

COLLEGE OF WESTERN IDAHO

Report on Policies Implementing Protecting Campus Free Speech in Higher Education Act

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The College of Western Idaho (“CWI”) has conducted an analysis of its policies implementing the Protecting Campus Free Speech in Higher Education Act and submits this report thereon, as required by Idaho Code § 33-6807(1).

This report is submitted to the Idaho Governor and the Legislative Services Office as well as publicly posted on the CWI's Planning & Reports website page, located at: <https://cwi.edu/administration/planning-reports>. This report was prepared by and will be retained by CWI's Office of General Counsel.

Approved:

Andrea J. Fontaine

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11/25/2025

Date

Table of Contents

REPORTING PROCESS.....	3
ELEMENTS OF THE FREE SPEECH ACT	4
DEFINITIONAL CONSISTENCY.....	4
PROHIBITION OF FREE SPEECH ZONES	8
REASONABLE TIME, PLACE AND MANNER RESTRICTIONS	8
SECURITY FEES – HARASSMENT POLICY	9
FREE SPEECH EDUCATION.....	10
REPORTING AND COMPLAINTS.....	12
SUMMARY.....	14

REPORTING PROCESS

The Protecting Campus Free Speech in Higher Education Act (hereinafter the “Free Speech Act”), Idaho Code § 33-6801 et seq., requires institutions of higher education to “publicly post on its website, as well as submit to the governor and the legislative services office a report regarding the institution’s policies for implementing the requirements” of the Free Speech Act. I.C. § 33-6807(1). This document constitutes CWI’s report drafted pursuant to the requirements of the Free Speech Act.

The Free Speech Act does not dictate the precise elements of the report or the format in which it should be presented. However, in reviewing the elements of the Free Speech Act, CWI has analyzed the following elements and their inclusion in CWI policy to fully demonstrate CWI’s compliance with the law:

- Definitional consistency;
- Prohibition on free speech zones;
- Reasonable time, place, and manner restrictions narrowly tailored to serve a significant institutional interest, which are content and viewpoint-neutral;
- Security fees & harassment policies;
- Free speech education; and
- Reporting of policy updates and complaints.

CWI’s free speech policies, particularly with respect to student expressive speech on campus, are set forth in CWI Policy CW 010 – Campus Speech. In order to demonstrate compliance with the foregoing statutory elements, CWI will address each element in turn and explain how it is expressed in policy and/or how policy has been amended to facilitate compliance with the requirements of the Free Speech Act.

ELEMENTS OF THE FREE SPEECH ACT

DEFINITIONAL CONSISTENCY

The Free Speech Act includes definitions that are not new to First Amendment legal analysis or CWI's policy. However, to provide consistency between the Free Speech Act and CWI policy, CWI added one definition, modified three definitions and removed one definition.

As demonstrated by the redlined version of CW 010 – Campus Speech, attached hereto as Exhibit A, CWI made the following edits to definitions.

Inclusion of “Benefit”

The Free Speech Act defines “benefit” as “the recognition, registration, or use of facilities of an institution of higher education for meetings or speaking purposes, use of channels of communication, and use of funding sources that are otherwise available to other student organizations at the public institution.” The context of the use of “benefit” involves those rights and opportunities afforded to recognized student organizations. Though the Free Speech Act does not incorporate “benefit” into the text of the substantive portions of the statute, the ostensible purpose is to identify those student rights which must be afforded to student organizations or not denied on content-neutral and viewpoint-neutral grounds. In other words, a student organization shall not be denied benefits because of the message of the protected expressive activity in which the student organization seeks to participate.

The concept of affording student organizations full access to the benefits of being a recognized student organization and not denying such benefits based on the content or viewpoint expressed by the students' activity has historically been recognized by CWI policy. For example, the CWI Student Club Handbook states that clubs may be established for any legal purpose and the focus may be religious, political, educational, economic, or social. Privileges of CWI Student Clubs include use of facilities, access to funding and inclusion on the CWI website. These privileges will not be denied based on the protected expressive activities of the clubs per the Student Club Handbook. However, to demonstrate that such “benefits” are protected by the First Amendment, CWI has additionally included the definition of “benefits” in CWI - 010 Campus Speech. CWI made only slight modifications of the statutory term “benefit” in order to align with CWI's internal policy-drafting guidelines.

