

UMASS DARTMOUTH GUIDELINES FOR POLITICAL ACTIVITIES

The Massachusetts Campaign Finance Law (MGL Chapter 55) and the Massachusetts Conflict of Interest Law (MGL Chapter 268A) restrict state employees from engaging in certain political activities. In summary, these laws prohibit university employees from using any university resources in connection with political campaigns on behalf of (or in opposition to) any candidate for public office or ballot initiative, and prohibits employees from raising money for a political campaign.

Notwithstanding these limitations, UMass Dartmouth recognizes that students, faculty, and staff may wish to participate in the political process and that such participation may, in fact, contain an educational component. UMass Dartmouth adheres to the principle enunciated by the American Council on Education (ACE) in 1970 that “every member of the academic community has a right to participate or not, as he [or she] sees fit, in the election process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign.”

The following statement of policy and the accompanying guidelines regarding the use of University resources for political activities will need to be adhered to by all University employees intending to participate in political campaigns.

Prohibited Activities

1. Use of Public Resources

Under both the Campaign Finance Law and the Conflict of Interest Law, public employees and other individuals are prohibited from using public resources to support political campaigns. “Public resources” include any items that are paid for with public money such as: telephones, computers, copiers and other office equipment; paper, envelopes or other office supplies; and government vehicles. In addition, a public employee may not engage in any political campaign activity during his or her paid work time. For example, a public employee may not use an office computer to print out campaign literature or make telephone calls from his or her work site promoting a political candidate. A public employee also may not send campaign related emails using office computers or email accounts.

2. Fundraising Activity By Public Employees

Section 13 of the Campaign Finance Law prohibits Massachusetts public employees from engaging in fundraising “for the political campaign purposes of any candidate for public office, or of any political committee, or for any political purpose.” The law’s restriction on fundraising applies “to all public elections”, whether at the local, state, or federal level.

All full- and part-time Massachusetts public employees are prohibited from “directly or indirectly” soliciting or receiving monetary contributions or anything of value for a candidate or political purpose. This provision applies at all times; during and after an employee’s work hours, on weekends and vacations. The statute’s prohibition includes fundraising activities for political candidates, political action committees (PACs) and ballot question committees. Among the activities that public employees may not

engage in are: 1) soliciting campaign contributions; 2) selling tickets to or collecting money for a political fundraiser; 3) identifying people who may be targeted for political fundraising; 4) serving as the treasurer of a political committee; 5) sponsoring or hosting a political fundraiser; and 6) allowing their names to be used in letters, advertisements or phone calls that ask for political contributions.

3. Use of Government Buildings

Section 14 of the Campaign Finance Law prohibits anyone (not just public employees) from engaging in political fundraising activity in a building occupied for government purposes. This prohibition applies in publicly owned buildings, as well as privately owned buildings that are occupied by government offices. Prohibited fundraising activities within a government building include: 1) asking for or receiving contributions for any political candidate or committee; 2) selling tickets to a political fundraiser; 3) using the building as the site of a political fundraiser; 4) using the building's address or phone number as the contact for a political fundraiser; and 5) posting of any advertisements or notices in the building promoting a political fundraising event. In addition, the prohibition against soliciting political contributions in a government building extends to communications sent from outside the building, including telephone, mail and email communications. For example, emails soliciting political contributions that are sent to a public employee at his or her work email address are prohibited by Section 14. A political campaign may not accept contributions that are made as a result of such a solicitation.

Permitted Activities

The Conflict of Interest Law and the Campaign Finance Law do not prohibit public employees from participating in all political activities. A public employee may work for a political campaign or committee in a non-fundraising capacity, as long as the work is performed outside of his or her usual working hours. Public employees may perform such tasks as holding campaign signs, making telephone calls on behalf of a candidate, stuffing envelopes, and hosting candidate events that do not involve fundraising. In addition, public employees may engage in non-election related political activity as private citizens, on their own time and without the use of public resources, such as attending and speaking at public meetings or writing letters to the editor concerning political issues.

