

Senate Engrossed House Bill

antisemitism; public schools; prohibition; penalties

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2867

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.05; AMENDING TITLE 15, CHAPTER 18, ARIZONA REVISED
STATUTES, BY ADDING ARTICLE 2; RELATING TO PUBLIC EDUCATION.

(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 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.05, to read:

4 15-120.05. Antisemitism and anti-Semitic conduct, acts or
5 processes; prohibitions; discipline;
6 enforcement; civil liability; rules; definitions

7 A. A PUBLIC SCHOOL, A TEACHER, A PRINCIPAL, A SCHOOL ADMINISTRATOR
8 OR A VOLUNTEER OR CONTRACTOR FOR A PUBLIC SCHOOL MAY NOT:

9 1. TEACH, INSTRUCT OR TRAIN STUDENTS IN ANY ANTISEMITISM OR
10 ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
11 DISCRIMINATION AND THAT CREATES A HOSTILE EDUCATIONAL ENVIRONMENT.

12 2. PROMOTE OR PROVIDE PROFESSIONAL DEVELOPMENT IN ANY ANTISEMITISM
13 OR ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
14 DISCRIMINATION AND THAT CREATES A HOSTILE WORK ENVIRONMENT OR A HOSTILE
15 EDUCATIONAL ENVIRONMENT.

16 3. CALL FOR GENOCIDE OF ANY GROUP OF PERSONS OR FOR THE MURDER OF
17 MEMBERS OF A PARTICULAR GROUP.

18 4. REQUIRE A STUDENT TO ADVOCATE FOR AN ANTI-SEMITIC POINT OF VIEW
19 OR TO PROMOTE ANTI-SEMITIC CONDUCT TO RECEIVE CREDIT ACROSS EVERY SUBJECT
20 AREA FOR COURSEWORK OR TO RECEIVE CREDITS THAT ARE NECESSARY FOR THE
21 STUDENT TO GRADUATE FROM HIGH SCHOOL.

22 B. PUBLIC SCHOOLS AND TEACHERS MAY NOT:

23 1. APPLY FOR, SOLICIT, RECEIVE OR USE MONIES OR IN-KIND GOODS OR
24 SERVICES FROM ANY SOURCE FOR THE PURPOSE OF:

25 (a) TEACHING, INSTRUCTING OR TRAINING STUDENTS IN ANTISEMITISM OR
26 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

27 (b) DEVELOPING, PURCHASING OR ACQUIRING A CURRICULUM OR COURSE
28 MATERIALS FOR A COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
29 ACTS OR PROCESSES.

30 (c) PROVIDING TEACHER TRAINING OR PROFESSIONAL DEVELOPMENT FOR A
31 COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR
32 PROCESSES.

33 (d) HIRING OR RETAINING A CONTRACTOR FOR ANY PURPOSE DESCRIBED IN
34 SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

35 2. USE ANY PUBLIC MONIES TO SUPPORT THE COSTS OF TEACHING
36 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

37 3. PROVIDE GRANTS OR OTHER MONIES TO OTHER PUBLIC SCHOOLS OR
38 TEACHERS TO SUPPORT THE COSTS OF TEACHING ANTISEMITISM OR ANTI-SEMITIC
39 CONDUCT, ACTS OR PROCESSES.

40 4. ACCEPT OR USE MONIES THAT ARE INTENDED OR REQUIRED TO BE USED TO
41 SUPPORT THE COSTS OF TEACHING OR PROMOTING ANTISEMITISM OR ANTI-SEMITIC
42 CONDUCT, ACTS OR PROCESSES TO STUDENTS WHO ARE ENROLLED IN A PUBLIC
43 SCHOOL.

1 C. A PUBLIC SCHOOL MAY NOT:

2 1. TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST A TEACHER, SCHOOL
3 ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE BECAUSE THE TEACHER, SCHOOL
4 ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE REFUSED TO TEACH OR PROMOTE
5 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES OR TO SUPPORT,
6 BELIEVE, ENDORSE, EMBRACE, CONFESS, ACT ON OR OTHERWISE ASSIST
7 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES. FOR THE PURPOSES
8 OF THIS PARAGRAPH, "ADVERSE EMPLOYMENT ACTION" INCLUDES PENALTIES AND
9 DISCRIMINATION.

