

MEMORANDUM

DATE: March 15, 2016

TO: UNCW Faculty and Staff

FROM: Rosalynn Martin, Ed.D. AVC of Human Resources

SUBJECT: Political Activity of University Employees

As we enter into the elections season, I want to remind you of the policies and laws applying to politically-related activities of University employees. The ability to participate in civic life and activities is one of the fundamental tenets of our society. Being a University employee does not mean you lose any of your constitutional rights as a citizen to participate or not participate as you desire in the political process; however, because you are a University employee you must also be aware of the limitations on participation in partisan or political activity during work time and limitations on the use of University property. This memorandum summarizes the laws and policies and is intended to be a helpful resource for University employees.

1. No employee may engage in political activity while on duty. *Political activity* includes any action directed toward the success or failure of a candidate, political party, or partisan political group. This includes campaigning and/or taking an active part in managing a campaign. *N.C.G.S. §126-13; State Human Resources Policy (Section 3, pages 26 and 35); Section 300.5.1 of the UNC Policy Manual.*
2. Due to potential conflicts of interest or time, all EHRA employees (Faculty and EHRA Non-Faculty) becoming candidates for or holding political offices must make certain disclosures and receive various approvals. Prospective candidates or office holders for some political offices must use the form or format prescribed by the President to petition the Board of Governors or the board of trustees for approval in advance; failure to do so may result in loss of University employment. *Sections 300.5.1 and 300.5.2 of the UNC Policy Manual.*
3. Community service leave may be used only for working inside a polling facility in a non-partisan, unpaid role, such as assisting voters with the voting process. If an employee is receiving any payment for such activities or is standing outside the polling facility to distribute candidate information, then vacation/bonus leave or available comp time must be used. *N.C.G.S. §126-13; State Human Resources Policy (Section 5, pages 17; 18.1).*
4. Voting is not allowed as work time. Most polling stations are open extended hours and should allow most employees to vote before or after work. Additionally, employees have other options, such as early voting or voting during their scheduled meal break. Management may allow employees to use available vacation/bonus leave or comp time for hours missed during the employee's regular work schedule for voting purposes. Management, to the extent business operations allow, may provide employees a flexible work schedule so that they can make up the missed time within the same work week. *State Human Resources Policy (Section 5, page 17).*
5. In general, no employee may use his or her position to secure support for, or to oppose, any candidate or issue in an election involving candidates for office or party nominations.

In addition, no individual or group may use state or University funds, services (including mail and email service), supplies (including letterhead and postage), equipment (including telephones, computers, photocopiers, and fax machines), vehicles, or other University property to secure support for, or to oppose, any person or issue in any election. This prohibition applies equally to University faculty, staff and students, and to individuals external to the University. *N.C.G.S. §126-13; Section 300.5.1 of the UNC Policy Manual.*

6. No employee may coerce an employee or applicant to support or contribute to a political candidate, political committee, or political party or to change the party designation of their voter registration. *N.C.G.S. §126-14.*
7. No EHRA employee (Faculty and EHRA Non-Faculty) may promise preferential treatment (or actually confer such preference) or threaten detrimental treatment (or actually impose such detriment) to any person to induce support for, or opposition to, a candidate, political office, or partisan political group. *Section 300.5.1 of the UNC Policy Manual.*
8. Each member of the University community has the right to freely express their views on any subject, including advocacy for/against candidates for public office, so long as the activity is in compliance with the provisions referenced above. *First Amendment to the U.S. Constitution and by the N.C. Constitution, Sec. 14, Freedom of Speech and Press; N.C.G.S. §126-13; Section 300.5.1 of the UNC Policy Manual.*
9. Employees may participate fully in public affairs in a manner that does not compromise their efficiency or integrity as employees or the neutrality, efficiency, or integrity of the constituent institution or unit in which they are employed. To that end, employees must not imply that the political opinions they assume are endorsed by the University. *Section 300.5.1 of the UNC Policy Manual.*

These provisions apply explicitly to the use of public resources in support of, or in opposition to, partisan 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. Anyone can support a candidate on any University property that has been designated as a free speech zone.

It also is important to note that some of these provisions do not apply to non-partisan referenda, such as the current Connect NC Bond referendum.

If you have questions specific to a non-partisan election issue, please contact Chris Chiron, UNC General Administration Director of Employee Relations and Policy or your University Attorney. Chief Human Resources Officers or your University Attorneys may contact Joanna Carey Cleveland in General Administration Legal Affairs for questions related to the Connect NC Bond referendum. Questions from individual employees should always be referred to the most appropriate contact in your Campus Human Resources or Legal Affairs Office.