

REFERENCE TITLE: ABOR; postsecondary institutions; policies

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1304**

Introduced by  
Senators Kern: Hoffman, Rogers, Wadsack; Representatives Heap, Jones,  
Smith

AN ACT

AMENDING TITLE 15, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-1602; AMENDING SECTIONS 15-1626 AND 15-1866, ARIZONA  
REVISED STATUTES; RELATING TO POSTSECONDARY INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 13, article 1, Arizona Revised  
3 Statutes, is amended by adding section 15-1602, to read:

4 15-1602. State universities; academic unit posting  
5 requirements; policies and procedures; definition

6 A. EACH ACADEMIC UNIT SHALL PROMINENTLY POST ON THE ACADEMIC UNIT'S  
7 WEBSITE ALL OF THE FOLLOWING INFORMATION BEFORE CLASSES FOR THE TERM  
8 BEGIN:

9 1. FOR EACH COURSE OFFERED BY THE ACADEMIC UNIT PURSUANT TO SECTION  
10 15-1601, SUBSECTION B OR SECTION 15-1626, SUBSECTION A, PARAGRAPH 8:

11 (a) THE TITLE OF THE COURSE.

12 (b) THE CURRENT COURSE SYLLABUS.

13 (c) THE NAME OF THE PRIMARY INSTRUCTOR FOR THE COURSE, INCLUDING  
14 EITHER THE INSTRUCTOR'S CURRICULUM VITAE OR THE INSTRUCTOR'S RESUME AND A  
15 COMPLETE LIST OF THE INSTRUCTOR'S PUBLISHED WORK.

16 2. FOR EACH ACADEMIC UNIT, ALL OF THE FOLLOWING INFORMATION FOR THE  
17 CURRENT TERM ON THE HOME PAGE OF THE ACADEMIC UNIT'S WEBSITE:

18 (a) THE SYLLABUS FOR EACH COURSE THAT IS OFFERED BY THE ACADEMIC  
19 UNIT.

20 (b) THE NUMBER OF STUDENTS WHO ARE ENROLLED IN ONE OR MORE COURSES  
21 THAT ARE OFFERED BY THE ACADEMIC UNIT.

22 (c) FOR EACH INSTRUCTOR, THE NUMBER OF STUDENTS WHO ARE ENROLLED IN  
23 ONE OR MORE COURSES THAT ARE OFFERED BY THE ACADEMIC UNIT FOR WHICH THAT  
24 INSTRUCTOR IS THE PRIMARY INSTRUCTOR.

25 (d) THE NUMBER OF STUDENTS WHO ARE ENROLLED IN ONE OR MORE DEGREE  
26 PROGRAMS THAT ARE OFFERED BY THE ACADEMIC UNIT, DISAGGREGATED BY DEGREE  
27 PROGRAM.

28 (e) MEETING MINUTES OR OTHER RECORDS OF EACH SESSION OF A FACULTY  
29 MEETING, EXCLUDING RECORDS OF PERSONNEL MATTERS.

30 (f) ANY ANNOUNCEMENTS MADE FOR OR BY THE ACADEMIC UNIT'S FACULTY  
31 MEMBERS OR ADMINISTRATORS RELATING TO THE ACADEMIC UNIT'S OFFICIAL  
32 BUSINESS.

33 B. THE ARIZONA BOARD OF REGENTS SHALL ESTABLISH POLICIES AND  
34 PROCEDURES TO ENFORCE THE REQUIREMENTS OF THIS SECTION.

35 C. FOR THE PURPOSES OF THIS SECTION, "ACADEMIC UNIT" MEANS A  
36 COLLEGE, SCHOOL OR DEPARTMENT OPERATED BY A UNIVERSITY UNDER THE  
37 JURISDICTION OF THE ARIZONA BOARD OF REGENTS PURSUANT TO SECTION 15-1601,  
38 SUBSECTION B.