10 2. REQUIRE A TEACHER, SCHOOL ADMINISTRATOR OR OTHER SCHOOL EMPLOYEE
11 TO COMPLETE A CURRICULUM THAT INCLUDES ANY ANTISEMITISM OR ANTI-SEMITIC
12 CONDUCT, ACT OR PROCESS AS A CONDITION OF EMPLOYMENT OR CONTINUED
13 EMPLOYMENT.

14 D. A STUDENT, A STUDENT'S PARENT, A TEACHER OR A MEMBER OF THE
15 PUBLIC MAY REPORT AN ALLEGED VIOLATION OF THIS SECTION TO THE HIGHEST
16 RANKING OFFICIAL OF THE PUBLIC SCHOOL OR THE OFFICIAL'S DESIGNEE. A
17 REPORT MADE PURSUANT TO THIS SUBSECTION MAY IDENTIFY MULTIPLE ALLEGED
18 VIOLATIONS OF THIS SECTION. THE OFFICIAL OR DESIGNEE SHALL DETERMINE IN
19 WRITING WHETHER A VIOLATION OCCURRED AND, IF THE SUBJECT OF THE REPORT IS
20 A TEACHER OR PRINCIPAL, WHETHER THE TEACHER OR PRINCIPAL KNOWINGLY OR
21 RECKLESSLY VIOLATED THIS SECTION. IF THE OFFICIAL OR DESIGNEE DETERMINES
22 THAT A VIOLATION OCCURRED, THE OFFICIAL OR DESIGNEE SHALL BOTH ACT TO
23 CORRECT THE VIOLATION WITHIN THIRTY DAYS AFTER RECEIVING THE REPORT AND
24 NOTIFY THE STATE BOARD OF EDUCATION. IF THE STATE BOARD OF EDUCATION IS
25 NOTIFIED THAT A TEACHER OR PRINCIPAL HAS BEEN FOUND TO HAVE KNOWINGLY OR
26 RECKLESSLY VIOLATED THIS SECTION PURSUANT TO THIS SUBSECTION OR SUBSECTION
27 E OR G OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL TAKE THE
28 FOLLOWING ACTION AGAINST THE TEACHER OR PRINCIPAL:

29 1. FOR A FIRST VIOLATION, ISSUE A FORMAL REPRIMAND.

30 2. FOR A SECOND VIOLATION, SUSPEND THE TEACHER'S OR PRINCIPAL'S
31 CERTIFICATE FOR A PERIOD OF TIME THAT IS DETERMINED BY THE STATE BOARD OF
32 EDUCATION BASED ON THE SEVERITY AND CIRCUMSTANCES OF THE VIOLATION.

33 3. FOR A THIRD VIOLATION, REVOKE THE TEACHER'S OR PRINCIPAL'S
34 CERTIFICATE.

35 E. A STUDENT, A STUDENT'S PARENT OR A TEACHER OR EMPLOYEE OF A
36 SCHOOL DISTRICT OR CHARTER SCHOOL MAY APPEAL A DETERMINATION MADE OR
37 ACTION TAKEN UNDER SUBSECTION D OF THIS SECTION BY FILING A COMPLAINT WITH
38 THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY. THE
39 GOVERNING BOARD OR GOVERNING BODY SHALL HOLD A HEARING TO DETERMINE
40 WHETHER A VIOLATION OCCURRED AND, IF THE GOVERNING BOARD OR GOVERNING BODY
41 DETERMINES THAT A VIOLATION OCCURRED, ACT TO RESOLVE THE VIOLATION WITHIN
42 THIRTY DAYS AFTER RECEIVING THE APPEAL. IF THE GOVERNING BOARD OR
43 GOVERNING BODY DETERMINES THAT A TEACHER OR PRINCIPAL KNOWINGLY OR
44 RECKLESSLY VIOLATED THIS SECTION, THE GOVERNING BOARD OR GOVERNING BODY
45 SHALL NOTIFY THE STATE BOARD OF EDUCATION, AND THE STATE BOARD SHALL TAKE

1 THE APPROPRIATE ACTION AGAINST THE TEACHER OR PRINCIPAL PURSUANT TO
2 SUBSECTION D OF THIS SECTION. ANY DETERMINATION MADE UNDER THIS
3 SUBSECTION MUST INCLUDE AN EXPLANATION OF THE DETERMINATION.

