

ARIZONA BOARD OF REGENTS
Minutes of the Free Expression Committee
December 11, 2018

A meeting of the Free Expression Committee was held on December 11, 2018 at the board office in Phoenix, Arizona.

Present: John Arnold
 José Cárdenas (via phone)
 Derrick Anderson (via phone)
 Michael Bergstrom (via phone)
 Stefanie Lindquist (via phone)
 Joanne Vogel (via phone)
 Christine Wilkinson (via phone)
 Erin Grisham (via phone)
 Michelle Parker (via phone)
 Dylan Graham (via phone)
 Eric Yordy (via phone)
 Kimberly Ott (via phone)
 Kathy Adams Riester (via phone)
 Robert "Bob" Sommerfeld (via phone)

Absent: Natalynn Masters, David Schmitz and Toni Massaro

Also present Nancy Tribbensee, Jennifer Pollock, Sarah Harper, Suzanne Templin, and Monica Simental from the board office. In the audience Christy Farley (NAU), Kody Kelleher (UA) and Darby Jennings (UA).

Chair Arnold called the meeting to order at 9:04 a.m.

Approval of Minutes (Item 1)

Upon motion by Chair Arnold and seconded by Bob Sommerfeld, the committee approved the minutes of the August 7, 2018 and August 17, 2018 Free Expression Committee Meeting with José Cárdenas, Derrick Anderson, Michael Bergstrom, Stefanie Lindquist, Joanne Vogel, Christine Wilkinson, Erin Grisham, Michelle Parker, Dylan Graham, Eric Yordy, Kimberly Ott, Kathy Adams Riester, Bob Sommerfeld voting in favor. None opposed and none abstained.

Review of Open Meeting Law (Item 2)

Jennifer Pollock, reminded the committee on Open Meeting Law as it pertains to the committee. This committee is a public body that is subject to the Open Meeting Law so that means that members of the public are welcome to attend and listen to the committee's deliberations and discussions. These are public meetings. Our agendas and notices are posted and any discussion or action taken is subject to the items that are specifically listed on the agenda. We also provide the recording of minutes.

To refresh everyone's recollection a meeting is a gathering in-person or through technological devices of a quorum of members of a public body where you purpose, discuss or take legal action regarding any item that is sufficiently within the committees charge or that may foreseeable come before the committee. That means that you could meet telephonically, through video conference, through email, so we want to caution not to engage in email communication with a quorum of members of the committee where you are discussing or taking action regarding any items that may foreseeable come before the committee also want to caution that one-way communication to a quorum of the committee where legal action is proposed can be a violation of the Open Meeting Law if the discussion is not properly posted so we want to call your attention to that and caution you about email communication.

One final reminder, any email communication or records that you keep for purposes of the committee are public records subject to disclosure pursuant public records request under our public records law.

If you have any questions regarding the Open Meeting Law or the Public Records Law or any other items, please don't hesitate to contact Nancy Tribbensee or myself and we would happy to address those for you.

Chair Arnold asked the committee if they had any questions about Open Meeting Law and the potential penalties that come with Open Meeting Law violations. Please be very cautious as you deal with emails and reply-all. Once you reply-all you're having a meeting. Reply-all exchanges would be an Open Meeting Law violation. We don't anticipate a lot of materials going out for this committee but as we develop the report, feedback can be provided to staff but not the rest of the committee.

Chair Arnold commented that another meeting would be around the spring as we start the development of this year's report and start collecting feedback from the committee. However, if there is any topic or issue that comes up and if any committee member feels we need to meet, you can contact our office and express that need. Are any other questions or comments?

A motion was made by Executive Arnold to adjourn and seconded by Kathy Adams Riester from the UA.

**Preparation of 2018-2019 Statutory Report (Item 5)
Item 4 and Item 5 were discussed together.**

A motion was made by John Arnold, seconded by José Cárdenas, to approve forwarding the Statutory Report to the full board for approval with the changes sug10 (s)4 (ug7 P MCκ(ap)10 MCκ