Campaign Contributions

Although public employees may not engage in fundraising themselves, they may make their own financial contributions to political candidates and committees subject to the same contribution limits as other citizens.

Lecture and Public Events

UMass Dartmouth, as an educational institution, supports the tenets of free speech by all members of the University community. The guidelines in this policy are intended to provide examples of permissible activities. Because there are many gray areas, and because it is sometimes difficult to determine when

an individual associated with the University is acting on behalf of the University, we encourage everyone to seek further guidance in uncertain situations.

Early in the planning process, organizers of events connected to an election campaign or ballot question should consult with the Assistant Chancellor for Public Affairs and the Director of SAIL. These consultations must take place at least two weeks prior to the event, if possible. All questions about interpreting this policy should also be directed the Assistant Chancellor for Public Affairs.

A. Activities of Faculty and Staff outside the Classroom

UMass Dartmouth faculty and staff are free and encouraged to engage with the political process, both on campus, by providing educational experiences; and off-campus, by exercising their rights to be politically active as citizens. On-campus activities of faculty and staff should be directed toward the fair and equitable presentation of multiple political perspectives for the purpose of educating students and community members. Off-campus political activities of faculty and staff should not be presented as expressing the position of UMass Dartmouth. Violations of this part of the policy can jeopardize the university's non-profit status and should be reported to the Associate Vice Chancellor for Human Resources.

1. Faculty and staff may engage in a variety of on-campus non-partisan voter education and registration programs consistent with the University's education mission. Examples of such programs include:

- a. conducting civic training programs designed to increase public understanding of the electoral process or to encourage citizens to become involved in the process, provided that such training is non-partisan in the recruitment of instructors, the selection of students, and the curriculum;
- b. preparing and distributing annual compilations of voting records on major legislative issues that involve a wide range of topics, without political skew and without editorial opinion, provided that the information is not widely distributed and is not geared to coincide with the election period;
- c. circulating unbiased questionnaires to all candidates for an office, and tabulating and disseminating the results, provided that the questionnaires cover a broad range of subjects and neither reflect political skew nor contain editorial opinion;
- d. conducting public opinion polls with respect to issues and candidates provided that the questions are framed to be fair and neutral, and accepted polling techniques are used;
- e. organizing and participating in non-partisan voter registration activities, even when aimed at groups (such as urban voters, young people or minorities) likely to favor a certain political candidate or party, provided that the activities are not intended to target voters of a particular party or to help particular candidates, and provided further that particular geographic areas are not selected to favor any party or candidates; and

f. establishing a voting precinct or precincts on campus to make it easier for students to vote.

2. Departments and programs may organize and promote on-campus candidate appearances that fairly include all qualified candidates. Examples of such programs include:

a. providing access to air time on a university-owned radio station on an equal basis to all qualified candidates for a public office, in a manner consistent with the limits imposed by Federal Communications Commission standards;

b. providing opportunities to speak at University events on an equal basis to all qualified candidates for a public office; and

c. conducting institution-sponsored public forums to which all qualified candidates for a public office are invited and given equal access and opportunity to speak, if the format of the forum is balanced and presented in a neutral manner.

3. Lobbying activities on behalf of the University must be approved by and coordinated with the Assistant Chancellor for Public Affairs.

4. Faculty and staff may provide hyperlinks to the web pages, or other spaces of all qualified candidates for a public office on appropriate pages of the University's website, in order to promote voter education.

5. Members of the University community are entitled to participate or not, off-hours, as they see fit, in the election process, provided that they make clear that they are speaking or acting only for themselves and not for the University. If their affiliation with the University is publicized, they must be especially careful to state that the opinions expressed are personal and do not represent the views of UMass Dartmouth.