4 F. A STUDENT, A STUDENT'S PARENT OR A TEACHER OR EMPLOYEE OF A
5 PUBLIC SCHOOL MAY FILE A COMPLAINT WITH THE STATE BOARD OF EDUCATION FOR
6 AN ALLEGED VIOLATION OF THIS SECTION AFTER THE PUBLIC SCHOOL THAT IS THE
7 SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY TO RESOLVE THE COMPLAINT
8 AS PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION. IF THE STATE BOARD
9 DETERMINES THAT A VIOLATION OCCURRED, THE STATE BOARD SHALL NOTIFY THE
10 PUBLIC SCHOOL THAT IT IS IN VIOLATION OF THIS SECTION. IF THE STATE BOARD
11 DETERMINES THAT A TEACHER OR PRINCIPAL KNOWINGLY OR RECKLESSLY VIOLATED
12 THIS SECTION, THE STATE BOARD SHALL TAKE THE APPROPRIATE ACTION AGAINST
13 THE TEACHER OR PRINCIPAL PURSUANT TO SUBSECTION D OF THIS SECTION.

14 G. AFTER THE STATE BOARD OF EDUCATION MAKES A DETERMINATION
15 PURSUANT TO SUBSECTION F OF THIS SECTION, A STUDENT WHO IS AT LEAST
16 EIGHTEEN YEARS OF AGE OR THE PARENT OF A MINOR STUDENT MAY BRING AN ACTION
17 IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS
18 SECTION THAT IS ALLEGED IN THE COMPLAINT FILED PURSUANT TO SUBSECTION F OF
19 THIS SECTION AND THAT CREATES A HOSTILE EDUCATION ENVIRONMENT FOR THE
20 STUDENT. NOTWITHSTANDING ANY OTHER LAW, AN INDIVIDUAL OR A PUBLIC SCHOOL
21 THAT IS A NAMED DEFENDANT IN A CIVIL ACTION THAT IS BROUGHT PURSUANT TO
22 THIS SUBSECTION IS NOT IMMUNE FROM CIVIL LIABILITY, AND EACH INDIVIDUAL IS
23 PERSONALLY LIABLE FOR ANY DAMAGES ARISING FROM THE INDIVIDUAL'S CONDUCT IN
24 VIOLATION OF THIS SECTION. A PUBLIC SCHOOL MAY NOT USE TAXPAYER MONIES TO
25 SATISFY A JUDGMENT THAT IS ENTERED AGAINST THE PUBLIC SCHOOL IN AN ACTION
26 BROUGHT PURSUANT TO THIS SUBSECTION OR TO REIMBURSE AN INDIVIDUAL
27 DEFENDANT WHO IS FOUND LIABLE FOR A VIOLATION OF THIS SECTION. A COURT
28 MAY AWARD ACTUAL DAMAGES, CONSEQUENTIAL DAMAGES, PUNITIVE DAMAGES, COURT
29 COSTS AND REASONABLE ATTORNEY FEES IN AN ACTION BROUGHT PURSUANT TO THIS
30 SUBSECTION. A COURT SHALL HOLD A TRIAL DE NOVO FOR AN ACTION BROUGHT
31 PURSUANT TO THIS SUBSECTION AND SHALL DECIDE ALL QUESTIONS OF FACT WITHOUT
32 DEFERENCE TO ANY PREVIOUS DETERMINATION THAT HAS BEEN MADE PURSUANT TO
33 THIS SECTION. TO PREVAIL IN AN ACTION BROUGHT PURSUANT TO THIS
34 SUBSECTION, THE STUDENT OR STUDENT'S PARENT MUST PROVE BY A PREPONDERANCE
35 OF THE EVIDENCE THAT EACH ALLEGED VIOLATION OCCURRED AND MET ALL OF THE
36 FOLLOWING:

- 37 1. WAS COMMITTED BY ONE OR MORE NAMED DEFENDANTS.
- 38 2. WAS CHARACTERIZED BY ANTISEMITISM.
- 39 3. WAS NOT SPEECH PROTECTED BY THE CONSTITUTION OF ARIZONA OR THE
40 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.
- 41 4. CREATED A HOSTILE EDUCATION ENVIRONMENT FOR THE STUDENT.