Modification to “Harassment,” “Disruptive Activity,” “Protected Expressive Activity,” and “Outdoor Areas.”

The Free Speech Act defines “harassment” as “expression that is unwelcome and so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by a public institution of higher education.” I.C. § 33-6803(2). This term is included in the Free Speech Act to explain speech or activity that is not protected by the First Amendment and to ensure that institutions adequately protect the rights of students by maintaining policies that prohibit student-on-student harassment.

The prior version of CW 010 – Campus Speech included a definition of “harassment” in its list of activities specifically identified as *not* protected by the First Amendment and expressly prohibited by CWI policy. CWI has adopted the Free Speech Act’s definition of “harassment” and includes it in the policy’s definitions. Harassment is still identified as prohibited behavior and CW 010 Campus Speech, as well as other CWI policies, prohibit student-on-student harassment. Those additional CWI policies include CW 000 – Respectful Community Prohibition on Discrimination and Harassment; and Section 2 of the CWI Student Code of Conduct. These policies are further explained in this report under the “Security Fees - Harassment Policy” section.

The Free Speech Act states that conduct “materially and substantially disrupts” when one or more of the following acts occur:

- (a) Materially disrupting the operation of functions of the public institution of higher education;
- (b) Materially disrupting or preventing the communication of a message of another individual or group;
- (c) Preventing a lawful meeting, gathering, or procession by:
 - i. Engaging in fighting, violence, or other unlawful behavior; or
 - ii. Physically blocking or threatening or inciting violence to prevent an individual from attending, listening to, viewing or participating in a protected expressive activity.

The foregoing definition serves the dual purpose of ensuring that students may derive the benefit of their education due to continued the operations of the institution while still protecting those who are engaged in protected expressive activity.

The prior version of CW 010 – Campus Speech likewise sought to preserve the educational environment and operations while safeguarding public colleges as “peculiarly the marketplace of ideas,’ where students learn to exercise the constitutional rights necessary to participate in this system of government and to tolerate others’ exercise of the same rights.” See Ex. A “Policy.” By adopting the Free Speech Act’s definition of a materially disruptive acts, the intent of CWI 010 – Campus Speech is presented not only as a policy statement but as a tool for evaluating the comparative objectives of providing a safe and operable learning environment and a unique marketplace of ideas.

The bedrock of the Free Speech Act is the definition of Protected Expressive Activity, which is that noncommercial speech that is protected by the First Amendment and includes:

- (a) Communicating by any lawful verbal, written audio-visual, or electronic means;
- (b) Participating in peaceful assembly;
- (c) Protesting and counter-protesting;
- (d) Making speeches, including speeches of guest speakers;
- (e) Distributing literature;
- (f) Carry signs;
- (g) Circulating petitions; and
- (h) Distributing pamphlets and other literature.

This definition of Protected Expressive Activity focuses not so much on the expressive content of the speech but largely on the traditional mechanisms for exercising First Amendment rights on campus. The foregoing enumerated activities are consistent not only with the definition of Expressive Activity in the prior version of CW 010 – Campus Speech, including peaceful assembly, speeches, guest speakers, and circulating petitions, but also in the list of Use of Outdoor Areas, which includes the distribution of written materials, picketing and oral presentations. Thus, while the prior version of CW 010 Campus Speech encapsulates the necessary elements of the Free Speech Act’s definition of “Protected Expressive Activity,” CWI modified its definition for the sake of clarity and consistency with the law.

Finally, CWI modified its previous definition of “Public Outdoor Areas” to align with the Free Speech Act’s definition of “Outdoor Areas.” The Free Speech Act defines Outdoor Areas as “the generally accessible outside areas of campus where students,

administrators, faculty, staff, and invited guests are commonly allowed, such as grassy areas, plazas, or other similar common areas, and does not include outdoor areas of campus to which access by the public is restricted. CWI's previous definition of a Public Outdoor Area was similar to the statute's definition yet was modified for the sake of consistency with the new law.

Removal of “Reserved Outdoor Area.”

