



Academic Personnel Policy Committee

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Friday, October 25, 2024

Human Resources  
Government and Community Relations  
(via hradmin@arizona.edu)

Re: Comments on policy "**POLITICAL ACTIVITY POLICY (INTERIM)**" (revision Sept 2024)

To Whomsoever May Be Concerned,

On September 26, 2024, the University Initiatives & Policy Office announced a revised version of Political Activity Policy (interim). This version replaced a previous version of Political Activity and Lobbying Policy (interim), introducing several changes. The Political Activity Policy (interim) currently affects all University employees and Designated Campus Colleagues.

The APPC reviewed the policy posted on the [policy.arizona.edu](http://policy.arizona.edu) webpage and distributed to general faculty through [UAnnounce](#). We identified the following concerns:

- In §I.A.a., "...must clarify that the views expressed are personal and not those of the University or the Arizona Board of Regents" (and related section in FAQ) appears problematic: how can the University dictate an individual's speech on his or her own time and/or on private social media profiles, provided the employee is not deceptively claiming to speak as a representative of the University or using University resources? Such speech seems protected from interference by the University (A.R.S. 15-1633 §A.3, 15-1633 §B, 15-1633 §D), and it does not seem appropriate for the University to provide compelled scripted speech as part of personal political statements. Often for political donations, signatures on petitions, and the like, identity as a University employee is a pull-down menu or fill-in box with no option to include a lengthy statement of independence. Further, free-form statements (e.g., OpEds, public statements to state or local governments, comments on local initiatives) are often limited in length or time, and the University's compelled statement would detract from the word count or time of a person's free speech expression. APPC feels that **§I.A.b. is sufficient and recommends that part of §I.A.a. be stricken** (to read "A University Employee may use their University title and affiliation for identification purposes only").
- A.R.S. 15-1633 §G requires that the Arizona Attorney General publish and distribute (to the Arizona Board of Regents) a guideline of prohibited activities; **this guideline document should be linked or reproduced within this policy.**
- §II.A. should **include reference to the law** (including § and ¶).

- §III.A. should **include reference to the law** (including § and ¶): no such statement appears in either A.R.S. 15-1633 or A.R.S. 15-1864, as implied.
- §III.B. should **include a clarification** that the Conflict reporting in this section applies only if the public office includes remuneration or time away from previously established obligations to the University (as paid employment or significant time away from University obligation are conditions of the referenced policies).
- There seems to be an error in "Compliance and Responsibilities," which states that "*Human Resources, Faculty Affairs, Government and Community Relations, and individual supervisors are responsible for promoting and understanding this Policy and for taking appropriate steps to help ensure University Employees and DCCs are compliant with this Policy. Violation of this Policy may result in disciplinary action.*" Since this policy is subservient to rights granted by state law (A.R.S. 15-1633, see attached Tracking Statement Political Activity (interim).pdf), it does not seem to be within the rights of the University to adjudicate or make findings of violation. Violations of state law are to be reported to the Arizona Attorney General or to a County Attorney (A.R.S. 15-1633 §H, this policy's §II.A.). Within the policy, there is no indication of what disciplinary actions are to be enforced, or how the University has authority to adjudicate or enforce disciplinary actions for violations of state law. APPC recommends **the proper method to report violations of state law be described**, including removing "*Violation of this Policy may result in disciplinary action.*" If not removed, it is necessary to describe what are the disciplinary actions, and how and by whom they are to be adjudicated.
- The policy covers "*all University Employees and Designated Campus Colleagues;*" however it is not clear how the policy applies to out-of-state or out-of-country DCCs or employees. Some University employees are not citizens or residents of Arizona, or are foreign nationals, perhaps even in other countries: faculty and staff at pilot campuses or organizations in other states, micro-campus faculty or staff, UAGC faculty and staff, co-investigators on international grants, etc. As written, this policy applies Arizona law to their local political activities; outside of proscriptions on use of resources, it is doubtful that University policy can extend state law to non-state residents. APPC recommends a **thorough evaluation of all forms of University employment or affiliation, and clarity on if and how the policy can be applied.**
- Political activity is a right guaranteed by both state and federal law. The policy must include **clear and assertive statements such as "the right to engage in political activity is guaranteed by state law and cannot be abridged by University policy or influenced by University employees"** to reflect A.R.S. 15-1633 §B ("*Employees of a university may not use the authority of their positions to influence the vote or political activities of any subordinate employee*") and A.R.S. 15-1633 §D ("*This section shall not be construed as denying the civil and political liberties of any person as guaranteed by the United States and Arizona Constitutions*").
- The FAQ section in general raises serious concerns. Aspects of the policy are materially expanded, altered, or limited by the FAQ despite the proviso that "... *Frequently Asked Questions,...* are not part of the official University policy." For example:
  - The FAQ section refers to statements and terms removed from the new policy, including "*public policy controversy of the day.*"
  - The FAQ section refers to a requirement to seek approval to provide testimony: "*University Employees or DCCs who are invited to provide testimony or guidance should contact*