1 H. THIS SECTION DOES NOT PROHIBIT ANY INDIVIDUAL FROM DISCUSSING OR
2 USING INSTRUCTIONAL MATERIALS AS A PART OF A COURSE OF INSTRUCTION ABOUT
3 THE HISTORY OF JEWS, JUDAISM OR THE STATE OF ISRAEL. THIS SECTION DOES
4 NOT DIMINISH OR INFRINGE ON ANY RIGHT PROTECTED UNDER THE CONSTITUTION OF
5 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

6 I. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO IMPLEMENT AND
7 ENFORCE THIS SECTION.

8 J. FOR THE PURPOSES OF THIS SECTION:

9 1. "ANTISEMITISM" MEANS ANTISEMITISM AS DEFINED BY THE
10 INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26, 2016 AND AS
11 ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE, INCLUDING THE
12 CONTEMPORARY EXAMPLES OF ANTISEMITISM IDENTIFIED IN THE ADOPTED
13 DEFINITION, IF THE ANTISEMITISM IS AT LEAST ONE OF THE FOLLOWING:

14 (a) AN ACT OR ACTS.

15 (b) SPEECH THAT IS NOT PROTECTED BY EITHER THE CONSTITUTION OF
16 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

17 2. "HOSTILE EDUCATION ENVIRONMENT" MEANS AN ENVIRONMENT IN WHICH
18 HARASSMENT OR DISCRIMINATION IS SO SEVERE, PERVASIVE OR PERSISTENT THAT IT
19 INTERFERES WITH OR LIMITS A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT
20 FROM THE SERVICES, ACTIVITIES OR OPPORTUNITIES THAT ARE OFFERED BY A
21 SCHOOL, FACULTY MEMBER, SCHOOL ADMINISTRATOR, SCHOOL EMPLOYEE, SCHOOL
22 OFFICIAL OR SCHOOL CONTRACTOR.

23 Sec. 2. Heading change

24 A. The chapter heading of title 15, chapter 18, Arizona Revised
25 Statutes, is changed from "HAZING PREVENTION POLICIES" to "HOSTILE
26 EDUCATION ENVIRONMENT PREVENTION".

27 B. The article heading of title 15, chapter 18, article 1, Arizona
28 Revised Statutes, is changed from "GENERAL PROVISIONS" to "HAZING
29 PREVENTION POLICIES".

30 Sec. 3. Title 15, chapter 18, Arizona Revised Statutes, is amended
31 by adding article 2, to read:

32 ARTICLE 2. ANTISEMITISM PREVENTION

33 15-2311. Antisemitism and anti-Semitic conduct, acts or
34 processes; prohibitions; discipline; enforcement;
35 civil liability; policies; definitions

36 A. A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE, CONTRACTOR OR
37 VOLUNTEER OF A HIGHER EDUCATION INSTITUTION MAY NOT:

38 1. TEACH, INSTRUCT OR TRAIN STUDENTS IN ANY ANTISEMITISM OR
39 ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
40 DISCRIMINATION AND THAT CREATES A HOSTILE EDUCATION ENVIRONMENT.

41 2. PROMOTE OR PROVIDE PROFESSIONAL DEVELOPMENT IN ANY ANTISEMITISM
42 OR ANTI-SEMITIC CONDUCT, ACT OR PROCESS THAT CONSTITUTES HARASSMENT OR
43 DISCRIMINATION AND THAT CREATES A HOSTILE WORK ENVIRONMENT OR A HOSTILE
44 EDUCATION ENVIRONMENT.

1 3. CALL FOR GENOCIDE OF ANY GROUP OF PERSONS OR FOR THE MURDER OF
2 MEMBERS OF A PARTICULAR GROUP.

3 4. REQUIRE A STUDENT TO ADVOCATE FOR AN ANTI-SEMITIC POINT OF VIEW
4 OR TO PROMOTE ANTI-SEMITIC CONDUCT TO RECEIVE CREDIT ACROSS EVERY SUBJECT
5 AREA FOR COURSEWORK OR TO RECEIVE CREDITS THAT ARE NECESSARY FOR THE
6 STUDENT TO COMPLETE A DEGREE OR CERTIFICATE PROGRAM.

