

**University of Idaho Compliance Report – Chapter 68, Title 33, Idaho Code**

The University of Idaho provides this report in compliance with Idaho Code 33-6807 regarding free speech on campus.

In addition to adherence with Idaho statute, the U of I enacts Idaho State Board of Education governing policies and procedures, including [Policy III-B - Academic Freedom and Academic Responsibility](#). The U of I's Faculty Staff Handbook most directly addresses Idaho Code 33-6804 through 6806 in [FSH 4000 - Academic Freedom and Responsibilities](#). Section D-1 states that, "In addition to constitutionally protected freedoms of speech, assembly, and religion, students have the right to engage in free inquiry, intellectual debate, and freedom of scholarship both on and off campus. Students shall not be subject to retaliation, or censorship in response to their beliefs, opinions, research, publications, creative activity, and participation in institutional governance."

**Idaho Code 33-6804**

The U of I does not have designated free speech zones, members of the campus community and the public can hold demonstrations and protests in traditional "public forums" on the UI campus—such as streets, sidewalks, and public parks. The University has also intentionally designated certain other areas on campus as available to reserve for public speech and expression, though their use is not required. The U of I Dean of Students Office and Campus Safety created a simplified free speech guide included at the end of this report that assists students and student organizations in planning events.

**Idaho Code 33-6805 and 33-6806**

The U of I does not restrict the campus community or general public from exercising their First Amendment rights on campus, nor does it charge security fees. If an event is expected to generate elevated security concerns the university partners with Moscow Police Department to ensure public safety.

Harassment is prohibited in several policies, including [FSH 2300 - Student Code of Conduct and Resolution Process](#) in sections E-4.b (Prohibited harassment) and E-4.c (Threatening or intimidating behavior) as well as FSH 4000 in section G.a (Limitations).

Violations of these policies should be reported in accordance with [APM 95.33 - Reporting Incidents of Violent or Threatening Behavior](#).

In conclusion, the University of Idaho does not seek to restrict the expression of free speech, but to enable it as a core mission. All policies and application are view-point neutral and speakers and guest speakers from across the political spectrum are welcome on campus. As of the date of this report the U of I has not received formal complaints alleging violation of the Protecting Campus Free Speech in Higher Education Act. If such claims are made the university will fully investigate and submit an updated report with copy of the claim to the Idaho State Board of Education within thirty days.



# University of Idaho

## Demonstration and Protests: A Free Speech Guide

Demonstrations and protests have long been recognized as an important means of expression that can be protected by the [First Amendment](#). The University of Idaho has a strong commitment to free speech, supporting both the expression of ideas and the responses to them. The University has prepared this guide to help Vandals understand how they can freely express their perspectives and exercise their First Amendment rights on campus while respecting University policies and the rights of others.

### **What are Demonstrations and Protests?**

Demonstrations and protests are non-University events where students or community members express their protected free speech, including opinions, perspectives, and viewpoints, often on controversial issues.

### **Are Demonstrations and Protests Allowed at UI?**

Yes! As a public institution, the University's mission includes providing space for public demonstrations and protests and other open discourse. Demonstrations and Protests are generally protected by the First Amendment even if others disagree with the views expressed or the way they are expressed. The University can and does put in place certain reasonable, viewpoint-neutral rules relating to the "where, how, and when" of demonstrations and protests.

### **Where Can Demonstrations or Protests Occur at UI?**

Members of the campus community and the public can hold demonstrations and protests in traditional "public forums" on the UI campus—such as streets, sidewalks, and public parks. The University has also intentionally designated certain other areas on campus as available to reserve for public speech and expression. A list of those areas can be found at the end of this guide.

### **How Can Demonstrations or Protests Occur?**

The University implemented the following rules that apply to all demonstrations and protests on campus:

- No demonstration may exceed sixty-five decibels at the source or the use of amplified sound systems at any decibel level if it disrupts or disturbs the normal use of classrooms, offices or laboratories, or any previously scheduled activity. Use of amplified sound is generally prohibited in academic areas, unless approved by Campus Operations. Use of amplified sound may be further limited by the University during specific days and times in accordance with the academic calendar (such as finals week).
- Commercial sales and solicitation must be registered and approved by Auxiliaries services.
- No demonstration may:
  - Interfere with emergency response services.
  - Threaten the health or safety of any person on university grounds.
  - Infringe on others' rights to free speech or expression.
  - Obstruct access to buildings or impede movement.
  - Obstruct University or non-University events, either physically or with saturation of noise.
  - Obstruct normal traffic of pedestrians and vehicles.
  - Infringe on prior space reservations by other campus entities or demonstrations.
- Unprotected speech is never allowed or tolerated on campus, including:
  - Defamation
  - Obscenity

- Incitement to imminent lawless action
- Harassment, which is unwelcome conduct based on a protected status that is so severe, pervasive, or persistent that it denies or limits access to the University's programs or activities
- True Threats

These are the only limitations that the University has placed on demonstrations and protests that occur in traditional “public forums”—such as streets, sidewalks, or public parks.