6. These restrictions on political activity are not intended to restrict free expression on political matters by the institutional leaders who are free to speak for themselves, as individuals. However, such leaders should not make partisan political comments in official organization publications or at official functions. Leaders should always exercise great caution when expressing personal opinions on political matters by clearly indicating that his or her comments are personal and not intended to represent the views of the institution. Given the ambiguity of the law in this area, institutional officials are advised to be especially prudent when making such public statements.

B. Activities of Instructors (Faculty and Staff in the Classroom)

Prevailing standards of academic freedom permit instructors to have full independence in choosing the topics discussed in the classroom. However, the special status of a classroom-leader as a learned authority with the power to influence and to evaluate students imposes special obligations. As the

American Association of University Professors' (AAUP) *Statement on the Principles of Academic Freedom and Tenure* asserts, academic freedom "carries with it duties correlative with rights."

The intellectual development of students is fostered by an environment of open deliberation in which multiple perspectives are heard and evaluated. Instructors create these environments by providing a fair hearing for all perspectives. At the same time, instructors wish to convey subject knowledge that may be based on a substantial body of evidence, much of which can reasonably be viewed as fact.

Instructors ought to keep in mind two potential issues that can arise when covering topics in class that may be viewed as controversial. The first involves controversies related to the subject matter; the second concerns political issues unrelated to the course topics.

First, instructors should keep in mind that some students may not view as settled fact certain propositions the instructor believes to be well supported by scholarly evidence in the discipline. Instructors are free to present disciplinary knowledge in the manner they believe to be most effective. At the same time, they are encouraged to be sensitive to students' preconceptions and keep in mind that disrespect for dissenting perspectives may alienate students and impede their intellectual development in the discipline.

The second issue arises when instructors use class time to discuss political issues, elections, or government performance in ways that are tangential to the class topics. Instructors are entitled to freedom of expression in the classroom and are not restricted from offering partisan, ideological, or political commentary. However, the subordinate position of students may compromise their ability to distinguish an instructor's opinionated political commentary from the presentation of fact. Perhaps even worse, students may well understand the political nature of the commentary and resent what they perceive as bias or indoctrination.

To avoid these problems, faculty might consider these options: identify the expression as explicitly political and acknowledge that reasonable people disagree about the topic; strive at all times to be accurate; exercise appropriate restraint; show respect for the opinions of others; indicate they are speaking only for themselves and not for UMass Dartmouth; assure students will not be assessed negatively, in either discussion or in subsequent assignments, for taking critical positions in opposition to the partisan commentary; and assure students will not be preferentially rewarded, in either discussion or in subsequent assignments, for taking critical positions in support of the partisan commentary.

Though academic freedom permits the discussion of political matters in the classroom, instructors are advised to avoid the persistent intrusion of matter that has no reasonable bearing on the subject of instruction. The AAUP *Statement on the Principles of Academic Freedom and Tenure* notes that teachers "are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject."

In some cases, the course topics may be explicitly political. Instructors are free to establish genuine curricular activities aimed at educating students with respect to the political process. Examples might include: making in-class reference to contemporary political controversies; assigning or otherwise incorporating politically controversial course material; and establishing course activities that explore partisan perspectives or particular ideologies.

Instructors are also entitled to display on their persons messages of political identification (such as campaign t-shirts or buttons) while in the classroom. If they choose to do so, they may want to make clear to students that: the display expresses a personal affiliation, and not one held by UMass Dartmouth; the display is neither tied to course inquiry into the subject of instruction nor to the appraisal of student work; students who hold other identifications will not be assessed negatively, in either discussion or in subsequent assignments, for acknowledging those affiliations; and students who share in the identification will not be preferentially rewarded, in either discussion or in subsequent assignments, for claiming the affiliation.

C. Activities of Individual Students

Political activities by individual students are allowed as long as those activities do not unfairly appropriate University resources or public facilities. Violations of this part of the policy should be reported to the Associate Vice Chancellor for Student Affairs.

