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### **General Guidelines for GSC Faculty and Staff** **Re: Political Activity and Public Advocacy**

May 14, 2018

These general guidelines are intended to help GSC faculty and staff understand their rights and obligations as employees of a New Hampshire public institution of higher education to engage in political activity and public advocacy. The subject and related issues are broad and, in some cases, quite complex, involving a mixture of some or all of: state and federal laws, regulations, court decisions, institutional policies, collective bargaining agreements, principles of risk management, and good common sense. These general guidelines are based on those sources of legal rights and obligations but are not and cannot be legal advice. The proper application of these guidelines always will depend on the specific facts and circumstances of a particular situation.

For that reason the first, and perhaps most important, guideline is: whenever in doubt, a GSC employee should ask for guidance before engaging in political activity or public advocacy. An employee most often will check first with their supervisor; other available resources include: Academic Affairs, the Provost's office, and the Human Resources offices. The USNH General Counsel's Office also is available to provide legal advice and guidance to any GSC employee or supervisor on these matters.

Although the subject is broad and complex, there are a few principles that will answer many of the questions that may arise:

1. GSC employees are free to engage fully in political activity in their personal capacity provided the activity does not interfere with the execution of their work duties and the personal nature of the activity is apparent;
2. GSC employees should never engage in political activity in their official capacities or using GSC/USNH systems, devices, accounts, or resources or under circumstances where it may appear they are acting on behalf of GSC or USNH; and

3. GSC employees should take steps to ensure the personal nature of their political activity is apparent, including, in the event of possible confusion, stating so clearly and explicitly.

These examples, in Q&A format, may help faculty and staff to understand and apply these principles to practical situations:

Q1: Is it OK for me to email a state legislator from my private email account advocating for a piece of pending legislation? A: Yes, provided it is clear you are writing as a private citizen and not on behalf of GSC – when in doubt a statement to the following effect should be included: “I am a faculty member in GSC’s Education Department but writing to you as a private citizen and not on behalf of GSC.”

Q2: Is it OK for my department to post on its departmental Facebook page an internship opportunity with a Congressional Office? A: Yes, provided the posting is clearly non-partisan, all internship opportunities are posted, and, if the department actively solicits such opportunities, it does so across all political parties.

Q3: Several of my students are soliciting money to support a candidate for political office – is it OK for me to forward their solicitation to my social media followers? A: Yes, provided you do it using your private social media accounts, devices, and service providers. Also, in case of possible doubt, you should consider making clear you are not acting in your official capacity.

Q4: A student organization posted on our departmental social media page an announcement of a rally on behalf of a candidate for political office touting the candidate’s strengths and urging readers to support her – is that OK? A: No, departmental communication resources may not be used for partisan political purposes no matter the source or author. The department may post a non-partisan, factual announcement of a campaign event provided it posts in equal fashion announcements of all similar events without regard to candidate or political party. If the department solicits campaign event announcements it should do so across all candidates and political parties.

Q5: Several of my colleagues and I are strongly opposed to a piece of pending legislation and want our department and GSC to take a stand against it – what do we do? A: Discuss the matter with your supervisor and/or a member of the GSC administration. If the institution agrees you may be asked to testify at a hearing; in that case it would be appropriate for you to identify your official role and title and state explicitly you are speaking on behalf of the institution. If the institution decides not to oppose the legislation,

you are free to express your personal opinion (including by testifying if the hearing doesn't interfere with your work duties), making clear you are speaking as a private citizen.

Q6: Is it OK for me to email my state representative from my private email account at 1pm on a Thursday? A: For employees who have set working hours, the email should be sent outside those hours. For faculty who may not have set hours, it is best to send the email under circumstances that won't cause the reader confusion about whether the sender is acting as a private citizen, for example, using a private account, device, and ISP. Also, when in doubt, including an explicit statement about the sender's private capacity is good insurance against confusion.

Q7: In my role as a member of the GSC faculty I sometimes disseminate my scholarly work in the form of policy briefs intended not only to present the facts and findings of my research but also to recommend the adoption of specific public policies – is that OK? A: Yes, in fact it is at the very core of the mission of any public institution of higher education. The key is to be aware of the circumstances, including the potential audiences, and take steps to ensure there is no misunderstanding about the purpose or intent of the publication. One such step is exemplified by the type of disclaimer required by most federal agencies for sponsored project reports: “This report was prepared and published with support from Granite State College. The content is solely the responsibility of the authors and does not necessarily represent the official views of Granite State College or USNH.”

Q8. As a GSC faculty member I teach a class in which students are encouraged to discuss the pros and cons of public policies relevant to the curriculum – do I have to be concerned about engaging in political activity or public advocacy? A: No, in general, the in-class discussions and other course work of students (whether in a physical or virtual classroom) do not raise the issues that are the subject of these guidelines. At the same time, the faculty member has a critical role in guiding their students' exploration of various viewpoints and creating a welcoming space for all students to participate in the informed and constructive discussion from their diverse perspectives. While a faculty member is free to describe their personal point of view, it should be done in a way that encourages students to think independently, broadly, and critically and to participate in the discussion.

Here are the primary sources of laws, rules, policies, and principles relevant to this general subject and related issues:

- a. USNH policy on employee conflicts of interest: [USY V.D.7, \*Conflict of Interest\*](#).
- b. USNH policy on political activity: [USY V.D.8, \*Political Activity Regulations\*](#).

- c. NH state law prohibiting the use of state funds to, among other things, participate in political activity, [RSA 15:5, \*Prohibited Activities\*](#).
- d. Federal law prohibiting IRC Section 501(c)(3) tax-exempt organizations from directly or indirectly engaging in partisan political activity, [26 U.S. Code Sect. 501\(c\)\(3\), \*Exemption from tax on corporations, certain trusts, etc.\*](#)
- e. Statement by the American Association of University Professors (AAUP) on the rights and obligations of faculty members as “citizens, members of a learned profession, and officers of an educational institution.” [1940 Statement of Principles on Academic Freedom and Tenure](#).

Remember, first and foremost, if you have questions, or any doubt whatsoever, about this matter, especially the application of these general principles to a real-life situation, please ask for help, clarification, and guidance. Discussing the matter ahead of time is the best way to avoid a misunderstanding or mistake that could lead to substantial negative consequences.

Thank you and, please, contact the General Counsel’s Office any time we may be able to answer a question, respond to a concern, or be of any other service to you.