



General Guidelines for USNH Faculty and Staff Re: Political Activity and Public Advocacy
December 2023

These general guidelines are intended to help USNH faculty and staff understand their rights and obligations as employees of a New Hampshire public institution of higher education as they relate to political activity and public advocacy. The subject is broad and, in some cases, quite complex; it involves 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 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 USNH employee should ask for guidance before engaging in political activity or public advocacy. Available resources include: the General Counsel's Office, Deans' offices, the Provosts' offices, the Office of Government Relations, and Human Resources offices.

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

1. USNH employees are free to engage fully in political activity and public advocacy 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. USNH employees should never engage in political activity or public advocacy in their official capacities or using USNH systems, devices, USNH-branded social media accounts, or resources or under other circumstances where it may appear they are acting on behalf of USNH;¹
3. USNH 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; and
4. Faculty members' academic freedom to participate in political action is addressed in the 1940 Statement of Principles of the American Association of University Professors, which summarizes the relevant rights and responsibilities as follows: "College and university teachers are citizens, members of a learned profession, and officers of an educational

¹ The rare circumstances where employees are asked to engage in public advocacy on behalf of the institution are coordinated through the AVP, Public Affairs (or equivalent officer) or the General Counsel.

institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."

These examples, in Q&A format, may help employees 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?

A1: Yes, provided it is clear that you are writing as a private citizen and not on behalf of USNH – when in doubt a statement to the following effect should be included: “While I am a Professor in UNH’s Education Department, I am writing to you as a private citizen and not on behalf of UNH.”

Q2: Is it OK for my department to post on its departmental social media account an internship opportunity with a Congressional Office?

A2: Yes, provided the posting is nonpartisan, all internship opportunities are posted, and, if the department actively solicits such opportunities, it does so across all political parties. The posting should also otherwise conform to the institution’s social media guidelines.

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?

A3: 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?

A4: 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 USNH to take a stand against it – what do we do?

A5: Discuss the matter with the Office of Government Relations. 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?

A6: For employees who have set working hours, the email should be sent outside those hours. For employees who may not have set hours, it is best to send the email outside of regular business hours or otherwise under circumstances that won't cause the reader confusion about whether the sender is acting as a private citizen, for example, 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 university 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?

A7: 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 [_____]. The content is solely the responsibility of the authors and does not necessarily represent the official views of [_____]."

Q8. A speaker is coming to campus who expresses viewpoints that I find offensive. Can I organize a protest?

A8. Members of the university community are free to express their political opinions and engage in political activities but must do so only in their individual capacities and avoid the appearance that they are speaking or acting for the university in political matters. Accordingly, you may organize a protest in your personal capacity (using your personal social media accounts, devices, and supplies). You may not use university resources or work time and must make clear that you are not acting in your professional capacity or speaking on behalf of the university. Protestors may not engage in violence or disruptive actions to silence a speaker with whom they disagree, and the university will take reasonable steps to prevent such a "heckler's veto" from suppressing free speech on campus. At the same time, the university will protect other forms of protest such as banner holding, non-disruptive counter events, and engaging in question & answer periods.

Q9. As a university 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?

A9: Consistent with its educational and research mission, the University does not restrict academic discussion of political issues or the teaching of political techniques when relevant to the curriculum. 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.

Helpful resources:

- a. USNH [Political Activity Regulations](#) (USY.V.D.8)
- b. Financial Service [Policies and Procedures on Political Contributions](#)
- c. UNH Social Media Guidelines