The prior version of CW 010 – Campus Speech, included the defined term of “Reserved Outdoor Areas,” which referred to those locations “in Public Outdoor Areas of CWI-owned facilities which may be used for expressive activities involving the use of tables, chairs, booths, displays, or exhibits.” CWI has removed this definition to alleviate any confusion with prohibited “free speech zones.” Under Idaho Code § 33-6804, “Public institutions of higher education shall not create free speech zones or other designated outdoor areas of campus ***outside of which*** non-commercial, protected expressive activities are prohibited.” (Emphasis added).

To be clear, CWI never prohibited protected expressive activities that occurred outside of the Reserved Outdoor Areas. Rather, CWI’s intent in allowing students to reserve outdoor areas was to allow for the use of furniture and equipment and to further facilitate the event by ensuring access to power, vehicular and pedestrian access, as required, access that did not interfere with events already scheduled for CWI property, and access that would not compromise the safe operations of CWI, such as avoiding congestion on walking paths or in parking lots. The “Reserved Outdoor Areas” definition was intended to be a tool in student expressive speech activities requiring furniture and equipment and not an impediment to speech occurring outside the reserved areas. Notably, the Free Speech Act recognizes the lawful use of reserved spaces when it refers to “the protected expressive activity of another ... ***in a space on campus reserved*** for the other individual’s protected expressive activity ...” I.C. § 33-6809(4) (emphasis added).

Nonetheless, given the intent of the Free Speech Act to specifically prohibit free speech zones, CWI deleted this definition to avoid any confusion with prohibited conduct. The public outdoor areas of the CWI campus have historically and currently remain accommodating to students and student organizations who desire to spontaneously and contemporaneously assemble and engage in protected activity.

Students may additionally request to reserve space when their activity involves furniture, equipment or other needs.

PROHIBITION OF FREE SPEECH ZONES

As noted in the previous section, the Free Speech Act specifically prohibits institutions of higher education from creating free speech zones “outside of which non-commercial, protected expressive activities are prohibited.” CWI does not maintain such free speech zones, and students are entitled to spontaneously and contemporaneously assemble, distribute literature or otherwise engage in protected expressive activity in the outdoor areas of CWI’s campus.

REASONABLE TIME, PLACE AND MANNER RESTRICTIONS

It has been a long-standing principle of the First Amendment that government can impose reasonable “time, place, and manner” restrictions on expression. This phrase refers to a government’s ability to regulate speech in a public forum in a manner that minimizes disruption while still protecting free speech. Erwin Chemerinsky & Howard Gillman, *FREE SPEECH ON CAMPUS* 126 (Yale University Press 2017). The “crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time.” *Grayned v. Rockford*, 408 U.S. 104 (1972) (upholding ordinance that prohibited any person from making any noise disturbing the peace or good order of an adjacent school.)

Pursuant to Idaho Code § 33-6804,

Public institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions applicable to the outdoor areas of campus that are narrowly tailored in service of a significant institutional interest only when such restrictions employ content-neutral and viewpoint-neutral criteria and provide for ample alternative means of expression. Any restrictions shall allow for students and student organizations to spontaneously and contemporaneously assemble and distribute literature.

CWI’s reasonable time, place and manner restrictions are set forth in the General Conditions for Use of CWI Property in CW 010 – Campus Speech. In sum, CWI’s restrictions mirror those items enumerated under the Free Speech Act’s definition of

“materially disruptive” activities, including restricting activities that materially disrupt CWI’s operations and interfere with another student or student organization’s right to engage in protected expressive activity (per the definition of “Harassment.”) Additionally, CWI lists those activities which do constitute protective expressive activity per the rulings of the United States Supreme Court, including without limitation, defamation, obscenity, destruction of property, and inciting violence.

Finally, CWI maintains a list of reasonable time, place and manner restrictions that apply uniquely to the Outdoor Areas, such as limitations on blocking vehicle and pedestrian traffic, the use of sound amplification devices, or other activities which materially disrupt CWI classes or other CWI-scheduled events. These restrictions are narrowly tailored to protect the safety of the CWI community and to facilitate CWI’s primary function of providing for the educational needs of its students. These restrictions are entirely content and viewpoint-neutral, and students have ample opportunity to engage in the enumerated “Protected Expressive Activities” while in compliance with the restrictions or to engage in alternative means of expression. For example, while students may not assemble in a way that prevents students from entering classroom buildings, students may assemble directly adjacent to public walkways or otherwise allow for the flow of foot traffic while circulating petitions or distributing written materials.

