

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2565

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;
RELATING TO UNIVERSITIES AND COMMUNITY COLLEGES.

(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 14, Arizona Revised Statutes, is amended
3 by adding article 6, to read:

4 ARTICLE 6. STUDENTS' RIGHTS

5 15-1861. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES,

7 1. "COMMUNITY COLLEGE" HAS THE SAME MEANING PRESCRIBED IN SECTION
8 15-1401.

9 2. "PUBLIC FORUM" INCLUDES ANY OPEN, OUTDOOR AREA ON THE CAMPUS OF A
10 UNIVERSITY OR COMMUNITY COLLEGE AND ANY FACILITIES, BUILDINGS OR PARTS OF
11 BUILDINGS THAT THE UNIVERSITY OR COMMUNITY COLLEGE HAS OPENED TO STUDENTS OR
12 STUDENT ORGANIZATIONS FOR EXPRESSION.

13 3. "UNIVERSITY" MEANS A UNIVERSITY UNDER THE JURISDICTION OF THE
14 ARIZONA BOARD OF REGENTS.

15 15-1862. Rights of students at universities and community
16 colleges

17 A. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT DISCRIMINATE AGAINST A
18 STUDENT ON THE BASIS OF THE STUDENT'S RELIGIOUS VIEWPOINT, EXPRESSION OR
19 BELIEF.

20 B. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT ADOPT ANY POLICY THAT
21 PENALIZES OR PUNISHES A STUDENT BASED ON THE STUDENT'S RELIGIOUS VIEWPOINT,
22 EXPRESSION OR BELIEFS.

23 C. IF AN ASSIGNMENT OR CLASSROOM DISCUSSION REQUESTS A STUDENT'S
24 VIEWPOINT IN COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A
25 UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT PENALIZE OR REWARD A STUDENT ON THE
26 BASIS OF RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT,
27 A STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT SHALL BE
28 EVALUATED BASED ON ORDINARY ACADEMIC STANDARDS SUCH AS GRAMMAR, STYLE,
29 ANALYSIS AND ADHERENCE TO THE INSTRUCTIONS FOR THE ASSIGNMENT.

30 D. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT WITHHOLD ANY
31 CERTIFICATE OR DEGREE ON THE BASIS OF A STUDENT'S RELIGIOUS VIEWPOINT OR
32 RELIGIOUS EXPRESSION.

33 E. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT DISCIPLINE OR
34 DISCRIMINATE AGAINST A STUDENT IN A COUNSELING, SOCIAL WORK OR PSYCHOLOGY
35 PROGRAM BECAUSE THE STUDENT REFUSES TO COUNSEL A CLIENT ABOUT GOALS THAT
36 CONFLICT WITH THE STUDENT'S SINCERELY HELD RELIGIOUS BELIEF IF THE STUDENT
37 CONSULTS WITH THE SUPERVISING INSTRUCTOR OR PROFESSOR TO DETERMINE THE PROPER
38 COURSE OF ACTION TO AVOID HARM TO THE CLIENT.

39 15-1863. Student organizations; recognition; rights

40 A. A UNIVERSITY OR COMMUNITY COLLEGE THAT GRANTS RECOGNITION TO ANY
41 STUDENT ORGANIZATION OR GROUP MAY NOT DISCRIMINATE AGAINST OR DENY
42 RECOGNITION, EQUAL ACCESS OR A FAIR OPPORTUNITY TO ANY STUDENT ORGANIZATION
43 OR GROUP ON THE BASIS OF THE RELIGIOUS, POLITICAL, PHILOSOPHICAL OR OTHER
44 CONTENT OF THE ORGANIZATION'S OR GROUP'S SPEECH INCLUDING WORSHIP.

1 B. A RELIGIOUS OR POLITICAL STUDENT ORGANIZATION MAY DETERMINE THAT
2 ORDERING THE ORGANIZATION'S INTERNAL AFFAIRS, SELECTING THE ORGANIZATION'S
3 LEADERS AND MEMBERS, DEFINING THE ORGANIZATION'S DOCTRINES AND RESOLVING THE
4 ORGANIZATION'S DISPUTES ARE IN FURTHERANCE OF THE ORGANIZATION'S RELIGIOUS OR
5 POLITICAL MISSION AND THAT ONLY PERSONS COMMITTED TO THAT MISSION SHOULD
6 CONDUCT SUCH ACTIVITIES.

7 C. A UNIVERSITY OR COMMUNITY COLLEGE MAY NOT DENY RECOGNITION OR ANY
8 PRIVILEGE OR BENEFIT TO A STUDENT ORGANIZATION OR GROUP THAT EXERCISES ITS
9 RIGHTS PURSUANT TO SUBSECTION B.

10 15-1864. Students' right to speak in a public forum

11 A. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT RESTRICT A STUDENT'S
12 RIGHT TO SPEAK, INCLUDING VERBAL SPEECH, HOLDING A SIGN OR DISTRIBUTING
13 FLIERS OR OTHER MATERIALS, IN A PUBLIC FORUM.

14 B. A UNIVERSITY OR COMMUNITY COLLEGE MAY RESTRICT A STUDENT'S SPEECH
15 IN A PUBLIC FORUM ONLY IF IT DEMONSTRATES THAT APPLICATION OF THE BURDEN TO
16 THE STUDENT IS BOTH:

17 1. IN FURTHERANCE OF A COMPELLING GOVERNMENTAL INTEREST.

18 2. THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT COMPELLING
19 GOVERNMENTAL INTEREST.