

*Sponsorship has changed since the bill was introduced

House Engrossed

unauthorized encampments; higher education institutions

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

HOUSE BILL 2880

AN ACT

AMENDING SECTION 15-1866, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1866.01; RELATING TO STUDENTS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1866, Arizona Revised Statutes, is amended to
3 read:

4 15-1866. Free expression policy; rules; Arizona board of
5 regents; community college district governing
6 boards; requirements

7 A. The Arizona board of regents and each community college district
8 governing board shall develop and adopt a policy on free expression that
9 contains at least the following statements and requirements:

10 1. The primary function of an institution of higher education is
11 the discovery, improvement, transmission and dissemination of knowledge by
12 means of research, teaching, discussion and debate. This statement shall
13 provide that, to fulfill this function, the university or community
14 college must strive to ensure the fullest degree of intellectual freedom
15 and free expression.

16 2. It is not the proper role of an institution of higher education
17 to shield individuals from speech protected by the first amendment,
18 including, without limitation, ideas and opinions that may be unwelcome,
19 disagreeable or deeply offensive.

20 3. Students and faculty members have the freedom to discuss any
21 problem that presents itself, as the first amendment allows and within the
22 limits of reasonable viewpoint and content-neutral restrictions on time,
23 place and manner of expression that are consistent with this article and
24 that are necessary to achieve a compelling institutional interest if these
25 restrictions are clear, are published and provide ample alternative means
26 of expression. This statement shall specify that students and faculty
27 members may assemble and engage in spontaneous expressive activities if
28 those activities are not unlawful and do not materially and substantially
29 disrupt the functioning of the university or community college.

30 4. There is a range of disciplinary actions for a student who is
31 subject to the jurisdiction of a university or community college and who
32 engages in individual conduct that materially and substantially infringes
33 on the rights of other persons to engage in or listen to expressive
34 activity.

35 5. In all disciplinary proceedings involving students, including
36 proceedings involving expressive conduct, a student is entitled to a
37 disciplinary hearing under published procedures that include, at a
38 minimum, all of the following:

39 (a) The right to receive ~~advanced~~ ADVANCE written notice of the
40 allegations.

41 (b) The right to review the evidence in support of the allegations.

42 (c) The right to confront witnesses who testify against that
43 student.

44 (d) The right to present a defense.

45 (e) The right to call witnesses.

1 (f) A decision by an impartial person or panel.

2 (g) The right to appeal.

3 (h) If either a suspension of more than thirty days or expulsion is
4 a potential consequence of a disciplinary proceeding under this section,
5 the right to active assistance of counsel.

6 B. It is the sense of the legislature that if a student has
7 repeatedly been determined to have engaged in individual conduct that
8 materially and substantially infringes on the rights of other persons to
9 engage in or listen to expressive activity, a punishment of suspension or
10 expulsion from the university or community college may be appropriate.

11 C. This section supersedes any previous policies of a university or
12 community college that restrict speech on campuses and that are
13 inconsistent with the statements and requirements prescribed in this
14 section. Each university and community college shall remove or revise any
15 provisions in its policies or rules in order to comply with this section.

16 D. The Arizona board of regents and each community college district
17 governing board may adopt rules to further the purposes of the policy
18 adopted pursuant to subsection A of this section. This section does not
19 prevent universities and community colleges from regulating student speech
20 or activity that is prohibited by law. Except as otherwise provided by
21 this article, universities and community colleges may restrict student
22 expression only for expressive activity that is not protected by the first
23 amendment of the United States Constitution, including:

24 1. A violation of state or federal law.

25 2. An expression that a court has deemed unprotected defamation.

26 3. Harassment. For the purposes of this paragraph, "harassment"
27 means only that expression that is so severe, pervasive and subjectively
28 and objectively offensive that it unreasonably interferes with an
29 individual's access to educational opportunities or benefits provided by
30 the university or community college.

31 4. A true threat. For the purposes of this paragraph, "true
32 threat" means a statement that is meant by the speaker to communicate a
33 serious expression of an intent to commit an act of unlawful violence
34 against a particular person or a group of persons.

35 5. An unjustifiable invasion of privacy or confidentiality that
36 does not involve a matter of public concern.

37 6. An action that unlawfully disrupts the function of the
38 university or community college.

39 7. AN ACTION PROHIBITED BY SECTION 15-1866.01.