1. Individual students are granted free speech and expression at UMass Dartmouth; for that reason it is permissible for any student to show individual support for a political campaign or issue. Examples include:

- wearing or placing of campaign materials on one's body or belongings;
- posting of campaign literature or signs, either within their residence hall room, on their door, or on their window; and
- the use of partisan signature statements within student emails from their UMass email account are permissible.

2. Individual students are permitted to run for public office where the law permits. Students running for public office are permitted to identify themselves as students of UMass Dartmouth, but should not present themselves as representing the University. Students running for public office must follow the same policies for all political campaigns in terms of their own campaigning on campus.

3. Individual students are permitted to distribute literature related to political candidates or ballot questions within public areas of residence halls as well as in public spaces on campus. Examples include:

- distributing candidate literature and voter reminders;
- partisan or non-partisan voter registration; and
- collecting money for individual campaigns.

4. Campus policies limit certain kinds of publicity to registered student organizations and campus departments. This means that individual students are not permitted to place political campaign material in public places owned by the University, including, but not limited to, within common areas of residence halls, bathrooms, academic buildings, bulletin boards, and the University Center.

5. Campus policies limit certain kinds of space use to registered student organizations and campus departments. This means that individual students are not permitted to reserve facilities, including space, for individual candidate events, tables in the University Center, or elsewhere for political campaigning. Similarly, political chalking by individual students is not permissible and individual students are not permitted to host a political fundraiser on campus.

D. Activities of Student Groups

Political activities by recognized student organizations are allowed as long as those activities do not express the position of UMass Dartmouth, and do not appropriate University resources or public facilities for campaign fundraising or to make donations to political organizations or individual candidates for public office. Violations of this part of the policy should be reported to the Associate Vice Chancellor for Student Affairs or his/her designee.

1. Student publications supported by UMass Dartmouth are permitted to print or publish political editorials. Political campaigns and candidates for public office may purchase advertisement space in student publications at the same rate charged for other non-campus ads. Any candidate for public office that is affiliated with UMass Dartmouth shall pay the same rate as all other candidates for public office when purchasing advertising space in student publications. In addition, access by candidates to air time on WUMD is permitted, at the discretion of the station manager, provided such access is available to all qualified candidates for a public office on an equal basis and is consistent with the limits imposed by the Federal Communications Commission standards.
2. Recognized student organizations may organize partisan or non-partisan political events on campus, including, but not limited to: partisan or non-partisan voter education, voter registration drives, candidate forums, student or candidate debates on a given issue or issues, or issue-based events; provided the event is not a fundraiser for a candidate running for public office and that the student organizers for partisan events consult with their advisor and with the Director of SAIL before the event takes place. Student organizations hosting a candidate or a candidate forum are not required to invite all candidates seeking that office.
3. Recognized student organizations are prohibited from hosting political fundraisers. Additionally, funds for transportation, meals, or lodging of candidates are permitted only when paid for by the individual students. UMass Dartmouth funds, including funds raised by the organization or allocated by the Student Government Association or the Graduate Student Senate, may not be used to subsidize travel, housing, or meals for candidates.
4. Recognized student organizations are free to express their views about and publicly support political parties and candidates, by hosting partisan voter activities including events with specific candidates.

Recognized student organizations are permitted to make public endorsements of local, state, or federal candidates for public office and support pieces of legislation, even those seen as supported by one political party.

5. Recognized student organizations are permitted to use University facilities to support or oppose a specific political party, provided the name of their student organization is on all materials printed or chalked and advance permission has been granted for the use of the facilities when applicable, and that the use of the facilities would not be seen as a donation to a candidate for public office.

E. Guidelines for University Facilities and Resources

The University's use of campus facilities and resources, when employed by the administration, faculty or staff, should be directed toward the fair, equitable presentation of multiple political perspectives for the purpose of educating students and community members. The University may rent facilities to external political organizations; however, campus resources may not be used under any circumstances for the purposes of political fundraising. Violations of this part of the policy should be reported to the Associate Vice Chancellor for Student Affairs.

