

## Board Policy:

### Institutional Authority on Political Matters

#### Introduction

The University of Maine System is a public institution and instrumentality of the State of Maine, consisting of the University of Maine, including its regional campus the University of Maine at Machias; the University of Maine at Augusta, including its campus in Bangor and University College centers around the state; the University of Maine at Farmington; the University of Maine at Fort Kent; the University of Maine at Presque Isle; and the University of Southern Maine, including its campuses in Gorham and Lewiston-Auburn. UMS's public mission is to advance higher education in Maine through teaching, research, and public service; the System and its campuses receive significant state and federal taxpayer support to do so in ways that best serve all Maine citizens.

Because UMS is funded in significant part by all Maine taxpayers and student tuition revenue sourced from federal financial aid programs, and because UMS must also maintain its federal 501(c)(3) tax-exempt status, the System and its universities, as well as all officials acting on their behalf, will adopt, pursue, advocate for, or publicly comment on political matters, legislative outcomes, or partisan political candidates only as permitted in this policy.

*It is intended that this policy be read, interpreted, and administered in conjunction with Board Policy 212, Free Speech, Academic Freedom, and Civility, so as to best respect all UMS community members' constitutionally protected free speech rights and faculty academic freedom. The Board recognizes its faculty as subject matter experts in their areas of teaching and research and encourages them to responsibly disseminate their research and knowledge. Except as provided in the sections below titled "Official Legislative Advocacy" and "Authority to Make Institutional Statements," this policy does not restrict any UMS faculty, staff, or student from speaking on political matters, including testifying before or speaking with legislators or policy makers, about the subjects of their teaching or research expertise or personal experience, provided they do not represent that they speak for their campus or the System unless authorized to do so.*

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#### Official Legislative Advocacy

The UMS Charter authorizes and directs the UMS Chancellor to develop and implement an effective statewide legislative program for the System. All official statewide legislative advocacy will therefore be managed through the Chancellor's office, specifically the Office of Community and Government Relations. System legislative advocacy may only be pursued by individuals registered with the State of Maine for that purpose or in coordination with the Office of Community and Government Relations. University-specific legislative meetings and advocacy will also be coordinated with the Office of Community and Government Relations.

~~Individual employees below the campus president level who are not working in coordination with the Office of Community and Government Relations may nevertheless express individual views on legislative or political matters, subject to Board Policy 212 generally and provided, when doing so, he or she indicates that the views expressed are his or her own personal opinions and that he or she is not authorized to speak for his or her campus or the System.~~

For the purposes of this policy, “statewide legislative advocacy” includes interaction with the State Legislature, including individual legislators or legislative committees and their staff, the Governor’s office and staff, or any other public official or the general public when the purpose of the interaction or communication is to advocate for a specific position or outcome affecting the System or any of its campuses on pending legislation or citizen initiatives/public questions, proposed regulations, bond referendums, and the like.

Interactions with the United States government’s Executive Branch and agencies, Congress and congressional staff, and the various federal regulatory bodies having legal jurisdiction over each System university’s operation and activities are subject to this policy as well, except in cases where a specific campus or System office has primary responsibility for a function closely tied to the functional responsibility of the governmental office at issue (e.g., Department of Education Title IV officials and campus financial aid offices; Department of Education Office of Civil Rights and System General Counsel, etc.). Further, this policy does not restrict any UMS faculty, employee, department, division, or office from providing information, research, survey data, or policy advice to a local, state, or federal government official or office when required to do so by grant, contract, or legal mandate (e.g., the University of Maine Center for Community Inclusion and Disability Studies (CCIDS), which, by federal law, is required to advise, educate, and disseminate information to state and federal policymakers about individuals with developmental disabilities, or any similarly-purposed office or activities).

#### **Restrictions on ~~Partisan~~ Political Activity-Generally**

For the purposes of this section, “partisan political activity” means any action taken with the purpose or effect of supporting or opposing any candidate or political party’s candidates for elective office at the local, state, or federal level.

