

CAMPUS FREE SPEECH

HB 2563 POSTSECONDARY INSTITUTIONS; FREE EXPRESSION POLICIES

EXECUTIVE SUMMARY

Across the nation, a growing number of students' free speech rights on college campuses have been curtailed by administrators and other students. In the last seven years, Arizona law has been updated twice to protect First Amendment rights for students by prohibiting restrictive speech zones and protecting freedom of association.¹ However, in light of recent free speech violations on college campuses throughout the country, more needs to be done.

HB 2563 clarifies the free speech rights of people on the campus of a public university and community college, and the type of speech that colleges may restrict. It requires the Arizona Board of Regents (ABOR) and each community college district to develop policies on free expression in line with this bill, with specific requirements and statements on free expression. It also requires these entities to form committees on free expression that will provide annual reports to the Governor and the Legislature concerning free expression incidents on their campuses.

OVERVIEW

HB 2563 clarifies and protects the free speech rights of students and any person lawfully present on a public university or community college campus:

- Public areas of a campus are public forums and open on the same terms to any speaker.
- A university or community college must provide for spontaneous assembly and distribution of literature.
- However, a university or community colleges may prohibit any expressive activity not protected by the First Amendment, and may sanction conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity.

The bill also requires that ABOR and each community college district governing board develop and adopt a policy on free expression:

- The policy must contain specific statements listed in the bill that encourage free expression and diversity of opinions.
- The policy must include a range of disciplinary actions for students that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity.

¹ [HB 2565](#) (2011); [HB 2615](#) (2016).

- The policy must include certain due process rights of students in disciplinary proceedings as outlined in the bill.

The bill also requires ABOR and the community college district governing boards to establish free expression committees that provide annual reports to the Governor and the Legislature concerning free expression incidents on their campuses. The report must also include an accounting of how student activity fees were allocated in the prior year.

Finally, each university and community college must include its free expression policies and rules in its freshmen orientation so that students are aware of their rights.

TALKING POINTS

1. **Colleges and universities are intended to be a place where ideas are freely shared, not gagged.** The cornerstone of higher education is the ability of students to participate in the marketplace of ideas on campus.
2. **Future generations of students are at risk of losing some of their most important rights, and the future of our nation is imperiled when students are taught that government officials can censor unpopular beliefs and expression.** This bill will encourage our future leaders to appreciate diverse opinions and engage in constructive debate, rather than simply shutting down ideas they disagree with.
3. **The First Amendment protects the rights of students to engage in speech.** This bill ensures that these rights are clearly laid out for students as they begin their college career.
4. **A college short-circuits its own purpose when it places its own restrictive speech rules above the freedoms that the First Amendment guarantees to students and all Americans.**

CONCLUSION

HB 2563 clarifies the free speech rights of people present on a public university and community college campus. The bill also protects free speech rights by requiring ABOR and community colleges to adopt policies in line with the statute and to form free expression committees that annually report to the Governor and Legislature regarding free expression incidents.