39 Sec. 2. Section 15-1626, Arizona Revised Statutes, is amended to  
40 read:

41 15-1626. General administrative powers and duties of board:  
42 definition

43 A. The ARIZONA board OF REGENTS shall:

44 1. Have and exercise the powers necessary for the effective  
45 governance and administration of the institutions under its control. To

1 that end, the board may adopt, and authorize each university to adopt,  
 2 such regulations, policies, rules or measures as are deemed necessary and  
 3 may delegate in writing to its committees, to its university presidents,  
 4 or their designees, or to other entities under its control any part of its  
 5 authority ~~for the administration~~ TO ADMINISTER and ~~governance of~~ GOVERN  
 6 such institutions, including those powers enumerated in section 15-1625,  
 7 subsection B, paragraphs 2 and 4, paragraphs 3, 4, 8, 9, 11 and 12 of this  
 8 subsection and subsection B of this section. THE BOARD MAY RESCIND any  
 9 delegation of authority ~~may be rescinded by the board~~ at any time in whole  
 10 or in part. ANY DELEGATION OF AUTHORITY DOES NOT LIMIT OR OTHERWISE  
 11 AFFECT THE BOARD'S RESPONSIBILITY TO FAITHFULLY EXECUTE ALL OF THE BOARD'S  
 12 DUTIES.

13 2. Appoint and employ and determine the compensation of presidents  
 14 with such power and authority and for such purposes in connection with the  
 15 operation of the institutions as the board deems necessary.

16 3. Appoint and employ and determine the compensation of  
 17 ~~vice-presidents~~ VICE PRESIDENTS, deans, professors, instructors,  
 18 lecturers, fellows and such other officers and employees with such power  
 19 and authority and for such purposes in connection with the operation of  
 20 the institutions as the board deems necessary, or delegate its authority  
 21 pursuant to paragraph 1 of this subsection.

22 4. Remove any officer or employee ~~when the interests of education~~  
 23 ~~in this state so require~~ in accordance with its personnel rules and  
 24 policies WHEN THE INTERESTS OF EDUCATION IN THIS STATE SO REQUIRE OR WHEN  
 25 THE OFFICER OR EMPLOYEE VIOLATES SUBSECTION B THIS SECTION.

26 5. Fix tuitions and fees to be charged and differentiate the  
 27 tuitions and fees between institutions and between residents,  
 28 nonresidents, undergraduate students, graduate students, students from  
 29 foreign countries and students who have earned credit hours in excess of  
 30 the credit hour threshold. For the purposes of this paragraph, the  
 31 undergraduate credit hour threshold is one hundred forty-five hours for  
 32 students who attend a university under the jurisdiction of the board. The  
 33 undergraduate credit hour threshold shall be based on the actual full-time  
 34 equivalent student enrollment counted on the forty-fifth day of every fall  
 35 and spring semester, divided by two, and any budget adjustment based on  
 36 student enrollment shall occur in the fiscal year following the actual  
 37 full-time equivalent student enrollment count. The undergraduate credit  
 38 hour threshold shall not apply to degree programs that require credit  
 39 hours above the credit hour threshold, credits earned in the pursuit of up  
 40 to two baccalaureate degrees, credits earned in the pursuit of up to two  
 41 state regulated licensures or certificates, credits earned in the pursuit  
 42 of teaching certification, credits transferred from a private institution  
 43 of higher education, credits transferred from an institution of higher  
 44 education in another state, credits earned at another institution of  
 45 higher education but that are not accepted as transfer credits at the

