



# Eastern Kentucky University

## Policy and Regulation Library

Administrative Regulation: 8.3.10ADR

Responsible Office(s): University Counsel in conjunction with Human Resources or the Provost

Effective: February 28, 2020

Next Review Date: February 28, 2023

## Administrative Regulation: 8.3.10ADR Campaigning Activity of Employees

### Statement

University Employees are encouraged to fully and freely exercise their constitutional right to vote and express their personal opinions regarding political candidates, local, state and national programs, initiatives and referendums.

However, because Eastern Kentucky University is a public institution, Employees may only engage in campaigning, running for public office, or hold public office if they are able to do so within the applicable law and within University policies, while meeting the obligations of their position at the University.

This policy affirms the right of all Employees' freedom of political association, but such associations shall not be exercised in the Employee's official, University capacity. This policy further affirms a faculty member's right to academic freedom, as that is defined in law and in University Policy 4.1.1P.

This policy relates solely to individual Employee conduct and does not address the scope of Employee conduct on behalf of the University.

### Entities Affected

All University Employees.

### Background

This policy repeals University Policy 8.3.3P, Political Activity of the Staff and University Policy 4.7.6, Political Activity of Faculty.

## Guidelines

### I. Employee Political Conduct

Employees shall not participate in Campaigning Activities or solicit participation of others in Campaigning Activities on University Property either during normal business hours, at official University functions, or at any time when using University Assets unless space is procured in their individual capacity in accordance with University Policy 7.1.1, Scheduling of University Facilities and Outdoor Space.

Employees of the Office of Government and Community Relations are exempt from the restrictions noted above. However, these Employees will not allow personal beliefs, political considerations, or unethical considerations to influence or interfere with any advice, counsel, or services rendered.

Employees of the University are encouraged to participate in the political process, but are prohibited from serving in an appointed or elected position when:

- It is physically or professionally impossible for the Employee to discharge the duties of both positions;
- There would be a conflict of interest with the University;
- A specific constitutional or statutory bar exists prohibiting the Employee from serving both positions.

### II. Campaigning

To the extent Employees engage in any form of communication to include but not limited to correspondence, e-mails, social media, television or audio for the purposes of campaigning, they must not use University letterhead or Assets, and they must make it clear they are acting in their private capacities and do not represent the views or position of the University. University Assets include but are not limited to physical facilities, supplies, materials, equipment, telephones, printing or copying services, University email accounts, human resources, University Property and other tangible and intangible assets such as the University name, logo, insignia, or other identifying marks.

When campaign communications make reference to an Employee's affiliation with the University, they must include the following statement:

"The views stated in this communication are my own and do not express the position or views of Eastern Kentucky University."

Employees must not provide hyperlinks on a University website or media including, but not limited to, social media, publications, email, radio, or video, to a candidate's website or linking to other material supporting one candidate over another.

### III. Notice of Political Activity

Employees who are considering campaigning for, accepting appointment to, or holding public office shall immediately evaluate potential conflicts or work arrangements with their immediate supervisor and the Executive Director of Human Resources and Institutional Equity.

For Employees seeking an elected office, the date of notification to their immediate supervisor and the Executive Director of Human Resources and Institutional Equity shall be no later than the date of filing the certification of the petitions for the office they are seeking.

Any Employee who is a candidate for public office shall conduct themselves in a professional and ethical manner in accordance with University policies, applicable handbooks, and the Code of Ethics..

### IV. Employee Leave of Absence for Political Activity

In cases where the Campaigning Activity infringes on the Employee's ability to meet the obligations of their position at the University, the Employee must make arrangements with their immediate supervisor and the Executive Director of Human Resources and Institutional Equity to request a Leave of Absence. The primary consideration for authorizing a Leave of Absence is that it serves the best interests of the University.

It will be at the discretion of the University whether the Campaigning Activity may require an earlier Leave of Absence or whether the particular election campaign is having or is likely to have an adverse effect upon University operations.

## Definitions

- **Employee(s):** Individuals employed by the University.
- **Leave of Absence:** For this purposes of this policy, an unpaid, temporary leave of absence authorized by the University for the purpose of Campaigning Activity, with the primary consideration that it serves the best interests of the University.
- **Campaigning Activity:** Activities related to promoting or opposing any partisan political activity, political party, or candidate for public office (local, state, or national), including oneself. It does not include promoting political activities, parties, or candidates for elected office via the unbiased offering of academic credit for internship or co-op credit opportunities with a political party or candidate or promoting or opposing political activities or candidates for elected office within the University (e.g., Student Government representatives, election of faculty or staff members to the Board of Regents, Faculty Senate, Staff Council, and similar internal elections).

- **University:** Eastern Kentucky University.
- **University Assets:** Includes, but is not limited to physical facilities, supplies, materials, equipment, telephones, printing or copying services, University email accounts, human resources, University Property and other tangible and intangible assets such as the University name, logo, insignia, or other identifying marks.
- **University Property:** Any real property, buildings and facilities under the primary control of the University through ownership, lease, or other means.

## Responsibilities

- University
  - Ensure that all Employees may exercise the constitutionally protected rights to vote and free expression.
- University Counsel
  - Oversight and administration of the policy.

## Violations of the Policy

For staff, violations of this policy will be handled on a case-by-case basis by the Office of University Counsel in conjunction with the Office of Human Resources.

For faculty, violations of this policy will be handled on a case-by-case basis by the Office of University Counsel in conjunction with the Office of the Provost.

## Statutory or Regulatory References

University Policy 1.2.1, Code of Ethics  
26 C.F.R. 26 § 1.501(c)(3)-1

## Regulation Adoption Review and Approval

### Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
February 28, 2020	Board of Regents	Adopted
February 20, 2020	President McFaddin	Approved
February 3, 2020 Amendment	Faculty Senate	Approved with Friendly