7 B. HIGHER EDUCATION INSTITUTIONS AND FACULTY MEMBERS, EMPLOYEES AND
8 CONTRACTORS OF HIGHER EDUCATION INSTITUTIONS MAY NOT:

9 1. APPLY FOR, SOLICIT, RECEIVE OR USE MONIES OR IN-KIND GOODS OR
10 SERVICES FROM ANY SOURCE FOR THE PURPOSE OF:

11 (a) TEACHING, INSTRUCTING OR TRAINING STUDENTS IN ANTISEMITISM OR
12 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

13 (b) DEVELOPING, PURCHASING OR ACQUIRING A CURRICULUM OR COURSE
14 MATERIALS FOR A COURSE THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
15 ACTS OR PROCESSES.

16 (c) PROVIDING TRAINING OR PROFESSIONAL DEVELOPMENT FOR A COURSE
17 THAT PROMOTES ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

18 (d) HIRING OR RETAINING A CONTRACTOR FOR ANY PURPOSE DESCRIBED IN
19 SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

20 2. USE ANY PUBLIC MONIES TO SUPPORT THE COSTS OF TEACHING
21 ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

22 3. PROVIDE GRANTS OR OTHER MONIES TO OTHER HIGHER EDUCATION
23 INSTITUTIONS OR FACULTY MEMBERS, EMPLOYEES OR CONTRACTORS OF HIGHER
24 EDUCATION INSTITUTIONS TO SUPPORT THE COSTS OF TEACHING ANTISEMITISM OR
25 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

26 4. ACCEPT OR USE MONIES THAT ARE INTENDED OR REQUIRED TO BE USED TO
27 SUPPORT THE COSTS OF TEACHING OR PROMOTING ANTISEMITISM OR ANTI-SEMITIC
28 CONDUCT, ACTS OR PROCESSES TO STUDENTS WHO ARE ENROLLED IN A HIGHER
29 EDUCATION INSTITUTION.

30 C. A HIGHER EDUCATION INSTITUTION MAY NOT:

31 1. TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST A FACULTY MEMBER,
32 ADMINISTRATOR, EMPLOYEE OR CONTRACTOR BECAUSE THE INDIVIDUAL REFUSED TO
33 TEACH OR PROMOTE ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES
34 OR TO SUPPORT, BELIEVE, ENDORSE, EMBRACE, CONFESS, ACT ON OR OTHERWISE
35 ASSIST ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES. FOR THE
36 PURPOSES OF THIS PARAGRAPH, "ADVERSE EMPLOYMENT ACTION" INCLUDES PENALTIES
37 AND DISCRIMINATION.

38 2. REQUIRE A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR CONTRACTOR
39 TO COMPLETE A CURRICULUM THAT INCLUDES ANY ANTISEMITISM OR ANTI-SEMITIC
40 CONDUCT, ACT OR PROCESS AS A CONDITION OF EMPLOYMENT OR CONTINUED
41 EMPLOYMENT.

42 D. A STUDENT, A STUDENT'S PARENT, A FACULTY MEMBER OR A MEMBER OF
43 THE PUBLIC MAY REPORT AN ALLEGED VIOLATION OF THIS SECTION TO THE HIGHEST
44 RANKING OFFICIAL AT A HIGHER EDUCATION INSTITUTION OR THE OFFICIAL'S
45 DESIGNEE. A REPORT MADE PURSUANT TO THIS SUBSECTION MAY IDENTIFY MULTIPLE

