officio

ABOR INTERIM EXECUTIVE DIRECTOR

Chad Sampson

September 1, 2024



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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)

ASU has a longstanding commitment to free speech consistent with the university's educational function. [ASU](#) has adopted the core principles of the University of Chicago's Report of the Committee on the Freedom of Expression from the University of Chicago (the "[Chicago](#)

Statement") affirming the role of academic freedom and freedom of expression on college campuses.

As such, ASU welcomes both members of the university community and campus visitors to engage in expressive activities on campus. Both indoor and outdoor spaces are set aside for use on a reservation basis, while other areas are available without reservations and for spontaneous expression consistent with the Board and university's content- and viewpoint-neutral time, place, and manner restrictions. 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 and addressing threatening or violent conduct.

NORTHERN ARIZONA UNIVERSITY (NAU)

NAU remains steadfast in its commitment to lawful freedom of expression and ensuring the rights of individuals to engage in protected speech on a wide range of viewpoints as guaranteed by the First Amendment and supported by ABOR and university policies.

NAU's is guided by applicable laws and policies in supporting the free expression of all individuals on its campus. Simultaneously, NAU is responsible for ensuring that free expression does not disrupt campus operations, interfere with the university's educational mission, or otherwise jeopardize the health, safety, and welfare of the university community.

NAU adopted the Chicago Statement in 2022, enhancing a campus environment that advances knowledge and broadens understanding by affirming the crucial role of free expression in allowing the university community to engage in informed and multifaceted conversations about a wide range of topics.

NAU works to safeguard the people, places, and spaces in which free expression, academic freedom, and the pursuit of knowledge can thrive. The university facilitates the freedom of expression of speakers, listeners, debaters, protestors, and others by managing spaces and forums, and, in championing free expression, NAU does not restrict non-disruptive, constitutionally protected speech merely because it may be controversial or objectionable to others.

UNIVERSITY OF ARIZONA (U OF A)

U of A 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. U of A'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 U of A 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

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 a part of the university experience. ASU educates members of its community on the role of free speech, civil discourse, and the expectation to refrain from interfering with the speech of others that are incorporated in its policies. When allegations of barriers to or disruptions of speech are reported, ASU addresses them through available tools including educational interventions and proactive measures, as well as sanctions where appropriate and necessary.

ASU previously reported an allegation involving a prospective administrator whose offer of employment was rescinded based on allegations of misconduct not disclosed during the hiring process, who has alleged the decision was actually in retaliation for protected speech on social media. The university is defending against this allegation in court.

In addition, ASU is defending a lawsuit brought by several students who were arrested after refusing to vacate an encampment that violated ASU's prohibition on camping on campus. ASU's policy prohibiting camping on campus is a longstanding, content- and viewpoint-neutral policy that leaves ample alternatives for speech, as reflected in the numerous protests relating to the same topic (the Israel-Hamas conflict) that have taken place without incident on the ASU campus throughout the 2023-24 academic year, both before and after the attempted encampment. The arrests in question took place on April 26-27, 2024. When a group of individuals arrived on campus on the morning of April 26 with the stated intent of establishing an encampment of indefinite duration in a location adjacent to a classroom building and available by reservation only, ASU staff communicated the policy to them while reiterating other options for their expressive activities, including alternative locations and permissible hours. ASU staff remained onsite throughout the day to support safe participation by protestors and counter protestors and to continue to communicate the requirements of university policy. Multiple requests to remove the encampment and leave by 11:00 p.m., including amplified warnings given from multiple locations, were ignored. Around 11:30 p.m., police began steps to disperse the encampment and facilities staff removed tents and other materials from the location. Over the next three hours, the site was slowly cleared of protestors and materials. Throughout this time, individuals present continued to have the opportunity to leave and avoid arrest, which many individuals did. Only those individuals who refused to leave were arrested; most of the arrestees were neither students nor employees of the university.

NAU

To respond to potential barriers to or disruptions of protected speech, NAU's Speech Expression Action Knowledge (SpEAK) Team — which includes 20 trained volunteers — and the Campus Inclusion Team (CIT) actively work together to ensure that all expressions of speech on campus, whether planned or spontaneous, are supported. This includes facilitating the free expression of on-campus speakers, events, and protests, as well as the free expression of those who might be attending such events to observe and/or express a differing perspective. If members of the university community express concerns about speech or the 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 individuals regarding the importance of First Amendment rights.

