

Senate Engrossed

ABOR; postsecondary institutions; policies

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

SENATE BILL 1304

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. BEFORE CLASSES BEGIN FOR ANY TERM, EACH ACADEMIC UNIT SHALL
7 PROMINENTLY POST ON THE ACADEMIC UNIT'S WEBSITE, COURSE DIRECTORY AND ANY
8 OTHER PLACE WHERE COURSES ARE PUBLICLY LISTED THE FOLLOWING INFORMATION
9 FOR EACH COURSE OFFERED BY THE ACADEMIC UNIT PURSUANT TO SECTION 15-1601,
10 SUBSECTION B OR SECTION 15-1626, SUBSECTION A, PARAGRAPH 8:

11 1. THE TITLE OF THE COURSE.

12 2. THE CURRENT COURSE SYLLABUS. THE SYLLABUS SHALL INCLUDE A
13 COMPREHENSIVE LIST OF ALL MATERIALS AND RESOURCES THAT STUDENTS WILL
14 REVIEW IN THE COURSE, INCLUDING BOOKS, EXCERPTS FROM BOOKS, ARTICLES,
15 RESEARCH PAPERS, WRITTEN WORKS THAT ARE PROVIDED IN AN ELECTRONIC FORMAT,
16 VIDEOS AND MOVIES. THE SYLLABUS SHALL INCLUDE AT LEAST ONE OF THE
17 FOLLOWING FOR EACH ITEM THAT IS INCLUDED IN THE LIST:

18 (a) FOR AN ITEM THAT IS PROVIDED ONLINE, THE WEBSITE ADDRESS AND
19 VERSION OR EDITION OF THE ITEM THAT STUDENTS WILL REVIEW IN THE COURSE.

20 (b) THE TITLE, AUTHOR, VERSION OR EDITION, PUBLISHER AND
21 PUBLICATION DATE FOR THE ITEM THAT STUDENTS WILL REVIEW IN THE COURSE.

22 (c) AS ALLOWED BY STATE OR FEDERAL LAW, A COPY OF THE ITEM THAT
23 STUDENTS WILL REVIEW IN THE COURSE.

24 3. THE NAME OF THE PRIMARY INSTRUCTOR FOR THE COURSE, INCLUDING
25 EITHER THE INSTRUCTOR'S CURRICULUM VITAE OR THE INSTRUCTOR'S RESUME AND A
26 COMPLETE LIST OF THE INSTRUCTOR'S PUBLISHED WORK. THE INSTRUCTOR SHALL
27 ANNUALLY UPDATE THE CURRICULUM VITAE OR RESUME AND THE LIST OF PUBLISHED
28 WORK THAT IS REQUIRED PURSUANT TO THIS PARAGRAPH.

29 B. IF AN ACADEMIC UNIT FAILS TO SATISFY EACH REQUIREMENT PRESCRIBED
30 IN SUBSECTION A OF THIS SECTION FOR ANY COURSE THAT IS OFFERED BY THE
31 ACADEMIC UNIT, THE ACADEMIC UNIT MAY NOT DO EITHER OF THE FOLLOWING:

32 1. INCLUDE THE COURSE ON THE ACADEMIC UNIT'S WEBSITE OR COURSE
33 DIRECTORY OR ANY OTHER PLACE WHERE COURSES ARE PUBLICLY LISTED.

34 2. ALLOW ANY STUDENT TO ENROLL IN THE COURSE.

35 C. THE ARIZONA BOARD OF REGENTS SHALL ESTABLISH POLICIES AND
36 PROCEDURES TO ENFORCE THE REQUIREMENTS OF THIS SECTION.

