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[Home](#) > Political Activity and Lobbying Policy - Interim

Policy Contents

- [Purpose and Summary](#)
- [Scope](#)
- [Definitions](#)
- [Policy](#)
- [Frequently Asked Questions*](#)
- [Related Information*](#)
- [Revision History*](#)

Policy Information

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February 18, 2020

Last Revised Date:

February, 2020

Policy Number:

HR-104

Reference:

University Handbook for Appointed Personnel 2.10
Classified Staff Human Resources Policy Manual 412.0

Responsible Unit:

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Purpose and Summary

The University recognizes the right of every individual to engage in Political Activity. Under Arizona law and Arizona Board of Regents policy, University employees and Designated Campus Colleagues (“DCCs”) who engage in Political Activity:

- must do so on their own personal time,
- must not use University Resources, and
- must act and speak as private citizens without implying that the University is attempting to influence the outcome of an election, endorsing any particular candidate, taking a position on any pending or proposed legislation, or taking a position on any ongoing public policy controversy.

This does not apply to registered lobbyists acting in their professional capacity on behalf of the University.

Scope

This policy applies to all University of Arizona employees, including student workers, when acting within the course and scope of their University employment, and to DCCs when acting in the course and scope of their duties to the University. It does not apply to students in their capacity as students, nor does it apply to the University's registered lobbyists when acting on behalf of the University within the course and scope of their employment.

Definitions

Influencing the Outcomes of Elections is defined by state law as supporting or opposing a candidate for nomination or election to public office; supporting or opposing the recall of a public officer; supporting or opposing a ballot measure, question, or proposition, including any bond, budget, or override election; and/or supporting or opposing the circulation of a petition for the recall of a public officer or a petition for a ballot measure, question, or proposition in any manner that is not impartial or neutral.

Political Activity means 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 of the day.

University Resources includes but is not limited to monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings, services, letterhead, marks and logos, or any other items of value of the University.

Policy

Identification and Expression of Personal Political Views

When engaged in Political Activity, employees of the University may use their University title and affiliation for identification purposes only and should specify that the views expressed are their own and not those of the University or the Arizona Board of Regents.

Use of University Resources

Use of University Resources for Political Activity is prohibited.

Communications with Government Officials

Written or Verbal Communications. Employees and DCCs are engaging in Political Activity when they approach an elected or other government official (local, state, or federal), either verbally or in writing,

- to attempt to influence an election,
- to advocate for or against a candidate or policy position, or
- to opine on a public policy controversy of the day.

Any such activity must take place on the individual's own time, and without the use of University Resources.

Registering as a Lobbyist. Any individual who represents a principal (another individual, or an entity, organization, institution, or company) before the Arizona State Legislature must register as a lobbyist with the Arizona Secretary of State. Only individuals specifically authorized by the University President to lobby on behalf of the University may engage in any lobbying activity on behalf of the University.

Expert Testimony. When employees or DCCs offer expert testimony before any government body, they should make it clear that the opinions expressed are their own and not those of the University. Employees are to obtain a Conflict of Commitment approval from their supervisors prior to such engagements.

Written Publications

When an employee or DCC communicates publicly about an election, a candidate for political office, pending or proposed legislation, or any current public policy controversy, the individual must comply with this Policy. Examples are writing a letter to the editor or a column for a newspaper, or posting to an electronically distributed news source, in a social media post, or in a blog. This Policy does not apply to scholarly works, instructional materials, publications, or research conducted in the course and scope of an employee's employment. It also does not apply to publications specifically authorized by the University.

Individual Penalties for Violation of State Law Regarding Political Activity

Any use of University resources for Political Activity is a violation of state law. The Arizona Attorney General or County Attorneys may bring legal action against individuals who do so. There may be significant financial penalties.

Employees Running for or Serving in Public Office

- a. **Service in the Arizona State Legislature.** Under state law, no University employees, except for faculty or instructors, may serve in the Arizona State Legislature.
- b. **Election to Any Other Public Office.** In order to run for any public office, and to serve if elected, an employee must comply with all ABOR and University policies. Applicable policies include those related to conflict of interest, conflict of commitment, consulting, and outside employment.