It must be noted here that the application of policy to facts in the context of constitutional rights involves a specific, case-by-case analysis. The factual circumstances giving rise to a constitutional claim are often analyzed in hindsight through a balancing of the individual’s interest in pursuing a constitutional right against the government’s interest in public health and safety or preservation of property. Therefore, while CWI gives notice of the reasonable time, place and manner restrictions that may be applicable in light of certain student activity through its policy language, CWI nonetheless appropriately analyzes each situation to ensure that the balancing of interests does not result in a constitutional deprivation.

SECURITY FEES – HARASSMENT POLICY

Consistent with Idaho Code § 33-6805(2), CWI does not charge security fees to a student or a student organization based on the content of the student’s or organization’s expression, the content of the expression of the student’s or organization’s invited guest, or the anticipated reaction to an invited guest’s

expression. Pursuant to CWI Policy OP – 120, Facility Request, student clubs and organizations may coordinate use of facilities for events. There are no facility fees for officially sanctioned student events, which would include security fees. Students are not subject to ordinary and typical facility use fees required of external requestors. To make the prohibition on security fees even more clear, CWI modified CW 010 – Campus Speech to specifically state, “No security fee shall be charged to a student or a student organization based on the content of the student’s or organization’s expression, the content of the expression of the student’s or organization’s invited guest, or the anticipated reaction to an invited guest’s expression.”

Idaho Code § 33-6805(3) requires that all institutions of higher education maintain a policy prohibiting student-on student harassment, which includes harassment that is unwelcome and so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the institution. See I.C. § 33-6803(2). CWI’s prohibitions on student-on-student harassment are set forth in several provisions of CWI policy. Notably, CWI has amended CW 010 – Campus Speech to include the Free Speech Act definition of “harassment” and excludes such conduct per the General Conditions for Use of CWI Property. Additionally, student-on-student harassment is further prohibited by the CWI Student Handbook, which affords all students the right to an education free from harassment in accordance with state and federal law, which would include the Free Speech Act. (CWI Student Code of Conduct Section 1.5.1.2.) “Harassment” is included as a behavior prohibited by Section 2.3.4 of the Student Code of Conduct, which conduct includes student-on-student conduct. Finally, CW 000 – Respectful Community prohibits harassment between member of the CWI community, for example, “between two students”, which prohibition applies to all CWI programs, activities, and officially recognized groups[.]”

FREE SPEECH EDUCATION

The Free Speech Act requires that public institutions make public in their handbooks, on their websites, and through their orientation programs for students the laws, policies, and expectations of students regarding free expression on campus. I.C. § 33-6806. CWI’s policies, as included on CWI’s website, incorporate the laws, policies, and expectations regarding free expression on campus. As referenced herein, CW-010 Campus Speech, is the primary policy addressing protected

expressive speech on campus. However, the fundamentals of protected expressive activity at CWI are also included in the following policies:

- INST 010 – Academic Freedom: Acknowledges the duty of the academic community, including administrators, faculty members, other institutional employees, and students, to “respect the dignity of others, to acknowledge the right of others to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the CWI campus.
- CW 000 – Respectful Community: Prohibitions on harassment shall not broaden the scope of prohibited speech and expression in the educational environment. The Respectful Community policy “shall not be construed or applied to restrict academic freedom at CWI, nor shall it be construed to restrict constitutionally protected freedom of expression.”
- HR -250 Political Activity Policy: CWI respects the rights of its employees to engage in local, state and national politics. Because CWI is a public entity, certain restrictions apply, however, employees are permitted to engage in political activity in a manner that does not violate CWI policy or state law.
- STU 010 – Student Political Activity Policy: CWI respects the rights of its students to engage in local, state and national politics. CWI’s students are free to express their political opinions and engage in political activities, subject to those state laws and policies applicable to political or campaign activities and public funds.
- COMM 000 – Communications Policy: CWI’s policies concerning institutional communications are not intended to infringe upon any individual’s right to freedom of speech or expression.
- Student Handbook: “All students have the right to engage in a free exchange of ideas, to express their views, to examine all questions of interest, explore any line of scholarship or research, and to exercise their rights to free inquiry, expression, and assembly.” No section of the Student Code of Conduct “shall be construed to restrict the legal exercise of protected speech.”
- Student Club Handbook: “The Freedom to associate and the freedom of speech are fundamental rights for student clubs.”
- Professional Standards Committee Charter: Within the context of its mission and values, the institution defines and actively promotes an environment that supports independent thought in the pursuit and dissemination of knowledge. It affirms the freedom of faculty, staff, administrators, and students to share their scholarship and reasoned conclusions with others. Constituencies within the

institution are free to test and examine all knowledge, theories, thought, reason, and perspectives of truth. Individuals within the institution allow others the freedom to do the same. (Per 2020 NWCCU Accreditation Standards.)

