



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: Spring 2030

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Campaigning & Political 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, as well as local, state and national programs, initiatives and referendums.

However, as a public agency, Eastern Kentucky University has an obligation to be neutral in election processes and may not use University Property or University Assets on a preferential basis to support political campaigns or candidates. Employees may only engage in Political and Campaigning Activities, run for public office, or hold public office if they are able to do so within the applicable law and within University policies, while also meeting the obligations of their position at the University. Furthermore, the resources of the University cannot be used in the exercise of these rights. Employees should consult University Policy 1.2.1, Code of Ethics, to ensure their participation in Campaigning or Political Activity is not a conflict of interest or commitment that may infringe on their ability to perform their official University duties and meet their responsibilities with maximum effectiveness and objectivity.

This Regulation affirms the right of all employees to freedom of speech and political association, but such rights shall not be exercised in the employee's official, University capacity. This Regulation further affirms a faculty member's right to academic freedom, as that is defined in law and in University Policy 4.1.1, Academic Freedom.

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

Entities Affected

All University Employees.

Guidelines

I. Political Activities of Employees

Employees shall not participate in Political Activities or solicit participation of others in Political 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.

University employees shall refrain from the following conduct, which is a non-exhaustive list:

- Promoting or opposing any partisan political activity, political party, or candidate for public office (local, state, or national), including oneself, during regular University working hours or at official University functions
- Depicting their personal beliefs as representative of the University
- Using their position of authority to solicit financial contributions, request campaign assistance, or influence the vote or political activities of their subordinates and/or students
- Using University Assets to invite individuals to fundraisers or to solicit campaign donations
- Using University Assets to advocate for or oppose political candidates or to coordinate Political Activity
- Using University Assets to advocate for or against legislation or government regulations

Employees of the Office of Government and Community Relations are exempt from the restrictions noted above to the extent that such conduct is being executed pursuant to their official duties on behalf of the University. However, these employees will not allow personal beliefs, political considerations, or unethical considerations to influence or interfere with any advice, counsel, or services rendered. Additionally, faculty may discuss relevant political matters in classroom discussions and in other instruction so long as appropriate regard is given to the context and subject of the class.

Political activities not impacted by this Regulation include:

- EKU employee interviews with media and presentations to community, academic, student, governmental, or other groups in their capacity as a subject matter experts
- Overseeing and promoting student internships with political campaigns or elected officials

- Advising student groups
- Discussing political issues in academic settings as appropriate

When not performing their University responsibilities, employees may engage in the following Political Activities, which include but are not limited to:

- Volunteering on political campaigns
- Soliciting campaign donations
- Posting on personal social media sites about political issues and candidates, though employees should consult EKV regulation 11.2.5, Social Media Communications, and never use EKV's name in promotion of a political party or candidate
- Any political activity done on personal time in an employee's personal capacity

II. Campaigning Activities of Employees

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. Regarding social media, employees may not use University-affiliated social media accounts to express or provide support for particular candidates. When using their personal social media accounts, University employees are encouraged to use a disclaimer in their bios conveying that their posts and the opinions expressed within them are their own and do not express the position or views of Eastern Kentucky University.

Other 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 or political position over another.

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.

III. Notice of Campaigning 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 Chief Human Resources Officer. For Employees seeking an elected office, the date of notification to their immediate supervisor and the Chief Human Resources Officer 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 Campaigning 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 Chief Human Resources Officer 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.

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| <h2>Definitions</h2> |
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- **Employee(s):** Individuals employed by the University.
- **Leave of Absence:** For the purposes of this Regulation, 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. Examples include raising funds or canvassing for a candidate, recruiting volunteers, distributing a candidate's campaign materials, or sponsoring the appearance of a candidate for public office. It does not include promoting political activities, political 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), debates held on campus in which all candidates for office are invited.

- **Political Activity:** Any activity intended to influence the outcome of an election, to advocate for or against a candidate for public office, to advocate support for or opposition to any proposed or pending legislation, or to advocate for or against a position on a public policy controversy. All campaigning activity is political activity, but not all political activity is campaigning activity.
- **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 constitutionality protected rights to vote and free expression.
- University Counsel
 - Oversight and administration of the Regulation.

Violations of the Regulation

For staff, violations of this Regulation 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 Regulation 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> |
|-------------------|--------------------|------------------------|
| January 27, 2025 | Human Resources | Reviewed and Readopted |
| March 18, 2024 | President | Approved |
| February 28, 2020 | Board of Regents | Adopted |
| February 20, 2020 | President McFaddin | Approved |