Frequently Asked Questions*

Note: *These FAQs do not apply to students, student organizations, or registered lobbyists advocating on behalf of the University.*

What is political activity?

Political activity includes "influencing the outcomes of elections" and advocating in "support of or opposition to pending or proposed legislation" ([Arizona Revised Statutes \[ARS\] §15-1633](#) [2] and [Arizona Board of Regents \[ABOR\] Policy 6-905](#) [3]). ARS §15-1633 defines "influencing the outcomes of elections" as:

supporting or opposing a candidate for nomination or election to public office or the recall of a public officer or supporting or opposing a ballot measure, question or proposition, including any bond, budget or override election and supporting or opposing the circulation of a petition for the

recall of a public officer or a petition for a ballot measure, question or proposition in any manner that is not impartial or neutral.

The University is also limited from engaging in certain political activities, such as endorsing candidates for public office, by federal tax and campaign finance laws.

What is a “public policy controversy”?

According to ARS §15-1864 [4], universities are “encouraged to attempt to remain neutral, as an institution, on the public policy controversies of the day unless the administrative decisions on such issues are essential to the day-to-day functioning of the university or community college.” “Public policy controversies of the day” are not defined in the statute. If there is uncertainty about whether a political issue constitutes a public policy controversy, please contact Government and Community Relations [LINK <https://universitysecretary.arizona.edu/government-community-relations>] for guidance.

The President determines if the University will take a position on a public policy controversy of the day and whether a decision on an issue is essential to the day-to-day functioning of the University. If members of the University community believe the University should take a position on a public policy controversy, legislation, or policy they should contact Government and Community Relations [LINK <https://universitysecretary.arizona.edu/government-community-relations>].

University Units

May university units engage in political activities or take positions on public policy controversies?

No. University units may not engage in political activities or take positions on public policy controversies. Specifically, units may not use University resources, such as letterhead, logos, websites, social media accounts, email lists, facilities, or other resources to engage in such activities or take such positions.

May units use University resources for University- and government-sponsored forums or debates related to political activities?

Yes, if the sponsor “remains impartial” and the “events are purely informational and provide an equal opportunity to all viewpoints” (ARS §15-1633).

May University units rent University facilities to private individuals or entities seeking to engage in political activity?

Yes, if the rental does not occur at the same time and place as a government-sponsored forum or debate (ARS §15-1633). If University units rent facilities, they should do so without regard to which candidates or positions are being supported by the private individuals or entities. Standard rental rates should be charged to ensure University resources are not being used for political activity.

May the University or University units create publicly funded organizations, institutes,

centers, programs, scholarships, or courses for the purpose of advocating for a specific public policy?

No, doing so is prohibited by ARS §15-1633. However, according to ARS §15-1633, the University can publish reports or host seminars or guest speakers who recommend public policies.

Employees

May employees engage in political activities using University time or resources?

No, with one exception. Except for registered lobbyists advocating on behalf of the University, employees may not engage in political activities using University time or resources such as University “monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value” (ARS §15-1633). For example, employees may not:

- Use work time to attend a protest in opposition to proposed legislation
- Use their work phones or computers to send messages to elected officials about proposed legislation
- Use their University email accounts to invite individuals to fundraisers for candidates they are supporting

In addition, employees may not use the authority of their positions to influence the vote or political activities of subordinate employees.

May employees engage in political activities using personal time and resources?

Yes. Employees may engage in political activities using personal time and resources (e.g., not using UA office spaces, email addresses, computers, etc.), including, but not limited to, the following:

- Placing political bumper stickers on their personal vehicles
- Volunteering on political campaigns
- Circulating and signing ballot measure petitions
- Soliciting campaign contributions
- Placing political yard signs at their homes
- Posting on personal social media sites

May employees use University letterhead or email addresses when sending a communication supporting or opposing legislation?