1 ALLEGED VIOLATIONS OF THIS SECTION. THE OFFICIAL OR DESIGNEE SHALL
2 INITIATE AN INTERNAL INVESTIGATION OF ANY REPORT RECEIVED PURSUANT TO THIS
3 SUBSECTION NOT LATER THAN FIFTEEN DAYS AFTER RECEIPT. THE OFFICIAL OR
4 DESIGNEE SHALL DETERMINE IN WRITING WHETHER A VIOLATION OCCURRED AND, IF
5 THE SUBJECT OF THE REPORT IS ONE OR MORE INDIVIDUALS, WHETHER EACH
6 INDIVIDUAL KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION. IF THE OFFICIAL
7 OR DESIGNEE DETERMINES THAT A VIOLATION OCCURRED, THE OFFICIAL OR DESIGNEE
8 SHALL ACT TO CORRECT THE VIOLATION WITHIN THIRTY DAYS AFTER RECEIVING THE
9 REPORT. NOTWITHSTANDING SECTION 15-1896, IF THE OFFICIAL OR DESIGNEE IS
10 NOTIFIED THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR CONTRACTOR HAS
11 BEEN FOUND TO HAVE KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION PURSUANT
12 TO SUBSECTION E OR F OF THIS SECTION OR IF, FOLLOWING AN INVESTIGATION
13 CONDUCTED PURSUANT TO THIS SUBSECTION, THE OFFICIAL OR DESIGNEE DETERMINES
14 THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR CONTRACTOR KNOWINGLY OR
15 RECKLESSLY VIOLATED THIS SECTION, THE OFFICIAL OR DESIGNEE SHALL TAKE THE
16 FOLLOWING ACTION AGAINST THE FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
17 CONTRACTOR:

18 1. FOR A FIRST VIOLATION, ISSUE A FORMAL REPRIMAND.

19 2. FOR A SECOND VIOLATION, SUSPEND THE INDIVIDUAL WITHOUT PAY FOR A
20 PERIOD OF TIME DETERMINED BY THE OFFICIAL BASED ON THE SEVERITY AND
21 CIRCUMSTANCES OF THE VIOLATION.

22 3. FOR A THIRD VIOLATION, TERMINATE THE INDIVIDUAL'S EMPLOYMENT.

23 E. A STUDENT, A STUDENT'S PARENT, A FACULTY MEMBER OR A MEMBER OF
24 THE PUBLIC MAY FILE A COMPLAINT WITH THE ARIZONA BOARD OF REGENTS OR THE
25 COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, WHICHEVER APPLIES, FOR AN
26 ALLEGED VIOLATION OF THIS SECTION AFTER THE HIGHER EDUCATION INSTITUTION
27 THAT IS THE SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY TO RESOLVE
28 THE COMPLAINT AS PRESCRIBED IN SUBSECTION D OF THIS SECTION. IF THE BOARD
29 DETERMINES THAT A VIOLATION OCCURRED, THE BOARD SHALL NOTIFY THE HIGHER
30 EDUCATION INSTITUTION THAT IT IS IN VIOLATION OF THIS SECTION. IF THE
31 BOARD DETERMINES THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
32 CONTRACTOR KNOWINGLY OR RECKLESSLY VIOLATED THIS SECTION, THE BOARD SHALL
33 NOTIFY THE HIGHEST RANKING OFFICIAL AT THE HIGHER EDUCATION INSTITUTION,
34 OR THE OFFICIAL'S DESIGNEE, AND THE OFFICIAL OR DESIGNEE SHALL TAKE THE
35 APPROPRIATE ACTION AGAINST THE FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE OR
36 CONTRACTOR PURSUANT TO SUBSECTION D OF THIS SECTION.

37 F. A STUDENT WHO IS AT LEAST EIGHTEEN YEARS OF AGE OR THE PARENT OF
38 A MINOR STUDENT MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION
39 TO ENJOIN ANY VIOLATION OF THIS SECTION THAT CREATES A HOSTILE EDUCATION
40 ENVIRONMENT FOR THE STUDENT ONLY AFTER THE ARIZONA BOARD OF REGENTS OR THE
41 COMMUNITY COLLEGE DISTRICT GOVERNING BOARD, WHICHEVER APPLIES, MAKES A
42 DETERMINATION PURSUANT TO SUBSECTION E OF THIS SECTION. NOTWITHSTANDING
43 ANY OTHER LAW, AN INDIVIDUAL OR A HIGHER EDUCATION INSTITUTION THAT IS A
44 NAMED DEFENDANT IN A CIVIL ACTION THAT IS BROUGHT PURSUANT TO THIS
45 SUBSECTION IS NOT IMMUNE FROM CIVIL LIABILITY, AND EACH INDIVIDUAL IS