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

1 hour threshold shall not apply to degree programs that require credit
2 hours above the credit hour threshold, credits earned in the pursuit of up
3 to two baccalaureate degrees, credits earned in the pursuit of up to two
4 state regulated licensures or certificates, credits earned in the pursuit
5 of teaching certification, credits transferred from a private institution
6 of higher education, credits transferred from an institution of higher
7 education in another state, credits earned at another institution of
8 higher education but that are not accepted as transfer credits at the
9 university where the student is currently enrolled and credits earned by
10 students who enroll at a university under the jurisdiction of the board
11 more than twenty-four months after the end of that student's previous
12 enrollment at a public institution of higher education in this state. On
13 or before October 15 of each year, the board shall report to the joint
14 legislative budget committee the number of in-state students and
15 out-of-state students who were enrolled at universities under the
16 jurisdiction of the board during the previous fiscal year and who met or
17 exceeded the undergraduate credit hour threshold prescribed in this
18 paragraph. The amount of tuition and fees included in the operating
19 budget for the university adopted by the board as prescribed in paragraph
20 13 of this subsection shall be subject to legislative appropriation and
21 deposited in a separate tuition and fees subaccount for each university.
22 All other tuition and fee revenue shall be retained by each university for
23 expenditure as approved by the board in a separate local tuition and fees
24 subaccount for each university. This subaccount shall consist of only
25 tuition and fees. The universities shall not use any tuition or fee
26 revenue to fund or support an alumni association.

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

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

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

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

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

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

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

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

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

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

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

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

28 13. Adopt annually an operating budget for each university equal to
29 the sum of appropriated STATE general fund monies and the amount of
30 tuition and fees approved by the board and allocated to each university
31 operating budget.

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

1 15. Require the publisher of each literary and nonliterary textbook
2 used in the universities of this state to furnish to the Arizona board of
3 regents computer software in a standardized format when software becomes
4 available for nonliterary textbooks from which braille versions of the
5 textbooks may be produced.

6 16. Require universities that provide a degree in education to
7 require courses that are necessary to obtain a provisional structured
8 English immersion endorsement as prescribed by the state board of
9 education.

10 17. Acquire United States flags for each classroom that are
11 manufactured in the United States and that are at least two feet by three
12 feet and hardware to appropriately display the United States flags,
13 acquire a legible copy of the Constitution of the United States and the
14 Bill of Rights, display the flags in each classroom in accordance with
15 title 4 of the United States Code and display a legible copy of the
16 Constitution of the United States and the Bill of Rights adjacent to the
17 flag.

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

21 ~~18.~~ 19. To facilitate the transfer of military personnel and their
22 dependents to and from the public schools of this state, pursue, in
23 cooperation with the state board of education, reciprocity agreements with
24 other states concerning the transfer credits for military personnel and
25 their dependents. A reciprocity agreement entered into pursuant to this
26 paragraph shall:

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

28 (i) The transfer of student records.

29 (ii) Awarding credit for completed coursework.

30 (iii) Permitting a student to satisfy the graduation requirements
31 prescribed in section 15-701.01 through the successful performance on
32 comparable exit-level assessment instruments administered in another
33 state.

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

36 ~~19.~~ 20. Require a university to publicly post notices of all of
37 ~~its~~ THE UNIVERSITY'S employment openings, including the title and
38 description, instructions for applying and relevant contact information.

39 ~~20.~~ 21. In consultation with the community college districts in
40 this state, develop and implement common equivalencies for specific levels
41 of achievement on advanced placement examinations and international
42 baccalaureate examinations in order to award commensurate postsecondary
43 academic credits at community colleges and public universities in this
44 state.

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

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

9 1. REQUIRE ALL OFFICERS AND EMPLOYEES OF THE BOARD AND OF THE
10 UNIVERSITIES TO PROTECT THE RIGHTS OF STUDENTS, ADMINISTRATORS, FACULTY
11 MEMBERS AND OTHER EMPLOYEES UNDER THE FIRST AND FOURTEENTH AMENDMENTS TO
12 THE CONSTITUTION OF THE UNITED STATES AND ARTICLE II, SECTION 6 OF THE
13 CONSTITUTION OF ARIZONA.