1 university where the student is currently enrolled and credits earned by  
 2 students who enroll at a university under the jurisdiction of the board  
 3 more than twenty-four months after the end of that student's previous  
 4 enrollment at a public institution of higher education in this state. On  
 5 or before October 15 of each year, the board shall report to the joint  
 6 legislative budget committee the number of in-state students and  
 7 out-of-state students who were enrolled at universities under the  
 8 jurisdiction of the board during the previous fiscal year and who met or  
 9 exceeded the undergraduate credit hour threshold prescribed in this  
 10 paragraph. The amount of tuition and fees included in the operating  
 11 budget for the university adopted by the board as prescribed in paragraph  
 12 13 of this subsection shall be subject to legislative appropriation and  
 13 deposited in a separate tuition and fees subaccount for each university.  
 14 All other tuition and fee revenue shall be retained by each university for  
 15 expenditure as approved by the board in a separate local tuition and fees  
 16 subaccount for each university. This subaccount shall consist of only  
 17 tuition and fees. The universities shall not use any tuition or fee  
 18 revenue to fund or support an alumni association.

19 6. Adopt rules to govern ~~its~~ THE BOARD'S tuition and academic fee  
 20 setting process that provide for the following:

21 (a) At least one public hearing at each university as an  
 22 opportunity for students and members of the public to comment on any  
 23 proposed increase in tuition or fees.

24 (b) Publication of the notice of public hearing at least ten days  
 25 before the hearing in a newspaper of general circulation in Maricopa  
 26 county, Coconino county and Pima county. The notice shall include the  
 27 date, time and location of the public hearing.

28 (c) Public disclosure by each university of any proposed increases  
 29 in tuition or fees at least ten days before the public hearing.

30 (d) A roll call vote of any final board action on changes in  
 31 tuition, including tuition rate changes for online programs, or academic  
 32 fees.

33 (e) Public disclosure by the board and each university of any final  
 34 board action on changes in tuition or academic fees.

35 7. Pursuant to section 35-115, submit a budget request for each  
 36 institution under ~~its~~ THE BOARD'S jurisdiction that includes the estimated  
 37 tuition and fee revenue available to support the programs of the  
 38 institution as described in the budget request. The estimated available  
 39 tuition and fee revenue shall be based on the tuition and registration fee  
 40 rates in effect at the time the budget request is submitted with  
 41 adjustments for projected changes in enrollment as provided by the board.

42 8. Establish curricula and designate courses at the several  
 43 institutions that in ~~its~~ THE BOARD'S judgment will best serve the  
 44 interests of this state.

1           9. Award such degrees and diplomas on the completion of such  
2 courses and curriculum requirements as ~~its~~ THE BOARD deems appropriate.

3           10. Prescribe qualifications for admission of all students to the  
4 universities. The board shall establish policies for guaranteed admission  
5 that ensure fair and equitable access to students in this state from  
6 public, private and charter schools and homeschools. For the purpose of  
7 determining the qualifications of honorably discharged veterans, veterans  
8 are those persons who served in the armed forces for a minimum of two  
9 years and who were previously enrolled at a university or community  
10 college in this state. ~~No~~ Prior failing grades received by the veteran at  
11 the university or community college in this state may NOT be considered.

12           11. Adopt any energy conservation standards adopted by the  
13 department of administration for the construction of new buildings.

14           12. Employ for such time and purposes as the board requires  
15 attorneys whose compensation shall be fixed and paid by the board.  
16 Litigation to which the board is a party and for which self-insurance is  
17 not provided may be compromised or settled at the direction of the board.

18           13. Adopt annually an operating budget for each university equal to  
19 the sum of appropriated STATE general fund monies and the amount of  
20 tuition and fees approved by the board and allocated to each university  
21 operating budget.

22           14. In consultation with the state board of education and other  
23 education groups, develop and implement a program to award honors  
24 endorsements to be affixed to the high school diplomas of qualifying high  
25 school pupils and to be included in the transcripts of pupils who are  
26 awarded endorsements. The board shall develop application procedures and  
27 testing criteria and adopt testing instruments and procedures to  
28 administer the program. In order to receive an honors endorsement, a  
29 pupil must demonstrate an extraordinary level of knowledge, skill and  
30 competency as measured by the testing instruments adopted by the board in  
31 mathematics, English, science and social studies. Additional subjects may  
32 be added at the determination of the board. The program is voluntary for  
33 pupils AND MUST BE AVAILABLE FOR PUPILS WHO ARE ENROLLED IN A SCHOOL  
34 DISTRICT, CHARTER SCHOOL OR PRIVATE SCHOOL IN THIS STATE.