1 PERSONALLY LIABLE FOR ANY DAMAGES ARISING FROM THE INDIVIDUAL'S CONDUCT IN
2 VIOLATION OF THIS SECTION. A HIGHER EDUCATION INSTITUTION MAY NOT USE
3 TAXPAYER MONIES TO SATISFY A JUDGMENT THAT IS ENTERED AGAINST THE HIGHER
4 EDUCATION INSTITUTION IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION OR
5 TO REIMBURSE AN INDIVIDUAL DEFENDANT WHO IS FOUND LIABLE FOR A VIOLATION
6 OF THIS SECTION. A COURT MAY AWARD ACTUAL DAMAGES, CONSEQUENTIAL DAMAGES,
7 PUNITIVE DAMAGES, COURT COSTS AND REASONABLE ATTORNEY FEES IN AN ACTION
8 BROUGHT PURSUANT TO THIS SUBSECTION. A COURT SHALL HOLD A TRIAL DE NOVO
9 FOR AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION AND SHALL DECIDE ALL
10 QUESTIONS OF FACT WITHOUT DEFERENCE TO ANY PREVIOUS DETERMINATION THAT HAS
11 BEEN MADE PURSUANT TO THIS SECTION. TO PREVAIL IN AN ACTION BROUGHT
12 PURSUANT TO THIS SUBSECTION, THE STUDENT OR STUDENT'S PARENT MUST PROVE BY
13 A PREPONDERANCE OF THE EVIDENCE THAT EACH ALLEGED VIOLATION OCCURRED AND
14 MET ALL OF THE FOLLOWING:

- 15 1. WAS COMMITTED BY ONE OR MORE NAMED DEFENDANTS.
- 16 2. WAS CHARACTERIZED BY ANTISEMITISM.
- 17 3. WAS NOT SPEECH PROTECTED BY THE CONSTITUTION OF ARIZONA OR THE
18 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

19 4. CREATED A HOSTILE EDUCATION ENVIRONMENT FOR THE STUDENT.
20 G. THIS SECTION DOES NOT PROHIBIT ANY INDIVIDUAL FROM DISCUSSING OR
21 USING INSTRUCTIONAL MATERIALS AS A PART OF A COURSE OF INSTRUCTION ABOUT
22 THE HISTORY OF JEWS, JUDAISM OR THE STATE OF ISRAEL. THIS SECTION DOES
23 NOT DIMINISH OR INFRINGE ON ANY RIGHT PROTECTED UNDER THE CONSTITUTION OF
24 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

25 H. EACH HIGHER EDUCATION INSTITUTION SHALL:

- 26 1. REVISE THE HIGHER EDUCATION INSTITUTION'S POLICIES AND
27 PROCEDURES, INCLUDING ANY POLICY RELATING TO TENURE, TO IMPLEMENT AND
28 ENFORCE THIS SECTION AND NOTIFY ALL EMPLOYEES AND CONTRACTORS OF THE
29 REVISED POLICIES.
- 30 2. IN ANY EMPLOYMENT OR TENURE DECISION, CONSIDER AS A NEGATIVE
31 FACTOR ANY CONFIRMED REPORT THAT A FACULTY MEMBER, ADMINISTRATOR, EMPLOYEE
32 OR CONTRACTOR OF THE HIGHER EDUCATION INSTITUTION HAS VIOLATED THIS
33 SECTION.

34 3. REVIEW THE HIGHER EDUCATION INSTITUTION'S GRANT AND SCHOLARSHIP
35 PROGRAMS TO DETERMINE WHETHER ANY PROGRAM REQUIRES RECIPIENTS TO CERTIFY
36 THAT THE RECIPIENTS WILL NOT USE MONIES RECEIVED THROUGH THE GRANT OR
37 SCHOLARSHIP PROGRAM TO PROMOTE ANY ANTISEMITISM OR ANTI-SEMITIC CONDUCT,
38 ACT OR PROCESS.

39 4. REVIEW THE HIGHER EDUCATION INSTITUTION'S EMPLOYEE TRAINING
40 PROGRAMS TO ENSURE THAT EACH PROGRAM COMPLIES WITH THE REQUIREMENTS OF
41 THIS SECTION.