1. University-sponsored activities and forums aimed at educating students about the political process are encouraged. Every effort should be made to ensure that appearances on campus of candidates for public office or their political representatives have a substantive educational purpose, and that such visits not be conducted solely as partisan rallies or events.
 - a. Unless a candidate for public office is of sufficient stature as to warrant an invitation from the Office of the President or Chancellor, hosting of political candidates for educational purposes should generally be left to faculty within academic departments or the appropriate recognized student organization.
 - b. If an academic department, or the University itself, chooses to invite an individual candidate to speak, equal opportunities should be provided to all qualified candidates and none of the candidates are favored in relation to the activity.
 - c. Recognized student organizations may use University facilities for meetings, speeches, and events involving candidates for office and political parties provided that such groups pay the usual and normal charge, if any, for use of institutional facilities or equipment by student groups.
 - d. Use of space is subject to scheduling policy, availability, and approval by the Office of Campus Services. Please follow the usual campus procedures for scheduling a facility and resources.
2. External Organizations renting University facilities and resources shall use the following guidelines:
 - a. Facilities will be rented or made available on a space available basis and all political candidates and parties will receive equal treatment in terms of facility usage and fees. Use of

space is subject to scheduling policy, availability and approval by the Office of Campus Services. Please complete the online facility request application to start the process for consideration.

b. Use of University facilities for campaign or party fund-raising activities is prohibited.

3. The use of University resources for soliciting votes or campaign fund-raising is prohibited. Prohibited resources include, but are not limited to:

a. Use of the campus mail service (other than U.S. mail), University mailing lists, University email, University-provided office supplies, computers, telephones, facsimile machines, or copiers.

b. Campaign workers, including students, faculty, and staff, are not permitted to engage in person-to-person solicitation of funds through the campus mail service. Any mail solicitation must be through the U.S. Postal Service only.

4. Guidelines for Partisan Expression

Students and recognized student organizations may post political signs in student residence hall rooms and student organization offices. Recognized student organizations may also post political signs on campus kiosks and bulletin boards, subject to normal rules about such postings (i.e. groups must identify themselves on the poster, etc.). Faculty and staff may post political signs in their campus offices if these offices cannot reasonably be considered community spaces. Classrooms, meeting rooms, and offices which students, parents, or the general public may be required to visit on a regular basis (e.g. Admissions, the Registrar's Office, etc.) should be considered community spaces and are not appropriate locations for political messages. Political materials may not be posted in windows of campus offices that would result in exposure of political messages that might reasonably be construed as institutional endorsements. Political signs may not be placed in public campus areas, except for signs posted in approved locations by recognized student organizations.

Lecture and other public events that promote the free and open exchange of diverse ideas are supported and encouraged. Additionally, UMass Dartmouth recognizes that various forms of demonstration may either accompany such events or, in other cases, be organized to promote ideas and/or thoughts regarding other issues. Dissent and/or demonstrations are viable expressions of thought and shall be viewed as such. Methods of peaceful dissent such as picketing, dissemination of literature, etc., can perform an educational function on campus. However, they should not be disruptive, result in damage or destruction, or represent a physical or emotional threat to any individual or group. The use of force or violence is never viewed as an acceptable form of dissent.