14 2. PROHIBIT THE PRESIDENT, ADMINISTRATORS, FACULTY MEMBERS AND
15 OTHER EMPLOYEES OF EACH INSTITUTION FROM RETALIATING AGAINST ANY
16 INDIVIDUAL, INCLUDING AN ADMINISTRATOR, FACULTY MEMBER, EMPLOYEE OR
17 STUDENT, FOR EXERCISING THE RIGHTS PROTECTED PURSUANT TO PARAGRAPH 1 OF
18 THIS SUBSECTION.

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

22 C. In conjunction with the auditor general, the board shall develop
23 a uniform accounting and reporting system, which shall be reviewed by the
24 joint legislative budget committee before final adoption by the board.
25 The board shall require each university to comply with the uniform
26 accounting and reporting system.

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

31 E. The board shall approve or disapprove any contract or agreement
32 entered into by the university of Arizona hospital with the Arizona
33 industrial development authority.

34 F. The board may adopt policies that authorize the institutions
35 under its jurisdiction to enter into employment contracts with nontenured
36 employees for periods of more than one year but not more than five years.
37 The policies shall prescribe ~~limitations~~ LIMITS on the authority of the
38 institutions to enter into employment contracts for periods of more than
39 one year but not more than five years, including the requirement that the
40 board approve the contracts.

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

1 H. The board may establish a program for the exchange of students
2 between the universities under the jurisdiction of the board and colleges
3 and universities located in the state of Sonora, Mexico. Notwithstanding
4 subsection A, paragraph 5 of this section, the program may provide for
5 in-state tuition at the universities under the jurisdiction of the board
6 for fifty Sonoran students in exchange for similar tuition provisions for
7 up to fifty Arizona students enrolled or seeking enrollment in Sonoran
8 colleges or universities. The board may direct the universities to work
9 in conjunction with the Arizona-Mexico commission to coordinate
10 recruitment and admissions activities.

11 I. The Arizona board of regents, in collaboration with the
12 universities under its jurisdiction, shall adopt a performance funding
13 model. The performance funding model shall use performance metrics that
14 include the increase in degrees awarded, the increase in completed student
15 credit hours and the increase in externally generated research and public
16 service funding. The funding formula may give added weight to degrees
17 related to science, technology, engineering and mathematics and other
18 high-value degrees that are in short supply or that are essential to this
19 state's long-term economic development strategy.

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

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

- 27 1. Long-term notes and obligations.
- 28 2. Certificates of participation and other obligations pursuant to
29 any lease-purchase agreements.
- 30 3. Revenue bonds.
- 31 4. Bonds issued pursuant to section 15-1682.03.
- 32 5. Commercial paper issued pursuant to section 15-1696.

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

- 35 1. The aggregate level of outstanding principal and the principal
36 and interest payments, by type of debt or obligation.
- 37 2. An itemization, by campus and project, of the amount of yearly
38 principal and interest to be paid in the most recent and the next five
39 fiscal years.

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

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

4 Sec. 3. Heading change

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

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

10 15-1866. Free expression policy; rules; Arizona board of
11 regents; community college district governing
12 boards; publishing and posting

13 A. The Arizona board of regents and each community college district
14 governing board shall develop and adopt ~~a~~ AN ENFORCEABLE policy on free
15 expression that contains at least the following statements and
16 requirements:

17 1. The primary function of an institution of higher education is
18 the discovery, improvement, transmission and dissemination of knowledge by
19 means of research, teaching, discussion and debate. This statement shall
20 provide that, to fulfill this function, the university or community
21 college must strive to ensure the fullest degree of intellectual freedom
22 and free expression.

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

27 3. Students and faculty members have the freedom to discuss any
28 problem that presents itself, as the first amendment allows and within the
29 limits of reasonable ~~viewpoint~~ VIEWPOINT-NEUTRAL and content-neutral
30 restrictions on time, place and manner of expression that are consistent
31 with this article ~~and that are necessary to achieve a compelling~~
32 ~~institutional interest~~ if these restrictions are clear, are published and
33 provide ample alternative means of expression. This statement shall
34 specify that students and faculty members may assemble and engage in
35 spontaneous expressive activities WITHOUT PENALTY OR RETALIATION if those
36 activities are not unlawful and do not materially and substantially
37 disrupt the functioning of the university or community college.