35           15. Require the publisher of each literary and nonliterary textbook  
36 used in the universities of this state to furnish to the Arizona board of  
37 regents computer software in a standardized format when software becomes  
38 available for nonliterary textbooks from which braille versions of the  
39 textbooks may be produced.

40           16. Require universities that provide a degree in education to  
41 require courses that are necessary to obtain a provisional structured  
42 English immersion endorsement as prescribed by the state board of  
43 education.

1 17. Acquire United States flags for each classroom that are  
2 manufactured in the United States and that are at least two feet by three  
3 feet and hardware to appropriately display the United States flags,  
4 acquire a legible copy of the Constitution of the United States and the  
5 Bill of Rights, display the flags in each classroom in accordance with  
6 title 4 of the United States Code and display a legible copy of the  
7 Constitution of the United States and the Bill of Rights adjacent to the  
8 flag.

9 18. REQUIRE EACH INSTITUTION UNDER THE BOARD'S JURISDICTION TO  
10 ANNUALLY SUBMIT A REPORT DEMONSTRATING THE INSTITUTION'S COMPLIANCE WITH  
11 PARAGRAPH 17 OF THIS SUBSECTION.

12 ~~18.~~ 19. To facilitate the transfer of military personnel and their  
13 dependents to and from the public schools of this state, pursue, in  
14 cooperation with the state board of education, reciprocity agreements with  
15 other states concerning the transfer credits for military personnel and  
16 their dependents. A reciprocity agreement entered into pursuant to this  
17 paragraph shall:

18 (a) Address procedures for each of the following:

19 (i) The transfer of student records.

20 (ii) Awarding credit for completed coursework.

21 (iii) Permitting a student to satisfy the graduation requirements  
22 prescribed in section 15-701.01 through the successful performance on  
23 comparable exit-level assessment instruments administered in another  
24 state.

25 (b) Include appropriate criteria developed by the state board of  
26 education and the Arizona board of regents.

27 ~~19.~~ 20. Require a university to publicly post notices of all of  
28 ~~its~~ THE UNIVERSITY'S employment openings, including the title and  
29 description, instructions for applying and relevant contact information.

30 ~~20.~~ 21. In consultation with the community college districts in  
31 this state, develop and implement common equivalencies for specific levels  
32 of achievement on advanced placement examinations and international  
33 baccalaureate examinations in order to award commensurate postsecondary  
34 academic credits at community colleges and public universities in this  
35 state.

36 ~~21.~~ 22. On or before August 1 of each year, report to the joint  
37 legislative budget committee the graduation rate by university campus  
38 during the previous fiscal year. The board shall also report the  
39 retention rate by university campus and by class, as determined by date of  
40 entry during the previous fiscal year.

41 B. The board shall adopt personnel policies for all employees of  
42 the board and the universities. THE POLICIES ADOPTED PURSUANT TO THIS  
43 SUBSECTION SHALL:

44 1. REQUIRE ALL OFFICERS AND EMPLOYEES OF THE BOARD AND OF THE  
45 UNIVERSITIES TO PROTECT THE RIGHTS OF STUDENTS, ADMINISTRATORS, FACULTY

1 MEMBERS AND OTHER EMPLOYEES UNDER THE FIRST AND FOURTEENTH AMENDMENTS TO  
2 THE CONSTITUTION OF THE UNITED STATES AND ARTICLE II, SECTION 6 OF THE  
3 CONSTITUTION OF ARIZONA.