During the past academic year, NAU's SpEAK Team observed and/or provided support for a number of events as discussed further in Exhibit E.

U OF A

In mid-November 2023, two College of Education professors teaching a class on cultural pluralism for young children engaged a classroom discussion about the Israel-Hamas conflict. Several audio clips of the discussion were shared on social media with allegations that the discussion was biased and antisemitic. Based upon an initial review of information, the two professors were placed on administrative leave with pay while an investigation of the incident by the college and university took place. In late November 2023, multiple sit ins at the College of Education took place that included U of A students and community members requesting the two professors be reinstated and raising issues and concerns regarding freedom of expression among other

issues. At the conclusion of the investigation (early December 2023), the College of Education reinstated the two professors and committed to holding a series of Educational Dialogues led by faculty with pedagogical expertise in responsibly teaching potentially contentious topics while maintaining high academic standards and ensuring accuracy.

Late in the Spring semester, two demonstrations took place on the Tucson campus. During the first protest on April 29, 2024, individuals gathered on the University of Arizona Mall without prior authorization and erected structures, in violation of the well-established campus use policy, which applies to any group seeking to use university grounds and properties. U of A administrators engaged in dialogue with protest organizers and agreed to allow them to peacefully remain until 10:30 p.m. that evening. After multiple warnings to disperse and urging caution against violation of campus use policies in the future, the protest disbanded without incident.

The next day, protestors gathered in the Olive Grove area of campus adjacent to the Main Gate off Park Avenue, began to erect unauthorized structures in violation of the campus use policy, and stole safety fencing from a University worksite. Despite continued respectful and clear communication with these protestors, the protestors violated campus use policies. After ongoing dialogue with protest organizers, University officials began a formal warning process. Officials communicated to protesters to remove unauthorized structures and disperse by 10:30 p.m. The University and members of law enforcement sought to avoid escalation of the situation and continued to provide repeated warnings, including warning of the possibility of arrest. Just after 11 p.m., the University of Arizona Police Department ("UAPD") sent an emergency message through the UAlert service to the campus community before members of law enforcement attempted to enter the protest encampment. At 11:20 p.m., law enforcement announced that any remaining protestors in the encampment would be arrested for unlawful assembly.

During this time, law enforcement members were assaulted with projectiles by the protestors. In addition, hundreds of protestors and counter-protestors gathered on Park Avenue, creating a volatile environment. In consultation with the University of Arizona Office of Public Safety and supported by partner law enforcement agencies, UAPD implemented a plan to clear the area with an emphasis on the physical safety of everyone in the area. As officers attempted to move protestors off Park Avenue, many physically resisted. Additionally, the protestors threw additional projectiles at law enforcement officers. By approximately 2:30 a.m., Park Avenue and the encampment were cleared. Ultimately, four individuals were arrested: three for criminal trespass, and one for criminal trespass and aggravated assault against a peace officer. Only two of the people arrested were students; the others were unaffiliated with the U of A.

In April of 2024, the U of A received an inquiry in connection with allegations made by certain students regarding their First Amendment rights and activities in connection with their association with certain student organizations in relation to student organization recognition as well as the Association Students of the University of Arizona (ASUA) election. ASUA is the student government body for the U of A. After an investigation into the allegations contained in the inquiry, the U of A responded to the inquiry, answering the questions that were posed. The investigation found that the allegations made in the inquiry did not have the full context

of the circumstances and that there were no barriers or impediments to the students' ability to engage in expressive activities on campus.

Also in April of 2024, the U of A addressed various allegations made by certain employees of the university that their rights to engage in expressive activity were being infringed in connection with their engagement in political activity. The U of A administration provided an educational presentation at one of the self-governing bodies of the university employees clarifying the university's policies, procedures, and requirements around engaging in political activity by university employees.

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 Regents' Cup is a tri-university speech and debate competition presented by the Arizona Board of Regents. Student orators attending Arizona State University, Northern Arizona University or the University of Arizona represent their university at this annual event in Oxford debate and Storytelling categories. The Regents' Cup honors participants for articulating different points of view in an environment where competitors remain civil and respectful.

Arizona State University took home the coveted Regents' Cup trophy during the fifth annual event in April 2024. This was ASU's third team win.

First place winners earn a \$15,000 one-time scholarship to finance their education, second place \$12,000 and third place \$5,000. Each remaining student competitor was awarded a \$500 one-time scholarship. Students spend several months preparing for the event and earn course credit at their university.