In addition to posting and disseminating the foregoing policies, CWI hosts an annual event known as the CWI Constitution Day. Constitution Day, held each year on September 17, commemorates the day the final draft of the United State Constitution was signed in 1787. CWI hosts this educational event, distributes free pocket constitutions and provides information on the U.S. Constitution, including the Bill of Rights, along with voting information for its students.

Finally, CWI provides informal sessions regarding free speech rights at CWI, including “Lunch & Learn” for faculty. The Office of General Counsel is in the process of creating an internal website, which will feature an FAQ on free speech rights on campus. The website is anticipated to be completed in early 2026.

REPORTING AND COMPLAINTS

This report is being provided pursuant to Idaho Code § 33-6807, which requires each public institution of higher education to submit a report to the Governor and the Legislative Services Office regarding the institution’s policies for implementing the requirements of the Free Speech Act. As demonstrated by the attached Exhibit A, CWI is providing this report based on the most recent updates to policy, which were implemented for the purpose of confirming and creating consistency with the requirements of the Free Speech Act as they apply to CWI’s campus.

The Free Speech Act additionally requires CWI to submit a supplementary report to the Idaho State Board of Education within thirty (30) days of the filing of a claim or complaint alleging an unlawful unconditional limitation on the protected activities set forth in the Free Speech Act. CWI has received no such claim or complaint since the enactment of the Free Speech Act and, per the litigation history of CWI, it has not received any civil complaint alleging violations under the First Amendment.

By way of explanation of CWI’s process under this chapter of the Free Speech Act, CWI’s Office of General Counsel is the recipient of employee and student complaints that allege constitutional violations. General Counsel receives reports of these complaints through several mechanisms, including employee and student grievance

procedures that are escalated to the Office of General Counsel, and through direct reporting to the Office of General Counsel via the Ethics Hotline reporting software. Finally, General Counsel is provided all copies of summons and complaints as it is the Office of General Counsel that manages CWI's litigation. Through the foregoing mechanisms, General Counsel is alerted to claims or complaints alleging violations of the Free Speech Act. Should any such claims or complaints be brought to General Counsel's attention in the future, they will be included with de-identified information to the State Board of Education as required by the Free Speech Act.

SUMMARY

CWI is committed to facilitating the “marketplace of ideas,” where individuals “learn to exercise the constitutional rights to necessary to participate in this system of government and to tolerate others’ exercise of the same rights,” as recognized by the United States Supreme Court in *Healy v. James*, and as expressed by the Idaho Legislature in the Free Speech Act. While CWI has historically honored these rights in its policies, CWI further modified its policies, and in particular CW 010 – Campus Speech, in order to provide consistency with the Free Speech Act and to ensure compliance with all aspects of the law. CWI will submit any supplementary reports to the State Board of Education, should that be required, and shall continue in its efforts of education and support of student rights under the First Amendment.

EXHIBIT A

REPORT ON POLICIES IMPLEMENTING
PROTECTING CAMPUS SPEECH IN HIGHER EDUCATION ACT



CAMPUS SPEECH

Policy Number: CW 010	Responsible Department: Office of General Counsel and Campus Operations
Effective Date: 03-03-2016	Last Revision Date: 06-01-2023
Last Reviewed Date: 06-01-2023	

PURPOSE:

The purpose of this policy is to establish guidelines for respecting the Campus Community's right to free speech and expressive activity on campus while maintaining CWI's mission and operations.

SCOPE:

The policy applies to all CWI students, student organizations, employees, invited guests, and visitors.

DEFINITIONS:

Benefit: The recognition, registration, or use of CWI facilities for meetings or speaking purposes, use of channels of communication, and use of funding sources that are available to Student Organizations.