4 2. PROHIBIT THE PRESIDENT, ADMINISTRATORS, FACULTY MEMBERS AND  
5 OTHER EMPLOYEES OF EACH INSTITUTION FROM RETALIATING AGAINST ANY  
6 INDIVIDUAL, INCLUDING AN ADMINISTRATOR, FACULTY MEMBER, EMPLOYEE OR  
7 STUDENT, FOR EXERCISING THE RIGHTS PROTECTED PURSUANT TO PARAGRAPH 1 OF  
8 THIS SUBSECTION.

9 3. THE BOARD SHALL REQUIRE THE PRESIDENT OF EACH INSTITUTION UNDER  
10 THE JURISDICTION OF THE BOARD TO ADOPT POLICIES AND PROCEDURES TO ENFORCE  
11 THE REQUIREMENTS PRESCRIBED BY PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.

12 C. In conjunction with the auditor general, the board shall develop  
13 a uniform accounting and reporting system, which shall be reviewed by the  
14 joint legislative budget committee before final adoption by the board.  
15 The board shall require each university to comply with the uniform  
16 accounting and reporting system.

17 D. The board may employ legal assistance in procuring loans for the  
18 institutions from the United States government. Fees or compensation paid  
19 for such legal assistance shall not be a claim on the STATE general fund  
20 ~~of this state~~ but shall be paid from funds of the institutions.

21 E. The board shall approve or disapprove any contract or agreement  
22 entered into by the university of Arizona hospital with the Arizona  
23 industrial development authority.

24 F. The board may adopt policies that authorize the institutions  
25 under its jurisdiction to enter into employment contracts with nontenured  
26 employees for periods of more than one year but not more than five years.  
27 The policies shall prescribe ~~limitations~~ LIMITS on the authority of the  
28 institutions to enter into employment contracts for periods of more than  
29 one year but not more than five years, including the requirement that the  
30 board approve the contracts.

31 G. The board may adopt a plan or plans for employee benefits that  
32 allow for participation in a cafeteria plan that meets the requirements of  
33 the United States internal revenue code of 1986.

34 H. The board may establish a program for the exchange of students  
35 between the universities under the jurisdiction of the board and colleges  
36 and universities located in the state of Sonora, Mexico. Notwithstanding  
37 subsection A, paragraph 5 of this section, the program may provide for  
38 in-state tuition at the universities under the jurisdiction of the board  
39 for fifty Sonoran students in exchange for similar tuition provisions for  
40 up to fifty Arizona students enrolled or seeking enrollment in Sonoran  
41 colleges or universities. The board may direct the universities to work  
42 in conjunction with the Arizona-Mexico commission to coordinate  
43 recruitment and admissions activities.

44 I. The Arizona board of regents, in collaboration with the  
45 universities under its jurisdiction, shall adopt a performance funding

1 model. The performance funding model shall use performance metrics that  
2 include the increase in degrees awarded, the increase in completed student  
3 credit hours and the increase in externally generated research and public  
4 service funding. The funding formula may give added weight to degrees  
5 related to science, technology, engineering and mathematics and other  
6 high-value degrees that are in short supply or that are essential to this  
7 state's long-term economic development strategy.

8 J. The Arizona board of regents shall use the performance funding  
9 model adopted pursuant to subsection I of this section in developing and  
10 submitting budget requests for the universities under its jurisdiction.

11 K. On or before November 1 of each year, the Arizona board of  
12 regents shall submit to the joint legislative budget committee and the  
13 governor's office of strategic planning and budgeting a report on  
14 university debt and obligations, including:

- 15 1. Long-term notes and obligations.
- 16 2. Certificates of participation and other obligations pursuant to  
17 any lease-purchase agreements.
- 18 3. Revenue bonds.
- 19 4. Bonds issued pursuant to section 15-1682.03.
- 20 5. Commercial paper issued pursuant to section 15-1696.