The University has also intentionally designated certain other areas on campus as open to public speech and expression. A list of those areas can be found at the end of this guide. Those areas are subject to the limitations above **but also require a prior reservation**. They include:

- **Outdoor Spaces Open for Reservation**
  - Spaces are open for reservation through Auxiliary Services.
  - You can reserve spaces here: <https://tinyurl.com/VandalSpaceReservation>
  - For additional questions, Auxiliary Services can be contacted at: email at [ess-rooms@uidaho.edu](mailto:ess-rooms@uidaho.edu)
- **Tabling**
  - Tabling is allowed at the Idaho Student Union Building (ISUB) or the Bruce Pitman Center
  - You can register for a tabling space here: <https://tinyurl.com/VandalTabling>
  - For additional questions, Auxiliary Services can be contacted at: email at [lcsu-display@uidaho.edu](mailto:lcsu-display@uidaho.edu)

## **When Can a Demonstration or Protest Occur?**

Anytime, if they comply with the above rules! Keep traffic patterns in mind and think about when people will be out and about. Lunch time typically has the most foot traffic on campus and so is a popular time to get messages out to many people.

## **What if Others Disagree With a Demonstration or Protest?**

Importantly, the viewpoint expressed or even a strong reaction to the viewpoint expressed in a demonstration or protest **is not** generally a valid basis for preventing a demonstration or protest in a traditional “public forum” or for denying a request to use the spaces or tabling options under these “designated” public forums.

Individuals who believe that the viewpoint, perspective, or agenda of a demonstration or protest is inaccurate or offensive have equal rights to present a counter-perspective to the campus or community by, among other things, organizing a counter demonstration or protest in compliance with the above rules. It is important that any counter demonstration or protest not infringe on the free speech rights of others and respect the demonstration space of others. Individuals who believe a participant in a demonstration or protest has violated rules against harassment or infringing on others free speech can also file a complaint with the University's Office of Civil Rights and Investigations (OCRI) [online](#) or at [ocri@uidaho.edu](mailto:ocri@uidaho.edu).

Individuals who do not agree with the content of a demonstration or protest should **not** do the following:

- Do not look to silence others.
- Do not act in an aggressive or threatening manner.
- Do not limit or infringe on others' freedom of expression or first amendment rights
- Do not get drawn into conflict or escalate conflict with those with opposing viewpoints!

## **Is Parking Available to Demonstrators/Protesters?**

- If parking, or parking related signage, is required it can be requested here: <https://tinyurl.com/UIEventRequest>
- For additional questions, Parking & Transportation Services can be contacted at: 208-885-6956 or email at [parking@uidaho.edu](mailto:parking@uidaho.edu)

## Final Thoughts

Freedom of speech is one of the most cherished and fundamental rights that our Constitution grants us. There is immense value in publicly expressing your perspective and advocate for the causes you are enthusiastic about. With that right comes the responsibility to respect the same freedom for others, even when it means enduring discomfort or disagreement as opposing views are expressed around you.

Things to Keep in Mind:

- The First Amendment does not shield you from the discomfort of opposing viewpoints.
- The First Amendment does not exempt you from consequences for harassing or unprotected speech like threats and obscenity.
- Silence allows ignorance to persist and society to become stagnant, so speak up when you feel like something needs to be said or brought to light.
- The University will remain neutral in supporting the right to free expression while maintaining safety and order on campus.

## Outdoor Reservable Spaces

### Admin Ops Controlled Spaces:

6<sup>th</sup> Street Tabling

Admin Lawn – East, Northeast, Northwest, or Courtyard

Arboretum

Band Field

Engineering and Physics Lawn

ISUB Green 1 and 2

Shattuck Amphitheater

Physical Education Building Field

### Admin Ops/Housing Controlled Space:

Theophilus Tower Lawn

### Housing Controlled Space:

McConnell East Lawn

Wallace Courtyard

### Student Rec Center Controlled Space:

Wicks Field – Student Rec Center

Varsity Soccer Pitch – Student Rec Center

Student Rec Center Lawn – Student Rec Center

### Other Spaces

Bookstore Plaza – Vandal Store

