

## **POLICY #5.20**

**SUBJECT:** Political Activity [TEMPORARY]

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### **I. PURPOSE**

The purpose of this Policy is to establish expectations and directives for participation in political activities by the University, University affiliated programs, University representatives, and employees.

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### **II. REFERENCES**

- A. [\*Hatch Act\*](#) (1939)
  - B. Southern Utah University [Policy 5.1 \*Free Speech and Advocacy on Campus\*](#)
  - C. Southern Utah University [Policy 5.7 \*Conflicts of Interest\*](#)
  - D. Southern Utah University [Policy 5.58 \*University E-mail Policy\*](#)
  - E. Utah Code [§20A-8-101 \*Formation of Political Parties Recognized by the State\*](#)
  - F. Utah Code [§20A-8-404 \*Use of public meeting buildings by political parties\*](#)
  - G. Utah Code [§20A-11-12 \*Political Activities of Public Entities Act\*](#)
  - H. Utah Code [§53B-2-101 \*et seq. Institutions of Higher Education\*](#)
  - I. Utah Code [§67-16 \*Utah Public Officers' and Employees' Ethics Act\*](#)
  - J. Utah System of Higher Education [Policy R250 \*Legislative Communications\*](#)
  - K. Utah System of Higher Education [Resolution on Establishing Expectations for Implementing Principles of Free Expression on Campus](#)
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### **III. DEFINITIONS**

- A. **Partisan:** Related to adherence, dedication, or loyalty to a political party—or to an ideology or agenda associated with a political party—to the exclusion of or in opposition to opposing parties.
- B. **Political Activities:** Actions directed toward the success or failure of a candidate for public office, political party, or partisan political group including, but not limited

to, campaigning, political management, and soliciting financial contributions for political purposes. Political Activities do not include educational and academic research activities about candidates and issues.

- C. **Political Objectives:** An act done with intent or in a way to directly or indirectly endorse, support, or influence, or intend to influence, any person to refrain from voting or to vote for or against any: candidate for public office; advocating for or against a ballot proposition, proposed initiative, initiative, proposed referendum, referendum, proposed bond, bond, to solicit a campaign contribution, or anything under “political purposes” as defined by Utah Code 20A-11-12.
  - D. **University Funds:** Any money received by the University from legislative appropriations, fees, tuition revenue, departmental operating funds, publicly funded grants, federal contracts and grants, interest, or other returns on investment. For the purposes of this Policy, University Funds do not include money donated to the University by a non-public person or entity.
  - E. **University Resources:** See [SUU Policy 5.7](#).
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#### IV. POLICY

- A. **Scope.** This Policy applies to Employees and others acting on behalf of or representing the University, or using University email or resources, and is intended to provide requirements related to political activity. The provisions of this Policy also apply to students to the extent stated in this Policy.
- B. **University Political Activity.** The University is a member of the Utah System of Higher Education and a body politic of the State of Utah. As such, the University, as an institution, maintains neutrality and does not engage in Partisan Political Activity. See SUU [Policy 5.1](#) and USHE Resolution Establishing Expectations for Implementing Principles of Free Expression on Campus.
  - 1. The University may engage in state legislative processes through designated officials. See USHE Policy R250. No University employees shall engage in state legislative efforts except through designated officials. For more information about Institutional Speech and Time, Place, Manner policies, please see SUU [Policy 5.1](#).
  - 2. Federal lobbying should be coordinated through the appropriate Cabinet-level administrator.

### C. Employee Rights and Responsibilities Regarding Political Activities

1. Employees shall refrain from engaging in Political Activities or pursuing Political Objectives while representing the University and performing work that is within the scope of their employment at the University. When participating in Political Activities, Employees may only act in their individual capacity and not on behalf of the University, unless specifically designated to do so on behalf of the University.
2. Employees may not use University Resources in pursuit of Political Objectives or Political Activities.
  - a. Employees may not solicit money, influence, or services to aid or promote any political committee or the nomination or election of any person to public office in the course of their employment with the University.
  - b. Nor should any person use their position or authority with the University to attempt to force University Employees to provide influence, money, or services to aid any political committee or to promote the nomination or election of any person to public office.
3. Employees acting in their official capacities must refrain from taking public positions on political, social, or unsettled issues that do not directly relate to the institution's mission, role, or pedagogical objectives.