*Government and Community Relations, obtain Conflict of Commitment approval from their supervisors, and ensure the activity aligns with the University Policy on Consulting or Other Outside Employment."*

- First, this FAQ does not clarify that personal appearances or statements in front of governing bodies such as state legislatures, school boards, legal testimony, etc., are not addressed by this policy (nor could they be, by A.R.S 15-1633 §A.3, this policy §I.C.g).
- Second, "should" in legal parlance indicates an optional action. Why include this?
- Third, "obtain... approval" indicates that approval can be denied, yet there does not seem to be grounds for the University to limit an employee's political activity. In fact, the University is barred from influencing political activity by A.R.S. 15-1633 §B, which would include denial. Approval cannot be both a requirement (as implied) and a suggestion (as written).
- Fourth, the relevant Conflict of Interest policies only include employment, which does not seem salient for someone who is "...invited to provide testimony or guidance..." **APPC further notes that the Conflict of Commitment form referred to in this FAQ simply cannot be filed unless the activity is paid, so the "requirement" laid out in this FAQ is impossible to meet for cases of legal testimony, free consultation, or comments to a legislative body.**
- The FAQ section states, "An employee or DCC cannot: Use the University's name [emphasis ours] or imply endorsement by the University of a particular candidate verbally [emphasis ours] or through the use of letterhead or email accounts." This seems to contradict the policy, which states that the University's name can be used to clarify employment (§I.A.a.), and an employee is free to endorse a particular candidate/position (§I.C.g.).
- The FAQ section states, "What are the consequences if a University Employee or DCC engages in Political Activity that is unlawful or contrary to University policy [emphasis ours]? According to A.R.S. 15-1633 §H, 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." This statement includes multiple misrepresentations of the law:
  - First, state law does not contain the phrase "or contrary to University policy," thus this FAQ conflates law with policy.
  - Second, state law does not include a provision to reimburse "[misused...] resources," thus this FAQ conflates funds (which have an enumerable value) with resources (which do not).
  - Third, A.R.S. 15-1633 §H and §J indicate civil penalties are collected by the state and remedied to the University for previously withheld funds, not that employees found in violation must reimburse the University directly; thus this FAQ incorrectly indicates that penalties can be collected by the University.
  - Fourth, the University is not empowered to adjudicate a violation of state law, rather potential violations should be reported to the Arizona Attorney General or to a County Attorney.

Due to the numerous serious concerns listed above, APPC recommends **the entire FAQ section be removed from this policy.**

- APPC expresses concern with this as an interim policy, as this status appears to violate state law and established University processes:
  - First, state law (A.R.S. 15-1601 §B) states that faculty must *actively participate in the development of University policy*. Political Activity Policy (interim) has had no such participation.

The University's "Procedure for Requesting an Interim University Policy" specifically mentions adherence to A.R.S. 15-1601 §B, but then outlines how to create active policy without faculty participation. It is not clear how this internal procedure can override state law.