Cup advisory Regent Larry E. Penley noted, "while our universities may have a spirit of competition, the event is a shining example of how we are unified in our commitment to free speech. These students have shown us that free speech is about fostering an environment where diverse perspectives can flourish, where dialogue can thrive and where progress can be achieved through the civil exchange of ideas."

Students competed in multiple rounds of persuasive storytelling and Oxford-style debate during Saturday's Regents' Cup hosted by ASU. This year the competition's theme was centered around democracy, justice and the rule of law. [Judges](#) for the event represented a wide range of professions – elected officials, business and community leaders, journalists and educators. Subjects debated by students during the event included the pros and cons of mandatory retirement ages for federal judges, eliminating the jury system and replacing the electoral college system. The storytelling competition focused on justice in everyday life.

Arizona's public universities are exemplars in free speech and are recognized by the Foundation for Individual Rights and Expression with the [highest free speech rating](#). In addition to this competition, ABOR's general education policy includes requirements for students to learn critical thinking skills, how America's founding documents impact the present and the impact of key Supreme Court cases.

ASU

To foster administrative and institutional neutrality about speech and to allow all protected speech, ASU regularly communicates its values regarding campus speech. Materials used during new student orientation now include a series of videos on campus free speech prepared by the Foundation for Individual Rights in Education ("FIRE") as well as an additional video prepared by ASU featuring student speakers. These videos have a permanent home on a "Free Speech at ASU" website that is available year-round for reference, and additional materials about freedom of expression and campus access have continued to be added to that resource 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. In November 2023, Erwin Chemerinsky, dean of the U.C. Berkeley School of Law and a noted First Amendment scholar gave [a lecture](#) on free expression on college campuses as part of the University Design Institute's Frank Rhodes Lecture series. Also in November, ASU Barrett Honors College student

Sami Al-Asady [was selected](#) as one of six Campus Scholars by the Foundation for Individual Rights and Expression and invited, as part of his project for the program, to coordinate a student debate on the question: Is the right to free speech more important than protecting people from harmful or offensive content?

NAU

As a public institution, NAU recognizes that lawful freedom of expression is integral to NAU is a public institution committed to the free exchange of ideas among all members of the university community. NAU communicates and promotes the value of and responsibility to freedom of expression throughout the year in many forms and forums.

NAU's Student Handbook affirms the value and right to free speech, all Community Assistants and on-call professional Campus Living staff participate in annual training to ensure they appropriately address the expression of students' First Amendment rights, and all student organizations planning to host events on campus receive training on the importance of upholding the First Amendment and free expression.

The promotion of the diversity of thought and institutional neutrality at NAU can also be found in the form of student organized events and forums, cultivating an environment in which a wide range of viewpoints can be expressed, perspectives broadened, and civil discourse elevated. One such student-led initiative brought former members of Congress, from both sides of the aisle, to NAU and exemplifies this commitment. The Congress to Campus visit provided students and members of the NAU community with unique insights, education, and open and honest dialogue on the benefits of healthy partisanship and civility within disagreement. NAU participates in the annual Regents Cup, showcasing free speech and the free exchange of ideas and actively promotes this event to the students on campus. In 2022, NAU adopted a Freedom of Expression statement, which reflects the core principles of the Chicago Statement, which further underscores the broad commitment to and affirmation of free expression as a fundamental part of the university's work.

U OF A

Arizona 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, U of A 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. U of A also continued to support activities and efforts that encourage free expression at the university such as the board's Regents' Cup.

In the aftermath of the October 7 attack by Hamas against Israel, the Arizona Law Student Chapter of the Federalist Society and the University of Arizona Center for the Philosophy of

Freedom organized a [campus panel on free speech with First Amendment scholars](#). The panel drew more than 150 attendees, including two members of the Board of Regents, President Robert C. Robbins, and other senior leaders.

The University of Arizona Center for the Philosophy of Freedom and National Review Institute hosted a debate – [ESG Now and in the Future: Is There Common Ground](#). Former White House press secretaries Ari Fleischer and Robert Gibbs moderated the debate featuring Andrew Behar, CEO of the shareholder advocacy and engagement non-profit As You Sow; Kevin Hassett, 29th Chairman of the President’s Council of Economic Advisers; Sandra E. Taylor, former SVP of Corporate Responsibility at Starbucks; and Kimberly Yee, State Treasurer of Arizona.