### D. Specific Rules for Students

1. Students may not represent the interests of the University nor use University Resources or University Funds in advocating for or against a political, social, or unsettled issue or to support or oppose a Partisan Political Activity or Objective.
2. Student Organizations may not solicit funds for political candidates or causes in the name of the University.

### E. University Resources

1. Use of Funds
  - a. University Funds shall not be given to candidates, causes or events external to the University, parties, or otherwise used to promote or advocate for or against Political Objectives, except as permitted in this Policy.

- i. A reasonable expenditure of University funds may be used to gather factual information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.
- ii. Such an expenditure of University funds to respond to an individual's inquiry must be expressly authorized by the Vice President for Finance or designee to ensure compliance with relevant laws and University policies.

## 2. Use of University Communication Channels

- a. Official public statements and communications from the University shall not include endorsements or partisan support for any Political Objective, candidate, party, or issues.
  - i. The University may use its communication channels to provide factual information about a ballot proposition to the public so long as the information grants equal access to both the opponents and proponents of the ballot proposition.
  - ii. The University may use its communication channels to provide neutral encouragement of voters to vote and/or register to vote.
- b. University Website
  - i. A complete copy of a proposition information pamphlet or a voter information pamphlet, as described in Utah Code §20A-7-401.5, may be published on the University website.
  - ii. A link to a website, with a brief description, where an individual may view research, information, and arguments for or against a Political Objective may be posted on the University website if:
    - A. The website is not owned or controlled by the University.
    - B. Before posting the link or publishing the address, the University provides at least seven (7) days' written notice to all relevant parties and adheres to Utah Code §20A-11-1203-4c.
  - iii. An argument for or against a Political Objective shall not be published on the University website except as described by this Policy.

c. University Email

- i. A University email shall not be used to send an email for Political Objectives for a Political Activity or other political purpose;
- ii. to advocate for or against a proposed initiative, initiative, proposed referendum, referendum, a proposed bond, a bond, or any ballot proposition; or
- iii. to solicit a campaign contribution;
- iv. except:
  - A. to provide information solely to another person or a group of people in response to a question asked by the other person or group of people; or
  - B. for an internal communication solely within the University, solely with another public entity, solely with legal counsel, solely with the sponsors of an initiative or referendum, solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum, or solely with a person involved in a business transaction directly relating to a project permitted by a local land use law that is challenged by a proposed referendum or referendum.

F. Hosting Political Events

1. University facilities may be used to host educational and non-partisan political events that promote civic engagement and understanding of political issues. Such events shall be organized in a manner consistent with applicable laws and University policies.
2. University facilities may be used by registered political parties in accordance with University policy and Utah Code §20A-8-404 if:
  - a. the political party requests the use of the meeting facility before 5 p.m. no later than 30 calendar days before the day on which the use by the political party will take place; and

- b. the meeting facility is not already scheduled for another purpose at the time of the proposed use.
3. Registered Political Parties may be charged for the cost of custodial services for cleaning the meeting facility after the use by the political party, and for any service requested by the political party and provided by the meeting facility as described in Utah Code §20A-8-404.

#### G. Reporting Violations

1. Employees of educational institutions are exempt from the restrictions of the Federal Hatch Act.
2. Any questions concerning regulations governing Political Activity or any employee who believes a violation of this Policy has occurred should report to the Office of Human Resources.

H. Nothing in this Policy is to be understood or construed to create contractual or legally binding obligations outside or beyond the responsibilities and obligations set forth in federal and state law, rules, and regulations, as well as the policies of the Utah System of Higher Education. This Policy is intended to comply with the University's requirements under federal and state law, rules, and regulations, and USHE policies related to institutional Political Activity. The University expressly disclaims any liability or contractual obligations arising from this Policy outside those requirements set forth in this Policy or described in federal and state law, rules, and regulations, as well as the policies of the Utah System of Higher Education.

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#### V. RELEVANT FORMS/LINKS

N/A

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#### VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible office for this Policy is the [Vice President for Finance](#). For questions about this Policy, contact the [Office of Human Resources](#).

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#### VII. POLICY ADOPTION AND AMENDMENT DATES

**Date Approved:** July 27, 1990

**Amended:** [July 1, 1998](#); July 1, 2024 (temporary authorization)

FORMER POLICY  
DO NOT USE