21 L. The report issued pursuant to subsection K of this section shall  
22 contain, for the most recent fiscal year:

- 23 1. The aggregate level of outstanding principal and the principal  
24 and interest payments, by type of debt or obligation.
- 25 2. An itemization, by campus and project, of the amount of yearly  
26 principal and interest to be paid in the most recent and the next five  
27 fiscal years.

28 M. The board may enter into an intergovernmental agreement pursuant  
29 to section 15-1747 to manage universities under its jurisdiction subject  
30 to the terms of the reciprocity agreement.

31 N. For the purposes of this section, "university debt and  
32 obligations" means debt and obligations, the principal and interest of  
33 which are paid in whole or in part with university monies.

34 Sec. 3. Heading change

35 The article heading of title 15, chapter 14, article 6, Arizona  
36 Revised Statutes, is changed from "STUDENTS' RIGHTS" to "STUDENTS' AND  
37 EMPLOYEES' RIGHTS".

38 Sec. 4. Section 15-1866, Arizona Revised Statutes, is amended to  
39 read:

40 15-1866. Free expression policy; rules; Arizona board of  
41 regents; community college district governing  
42 boards; publishing and posting

43 A. The Arizona board of regents and each community college district  
44 governing board shall develop and adopt ~~a~~ AN ENFORCEABLE policy on free



1 expression that contains at least the following statements and  
2 requirements:

3 1. The primary function of an institution of higher education is  
4 the discovery, improvement, transmission and dissemination of knowledge by  
5 means of research, teaching, discussion and debate. This statement shall  
6 provide that, to fulfill this function, the university or community  
7 college must strive to ensure the fullest degree of intellectual freedom  
8 and free expression.

9 2. It is not the proper role of an institution of higher education  
10 to shield individuals from speech protected by the first amendment,  
11 including, without limitation, ideas and opinions that may be unwelcome,  
12 disagreeable or deeply offensive.

13 3. Students and faculty members have the freedom to discuss any  
14 problem that presents itself, as the first amendment allows and within the  
15 limits of reasonable ~~viewpoint~~ VIEWPOINT-NEUTRAL and content-neutral  
16 restrictions on time, place and manner of expression that are consistent  
17 with this article ~~and that are necessary to achieve a compelling~~  
18 ~~institutional interest~~ if these restrictions are clear, are published and  
19 provide ample alternative means of expression. This statement shall  
20 specify that students and faculty members may assemble and engage in  
21 spontaneous expressive activities WITHOUT PENALTY OR RETALIATION if those  
22 activities are not unlawful and do not materially and substantially  
23 disrupt the functioning of the university or community college.

24 4. There is a range of disciplinary actions for a student who is  
25 subject to the jurisdiction of a university or community college and who  
26 engages in individual conduct that materially and substantially infringes  
27 on the rights of other persons to engage in or listen to expressive  
28 activity.

29 5. THERE IS A RANGE OF DISCIPLINARY ACTIONS FOR AN ADMINISTRATOR,  
30 FACULTY MEMBER OR OTHER EMPLOYEE WHO IS SUBJECT TO THE JURISDICTION OF A  
31 UNIVERSITY OR COMMUNITY COLLEGE AND WHO ENGAGES IN INDIVIDUAL CONDUCT THAT  
32 MATERIALLY AND SUBSTANTIALLY INFRINGES ON THE RIGHTS OF OTHER PERSONS TO  
33 ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY. ANY INVESTIGATION OF THE  
34 CONDUCT OF AN ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE THAT ALLEGEDLY  
35 MATERIALLY AND SUBSTANTIALLY INFRINGES ON THE RIGHTS OF OTHER PERSONS TO  
36 ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY IS SUBJECT TO THE FOLLOWING  
37 REQUIREMENTS:

38 (a) A UNIVERSITY OR COMMUNITY COLLEGE MAY NOT INVESTIGATE THE  
39 ALLEGATIONS UNTIL AFTER THE UNIVERSITY OR COMMUNITY COLLEGE HAS NOTIFIED  
40 THE ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE WHO IS SUBJECT TO  
41 INVESTIGATION ABOUT THE SPECIFIC ALLEGATIONS AND HAS GIVEN THE  
42 ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE A REASONABLE OPPORTUNITY TO  
43 RESPOND TO THE ALLEGATIONS.