42 5. ENSURE THAT EACH EMPLOYEE AND CONTRACTOR OF THE HIGHER EDUCATION
43 INSTITUTION COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING ANY
44 CONTRACTOR THAT IS HIRED BY THE HIGHER EDUCATION INSTITUTION TO PROVIDE

1 TRAINING OR A WORKSHOP, FORUM OR OTHER PROGRAM TO THE HIGHER EDUCATION
2 INSTITUTION'S EMPLOYEES.

3 6. TAKE ACTIONS TO ENCOURAGE THE FACULTY MEMBERS, ADMINISTRATORS,
4 EMPLOYEES AND CONTRACTORS OF THE HIGHER EDUCATION INSTITUTION TO NOT
5 DISCRIMINATE AGAINST THE INDIVIDUAL'S JEWISH AND NON-JEWISH COLLEAGUES ON
6 THE BASIS OF EITHER:

7 (a) THE COLLEAGUE'S RELIGION, ETHNICITY, SUPPORT FOR THE STATE OF
8 ISRAEL OR SUPPORT FOR THE JEWISH PEOPLE.

9 (b) ONE OR MORE OF THE COLLEAGUE'S CHARACTERISTICS THAT ARE
10 PROTECTED BY FEDERAL LAW OR THE LAWS OF THIS STATE.

11 7. PROTECT EACH GUEST LECTURER AND, IF APPLICABLE, STUDENT
12 ORGANIZATION THAT INVITES A GUEST LECTURER AGAINST ANY DEMONSTRATOR WHO
13 ENGAGES IN ANTISEMITISM OR ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES.

14 8. REFUSE TO RECOGNIZE OR SHALL REVOKE THE RECOGNITION OF AND
15 SUPPORT FOR ANY STUDENT ORGANIZATION THAT EITHER:

16 (a) INVITES A GUEST SPEAKER WHO INCITES ANY ANTISEMITISM OR
17 ANTI-SEMITIC CONDUCT, ACTS OR PROCESSES ON THE HIGHER EDUCATION
18 INSTITUTION'S CAMPUS.

19 (b) ORGANIZES, PROMOTES, INCITES OR INVITES THE STUDENT
20 ORGANIZATION'S MEMBERS TO ENGAGE IN ANY ANTISEMITISM OR ANTI-SEMITIC
21 CONDUCT, ACTS OR PROCESSES.

22 (c) ENGAGES IN ANY ACT, CONDUCT OR PROCESS CALLING FOR GENOCIDE OF
23 ANY GROUP OF PERSONS OR FOR THE MURDER OF MEMBERS OF A PARTICULAR GROUP,
24 TO THE EXTENT THAT THE ACT, CONDUCT OR PROCESS CREATES A HOSTILE EDUCATION
25 ENVIRONMENT.

26 I. FOR THE PURPOSES OF THIS SECTION:

27 1. "ANTISEMITISM" MEANS ANTISEMITISM AS DEFINED BY THE
28 INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26, 2016 AND AS
29 ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE, INCLUDING THE
30 CONTEMPORARY EXAMPLES OF ANTISEMITISM IDENTIFIED IN THE ADOPTED
31 DEFINITION, IF THE ANTISEMITISM IS AT LEAST ONE OF THE FOLLOWING:

32 (a) AN ACT OR ACTS.

33 (b) SPEECH THAT IS NOT PROTECTED BY EITHER THE CONSTITUTION OF
34 ARIZONA OR THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

35 2. "HIGHER EDUCATION INSTITUTION" MEANS EITHER OF THE FOLLOWING:

36 (a) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
37 REGENTS.

38 (b) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

39 3. "HOSTILE EDUCATION ENVIRONMENT" MEANS AN ENVIRONMENT IN WHICH
40 HARASSMENT OR DISCRIMINATION IS SO SEVERE, PERVASIVE OR PERSISTENT THAT IT
41 INTERFERES WITH OR LIMITS A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT
42 FROM THE SERVICES, ACTIVITIES OR OPPORTUNITIES THAT ARE OFFERED BY A
43 SCHOOL, FACULTY MEMBER, SCHOOL ADMINISTRATOR, SCHOOL EMPLOYEE, SCHOOL
44 OFFICIAL OR SCHOOL CONTRACTOR.

1 Sec. 4. Notification to public schools and higher education
2 institutions

3 Not later than thirty days after the effective date of this act:

4 1. The department of education shall transmit a copy of this act to
5 each public school in this state.

6 2. The Arizona board of regents shall transmit a copy of this act
7 to each university under the jurisdiction of the Arizona board of regents.

8 Sec. 5. Short title

9 This act may be cited as "Antisemitism in Education Act".