



ARIZONA HOUSE OF REPRESENTATIVES

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SB 1013: colleges; universities; free speech zones

Sponsor: Senator Kavanagh, LD 3

Committee on Education

Overview

Allows a person to engage in expressive activity in any area on a public university or community college campus where they are lawfully present.

History

Subject to reasonable time, place and manner restrictions, a public university or community college may not limit any area on campus where free speech may be exercised nor restrict a student's right to speak in a public forum. If a public university or community college imposes restrictions on the time, place and manner of student speech that occurs in a public forum and that is protected by the First Amendment, the restrictions must: 1) be reasonable and justified without reference to the content of the regulated speech; 2) be necessary to achieve a compelling governmental interest and the least restrictive means to further that interest; 3) leave open ample alternative channels for communication of the information; and 4) allow spontaneous assembly and distribution of literature.

A person who is lawfully present on a public university or community college campus may protest or demonstrate, though a faculty member is not prohibited from maintaining order in the classroom. Statute declares that individual conduct that materially and substantially infringes on the rights of others to engage in or listen to expressive activity is prohibited and subject to sanction (A.R.S. §§ [15-1864](#), [15-1865](#)).

The Arizona Board of Regents and each community college district must adopt a free expression policy containing specified statements and requirements. Public universities and community colleges may restrict student expression only for expressive activity that is not protected by the First Amendment, such as: 1) a violation of state or federal law; 2) unprotected defamation; 3) harassment or a true threat; 4) unjustifiable invasion of privacy or confidentiality; or 5) an action that unlawfully disrupts university or community college functions ([A.R.S. § 15-1866](#)).

Provisions

1. Specifies a person who is lawfully present on a public university or community college campus may engage in expressive activity *in any area where they are lawfully present*. (Sec. 1)
2. Adds that a public university or community college is not prohibited from regulating economic activity on its campus. (Sec. 1)
3. Prohibits a public university or community college, subject to reasonable time, place and manner restrictions, from limiting any area on campus where free speech may be exercised *by a lawfully present person*. (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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