Political Activities

POLICY STATEMENT

The University of North Dakota (UND/University) recognizes the importance of civic engagement, and respects and supports the rights of its employees to engage in political expression and activities.

REASON FOR POLICY

Pursuant to SBHE policy 308.3, UND must maintain, and enforce a political activities policy which complies with SBHE policies and state and federal law yet does not infringe on the First Amendment rights to speech and assembly as related to political activities. The University encourages its employees to be active and engaged citizens and to participate fully in political expression and activities and this policy is not meant to limit such rights in any way, and is instead meant to ensure compliance with state and federal laws limiting the ability for state entities to engage in political activities, specifically including the use of state funds and making a political endorsement.

SCOPE OF POLICY

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Managers & Supervisors
- Faculty
- Staff
RELATED INFORMATION

- Internal Revenue Code § 501(c)(3) - Exemption Requirements
- NDCC § 16.1-10-02 - Use of state or political subdivision services or property for political purposes
- SBHE Policy 308.3 - Political Activities
- SBHE Policy 1202.1 - Acceptable Use of Information Technology Resources
- UND Faculty Handbook
- UND Policy - Cell Phones and Other Mobile Devices
- UND Policy - Disclosure of Non-Research Related Conflicts of Interest and Conflicts of Commitment
- UND Policy - Distribution of Information through Posters, Fixed Exhibits or Chalking
- UND Policy - Events, Demonstrations, Fixed Exhibits, and Short-Term Rentals
- UND Staff Handbook
- University Code of Conduct

CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>Department/Office E-Mail</th>
<th>Web Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Clarification</td>
<td>Office of the Provost/Vice President for Academic Affairs (Faculty)</td>
<td>701.777.2167</td>
<td><a href="https://UND.edu/academics/provost/index.html">https://UND.edu/academics/provost/index.html</a></td>
<td>provost/index.html <a href="mailto:heather.wages@UND.edu">heather.wages@UND.edu</a></td>
</tr>
<tr>
<td></td>
<td>Vice President for Health Affairs (SMHS faculty)</td>
<td>701.777.2514</td>
<td><a href="https://med.UND.edu/deans-office/index.html">https://med.UND.edu/deans-office/index.html</a></td>
<td><a href="mailto:dean@med.UND.edu">dean@med.UND.edu</a></td>
</tr>
<tr>
<td></td>
<td>Office of Human Resources (Staff)</td>
<td>701.777.4226</td>
<td><a href="https://campus.UND.edu/human-resources/">https://campus.UND.edu/human-resources/</a></td>
<td><a href="mailto:UND.humanresources@UND.edu">UND.humanresources@UND.edu</a></td>
</tr>
<tr>
<td>Providing Verbal or Written Testimony</td>
<td>Vice President for Finance &amp; Operations/CO</td>
<td>701.777.3511</td>
<td><a href="https://campus.UND.edu/operations/">https://campus.UND.edu/operations/</a></td>
<td><a href="mailto:UND.vpfo@UND.edu">UND.vpfo@UND.edu</a></td>
</tr>
<tr>
<td>Communication with Legislators on Behalf of Professional Organizations</td>
<td>Vice President for Finance &amp; Operations/CO</td>
<td>701.777.3511</td>
<td><a href="https://campus.UND.edu/operations/">https://campus.UND.edu/operations/</a></td>
<td><a href="mailto:UND.vpfo@UND.edu">UND.vpfo@UND.edu</a></td>
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**DEFINITIONS**

<table>
<thead>
<tr>
<th><strong>Employee</strong></th>
<th>All full-time, part-time, temporary, and/or non-benefited employees including but not limited to staff and faculty (e.g., professor, associate professor, assistant professor, instructor, tenured, non-tenured, graduate assistants, etc.).</th>
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<tbody>
<tr>
<td><strong>NDCC</strong></td>
<td>North Dakota Century Code – Codification of the latest versions of state law as of the date of their enactment.</td>
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<tr>
<td><strong>SBHE</strong></td>
<td>State Board of Higher Education</td>
</tr>
<tr>
<td><strong>Political Activities</strong></td>
<td>Officially participate in, intervene (whether directly or indirectly) in favor or against, or support, oppose, or otherwise attempt to influence legislation or any political campaign of any candidate for public office or issue.</td>
</tr>
<tr>
<td><strong>Political Purpose</strong></td>
<td>Any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using &quot;vote for&quot;, &quot;oppose&quot;, or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, &quot;political purpose&quot; also means any activity in which a candidate's name, office, district, or any term meaning the same as &quot;incumbent&quot; or &quot;challenger&quot; is used in support of or in opposition to the election or nomination of a candidate to public office. This term does not include activities undertaken in the performance of public office or a position taken in a bona fide news story, commentary, or editorial.</td>
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**PRINCIPLES**

