



Responsible Office: Office of Human Resources

BOARD POLICY 4500

STAFF FREEDOM OF SPEECH and FREEDOM OF EXPRESSION

PURPOSE

The Board of Trustees ("Board") supports the constitutionally guaranteed right to freedom of speech and freedom of expression for all members of the Washoe County School District ("District") community. The Board also acknowledges the general right of District employees to speak on matters of public concern, when doing so in a private capacity. In specific circumstances, however, the District is permitted to place reasonable limitations on employee speech, and to balance an employee's freedom of speech and freedom of expression against the legitimate educational and/or operational interests of the District and the community it serves.

DEFINITIONS

1. "Matters of public concern," as used herein, refers to speech on matters of political, social, or other concern to the community at-large or a subject of general interest and of value and concern to the public. The term does not include individual or personnel disputes or grievances that are of no relevance to the public's evaluation of the performance of a governmental agency, or when the subject matter of speech is private in nature or only marginally related to matters of public concern.
2. "Private Capacity" as used herein, refers to speech as a private citizen and not as part of the performance of an official duty as a public employee or which could reasonably be construed as being done on behalf of the District.

POLICY

1. Generally, District employees are free to speak in a private capacity on matters of public concern. The District, however, may place limitations on employee speech in a private capacity on public concerns if:
 - a. The speech materially and substantially interferes with school activities, the employee's ability to perform assigned duties, other employee's ability to perform assigned duties, or other rights of other employees;
 - b. The speech does or is likely to create substantial interference to the educational mission and/or operation of the District; or

- c. The speech violates a District policy or regulation, state or federal law or regulation, including case law, that defines the categories of unprotected speech such as vulgarity, obscenity, defamation, threats, hate speech, promotion of violence, and promotion of illegal substances.
- 2. When employees engage in speech as District employees, they may not be speaking in a private capacity, and the speech may not be protected by the First Amendment of the Constitution.
 - a. Any speech during work, while performing work for the District, or while engaged in work-related activities are not made in a private capacity, but rather, as an employee of the District;
 - b. Generally, employees may identify themselves as employees of the District while speaking on matters of public concern. However, if an employee purports to speak on behalf of the District or represents that their views are the official position of the District, then that speech is not considered private speech; or
 - c. When employees speak pursuant to their official job duties, that speech is not protected by the First Amendment. Personal employment grievances or wholly intragovernmental concerns are also not considered matters of public concern.
- 3. In order to address more specific issues that arise in the District, the Board hereby directs the Superintendent to adopt appropriate Administrative Regulations to implement and maintain the purpose of this Board Policy, consistent with applicable state and federal law. The Superintendent shall include in Administrative Regulations the following provisions:
 - a. When employee speech may be reasonably regulated;
 - b. Violent, harassing, or discriminatory employee speech;
 - c. Employee political activity;
 - d. Employee speech related to approve curriculum;
 - e. Student instruction related to controversial issues;
 - f. Employee use of personal social media accounts;
 - g. Publications and activities that appear to represent the District;
 - h. Employee religious expression; and
 - i. Employee patriotic observances.

LEGAL REQUIREMENTS & ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the following governing documents of the District, to include:
 - a. Board Policy 0100, Nondiscrimination and Equal Opportunity;
 - b. Board Policy 4505, Standards of Professional Conduct;
 - c. Board Policy 1310, Political Activity in Schools;
 - d. Administrative Regulation 1141, Distribution and Display of Information and Materials to or Through Students;
 - e. Administrative Regulation 1311, Political Activity in Schools; and
 - f. Administrative Regulation 4506, Standard of Professional Conduct.
2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. Chapter 391, Personnel
3. This Board Policy complies with federal laws and regulations, to include:
 - a. U.S. Constitution; and
 - b. Nevada Constitution.

REVISION HISTORY

Date	Revision	Modification
9/26/2017	1.0	Adopted
10/14/2025	2.0	Amended to clarify protected and unprotected speech and to move specific issues related to day-to-day operations to Administrative Regulations.