
FAMILY ISSUE FACT SHEET

No. 2019-07 (February 2019)

CAMPUS FREE SPEECH

SB 1069 STRIKER: 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 eight years, Arizona law has been updated three times to protect First Amendment rights for students and others on campus by prohibiting restrictive speech zones, protecting freedom of association, and clarifying free speech rights of those present at state universities and community colleges.¹

Last year, HB 2563 substantially strengthened campus free speech, but one of its changes unintentionally ran counter to the spirit of the bill.

SB 1069 is a minor fix to ARS 15-1864, reverting the language back to what it was before HB 2563. It makes clear that a university or community college *shall not* restrict a student's right to speak, unless the restrictions are constitutionally permissible.

OVERVIEW

Prior to last year's HB 2563, ARS 15-1864 began with, "A university or community college *shall not* restrict a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum." The statute then spells out the limited constitutionally permitted ways universities and colleges can place restrictions on the time, place, and manner of student speech.

HB 2563 changed "A university or community college *shall not* restrict a student's right to speak" to "A university or community college *may* restrict a student's right to speak," running counter to the purpose of the statute.

SB 1069 brings back the prior statutory language to make clear the intended purpose of the statute, namely, to protect student free speech. The bill then clarifies that certain time, place, and manner restrictions are constitutionally permissible as spelled out later in the statute.

¹[HB 2565](#) (2011); [HB 2615](#) (2016); [HB 2563](#) (2018).

TALKING POINTS

1. **This quick fix to ARS 15-1864 clarifies the purpose of the statute — to protect student free speech, not restrict it.**
2. **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. This quick fix to ARS 15-1864 furthers this purpose.
3. **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

SB 1069 is a minor fix to a bill from last year that strengthened free speech rights on college campuses. The new language reverts to the prior statutory language of ARS 15-1864, making clear the purpose of the statute is to protect student free speech, not restrict it.