



UNIVERSITY OF NORTH CAROLINA WILMINGTON
NOVEMBER 5, 2015

MEMORANDUM

TO: All Faculty and Staff

FROM: Rosalynn Martin, Ed.D
Associate Vice Chancellor for Human Resources

SUBJECT: Political Activity

[Please print and post this for individuals in your unit who do not have regular access to e-mail]

With the start of a new academic year and Election Day approaching, we, as public employees, need a reminder of the policies and laws applying to politically-related activities (faculty and staff). Being a state employee does not result in the loss of any constitutionally protected rights to participate, or not participate, in political activities or responsible discourse as long as such participation is on your own personal time and does not involve the use of state resources. Please be aware that what each employee may do on the job, with state resources, using or implicating the name of the university, or otherwise affecting your job responsibilities is regulated by both law and UNC system policy. Moreover, what we do as state employees is scrutinized by the public, and any partisan political activities will be circumspect and subject to review for the failure to adhere to applicable law and system policies. This memorandum summarizes the laws and policies and is intended as a helpful resource to address questions you may have.

1. No employee may take part in a campaign, campaign for political office or otherwise engage in political activity during working hours. N.C.G.S. §126-13; State Personnel Manual (Section 3, page 35); UNC Policy 300.5.1.
2. No employee may use his or her position, state or university funds, services (including mail service), supplies (including letterhead), equipment (including telephone and computers), vehicles or other university property to support or oppose a candidate. N.C.G.S. §126-13; UNC Policy 300.5.1.
3. No employee may coerce an employee to support or contribute to a political candidate or party or to change voter registration. N.C.G.S. §126-14.
4. No EPA employee (including Faculty and EPA Professionals) may promise preferential treatment or threaten detrimental treatment of an employee to induce support or opposition to a candidate. UNC Policy No. 300.5.1.
5. If running for or holding office, all EPA employees (Faculty and EPA Professionals) must comply with UNC Policies 300.5.2. For many types of office, the policies require that before becoming a candidate or holding political office, the university employee must make certain disclosures and receive various approvals on a prescribed schedule. Prospective candidates or office holders for some political office must petition the chancellor for approval months in advance; failure to do so may result in loss of university employment.

The UNC System Policy Manual can be found online at:

<http://www.northcarolina.edu/apps/policy/index.php>

Additional guidance can be found at this link:

http://www.uncw.edu/generalcounsel/documents/Political_Activities_Guidelines_OGC_2014.pdf

GUIDELINES CONCERNING USE OF UNIVERSITY OF NORTH CAROLINA RESOURCES FOR POLITICAL CAMPAIGN ACTIVITIES

The UNC Policy Manual, Chapter 300.5.1 prohibits activities of university employees related to governmental and political processes that are incompatible with the general responsibilities of public employment.

<http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s331>

N.C. General Statute, § 126-13 defines appropriate political activity of state employees and provides that no state employee may take any active part in managing a campaign, or engage in political activity within any period of time during which s/he is expected to perform services for the state. It also prohibits the use of the authority of a state employee's position, or the use of state property to secure support for or to oppose any person or issue in any election. Under § 126-14, it is unlawful for a state employee to coerce a state employee to support or contribute to a political candidate or party.

(http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_126.html), State Personnel Act)

Consistent with these requirements, no University of North Carolina equipment or services (e.g., vehicles and other equipment, campus mail, computers and e-mail, postage, photocopying and fax, etc.) may be used for political campaign activities. This applies equally to university faculty, staff and students, and to individuals external to the university.

Each member of the university community has the right to freely express his/her views on any subject, including advocacy for/against candidates for public office. This is protected by the First Amendment to the U.S. Constitution and by the N.C. Constitution, Art. I, Sec. 14, Freedom of Speech and Press. However, in exercising these rights, the resources of the university cannot be used. Engagement in political campaign activities by university employees should be conducted independent of their university employment and at times when such activity does not interfere with employment obligations to the university.

Political campaign activities are permitted on the university campuses *as long as they are sponsored or hosted by registered student organizations* and all expenses related to the activity, if any, are borne by the candidate, political organizations or student organizations. University facilities may be rented for political events per campus policy on use of university premises and facilities. Such sponsored events may not be subsidized or supported by the university. No campus shall endorse any particular party or candidate. University officials should refrain from activities that may be perceived as university support of a political campaign. Anyone can support a candidate on university property that has been designated as a free speech zone.

These guidelines apply explicitly to the use of public resources in support of or in opposition to political campaigns. They are not intended to limit discussion among faculty, administrators, and other state employees regarding political or campaign issues or candidates or to limit debates at which candidates have equal time.

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