**Overview**

UND supports civic engagement and respects the right of University employees to engage in political expression and activities without interference from the University or State Board of Higher Education (SBHE). Nothing in this policy should be read to limit the First Amendment or other political rights of off-duty UND employees, and this policy must be read narrowly to avoid infringing on those rights. This policy covers only UND employees, and does not, by its terms, govern students, student organizations, or student governing bodies (e.g., ARH, Student Government).

Federal and state law strictly limits the extent to which state entities, such as UND, may participate in political activities on behalf of UND. As a result, UND as an institution may not officially participate in, intervene in favor or against, or support, oppose, or otherwise attempt to influence any political campaign of any candidate for public office. UND as an institution may not undertake activities in support of or in opposition to a statewide initiated measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office. Similarly, no UND property or support from on-duty employees may be used for these purposes, except as set forth in this policy. The purpose of this policy is to distinguish an individual’s permissible civil engagement from such activities that are impermissible for UND.
PROCEDURES

Official UND Positions or Statements

UND is permitted to take an official position or make an official statement regarding a proposed, draft, or pending legislation or regulation which directly affects the SBHE, the NDUS, or a member institution. The UND President is solely responsible for determining the official position or statement of the University in these circumstances. Likewise, factual information may be presented by a UND official on behalf of the University solely for the purpose of education if the information is not partisan and does not advocate for or against or otherwise reflect a position on the adoption or rejection of a ballot question.

While UND employees are free to engage in political activities and civil discourse in their personal capacity, the University's position is set by the University administration. It is important, therefore, that UND employees not make broad statements such as "the university supports" a particular issue unless they have been specifically directed to do so by the University administration. Any communication or related activity that could be construed as being made on behalf of UND must be coordinated through their respective vice president, the vice president for marketing and communications and the vice president for finance and operations. This includes, but is not limited to, the following: providing verbal or written testimony on non-institutional or institutional positions, and communication with legislators on behalf of professional organizations. This direction is not meant to limit the constitutionally protected rights of a private citizen to petition or contact their elected representatives on behalf of their personal beliefs or needs. Rather, it is meant to facilitate, and coordinate communications made on behalf of UND and ensure compliance with all relevant laws and regulation.

Employees Involved in Political Activities

UND encourages self-chosen participation in political and social action by individuals and groups; however, appropriate steps must be taken to avoid any inference that the activity is authorized or endorsed by the University. UND employees engaging in political activities or providing information or opinions with public officials on matters of policy within their areas of expertise should adhere to the following guidelines to emphasize that they are doing so in their own individual capacity and not on behalf of the institution:

1. The names, marks, and seal of UND may not be used in any materials supporting or opposing any candidate for political office, political party, or political committee, including as part of solicitation of funds.

2. Official work uniforms, name tags or other official identification pieces (e.g., lanyards or access cards) may not be worn or displayed to political gatherings, rallies, or demonstrations or while an employee is engaging in political or social action in their own capacity. Neither official work uniforms nor official University identification may be used in promotional materials for any political candidate, party, or issue. This provision does not include casual clothing bearing UND logos or slogans, even if issued by the University.

3. UND employees may not represent, verbally or in writing, that they are acting on behalf of UND when expressing support for or opposition to any political candidate, party, or issues, and must
take steps to ensure that an observer would not interpret any such expression in support or opposition as authorized by UND. UND titles should only be used for introductory or identifications purposes, so long as the use of the title does not imply that the individual is speaking or acting on behalf of the University. UND employees are encouraged to use the phrase: "The opinions expressed are my own and do not represent the view or opinions of my employer."

4. No UND address, phone system, server, or other electronic system, including email, may be used in association with a political candidate, political action committee, party, or issue. UND funds, equipment or supplies regardless of funding source, may not be used on behalf of or in opposition to any political candidate, party, or issue.

5. The official web or social media presence of UND may not be used on behalf of any political candidate, political action committee, party, or issue. This includes web pages and social media accounts created, sponsored, or operated by UND for all official teams, activities, organizations, and clubs. This policy does not restrict faculty or staff organizations from using their own web or social media presence to engage in political activities on or on behalf of any political candidate, political action committee, party, or issue.