44 (b) THE PERSON RESPONSIBLE FOR AN INVESTIGATION PURSUANT TO THIS  
45 PARAGRAPH SHALL DISCLOSE ALL CONCLUSIONS AND RECOMMENDATIONS RELATING TO

1 THE INVESTIGATION TO THE ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE WHO IS  
2 THE SUBJECT OF THE INVESTIGATION BEFORE SUBMITTING THE FINAL REPORT AND  
3 RECOMMENDATIONS TO THE UNIVERSITY OR COMMUNITY COLLEGE.

4 (c) THE FINAL REPORT AND RECOMMENDATIONS FOR AN INVESTIGATION  
5 PURSUANT TO THIS PARAGRAPH MUST INCLUDE ANY RESPONSE THAT THE UNIVERSITY  
6 OR COMMUNITY COLLEGE RECEIVED FROM THE ADMINISTRATOR, FACULTY MEMBER OR  
7 EMPLOYEE WHO IS THE SUBJECT OF THE INVESTIGATION PURSUANT TO SUBDIVISION  
8 (a) OF THIS PARAGRAPH OR THAT THE ADMINISTRATOR, FACULTY MEMBER OR  
9 EMPLOYEE SUBMITTED IN RESPONSE TO THE CONCLUSIONS AND RECOMMENDATIONS  
10 DISCLOSED PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH.

11 ~~5.~~ 6. In all disciplinary proceedings involving students,  
12 ADMINISTRATORS, FACULTY MEMBERS OR OTHER EMPLOYEES, including proceedings  
13 involving expressive conduct, ~~a student~~ THE INDIVIDUAL WHO IS SUBJECT TO  
14 DISCIPLINE is entitled to a disciplinary hearing under published  
15 procedures that include, at a minimum, all of the following:

16 (a) The right to receive ~~advanced~~ ADVANCE written notice of the  
17 allegations.

18 (b) The right to review the evidence in support of the allegations.

19 (c) The right to confront witnesses who testify against that  
20 ~~student~~ INDIVIDUAL.

21 (d) The right to present a defense.

22 (e) The right to call witnesses.

23 (f) A decision by an impartial person or panel.

24 (g) The right to appeal.

25 (h) THE RIGHT TO ACTIVE ASSISTANCE OF COUNSEL if ~~either a~~  
26 ~~suspension of more than thirty days or expulsion~~ ANY OF THE FOLLOWING is a  
27 potential consequence of a disciplinary proceeding under this section, ~~the~~  
28 ~~right to active assistance of counsel~~:

29 (i) SUSPENSION OF THE INDIVIDUAL FOR MORE THAN THIRTY DAYS.

30 (ii) EXPULSION OF A STUDENT.

31 (iii) TERMINATION OF EMPLOYMENT OF AN ADMINISTRATOR, FACULTY MEMBER  
32 OR OTHER EMPLOYEE.

33 B. ~~It is the sense of the legislature that~~ If a student,  
34 ADMINISTRATOR, FACULTY MEMBER OR OTHER EMPLOYEE has repeatedly been  
35 determined to have engaged in individual conduct that materially and  
36 substantially infringes on the rights of other persons to engage in or  
37 listen to expressive activity, a punishment of suspension, ~~or~~ expulsion OR  
38 TERMINATION OF EMPLOYMENT from the university or community college may be  
39 appropriate.

40 C. This section supersedes any previous policies of a university or  
41 community college that restrict speech on campuses and that are  
42 inconsistent with the statements and requirements prescribed in this  
43 section. Each university and community college shall remove or revise any  
44 provisions in its policies or rules in order to comply with this section.