- Second, the "Procedure for Requesting an Interim University Policy" states that interim policies must be accompanied by "*Justification for requesting an interim Policy by reason of compelling University interest...*" (Procedure 2c) in their "University Policy Impact and Tracking Statement." No such justification is provided (see attached "Tracking Statement Political Activity (interim).pdf"). It is not clear why interim status – which circumvents faculty participation – has been granted for this policy.
- Third, the Political Activity Policy (interim) was approved to replace a similar interim policy also developed without faculty participation. In fact, a policy on political activity has been in effect for 4 1/2 years – despite clear rules that interim policies can be in effect for no more than 12 months (renewable once, up to a total of 24 months).

This is the only policy known to APPC to be enacted against the University's own policies; it is not clear why policies concerning political activity continue to escape standard procedure.

This policy contains factual errors, references to restrictions and terms not addressed by policy, and misstatements of law. This policy both impinges on constitutional rights and asserts authorities not held by the University.

**APPC recommends immediate withdrawal of the Political Activity Policy (interim)**, and reliance on existing ABOR 6-905 and A.R.S. 16-1533 until **the University complies with standard procedures (including faculty participation) to create a policy** that makes greater effort to respect and safeguard protected rights to engage in political activities.

Respectfully submitted on behalf of the APPC,



Keith A. Maggert, Ph.D., chair

attachments:

Current Political Activity Policy (interim).pdf – enacted September 25, 2024  
Tracking Statement Political Activity (interim).pdf

cc: APPC

Dr. Leila Hudson, Chair of the Faculty  
Dr. Mona Hymel, Vice-Chair of the Faculty, Presiding Officer of the Faculty Senate  
Dr. Katherine Zeiders, Secretary of the Faculty  
The Faculty Senate of the University of Arizona  
Dr. Suresh Garimella, President, University of Arizona  
Faculty Center, file

# POLITICAL ACTIVITY POLICY (INTERIM)

## POLICY CONTENTS

- Purpose and Summary
- Scope
- Definitions
- Policy
- Compliance and Responsibilities
- Frequently Asked Questions\*
- Sources\*
- Related Information\*
- Revision History\*

## POLICY INFORMATION

- Effective Date: September 24, 2024
- Last Revised Date: September, 2024
- Reference:
  - University Handbook for Appointed Personnel 2.10
  - Classified Staff Human Resources Policy Manual 412.0
  - University Staff Manual HR-104
- Responsible Unit:
  - Human Resources
  - Government and Community Relations
- Email: [hadmin@arizona.edu](mailto:hadmin@arizona.edu)

## PURPOSE AND SUMMARY

Members of the University of Arizona (University) community have the right to participate in Political Activity on their personal time using their personal resources. This Policy defines when a member of the University community may engage in Political Activity within the scope of their affiliation with the University.

## SCOPE

This Policy applies to all University Employees and Designated Campus Colleagues. It does not apply to students in their capacity as students, nor does it apply to the University’s registered lobbyists when they act on behalf of the University.

## DEFINITIONS

**Designated Campus Colleagues (DCCs)** means affiliates, associates, volunteers, and interns who contribute their time, services, and expertise to help the University accomplish its missions of teaching, research, and service.

**Influence the Outcome of Elections** means, as defined by state law, 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 Elections, to advocate for or against a candidate for public office, or to advocate support for or opposition to any proposed or pending legislation or other official government action. Political Activity includes activity at the local, state, and federal levels of government. Political Activity does not include application for or advocacy related to seeking a government sponsored grant or contract.

**Unit** means any University college, department, program, or other operating unit.

**University Employee** means all University employees, including faculty, staff, graduate and undergraduate student employees, and temporary employees, whether full-time or part-time.