38 4. There is a range of disciplinary actions for a student who is
39 subject to the jurisdiction of a university or community college and who
40 engages in individual conduct that materially and substantially infringes
41 on the rights of other persons to engage in or listen to expressive
42 activity.

1 5. THERE IS A RANGE OF DISCIPLINARY ACTIONS FOR AN ADMINISTRATOR,
2 FACULTY MEMBER OR OTHER EMPLOYEE WHO IS SUBJECT TO THE JURISDICTION OF A
3 UNIVERSITY OR COMMUNITY COLLEGE AND WHO ENGAGES IN INDIVIDUAL CONDUCT THAT
4 MATERIALLY AND SUBSTANTIALLY INFRINGES ON THE RIGHTS OF OTHER PERSONS TO
5 ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY. ANY INVESTIGATION OF THE
6 CONDUCT OF AN ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE THAT ALLEGEDLY
7 MATERIALLY AND SUBSTANTIALLY INFRINGES ON THE RIGHTS OF OTHER PERSONS TO
8 ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY IS SUBJECT TO THE FOLLOWING
9 REQUIREMENTS:

10 (a) A UNIVERSITY OR COMMUNITY COLLEGE MAY NOT INVESTIGATE THE
11 ALLEGATIONS UNTIL AFTER THE UNIVERSITY OR COMMUNITY COLLEGE HAS NOTIFIED
12 THE ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE WHO IS SUBJECT TO
13 INVESTIGATION ABOUT THE SPECIFIC ALLEGATIONS AND HAS GIVEN THE
14 ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE A REASONABLE OPPORTUNITY TO
15 RESPOND TO THE ALLEGATIONS.

16 (b) THE PERSON RESPONSIBLE FOR AN INVESTIGATION PURSUANT TO THIS
17 PARAGRAPH SHALL DISCLOSE ALL CONCLUSIONS AND RECOMMENDATIONS RELATING TO
18 THE INVESTIGATION TO THE ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE WHO IS
19 THE SUBJECT OF THE INVESTIGATION BEFORE SUBMITTING THE FINAL REPORT AND
20 RECOMMENDATIONS TO THE UNIVERSITY OR COMMUNITY COLLEGE.

21 (c) THE FINAL REPORT AND RECOMMENDATIONS FOR AN INVESTIGATION
22 PURSUANT TO THIS PARAGRAPH MUST INCLUDE ANY RESPONSE THAT THE UNIVERSITY
23 OR COMMUNITY COLLEGE RECEIVED FROM THE ADMINISTRATOR, FACULTY MEMBER OR
24 EMPLOYEE WHO IS THE SUBJECT OF THE INVESTIGATION PURSUANT TO SUBDIVISION
25 (a) OF THIS PARAGRAPH OR THAT THE ADMINISTRATOR, FACULTY MEMBER OR
26 EMPLOYEE SUBMITTED IN RESPONSE TO THE CONCLUSIONS AND RECOMMENDATIONS
27 DISCLOSED PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH.

28 ~~5.~~ 6. In all disciplinary proceedings involving students,
29 ADMINISTRATORS, FACULTY MEMBERS OR OTHER EMPLOYEES, including proceedings
30 involving expressive conduct, ~~a student~~ THE INDIVIDUAL WHO IS SUBJECT TO
31 DISCIPLINE is entitled to a disciplinary hearing under published
32 procedures that include, at a minimum, all of the following:

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

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

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

38 (d) The right to present a defense.

39 (e) The right to call witnesses.

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

41 (g) The right to appeal.

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

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

6 (ii) EXPULSION OF A STUDENT.

7 (iii) TERMINATION OF EMPLOYMENT OF AN ADMINISTRATOR, FACULTY MEMBER
8 OR OTHER EMPLOYEE.

