



MARICOPA
COMMUNITY COLLEGES

Office of the
General Counsel
Compliance

WHAT IS THE FREE EXPRESSION REPORT?

This month we will be talking about the Free Expression report. Over the past couple of years, I have received a number of questions about this report—what it is, why we do it, and what the report means to free expression on our college campuses. Let's jump on into this topic.

Background Information

On August 3, 2018, a law went into effect in Arizona that requires the community college governing board to:

- adopt a policy on free expression (A.R.S. § 15-1866),
- establish a committee on free expression (A.R.S. § 15-1868),
- submit an annual report on or before December 1 to the Governor, the Speaker of the House of Representatives, the President of the Senate, and to the Secretary of State (A.R.S. § 15-1868), and
- post a copy of the annual report on its respective website (A.R.S. § 15-1868).

The district's committee on free expression is only empowered to work on the report. The committee meets twice a year—once to set the guidance for the colleges regarding the information needed in the report and once (in an open meeting) to approve the report. The committee does not review or address free expression activities or complaints involving free speech. The report covers the time period between July 1- June 30 each year.

What and where is the district's policy on free expression?

Shortly after passage of the 2018 law, the district adopted a policy governing free expression on campus. This policy was required by Arizona statute and was required to include at least the following information:

1. The primary function of an institution of higher education is the discovery, improvement, transmission and dissemination of knowledge by means of research, teaching, discussion and debate.
2. The community college must strive to ensure the fullest degree of intellectual freedom and free expression.
3. It is not the proper role of an institution of higher education to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions that may be unwelcome, disagreeable or deeply offensive.
4. Students and faculty members have the freedom to discuss any problem that presents itself, as the First Amendment allows and within the limits of reasonable viewpoint and content-neutral

restrictions on time, place, and manner of expression that are necessary to achieve a compelling institutional interest.

5. That students and faculty members may assemble and engage in spontaneous expressive activities if those activities are not unlawful and do not materially and substantially disrupt the functioning of the community college.
6. That there is a range of disciplinary actions for a student who is subject to the jurisdiction of a community college and who engages in individual conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity.
7. That in all disciplinary proceedings involving students, including proceedings involving expressive conduct, a student is entitled to a disciplinary hearing under published procedures that include, at a minimum, all of the following: (a) The right to receive advanced written notice of the allegations. (b) The right to review the evidence in support of the allegations. (c) The right to confront witnesses who testify against that student. (d) The right to present a defense. (e) The right to call witnesses. (f) A decision by an impartial person or panel. (g) The right to appeal. (h) If either a suspension of more than thirty days or expulsion is a potential consequence of a disciplinary proceeding under this section, the right to active assistance of counsel.

Even under this law, the district can restrict student expression only for expressive activity that is not protected by the first amendment of the United States Constitution, including: A violation of state or federal law, defamation, harassment, a true threat, an unjustifiable invasion of privacy, and/or an action that unlawfully disrupts the function of the district/college. The district's free expression policy is called the [Public Access and Expression on District Property](#).

Who sits on the committee on free expression?

The free expression committee consists of district and college employees. The Provost is empowered by the Governing Board to select members of the committee. We are currently in the process of soliciting new members from the following stakeholder groups (by August 1, 2023):

VPSA/Dean of Student Affairs
VPAA/Dean of Academic Affairs
Staff Representation
FEC

The current committee members are:

Melissa Flores, Chair
Judy Gragg
David Denlinger
Mike Ho
Dwain Desbian

What is in the Free Expression report?

Arizona statute 15-1868 outlines what should be in the Free Expression report. The report should outline

1. A description of any barriers to or disruptions of free expression within the community colleges in this state.

2. A description of the administrative handling and discipline relating to barriers to or disruptions of free expression within the community colleges in this state.
3. A description of substantial difficulties, controversies or successes in maintaining a posture of administrative and institutional neutrality.
4. Any assessments, criticisms, commendations or recommendations that the committee decides to include in the annual report.
5. An accounting of how student activity fees were allocated in the prior year. Since MCCCDC does not charge activity fees, there is some latitude in reporting activities.

Where is the free expression report posted?

The report is posted on the Office of General Counsel webpage. Here are the instructions to find the reports. Click on: [Office of General Counsel | Maricopa Community Colleges](#)



Scroll down the page until you see a series of banners. Select “Student and Faculty Resources.”



Scan down the list until you see “Free Expression Reports” ([MCCCDC Free Expression Reports | Maricopa Community Colleges](#)). You will then see the reports for the following years:



- 2018 ([2018 MCCCDC Free Expression Report.Final .pdf \(maricopa.edu\)](#))
- 2019 ([Microsoft Word - MCCCDC Free Expression Annual Report.2019Final.docx \(maricopa.edu\)](#))
- 2020 ([Microsoft Word - MCCCDC Free Expression Annual Report.2019Final.docx \(maricopa.edu\)](#))
- 2021 ([MCCCDC Free Expression Annual Report.2021.pdf \(maricopa.edu\)](#))



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