**University Resources** means, 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 University items of value.

## POLICY

### I. Engaging in Political Activity

- A. University Employees may participate in Political Activity outside of the scope of their employment, but must not allow their interest in a particular party, candidate, or political issue to affect the objectivity of their teaching or the performance of their regular University duties. When speaking or acting as a private citizen, outside the scope of employment:
  - a. A University Employee may use their University title and affiliation for identification purposes only and must clarify that the views expressed are personal and not those of the University or the Arizona Board of Regents (ABOR).
  - b. A University Employee or DCC cannot represent that they are speaking on behalf of the University or ABOR unless expressly authorized to do so.

- c. A University Employee or DCC cannot use University Resources, including paid work time.
- B. A person acting on behalf of the University, including University Employees and DCCs, may not use University Resources for the purpose of:
  - a. Influencing the Outcomes of Elections, including influencing the individual vote of a subordinate employee; or
  - b. Engaging in Political Activity.
- C. The prohibition against using University Resources to Influence the Outcome of Elections or engage in Political Activity does not preclude or prevent:
  - a. A University from reporting on official actions of the University to ABOR;
  - b. A registered lobbyist, or a University Employee or DCC assisting the registered lobbyist, in their official capacity, from advocating on behalf of the University or ABOR;
  - c. A University Employee or DCC who is appointed to a government board, commission or advisory panel who provides expert testimony or guidance on public policy;
  - d. A University Employee or DCC from providing classroom instruction on matters relating to politics, elections, laws, ballot measures, candidates for public office and pending or proposed legislation;
  - e. University-sponsored forums or debates if the University remains impartial and the events are purely informational and provide an equal opportunity to all viewpoints;
  - f. The publication of reports or the hosting of seminars or guest speakers by the University that recommend public policy; and
  - g. A University Employee or DCC expressing their personal opinion on a political issue or public policy controversy, regardless of whether that opinion is expressed inside or outside the classroom.

## II. Individual Penalties for Violation of State Law Regarding Political Activity

- A. 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 for violation of state law and significant financial penalties may be imposed.

## III. University Employees Running for or Serving in Public Office

- A. **Service in the Arizona State Legislature.** Under state law, no University Employee may serve in the Arizona State Legislature except for a faculty member whose primary responsibility is course instruction.
- B. **Election to Any Other Public Office.** To run for any public office, and to serve if elected, a University Employee must comply with all ABOR and University policies, including **Conflict of Interest & Commitment**, and **Consulting or Other Outside Employment**.

## COMPLIANCE AND RESPONSIBILITIES

Human Resources, Faculty Affairs, Government and Community Relations, and individual supervisors are responsible for promoting and understanding this Policy and for taking appropriate steps to help ensure University Employees and DCCs are compliant with this Policy. Violation of this Policy may result in disciplinary action.

## 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” (**A.R.S. section 15-1633** and **ABOR Policy 6-905**). A.R.S. section 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 **A.R.S. section 15-1864(G)**, 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” is not defined in the statute. If there is uncertainty about whether a political issue constitutes a public policy controversy of the day, please contact **Government and 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**.



## Employees/DCCs

### What are examples of Political Activity that is or is not allowed?

University Employees or DCCs may engage in Political Activities using personal time and resources (e.g., not using University office spaces, email addresses, computers, etc.). The following examples are not an exhaustive list.

An Employee or DCC may, with their personal time and resources:

- Vote in any municipal, special district, school, county, state, or federal election;
- Make contributions to candidates, political parties, or campaign committees;
- Display badges, buttons, and bumper stickers;
- Attend meetings for the purpose of becoming informed about candidates for public office or about political issues;
- Volunteer on political campaigns;
- Solicit campaign contributions or gather signatures on a petition;
- Place political yard signs at their home; or
- Post on personal social media sites.

An Employee or DCC cannot:

- Use the University's name or imply endorsement by the University of a particular candidate verbally or through the use of letterhead or email accounts.
- Use University Resources to advocate for a political candidate, campaign, or public policy controversy.
- Use University buildings, walls, or grounds to post campaign signs for any candidates or ballot initiatives or referendums.
- Use work time to attend a protest or demonstration, unless required to as part of their job duties.
- 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.
- Use the authority of their position to influence the vote or Political Activities of subordinate employees.