CWI Property: Any premises or property owned, leased, or controlled by CWI, including all real and personal property, resources, funds, information systems, and college-owned or controlled websites and social media accounts.

Designated Public Forum: CWI property that has been opened up for use to certain groups or for the discussion of certain topics. Such restrictions may not be based upon the viewpoint of the speaker and must be reasonable in light of the purpose served by the forum. Examples of Designated Public Forums at CWI include, without limitation, interior bulletin boards, official CWI websites and social media pages, and reservable classrooms and meeting rooms.

Facilities Planning and Management Department (FPM): The CWI department with authority over all CWI physical/campus space.

Harassment: Expression that is unwelcome and so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by CWI.

Indoor Public Areas: Facilities that have been opened up to members of the general public for a specific campus function. Unless designated for a specific campus function, indoor areas of CWI property are not public areas.

Materially and Substantially Disruptive: Activity that results in any of the following:

- (a) Materially disrupts the operations or functions of CWI;
- (b) Materially disrupts or prevents the communication of a message of another individual;
- (c) Prevents a lawful meeting, gathering, or procession by:
 - i. Engaging in fighting, violence or other unlawful behavior;
 - ii. Physically blocking or threatening or inciting violence to prevent an individual from attending, listening to, viewing, or participating in Protected Expressive Activity.

Nonpublic Forum: CWI property that may be used only for its intended purpose and which may be subject to speech regulations reasonably related to the intended purpose. Examples of nonpublic forums at CWI include, without limitation, administrative office space and other facilities not subject to a facilities use request.

Open Public Forum: CWI property that has been opened up for use to the Campus Community and Visitors for Expressive Activity. Restrictions on Expressive Activity in Open Public Forums may not be based on the viewpoint of the speaker but may be subject to content-neutral time, place, and manner restrictions. Public Outdoor Areas, as defined in this policy are considered Open Public Forums.

Outdoor Areas: The generally accessible outside areas of campus where students, administrators, faculty, staff, and invited guests are commonly allowed, such as grassy areas, plazas, or other similar common areas, and does not include outdoor areas of campus to which access by the public is restricted. . Outdoor Areas do not include parking spaces or areas that are being used for CWI educational activities or are otherwise reserved.

Protected Expressive Activity: Noncommercial speech or conduct protected by the First Amendment to the Constitution of the United States, including:

- (a) Communicating by any lawful verbal, written, audio-visual, or electronic means;
- (b) Participating in peaceful assembly;
- (c) Protesting and counter-protesting;
- (d) Making speeches, including speeches of guest speakers;
- (e) Distributing literature;
- (f) Carrying signs;
- (g) Circulating petitions; and
- (h) Distributing pamphlets and other literature.

Student Organizations: An officially recognized group at CWI or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, Benefits through CWI.

Visitors: Members of the general public who are not active members of CWI's faculty, staff, or student population who may access public areas of campus.

POLICY

The First Amendment of the United States Constitution and the Constitution of the State of Idaho protect the rights of freedom of speech, freedom of the press, freedom of religion, freedom of association, and freedom to petition the government for all people. CWI honors the Campus Community's ability to exercise these First Amendment rights by establishing guidelines to promote free speech while maintaining a safe and operable campus.

As an institution of higher education, CWI has a particular responsibility to safeguard free speech rights. The United States Supreme Court, in *Healy v. James*, described public colleges as "peculiarly the marketplace of ideas," where students learn to exercise the constitutional rights necessary to participate in this system of government and to tolerate others' exercise of the same rights.

CWI also recognizes its' responsibility to provide a secure learning environment that allows members of the community to express their views in ways that do not substantially disrupt the operations of CWI. Reasonable limitations may be placed on the time, place, and manner of free speech and expressive activities as deemed necessary by CWI in order to serve the interests of health and safety, prevent disruption of the educational process, and protect against the invasion of the rights of others.

GENERAL CONDITIONS FOR USE OF CWI PROPERTY

The following restrictions apply to activities on or using CWI Property:

1. Activities may not be conducted in a manner that violates any federal, state, or local law;
2. Activities may not be conducted in a manner that violates the rules, regulations, or policies of CWI that are designed to protect and promote the health, safety, and expressive rights of other CWI Community Members; and
3. Activities may not be conducted in a manner or at a time or place that is either incompatible or unreasonably interferes with the educational or other legitimate functions of CWI.