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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, 2024

COMMITTEE CHAIR:

Chad Sampson, Interim Executive Director, Arizona Board of Regents

ASU REPRESENTATIVES:

Lisa Loo, Senior Vice President and General Counsel

Patrick Kenney, Executive Vice Provost

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 Kalthoff, 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,

Karli Vandermeersch, ASNAU Student Body President

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

U of A 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

Chrissy Lieberman, Associate Dean of Students

Adriana Grijalva, ASUA Student Body President

****Kody Kelleher**, Associate Secretary of the University

* 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](#)

EXHIBIT B CONTINUED

U of A 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](#)
- 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](#)

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 950 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 \$3,043,110.33 on appropriations for more than 455 undergraduate clubs and organizations (including general clubs, sport clubs, cultural coalitions, college councils and Programming and Activities Board) in fiscal year 2023-2024. The Undergraduate Student Government also spent approximately \$120,743.93 on 324 individuals who traveled to academic and professional conferences. The Graduate Student Government spent approximately \$71,802.88 on appropriations for more than 127 graduate clubs and organizations requests. The Graduate Student Government also spent approximately \$329,418.27 on 207 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 concerts, community gatherings, professional artists and speakers, rental fees, and supplies.

NAU

Every NAU Flagstaff Mountain Campus undergraduate student pays the Associated Students of Northern Arizona University (ASNAU) 23 Fee each semester. During academic year 2023-2024, ASNAU distributed approximately \$400,000 to directly contribute to a variety of services and programs that benefit NAU's students, including providing support to more than 350 campus student organizations and clubs, individual students, and campus-wide programming and events, including facilitating outside speakers, and providing forums for discussion and debate which enable students to express their perspectives. The ASNAU 23 Fee was further distributed to support endeavors such as the Lumberjack Concert Series, Homecoming Carnival, a range of community events, reimbursements to student clubs and organizations for travel and operations, support of students' basic needs, and awards to recognize NAU students for exemplary service and achievements. The fee is further utilized to increase access to the university library by supporting extended hours for its operations and to fund NAU students in their pursuits to study abroad. Additionally, the ASNAU Advocacy Committee met regularly to discuss any issues of importance to students. This 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.

EXHIBIT D. CONTINUED

U of A

The Associated Students of UA (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 UA students. The WEB is funded by a \$5 per-semester fee per student and is refundable for any student who requests one. The WEB Fee generated \$312,118.44 in FY24. 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

- September 19, 2023 – The SpEAK Team provided support for an on-campus event sponsored by the NAU Student Chapter of Turning Point USA featuring national speaker Charlie Kirk. The event, *Prove Me Wrong*, called for the speaker to challenge attendees with provocative statements. There was also a counter demonstration of predominately NAU students. Out of the 375-400 participants, approximately 150 were pro-Turning Point while the rest were part of the counter demonstration. Over the course of 6 hours, 10:00am-4:00pm, members of the SpEAK Team worked in shifts, with a total of 12 members volunteering. The event was successful in allowing individuals to express a range of ideas and perspectives in an open environment.
- October 9, 2023 – The SpEAK Team provided support for a rally and march commemorating *Indigenous People’s Day*. Approximately 50 individuals participated in the event and assembled in the pedway adjacent to the entrance to the University Union and then peacefully marched from campus to Flagstaff City Hall. Over the course of the two-hour event, 4:00-6:00pm, five SpEAK Team members volunteered to accompany the participants on the march and answer questions about free speech. No barriers to freedom of expression occurred.
- October 12, 2023 – A total of 11 SpEAK Team members volunteered to ensure open and peaceful dialogue at an event sponsored by the Students for Life NAU, featuring national guest speaker Kristan Hawkins. The event was called *I’m Coming For Your Abortion Access*. Over the course of the four-hour event, approximately 75 individuals were in attendance. A small group of counter protestors attended, and all engaged in an open and frank dialogue.
- October 14, 2023 – An Abortion Rights rally and march took place, beginning on campus and marching to the southside community’s Murdoch Center. Approximately 50 individuals participated in this two-hour event, with four SpEAK Team members volunteering. The event was sponsored by the Flagstaff Abortion Alliance, the Arizona Students’ Association (ASA), Planned Parenthood Generation Action of Northern Arizona University (PPGEN), and the NAU Young Democrats. The rally and march were peaceful with no barriers to freedom of expression.
- October 17, 2023 – Vice President Kamala Harris visited the NAU campus as part of her Fight for our Freedoms College Tour. The Vice President spoke on what was described as “key issues that disproportionately impact young people across the country,” and the topics included abortion, gun control, climate change, voting rights, LGBTQA+ issues, as well as book bans.” The event took place at Ardrey Auditorium with more than 1,000 attendees. In addition to White House Secret Service and law enforcement personnel representing several jurisdictions in northern Arizona, 16 SpEAK Team members were assigned shifts for this 7:00-4:00pm event. When the Vice President was asked by an audience member about the conflict in the Middle East, there were a few members of the audience that raised their voices in protest; however, there was no disruption to the event.
- October 23, 2023 – The Committee for Global Diversity sponsored a discussion titled *Global Dimensions of a Local Crisis: Palestine – Israel: A Panel discussion and Moderated Q&A Session*. Approximately 200 individuals were in attendance, and five SpEAK team members volunteered at the event in the Liberal Arts Building Auditorium from 5:00-6:30pm. No barriers to free expression occurred.