No. Doing so could suggest that the employee is speaking on behalf of the University.

May employees use their University titles if they publish opinion pieces or post opinions to social media that constitute political activity (e.g., pieces or posts in support of legislation)?

Yes, if they make clear that they are speaking for themselves and not the University and they do not use University time and resources to draft these pieces or posts. For example, an individual may

write “views my own” on a social media profile or specifically state that the views expressed in an opinion piece are personal and not those of the University. In addition, for social media or other public outlets, employees should ensure that their personal accounts do not appear to be University accounts through their use of titles, photos, or images. Please consult the University’s [Social Media Guidelines](#) [5] for more information.

May employees express personal opinions on political or policy issues while at work?

Yes, as long as they are not using University time and resources to engage in political activity. However, the University’s [Political Activity Policy](#) [6] states that employees “must not allow their interest in a particular candidate or political issue to affect the objectivity of their teaching or the performance of any other assigned duties and responsibilities.”

May University employees who are invited by a legislative body to provide expert testimony or guidance use their University titles?

Yes, but if the testimony or guidance could be interpreted as the employee speaking for the University, the employee should offer a disclaimer that the views are the employee’s and not the University’s. Employees who are invited to provide testimony or guidance should contact [Government and Community Relations](#) [7] and obtain [Conflict of Commitment](#) [8] approval from their supervisors.

May University employees who are appointed to government boards, commissions, or advisory panels provide expert testimony or guidance on public policy and use their University titles?

Yes, but if the testimony or guidance could be interpreted as the employee speaking for the University, the employee should offer a disclaimer that the views are the employee’s and not the University’s.

What are the consequences if a University employee engages in political activity that is unlawful or contrary to University policy?

According to ARS §15-1633, individuals who violate the law are subject to a personal sanction of up to \$5,000 and must reimburse the University for any misused funds or resources. Additionally, employees may be subject to disciplinary action.

Related Information*

[Arizona Revised Statute §15-1633](#) [9]

[Arizona Revised Statute §15-1864](#) [10]

[Arizona Board of Regents Policy 1-102](#) [11]

[Arizona Board of Regents Policy 6-905](#) [3]

[University of Arizona Handbook for Appointed Personnel](#) [12] (UHAP)

University of Arizona Classified Staff Human Resources Policy Manual [13]

University of Arizona University Staff Manual [14]

University of Arizona Misuse of University Assets Policy [15] (FIN-101)

Arizona Attorney General Guidelines: Use of University Resources to Influence the Outcome of Elections [16]

Revision History*

Enacted as interim policy February 18, 2020, replacing Political Activity and Political Activity (UHAP).

Source URL:

<https://policy.arizona.edu/ethics-and-conduct/political-activity-and-lobbying-policy-interim>

Links

[1] <mailto:hradmin@email.arizona.edu>

[2] <https://www.azleg.gov/ars/15/01633.htm>

[3] <https://public.azregents.edu/Policy%20Manual/6-905-Political%20Activity.pdf>

[4] <https://www.azleg.gov/ars/15/01864.htm>

[5] <https://policy.arizona.edu/ua-social-media-guidelines>

[6] <https://policy.arizona.edu/employmenthuman-resources/political-activity-uhap>

[7] <https://universitysecretary.arizona.edu/government-community-relations>

[8]

<https://rgw.arizona.edu/compliance/conflict-interest-program/information-university-employees-and-affiliates/conflict-commitment>

[9] <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01633.htm>

[10] <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01864.htm>

[11] <https://public.azregents.edu/Policy%20Manual/1-102-Lobbying.pdf>

[12] <https://policy.arizona.edu/university-handbook-appointed-personnel>

[13] <https://policy.arizona.edu/classified-staff-human-resources-policy-manual>

[14] <https://policy.arizona.edu/university-staff-manual>

[15] <https://policy.arizona.edu/business-and-finance/misuse-university-assets>

[16]

<https://www.azag.gov/sites/default/files/publications/2018-06/GuidelinesUseOfUniversityResourcesReElections.pdf>