

REFERENCE TITLE: **postsecondary institutions; free expression; policies**

State of Arizona
Senate
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SB 1307

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

AN ACT

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. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers and duties of board;
5 definition

6 A. The ARIZONA board OF REGENTS shall:

7 1. Have and exercise the powers necessary for the effective
8 governance and administration of the institutions under its control. To
9 that end, the board may adopt, and authorize each university to adopt,
10 such regulations, policies, rules or measures as are deemed necessary and
11 may delegate in writing to its committees, to its university presidents,
12 or their designees, or to other entities under its control any part of its
13 authority ~~for the administration~~ TO ADMINISTER and ~~governance of~~ GOVERN
14 such institutions, including those powers enumerated in section 15-1625,
15 subsection B, paragraphs 2 and 4, paragraphs 3, 4, 8, 9, 11 and 12 of this
16 subsection and subsection B of this section. THE BOARD MAY RESCIND any
17 delegation of authority ~~may be rescinded by the board~~ at any time in whole
18 or in part.

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

22 3. Appoint and employ and determine the compensation of
23 ~~vice-presidents~~ VICE PRESIDENTS, deans, professors, instructors,
24 lecturers, fellows and such other officers and employees with such power
25 and authority and for such purposes in connection with the operation of
26 the institutions as the board deems necessary, or delegate its authority
27 pursuant to paragraph 1 of this subsection.

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

32 5. Fix tuitions and fees to be charged and differentiate the
33 tuitions and fees between institutions and between residents,
34 nonresidents, undergraduate students, graduate students, students from
35 foreign countries and students who have earned credit hours in excess of
36 the credit hour threshold. For the purposes of this paragraph, the
37 undergraduate credit hour threshold is one hundred forty-five hours for
38 students who attend a university under the jurisdiction of the board. The
39 undergraduate credit hour threshold shall be based on the actual full-time
40 equivalent student enrollment counted on the forty-fifth day of every fall
41 and spring semester, divided by two, and any budget adjustment based on
42 student enrollment shall occur in the fiscal year following the actual
43 full-time equivalent student enrollment count. The undergraduate credit
44 hour threshold shall not apply to degree programs that require credit
45 hours above the credit hour threshold, credits earned in the pursuit of up

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

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

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

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

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

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

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

41 7. Pursuant to section 35-115, submit a budget request for each
42 institution under ~~its~~ THE BOARD'S jurisdiction that includes the estimated
43 tuition and fee revenue available to support the programs of the
44 institution as described in the budget request. The estimated available
45 tuition and fee revenue shall be based on the tuition and registration fee

1 rates in effect at the time the budget request is submitted with
2 adjustments for projected changes in enrollment as provided by the board.

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

6 9. Award such degrees and diplomas on the completion of such
7 courses and curriculum requirements as ~~it~~ THE BOARD deems appropriate.

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

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

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

23 13. Adopt annually an operating budget for each university equal to
24 the sum of appropriated STATE general fund monies and the amount of
25 tuition and fees approved by the board and allocated to each university
26 operating budget.

27 14. In consultation with the state board of education and other
28 education groups, develop and implement a program to award honors
29 endorsements to be affixed to the high school diplomas of qualifying high
30 school pupils and to be included in the transcripts of pupils who are
31 awarded endorsements. The board shall develop application procedures and
32 testing criteria and adopt testing instruments and procedures to
33 administer the program. In order to receive an honors endorsement, a
34 pupil must demonstrate an extraordinary level of knowledge, skill and
35 competency as measured by the testing instruments adopted by the board in
36 mathematics, English, science and social studies. Additional subjects may
37 be added at the determination of the board. The program is voluntary for
38 pupils.

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

44 16. Require universities that provide a degree in education to
45 require courses that are necessary to obtain a provisional structured

1 English immersion endorsement as prescribed by the state board of
2 education.

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

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

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

18 (i) The transfer of student records.

19 (ii) Awarding credit for completed coursework.

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

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

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

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

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

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

43 1. REQUIRE ALL OFFICERS AND EMPLOYEES OF THE BOARD AND OF THE
44 UNIVERSITIES TO PROTECT THE RIGHTS OF STUDENTS, ADMINISTRATORS, FACULTY
45 MEMBERS AND OTHER EMPLOYEES UNDER THE FIRST AND FOURTEENTH AMENDMENTS TO

1 THE CONSTITUTION OF THE UNITED STATES AND ARTICLE II, SECTION 6 OF THE
2 CONSTITUTION OF ARIZONA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 Sec. 2. Heading change

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

37 Sec. 3. Section 15-1866, Arizona Revised Statutes, is amended to
38 read:

39 15-1866. Free expression policy; rules; Arizona board of
40 regents; community college district governing
41 boards; publishing and posting

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

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

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

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

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

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

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

42 (b) THE PERSON RESPONSIBLE FOR AN INVESTIGATION PURSUANT TO THIS
43 PARAGRAPH SHALL DISCLOSE ALL CONCLUSIONS AND RECOMMENDATIONS RELATING TO
44 THE INVESTIGATION TO THE ADMINISTRATOR, FACULTY MEMBER OR EMPLOYEE WHO IS

1 THE SUBJECT OF THE INVESTIGATION BEFORE SUBMITTING THE FINAL REPORT AND
2 RECOMMENDATIONS TO THE UNIVERSITY OR COMMUNITY COLLEGE.

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

10 ~~5.~~ 6. In all disciplinary proceedings involving students,
11 ADMINISTRATORS, FACULTY MEMBERS OR OTHER EMPLOYEES, including proceedings
12 involving expressive conduct, ~~a student~~ THE INDIVIDUAL WHO IS SUBJECT TO
13 DISCIPLINE is entitled to a disciplinary hearing under published
14 procedures that include, at a minimum, all of the following:

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

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

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

20 (d) The right to present a defense.

21 (e) The right to call witnesses.

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

23 (g) The right to appeal.

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

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

29 (ii) EXPULSION OF A STUDENT.

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

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

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

44 D. THE ARIZONA BOARD OF REGENTS AND EACH COMMUNITY COLLEGE DISTRICT
45 GOVERNING BOARD SHALL:

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

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

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

29 1. A violation of state or federal law.

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

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

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

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

42 6. An action that unlawfully disrupts the function of the
43 university or community college.