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

16 C. This section supersedes any previous policies of a university or
17 community college that restrict speech on campuses and that are
18 inconsistent with the statements and requirements prescribed in this
19 section. Each university and community college shall remove or revise any
20 provisions in its policies or rules in order to comply with this section.

21 D. THE ARIZONA BOARD OF REGENTS AND EACH COMMUNITY COLLEGE DISTRICT
22 GOVERNING BOARD SHALL:

23 1. PUBLISH ALL POLICIES, REGULATIONS AND OTHER MATERIALS THAT
24 DESCRIBE THE RIGHTS AND RESPONSIBILITIES OF STUDENTS, ADMINISTRATORS,
25 FACULTY MEMBERS AND OTHER EMPLOYEES RELATING TO FREE EXPRESSION ON CAMPUS,
26 CONSISTENT WITH THIS SECTION AND THE POLICIES AND PROCEDURES ADOPTED
27 PURSUANT TO SECTION 15-1626, SUBSECTION B. THE PUBLICATION REQUIRED BY
28 THIS PARAGRAPH INCLUDES PUBLICATION ON WEBSITES AND IN ALL HANDBOOKS AND
29 ORIENTATION PROGRAM MATERIALS FOR STUDENTS AND EMPLOYEES OF THE ARIZONA
30 BOARD OF REGENTS, EACH INSTITUTION UNDER THE JURISDICTION OF THE ARIZONA
31 BOARD OF REGENTS AND EACH COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

32 2. DEVELOP MATERIALS, PROGRAMS AND PROCEDURES TO ENSURE THAT ANY
33 INDIVIDUAL WHO HAS DISCIPLINARY AUTHORITY UNDERSTANDS THE POLICIES,
34 REGULATIONS AND OTHER MATERIALS PUBLISHED PURSUANT TO PARAGRAPH 1 OF THIS
35 SUBSECTION AND UNDERSTANDS THE UNIVERSITY'S OR COMMUNITY COLLEGE'S
36 RESPONSIBILITIES RELATING TO FREE EXPRESSION ON CAMPUS. FOR THE PURPOSES
37 OF THIS PARAGRAPH, "INDIVIDUAL WHO HAS DISCIPLINARY AUTHORITY" INCLUDES
38 ADMINISTRATORS, CAMPUS POLICE OFFICERS, INDIVIDUALS WHO ARE RESPONSIBLE
39 FOR MAINTAINING ORDER IN A SHARED STUDENT HOUSING SETTING UNDER THE
40 JURISDICTION OF THE UNIVERSITY OR COMMUNITY COLLEGE AND ANY INDIVIDUAL WHO
41 PROVIDES INSTRUCTION TO STUDENTS OR TO SCHOOL EMPLOYEES.

42 ~~D.~~ E. The Arizona board of regents and each community college
43 district governing board may adopt rules to further the purposes of the
44 policy adopted pursuant to subsection A of this section. This section

1 does not prevent universities and community colleges from regulating
2 ~~student~~ speech or activity that is prohibited by law. Except as otherwise
3 provided by this article, universities and community colleges may restrict
4 student, ADMINISTRATOR, FACULTY MEMBER OR OTHER EMPLOYEE expression only
5 for expressive activity that is not protected by the first amendment of
6 the United States Constitution, including:

- 7 1. A violation of state or federal law.
- 8 2. An expression that a court has deemed unprotected defamation.
- 9 3. Harassment. For the purposes of this paragraph, "harassment"
10 means only that expression that is so severe, pervasive and subjectively
11 and objectively offensive that it unreasonably interferes with an
12 individual's access to educational opportunities or benefits provided by
13 the university or community college.
- 14 4. A true threat. For the purposes of this paragraph, "true
15 threat" means a statement that is meant by the speaker to communicate a
16 serious expression of an intent to commit an act of unlawful violence
17 against a particular person or a group of persons.
- 18 5. An unjustifiable invasion of privacy or confidentiality that
19 does not involve a matter of public concern.
- 20 6. An action that unlawfully disrupts the function of the
21 university or community college.