40 Sec. 2. Title 15, chapter 14, article 6, Arizona Revised Statutes,
41 is amended by adding section 15-1866.01, to read:

42 15-1866.01. Encampments; unlawful assembly; prohibitions;
43 removal; definition

44 A. AN INDIVIDUAL MAY NOT ESTABLISH OR OCCUPY AN ENCAMPMENT ON THE
45 CAMPUS OF A UNIVERSITY OR COMMUNITY COLLEGE.

1 B. IF AN INDIVIDUAL OR GROUP OF INDIVIDUALS VIOLATES SUBSECTION A
2 OF THIS SECTION, AN ADMINISTRATOR OF THE UNIVERSITY OR COMMUNITY COLLEGE
3 SHALL DO ALL OF THE FOLLOWING:

4 1. DIRECT THE INDIVIDUAL OR GROUP OF INDIVIDUALS TO IMMEDIATELY
5 DISMANTLE THE ENCAMPMENT AND VACATE THE CAMPUS.

6 2. ADVISE THE INDIVIDUAL OR GROUP OF INDIVIDUALS THAT ANY
7 INDIVIDUAL WHO FAILS TO COMPLY WITH THE DIRECTION TO LEAVE PURSUANT TO
8 PARAGRAPH 1 OF THIS SUBSECTION IS GUILTY OF CRIMINAL TRESPASS PURSUANT TO
9 TITLE 13, CHAPTER 15.

10 3. IF THE INDIVIDUAL OR GROUP OF INDIVIDUALS REFUSES TO COMPLY WITH
11 THE DIRECTION TO LEAVE PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION,
12 INITIATE LEGAL ACTION TO HAVE THE INDIVIDUAL OR GROUP OF INDIVIDUALS
13 REMOVED FROM THE CAMPUS OF THE UNIVERSITY OR COMMUNITY COLLEGE. FOR THE
14 PURPOSES OF THIS PARAGRAPH, "LEGAL ACTION" INCLUDES REPORTING THE TRESPASS
15 TO A LOCAL LAW ENFORCEMENT AGENCY.

16 4. INITIATE DISCIPLINARY ACTION AGAINST ANY STUDENT WHO REFUSES TO
17 COMPLY WITH THE DIRECTION TO LEAVE PURSUANT TO PARAGRAPH 1 OF THIS
18 SUBSECTION PURSUANT TO THE UNIVERSITY'S OR COMMUNITY COLLEGE'S STUDENT
19 CODE OF CONDUCT.

20 C. ANY INDIVIDUAL WHO ESTABLISHES OR OCCUPIES AN ENCAMPMENT IN
21 VIOLATION OF SUBSECTION A OF THIS SECTION IS BOTH OF THE FOLLOWING:

22 1. LIABLE FOR ALL DAMAGES THAT THE INDIVIDUAL CAUSES, INCLUDING THE
23 DIRECT AND INDIRECT COSTS OF:

24 (a) REMOVING THE ENCAMPMENT ESTABLISHED OR OCCUPIED BY THE
25 INDIVIDUAL AND RESTORING THE CAMPUS.

26 (b) REPAIRING ANY DESTRUCTION, DEFACEMENT OR ALTERATION OF THE
27 UNIVERSITY'S OR COMMUNITY COLLEGE'S PROPERTY, INCLUDING BUILDINGS,
28 GROUNDS, EQUIPMENT AND RESOURCES, THAT RESULTED FROM THE INDIVIDUAL'S
29 INTENTIONAL OR NEGLIGENT CONDUCT RELATING TO THE ENCAMPMENT.

30 2. NOT LAWFULLY PRESENT ON THE UNIVERSITY'S OR COMMUNITY COLLEGE'S
31 CAMPUS FOR THE PURPOSES OF SECTION 15-1864 OR 15-1865.

32 D. A LAW ENFORCEMENT AGENCY, PEACE OFFICER OR MEMBER OF A
33 UNIVERSITY'S OR COMMUNITY COLLEGE'S CAMPUS SECURITY SHALL ENFORCE
34 SUBSECTION A OF THIS SECTION AND HAS THE AUTHORITY TO REMOVE AN ENCAMPMENT
35 AND ANY INDIVIDUAL OR GROUP OF INDIVIDUALS FROM THE CAMPUS THAT HAS
36 VIOLATED SUBSECTION A OF THIS SECTION AND REFUSED TO COMPLY WITH THE
37 DIRECTION TO LEAVE PURSUANT TO SUBSECTION B, PARAGRAPH 1 OF THIS SECTION.

38 E. EACH UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
39 REGENTS SHALL COMPLY WITH THE ARIZONA BOARD OF REGENT'S STUDENT CODE OF
40 CONDUCT.

41 F. FOR THE PURPOSES OF THIS SECTION, "ENCAMPMENT" MEANS A TEMPORARY
42 SHELTER, INCLUDING TENTS, THAT IS INSTALLED ON THE CAMPUS OF A UNIVERSITY
43 OR COMMUNITY COLLEGE AND THAT IS USED TO STAY ON THE CAMPUS OVERNIGHT OR
44 FOR A PROLONGED PERIOD OF TIME.

