

KNOW YOUR RIGHTS

FREE SPEECH IN HIGHER EDUCATION

Free speech is a fundamental right protected by both the U.S. Constitution and Nevada law. If you are a student at a college or university in Nevada, it is important to understand the scope of your rights and the limitations that may apply to free expression on campus. The First Amendment and Nevada law protect the right to express opinions, even if those views are controversial or offensive to others.

This information is not legal advice, but intended to be a resource for students to understand and assert their rights

What Free Speech Rights Do Students Have at Public Colleges in Nevada?

Students at public colleges and universities in Nevada are protected by the First Amendment, which guarantees the right to free speech, assembly, and expression.

These institutions are government entities and must uphold these constitutional rights. Nevada law and campus policies reinforce that all individuals may exercise their rights to free expression, speech, assembly, and worship in areas of campus generally open to the public.

Student journalists at public colleges also benefit from Nevada's "New Voices" law, which restricts administrative censorship of student media except in rare and specific circumstances.

Do Students Have the Same Rights at Private Institutions?

Public colleges and universities are bound by the First Amendment and cannot censor or punish protected speech. Private institutions are not governed by the First Amendment, but may still protect free speech through their own policies or state laws.

Can My College Limit When and Where I Speak?

Colleges may impose reasonable time, place, and manner restrictions on speech to ensure campus operations and safety are maintained. These regulations must be content-neutral, meaning they

cannot be based on the viewpoint or substance of the speech. The rules must be narrowly tailored to serve a significant interest, such as maintaining order, and must leave open alternative ways to communicate.

For example, a college might require advance notice for large demonstrations or limit amplified sound in certain areas, but it cannot prohibit speech simply because it disagrees with the message.

What Types of Speech Are Protected?

Some examples of protected forms of expression include spoken and written words, symbolic clothing, sit-ins, picketing, passing out flyers, peaceful protests, and demonstrations.

Public institutions may set reasonable, content-neutral rules about when, where, and how speech can occur. Importantly, public institutions cannot censor speech simply because it is offensive or unpopular.

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What Types of Speech Are Not Protected?

Certain types of speech are not protected. These include true threats of violence, incitement to imminent lawless action, harassment, and speech that substantially disrupts campus operations.

Physical force, threats, or coercion to compel speech or silence others are strictly prohibited.

Nevada law allows restriction of school run student media only if the content would substantially disrupt the school's ability to operate or if it constitutes discrimination, bullying, or intimidation as defined by state law.

Does it Matter Where on Campus the Speech is Happening?

Where the expression is happening matters. The forum the speech occurs impacts the First Amendment protections that speech receives.

Traditional public forums provide the greatest First Amendment protections and include areas traditionally viewed as free speech zones such as sidewalks and parks.

Designated public forums are forums which the government has opened for speech such as some government buildings.

Nonpublic forums are forums which are not intended for public speech.

University campuses are not a single forum, they are composed of multiple forums. For example a sidewalk within the school may be a traditional

public forum, an amphitheater might be a designated public forum, and a school counseling office might be a non-public forum.

Is School-Sponsored Speech Still Protected?

Yes, but colleges can limit school-sponsored speech more than other forms of speech.

School-sponsored speech refers to expression that occurs in the context of school-sponsored activities or publications, such as official university events, student newspapers funded by the institution, or class assignments. In these cases, the college or university may have greater authority to regulate the content, especially if the speech could reasonably be perceived as representing the institution's own views.

However, in Nevada, the "New Voices" law provides strong protections for student journalists, limiting administrative censorship of school-sponsored student media unless the content is unlawful, constitutes a substantial disruption, or falls under specific exceptions such as libel, slander, or invasion of privacy.

For other types of school-sponsored speech, colleges may impose restrictions that are reasonably related to legitimate educational concerns but cannot discriminate based on viewpoint.

You can find more Know Your Rights guides, request a training, and more at aclunv.org/KYR.