Except as authorized in the section above titled “Official Legislative Advocacy”:

- No System or university employee may engage in partisan political activity on his or her work time; while acting in his or her official capacity; ~~in or on UMS property;~~ or with the use of other UMS or university funds or resources, such as staff time, UMS or university office space and facilities or campus/System mail, UMS or university office equipment or networks such as computers, copiers, email, UMS- or university-issued cell phones and other communications equipment, UMS or university websites and links to them, or UMS or university office supplies such as official stationery or letterhead.
- No System or university records, organizational information, mailing lists, conference attendance lists, and directories of any kind may be used for partisan political ~~purposes~~activities, and no System or university’s name, symbols, and logos may be used for partisan political ~~purposes~~activities.
- No System or university employee may use university classes or any institutionally sponsored program or activity to ~~endorse or oppose specific candidates, political parties, or political programs~~engage in partisan political activity or for the purpose of advance-imposing his or her own individual political views on students or other employees. This provision will not be construed to restrict legitimate exercises of academic freedom, pursued for legitimate curricular or pedagogical purposes, as provided in Board Policy 212, and permits, for example, pedagogically sound education, faculty-led classroom discussion, critical thinking, research, and

class assignments related to the political process and public policy choices and their impacts on history and contemporary society.

- ~~No System or university funds may be expended to support or oppose any partisan political candidate or position or lobby for or against legislation or political questions or issues generally. This provision applies individually to Presidents and the Chancellor as well, whose individual actions are presumed to be attributed to the university/System.~~

#### ~~Restrictions on Political Activity during Campaigns for Elective Office~~

It is the intention of the Board that System universities and employees follow the guidance established by the IRS regarding individual participation in partisan political activities in campaigns for elective office. See IRS Revenue Ruling 2007-41.

#### **Employees Seeking Elective Office**

See Board Policy 403 (<http://www.maine.edu/about-the-system/board-of-trustees/policy-manual/section403/>)

#### **Chancellor and Presidential Authority to Make Institutional Statements**

~~The~~ This section applies only to the UMS Chancellor and System University Presidents, who:

- Have authority to speak or issue statements, or designate official spokespersons to speak or issue statements, on behalf of their institutions on issues core to the System/university mission (green);
- Should review in advance with the rapid response advisory team described below, when time permits, issues related to but not directly mission central (yellow); and
- Are not authorized to speak, including through official spokespersons, on issues beyond or only tangentially related to core institutional mission (red).

Issues are not static in relevance, but may vary in public or political salience over time. Issues may shift from one concentric circle to another, or overlap, depending on context.

Issues that involve legislative matters or advocacy must be coordinated as provided in “Official Legislative Advocacy” above.

A standing rapid response advisory committee of six members, including two Trustees, two Presidents, and two senior UMS staff (one of whom should be the System General Counsel or his/her legal designee) should be available to review, when time permits, the reasonableness of making statements on issues brought forth by the Chancellor/Presidents that appear to fall in the yellow zone.

**GREEN/Mission Critical:** Academic administration, curriculum, institutional finances and planning, health and safety of students and employees, and general issues critical to the financial or functional stability and wellbeing of the institution and its students, e.g., Pell grant funding, guns on campus, defunding TRIO programs, marijuana dispensaries near campus.

**YELLOW/Mission Indirectly Related:** Issues important or relevant to society at large that may impact an institution or its students or employees, but not in such a way as to undermine the institution’s educational mission or prevent the institution from carrying it out, e.g., climate change, labor standards, immigration policy.

**RED/Mission Unrelated** Issues of local, state or national import, but not relevant to educational mission or institutional financial or functional stability, e.g., abortion policy, tax reform, global trade policy.

The Board retains the right at all times to issue statements, including through the Chair or Chancellor, on behalf of the University of Maine System that cover all System universities.

*Discussed:*

*BOT Drafting Task Force 5/2/17, 8/7/17, 10/17/17*

*Presidents' Council (earlier 2/8/17, 4/12/17, 5/10/17, 6/14/17 (update only), 7/14/17 (update only), 8/9/17 (update only), 9/13/17, 10/11/17, 11/8/17, 12/12/17, 1/10/18*

*UMS BOT Student Reps 11/20/17*

*UMS BOT Faculty Reps 11/19/17 (and via email through December 2017 to present)*

*UMaine Faculty Senate Executive Board 1/12/18*

*USM Faculty Senate 2/2/18 (scheduled)*

*UMA Faculty Senate 2/16/18 (scheduled)*