Attendance by on-duty employees at partisan or politically oriented events at UND or other locations does not constitute a violation of this policy if such attendance is part of their job duties (such as managing logistics, conducting research, etc.).

System-wide and institution-level organizations of faculty and/or staff employees may engage in political activities, including advocating on issues of faculty and/or staff interest on-or-off campus, provided that it is clear that they are speaking or acting only on behalf of the organization and not UND. This includes through testifying or advocating before the legislature or other government entities. These organizations may also communicate with their constituents using NDUS/UND communications systems, including email, regarding such matters, provided that the communication makes clear on whose behalf the communication is being sent (e.g., the organization) and requests to opt out of such communications are respected. Such advocacy is protected by academic freedom and public employee free speech and may not be the basis for discipline.

No employee may be asked or coerced to engage in any kind of political activity, including monetary contribution, while on duty or by any person with authority over their employment.

Nothing in this policy should be read to prevent UND faculty or staff from receiving a stipend for, or having as part of their duties, advising a student organization with or without a political focus, even if part of that work results in the promotion or amplification of a political message by an on-duty employee. UND recognizes that such activities by faculty and staff are part of the support offered to students by UND.

**Candidates for Public Office or Assisting in the Campaigns for other Candidates**

Prior to becoming a candidate for public office or assisting in a campaign of a candidate, an employee must reach an agreement with their immediate supervisor to mitigate any potential conflicts of interest or commitment (real or perceived) with their university duties according to University policy (see Related...
Employees Elected to Public Office

If an employee is elected to public office, an agreement must be reached with their immediate supervisor, the appropriate department head/chair and/or dean, the appropriate vice president, and the president regarding the employee's continued status with the University and to mitigate any potential conflicts of interest or commitment.

Employees who are elected to the State's Legislative Assembly will normally be required, at a minimum, to take an unpaid leave of absence from their University position during the legislative session. Subject to approval of the appropriate vice president and president, an amount up to 20 percent of the employee's institutional base salary can be paid during the leave of absence for a comparable percentage of time spent on campus duties while serving in the legislature, provided that the time is recorded and tracked in writing by the employee's supervisor.

All University employees must make it clear that their political positions and the views they express are their own and do not represent the view or opinions of the University. Employees who hold public office are prohibited from using University funds, logos/marks, services, supplies, vehicles, inter-office mail, University-issued electronic devices (e.g., laptop, cell phone, mobile hot spot) or a University-provided email account (e.g., UND.edu, NDUS.edu) when conducting political activities.

Voting

Employees may be absent from work for the purpose of voting in statewide general, special, and primary elections. This includes time spent to appear at the employee's polling place, to cast a ballot, and to return to work on the day of the election.

Violations

Violations of this policy may result in disciplinary action, up to and including termination.
# RESPONSIBILITIES

| UND Human Resources | • Assist staff in understanding their rights and responsibilities related to political activities  
|                     | • Receive reports of non-compliance with this policy  
|                     | • Assist in resolving complaints or conflicts related to this policy |
| Office of the Provost/Vice President for Academic Affairs | • Assist faculty in understanding their rights and responsibilities related to political activities  
|                                                            | • Receive reports of non-compliance with this policy  
|                                                            | • Assist in resolving complaints and conflicts related to this policy |
| Vice President for Finance & Operations/COO | • Receive notice of any requests by legislators for information and/or testimony  
|                                                            | • Receive notice of invitations and/or visits by legislators to UND |
| Vice President for Health Affairs | • Assist SMHS faculty in understanding their rights and responsibilities related to political activities  
|                                                            | • Receive reports of non-compliance with this policy  
|                                                            | • Assist in resolving complaints and conflicts related to this policy |
| Vice President for Marketing & Communications | • Assist employees in understanding their role when asked to speak on behalf of the University or as an expert in their field |

# FORMS

There are no forms associated with this document.

# APPENDICES

There are no appendices associated with this document.
## Approval Signatures

<table>
<thead>
<tr>
<th>Step Description</th>
<th>Approver</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Campus Comment</td>
<td>Jennifer Rogers: Policy Office</td>
<td>Pending</td>
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<tr>
<td>Executive Council (1st Reading)</td>
<td>Jennifer Rogers: Policy Office</td>
<td>11/2022</td>
</tr>
<tr>
<td>Policy Office</td>
<td>Jennifer Rogers: Policy Office</td>
<td>08/2022</td>
</tr>
<tr>
<td>Policy Owner</td>
<td>Meloney Linder: VP for Marketing &amp; Communications</td>
<td>08/2022</td>
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