1 D. THE ARIZONA BOARD OF REGENTS AND EACH COMMUNITY COLLEGE DISTRICT  
2 GOVERNING BOARD SHALL:

3 1. PUBLISH ALL POLICIES, REGULATIONS AND OTHER MATERIALS THAT  
4 DESCRIBE THE RIGHTS AND RESPONSIBILITIES OF STUDENTS, ADMINISTRATORS,  
5 FACULTY MEMBERS AND OTHER EMPLOYEES RELATING TO FREE EXPRESSION ON CAMPUS,  
6 CONSISTENT WITH THIS SECTION AND THE POLICIES AND PROCEDURES ADOPTED  
7 PURSUANT TO SECTION 15-1626, SUBSECTION B. THE PUBLICATION REQUIRED BY  
8 THIS PARAGRAPH INCLUDES PUBLICATION ON WEBSITES AND IN ALL HANDBOOKS AND  
9 ORIENTATION PROGRAM MATERIALS FOR STUDENTS AND EMPLOYEES OF THE ARIZONA  
10 BOARD OF REGENTS, EACH INSTITUTION UNDER THE JURISDICTION OF THE ARIZONA  
11 BOARD OF REGENTS AND EACH COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

12 2. DEVELOP MATERIALS, PROGRAMS AND PROCEDURES TO ENSURE THAT ANY  
13 INDIVIDUAL WHO HAS DISCIPLINARY AUTHORITY UNDERSTANDS THE POLICIES,  
14 REGULATIONS AND OTHER MATERIALS PUBLISHED PURSUANT TO PARAGRAPH 1 OF THIS  
15 SUBSECTION AND UNDERSTANDS THE UNIVERSITY'S OR COMMUNITY COLLEGE'S  
16 RESPONSIBILITIES RELATING TO FREE EXPRESSION ON CAMPUS. FOR THE PURPOSES  
17 OF THIS PARAGRAPH, "INDIVIDUAL WHO HAS DISCIPLINARY AUTHORITY" INCLUDES  
18 ADMINISTRATORS, CAMPUS POLICE OFFICERS, INDIVIDUALS WHO ARE RESPONSIBLE  
19 FOR MAINTAINING ORDER IN A SHARED STUDENT HOUSING SETTING UNDER THE  
20 JURISDICTION OF THE UNIVERSITY OR COMMUNITY COLLEGE AND ANY INDIVIDUAL WHO  
21 PROVIDES INSTRUCTION TO STUDENTS OR TO SCHOOL EMPLOYEES.

22 ~~D.~~ E. The Arizona board of regents and each community college  
23 district governing board may adopt rules to further the purposes of the  
24 policy adopted pursuant to subsection A of this section. This section  
25 does not prevent universities and community colleges from regulating  
26 ~~student~~ speech or activity that is prohibited by law. Except as otherwise  
27 provided by this article, universities and community colleges may restrict  
28 student, ADMINISTRATOR, FACULTY MEMBER OR OTHER EMPLOYEE expression only  
29 for expressive activity that is not protected by the first amendment of  
30 the United States Constitution, including:

31 1. A violation of state or federal law.

32 2. An expression that a court has deemed unprotected defamation.

33 3. Harassment. For the purposes of this paragraph, "harassment"  
34 means only that expression that is so severe, pervasive and subjectively  
35 and objectively offensive that it unreasonably interferes with an  
36 individual's access to educational opportunities or benefits provided by  
37 the university or community college.

38 4. A true threat. For the purposes of this paragraph, "true  
39 threat" means a statement that is meant by the speaker to communicate a  
40 serious expression of an intent to commit an act of unlawful violence  
41 against a particular person or a group of persons.

42 5. An unjustifiable invasion of privacy or confidentiality that  
43 does not involve a matter of public concern.

44 6. An action that unlawfully disrupts the function of the  
45 university or community college.