This policy does not permit activities which constitute the following:

- Defamation
- Incitement to commit unlawful conduct
- Imminent threats of actual violence or harm to others
- Obscenity
- Copyright or trademark infringement
- Harassment
- Trespass and/or malicious injury to property
- False advertising

Restrictions on all CWI Property:

1. Camping is the unauthorized use of CWI property as a temporary or permanent place of dwelling, lodging, or living accommodations. Camping is prohibited on CWI property.
2. Commercial speech is any form of expression or activity that is primarily intended to advertise, market, sell or promote goods and services on behalf of any person or entity that is not a CWI department or organization. Soliciting for contributions or donations is included in the definition of commercial speech. CWI is under no obligation to make any campus areas or facilities available for commercial activities. Commercial activity shall only be permitted upon express authorization of FPM and only where the commercial activity supports student learning, is not aimed at the exploitation of students, and/or promotes or fosters CWI's mission.

USE OF OUTDOOR AREAS

CWI shall not create free speech zones or other designated outdoor areas of campus outside of which Protected Expressive Activity is prohibited. CWI may maintain and enforce reasonable time, place, and manner restrictions applicable to Outdoor Areas that are narrowly tailored in service of a significant institutional interest only when such restrictions employ content neutral and viewpoint neutral criteria and provide for ample alternative means of expression. The following non-exhaustive list includes Protected Expressive Activities in Outdoor Areas and applicable time, place, and manner restrictions:

1. **Distribution of Written Materials.** Students and Student Organizations may distribute non-commercial written or printed materials in Outdoor Areas of Campus. Such written materials may include, but are not limited to, pamphlets, signs, notices, brochures, banners, handouts, and flyers. Individuals and groups engaged in the distribution of written materials must not litter and are encouraged to remove any distributed materials dropped on the ground by others.
2. **Passing of Petitions.** Students and Student Organizations may circulate petitions in Outdoor Areas of Campus.
3. **Demonstrations.** Students and Student Organizations may engage in demonstration, picketing, and oral presentations in Outdoor Areas of Campus.

4. **Tables, Displays, and Exhibits.** To ensure safe pedestrian and vehicle traffic and to preserve and protect CWI property, Students and Student Organizations may reserve a “Reserved Public Area” for Expressive Activities involving the use of tables, chairs, booths, displays, or exhibits. To reserve a Reservable Outdoor Area, individuals and organizations may submit a reservation request to scheduling@cwi.edu. Reservations shall be granted on a “first come, first served” basis. The reservation of space for the use of tables, chairs, booths, displays, or exhibits is intended to serve the narrowly tailored interest of protecting CWI property and the safety of the CWI community and shall not be construed to prohibit students and Student Organizations from spontaneously and contemporaneously assembling or distributing literature.
5. **Stakes or flags.** Students and Student Organizations may place stakes or flags in the ground only in the grassy Outdoor Area directly west of the Nampa Academic Building. To prevent destruction of CWI property, individuals or organizations wishing to install stakes or flags are required to contact FMP at facilities@cwi.edu prior to installation. Students or Student Organizations installing stakes or flags without contacting FPM will be responsible for any damages stakes or flags may cause to CWI property, including without limitation, sprinkler systems or other landscaping or underground infrastructure. All stakes or flags must be removed by the sponsoring individual or group at the end of their demonstration. Posts may not be installed as they may damage the grounds.

All Protected Expressive Activities in Outdoor Areas are subject to the following time, place, and manner restrictions:

- Activities must not interfere with the free flow of traffic, vehicle or pedestrian, or the ingress and egress to buildings on campus and may not block any sidewalk, roadway, or parking area without prior authorization by FMP.
- The use of microphones, bullhorns or any sound amplification device is not permitted where the sound is plainly audible from within a building containing classrooms or offices or is otherwise Materially and Substantially Disruptive.
- Activities must not interrupt the orderly conduct of CWI classes, scheduled college ceremonies or events, or otherwise be Materially and Substantially Disruptive.