EXHIBIT E. CONTINUED

- November 2, 2023 – A Pro-Palestine demonstration occurred on campus with a small number of individuals in attendance. Nine SpEAK Team members were assigned shifts for this event running from 12:00-5:00pm. No barriers to free expression occurred.
- November 6, 2023 – A panel discussion and Q&A session entitled *Understanding Israel: Perspectives and Questions* was held from 5:00-6:30pm at the Cline Library Auditorium. Panel topics included “Navigating the Aftermath of October 7,” “The Unfiltered Truth Behind Israel’s Actions,” and “ Hamas: Terror or Resistance.” The event was organized by the Chabad Jewish Community Center of Flagstaff. A total of five SpEAK Team members attended this event. Approximately 200 individuals were present in the auditorium. There were a few audience members who at times raised their voices in protest, but overall, the event proceeded without disruption.
- November 20, 2023 – During a Town Hall sponsored by ASNAU that featured the Arizona Secretary of State, Adrian Fontes, a group of approximately 150-200 individuals marched from central campus to Ashurst Auditorium where the Secretary of State was speaking on voter rights. Between 50-75 individuals who identified themselves as participants in an “NAU students for Justice in Palestine” demonstration/march entered the auditorium to engage the Secretary of State in a discussion about the conflict in the Middle East. For most of the event, the participants stood silently, but after asking several questions they departed the auditorium while chanting, causing only a minor and temporary disruption. A total of eight SpEAK Team members were in attendance.
- February 26, 2024 – A panel discussion and Q&A entitled *This is not the way: a panel on anti-Zionism and anti-Semitism* was held from 7:00-9:00pm on campus. The event was organized by Students for Justice in Palestine. One SpEAK Team member and two CIT members attended this event. Approximately 200 individuals attended. There were a few audience members who raised their voices in protest, causing only a minor and temporary disruption.
- February 26, 2024 – Members of the Planned Parenthood (PP) club participated in an approved tabling session inside the University Union. A group identified as Catholic Jacks (CJ), came into the union to hand out flyers. Two community members who accompanied the CJ group attempted to block the PP club table. SpEAK and other leadership and engagement staff support was provided. CJ members were asked to relocate to an outside – due to not having an approved event reservation in the space – so they could continue passing out flyers. CJ members understood the process and followed instructions, continuing their expressive activity while the PP tabling event proceeded.
- March 27, 2024 – The Ethnic Studies Department hosted a series of events for Cesar Chavez Week. One event, held in conjunction with an Ethnic Studies course (ES 160 - Intro to Chicano and Latino Studies), included the outside guest speaker Ernesto Ayala, a Chicano activist and member of La Raza Unida Party. Mr. Ayala’s talk, “*Aztlan to Palestine*,” was limited to students taking the course and funded by the College of Social and Behavioral Science. One SpEAK team member attended.

- April 30, 2024 – Pro-Palestinian supporters formed an encampment on the NAU campus. NAU leadership and SpEAK team members maintained open communication with protestors throughout the day, including informing them of reasonable time, place, and manner restrictions related to any attempts at a permanent, 24-hour encampment. These restrictions were communicated to all members of the university community via email and took on particular importance due to NAU's high-density residential campus and imminent final exams. Multiple requests to deconstruct the encampment and leave the area by 10:00pm were ignored. Around 10:30pm, police took steps to disperse the encampment, making 24 arrests in the process. Tents and other material were removed from the location. In the following days, several smaller protests took place, including a vigil, a counter protest by individuals supporting Israel, and small groups of students gathering in the original encampment area. For all events, SpEAK team members were present on a rotating basis.

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