1. The following examples describe the limits of acceptable dissent. They are not intended to be comprehensive.

a. **Picketing and the Peaceful Distribution of Literature.** Picketing in an orderly way or distributing literature outside a meeting is acceptable as long as these activities do not interfere with gaining access to the meeting or event. Blocking entrances or exits or creating other

physical hazards is specifically prohibited. Picketing is not permitted indoors, and signs and pickets must be left outside of the meeting or event.

b. **Silent and/or Symbolic Protest.** The wearing of symbolic clothing or the engaging in noiseless protests that involve gesturing, standing, or displaying signs are acceptable expressions of dissent, but these activities should not obscure the speaker from the audience's view or prevent the audience from hearing the speaker.

c. **Vocal Dissent.** Dissenting vocally from a speaker's views, especially if the vocal protests are similar in kind and degree to the reaction of those supporting the speaker, is acceptable. Disrupting a meeting or event with prolonged chants or other noise in a manner that interferes with the speaker's communication is not permitted, whether inside or outside the meeting.

d. **Force or Violence.** Using force or violence is never an acceptable form of protest. Freedom of movement may not be interfered with. All persons at an event must respect the right to dissent, as defined above. Any person who interferes with acceptable forms of dissent is considered in violation of this policy in the same way as is a dissenter who violates the rights of the speaker or the audience.

2. Organizers of events and protests must coordinate all such actions through the Office of the Associate Vice Chancellor for Student Affairs, the Office of Campus Services, and the Department of Public Safety to provide for adequate facilities and security measures.

3. All public speeches, demonstrations, or protests shall be coordinated, as stated below, to ensure respect for all members of the University community. Access, egress, and full view or audibility may not be disturbed by any such protest. The following are the University's policies regarding public speaking or demonstration:

a. Members of the University community and all groups or individuals coming on campus for the specific purpose of speaking or demonstrating must be sponsored by a University-recognized organization, group or department.

b. The organization should meet with the Director of Campus Services to arrange for necessary support services, including safety and security measures. Student organizations should meet initially with the Director of SAIL or his/her designee. If the University organization is coordinating the demonstration on behalf of a non-University sponsor, an authorized representative of that organization must also be present at this meeting.

c. The recognized organization sponsoring the activity should conform to the established procedures for securing adequate facilities (See Campus Event Policy) and must adhere to the guidelines that follow.

d. The University recognizes the rights of all individuals, whether or not members of the University community, to demonstrate and express their ideas peacefully on public property bordering the campus.

4. Most campus demonstrations such as marches, meetings, picketing and rallies will be peaceful and non-obstructive. A demonstration should not be disrupted unless one or more of the following conditions exists as a result of the demonstration:

- a. interference with the normal operation of the University;
- b. prevention of access to offices, buildings or other University facilities;
- c. threat of physical harm or damage to University facilities.

If any of the conditions exist, the Department of Public Safety should be notified.

5. Procedures are outlined below

a. Public Safety Officer Procedure:

Officers responding to a report of a mass gathering or demonstration should proceed with extreme caution. Upon arrival, officers should observe the proceedings from the perimeter to determine the following:

- Location of incident
- Size of crowd
- Crowd temperament
- Crowd objective
- Criminal and other safety related incidents occurring because of the gatherings
- Injuries and damages resulting from the gathering
- Potential behavior of the crowd

The Director of Public Safety will contact the Assistant Chancellor for Public Affairs, the Director of SAIL and the Director of Campus Services to determine if proper permits or permission were obtained.

If a problem exists, the Officers should contact a Department of Public Safety Supervisor and a representative of the Student Affairs Office immediately and advise him/her of the situation. Officers are not authorized to call for "off campus" authorities to respond. This determination shall be made by a Public Safety Supervisor.

b. Campus Safety Supervisor Procedure:

Department of Public Safety Supervisors responding to a report of a mass gathering or demonstration should proceed with extreme caution. The Public Safety Supervisor shall obtain the following information:

- Location of incident
- Size of crowd
- Crowd temperament

- Crowd objective
- Criminal and other safety related incidents occurring because of the gatherings
- Injuries and damages resulting from the gathering
- Potential behavior of the crowd

The Public Safety Supervisor should consult with the Director of Public Safety or his/her designee and a representative from the Office of Student Affairs concerning the situation.

[After policies/guidelines in existence at Michigan State University, Muhlenberg College, Northwestern University, Savannah State University, and Tufts University.]

Approved October 19, 2016