Community members and Visitors who are not students or Student Organizations must receive express permission before engaging in Protected Expressive Activity in Outdoor Areas in order to meet the narrowly tailored interest of providing adequate campus security and ensuring continued college operations without material disruption or interference with CWI’s responsibility to fulfill its mission. A request to use facilities for Protected Expressive Activities shall be made in accordance with OP 120 – Facility Request Policy and shall be evaluated without regard to the content or viewpoint of the Protected Expressive Activity. Faculty and staff acting outside the course and scope of their duties will be treated as members of the general public for purposes of this policy. **USE OF CWI FACILITIES, CLASSROOM SPACE, BULLETIN BOARDS, AND WALLS**

CWI reserves the right to limit facilities, classroom space, bulletin boards, and indoor and exterior walls for official CWI business. Such spaces are Nonpublic Forums and are subject to reasonable regulations. For additional guidance on the use of space of CWI facilities, see OP 070 – Space Use policy.

Bulletin boards are Designated Public Forums subject to reasonable time, place, and manner restrictions that are not based on the viewpoint of the speaker. For additional guidance on the use of CWI Bulletin Boards, see OP 190 – Campus Posting Policy. Individual bulletin boards or dry-erase boards in classrooms and hallways not designated for College Use or otherwise designated by FPM do not constitute an Open Public Forum and shall be designated by faculty to post materials relevant to class instruction.

Facilities available for use by the Campus Community and Visitors constitute a Designated Public Forum and are subject to reasonable time, place, and manner restrictions that are not based on the content or the viewpoint of the speaker. A request to use facilities for Protected Expressive Activities, including invitations to speakers, shall be

made in accordance with OP 120 – Facility Request Policy and shall meet the reasonable restrictions of the Designated Public Forum. No security fee shall be charged to a student or a student organization based on the content of the student's or organization's expression, the content of the expression of the student's or organization's invited guest, or the anticipated reaction to an invited guest's expression.

No individual or organization not expressly authorized to represent CWI for the event or activity shall use the CWI name to imply official college sponsorship of the speaker in advertising or publicizing the event, except to identify the specific location of the event.

Distribution of written materials inside of CWI facilities shall not involve personally delivering materials to students within hallways, entryways, or classrooms and no person shall be compelled to accept any written material. However, written materials may be made available at tables that are reserved in interior spaces in accordance with the reservation process set forth in OP 120 – Facility Request Policy.

USE OF CWI WEBSITE AND SOCIAL MEDIA

All CWI websites and social media pages constitute Designated Public Forums and are for the purpose of furthering the mission, vision, and core themes of CWI. CWI reserves the right to restrict or remove any content that does not relate to CWI business, programs, and/or services or which otherwise violates CWI policies or guidelines, including without limitation, Administrative Guidelines – Social Media.

NON-SPONSORED SPEECH

Faculty, staff, students, and Student Organizations engaging in Protected Expressive Activities, whether on or off-campus, do so with the express understanding that the statements, opinions, and representations of the speaker(s) is not representative of CWI and that CWI neither endorses nor sponsors the expressive speech of any speaker not expressly recognized as representing CWI.

Conversely, CWI reserves the right, in its sole discretion, to determine the content of official CWI communications, sponsorship, messaging, and engagement.

GUIDELINE ENFORCEMENT

Violations of this policy may result in one or more of the following:

- A request of an individual or organization to cease and desist, relocate, or vacate the premises or property owned or controlled by CWI by law enforcement or an authorized representative of CWI.
- Commencement of institutional disciplinary proceedings by the appropriate department or academic unit.
- Restriction of future use of, or access to, CWI property.

Failure to enforce this policy in one instance does not waiver CWI's right to enforce it in any other instance.

COMPLAINT PROCEDURE

A Campus Community member or Visitor who believes a CWI official has infringed on the ability to engage in Expressive Activities protected by this policy may report such complaint through the appropriate reporting processes available to employees and students. Any individual may report an alleged violation using CWI's EthicsPoint Hotline at (844) 310-3447 or at the link below.

REFERENCED, RELATED AND SOURCED:

[OP 070 – Space Use Policy](#)

OP 120 – Facility Request (Policy updated, will be published at the same time as CW 010)

[OP 190 – Campus Posting Policy](#)

[COMM 000 – Communications Policy](#)

[COMM 040 – Community Engagement Policy](#)

[Administrative Guidelines – Social Media](#)

Campus Speech Reserve Public Area Request Form (Requires update before this policy can be enacted)

Reservable Outdoor Areas (Requires update)

[CWI Ethics Hotline](#) (844) 310-3447