### What if a University Employee wants the University to take a position on proposed or pending legislation or other public policy matters?

**University Employees should contact [Government and Community Relations](#) to raise concerns with proposed or pending legislation. Government and Community Relations can provide University Employees with guidance on engaging in permitted Political Activity and the University's ability to take a position on public policy controversies.**

### May University Employees or DCCs 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 writing 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 are my own” on a social media profile or specifically state that “the views expressed in an opinion piece are those of the writer/speaker and not those of the University or the Arizona Board of Regents.” In addition, for social media or other public outlets, University Employees or DCCS 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 [Social Media Guidelines](#) or [Government and Community Relations](#) for more information.

## **May University Employees or DCCs 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 University Employee or DCC speaking for the University, the University Employee or DCC should offer a disclaimer that the views are the employee’s or DCC’s and not that of the University. University Employees or DCCs who are invited to provide testimony or guidance should contact [Government and Community Relations](#), obtain [Conflict of Commitment](#) approval from their supervisors, and ensure the activity aligns with the University Policy on [Consulting or Other Outside Employment](#).

## **May University Employees or DCCs 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 University Employee or DCC speaking for the University, the University Employee or DCC must provide a disclaimer that states “the views expressed are those of the writer/speaker and not those of the University or the Arizona Board of Regents.”

## **What are the consequences if a University Employee or DCC engages in Political Activity that is unlawful or contrary to University policy?**

According to [A.R.S. section 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.

## **University Units**

### **What University- and government-sponsored activities are permitted on campus?**

A University or government-sponsored forum may be held on campus if the sponsor “remains impartial” and the “events are purely informational and provide an equal opportunity to all viewpoints” ([A.R.S. section 15-1633](#)).

The University may rent space for a political event if the rental does not occur at the same time and place as a government-sponsored forum or debate (**A.R.S. section 15-1633**). If the University rents a facility to any outside party for use in a Political Activity, the terms of the rental should be the same for all candidates or positions. Standard rental rates should be charged to ensure University Resources are not being used for a Political Activity.

### **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” (**A.R.S. section 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 (**A.R.S. section 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 will 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 **A.R.S. section 15-1633**. However, the University may publish reports or host seminars or guest speakers who recommend public policies.

## **SOURCES\***

**A.R.S. section 15-1633**

**A.R.S. section 15-1864(G)**

**ABOR Policy 1-102**

**ABOR Policy 6-905**

## RELATED INFORMATION\*

Arizona Attorney General Guidelines: **Use of University Resources to Influence the Outcome of Elections**

**Conflict of Interest & Commitment Policy**

**Consulting or Other Outside Employment Policy**

**Misuse of University Assets Policy**

## REVISION HISTORY\*

09/24/2024: This revision includes:

1. Policy name changed from Political Activity and Lobbying Policy (Interim) to Political Activity Policy (Interim).
2. Substantive revisions to Purpose and Summary, Scope, Definitions (added DCC, Unit, and University Employee), and Policy sections.
3. Compliance and Responsibilities section added.
4. Updated Employee-specific FAQs to include DCCs.
5. Removed requirements for registered lobbyists. Those requirements remain in effect under state law and are captured in the Arizona Lobbying Handbook.

01/11/2022: Updated link to Government and Communications Relations under the FAQ: What is a “public policy controversy.”

02/18/2020: New Political Activity and Lobbying Policy - interim status.

**\* Please note that sections titled Frequently Asked Questions, Sources, Related Information, and Revision History are provided solely for the convenience of users and are not part of the official University policy.**

## University Policy Impact and Tracking Statement

<b>Proposed or Revised Policy Title:</b>	Political Activity Policy (Interim)
<b>Policy Sponsor/Title:</b>	Helena Rodrigues Senior Vice President and Chief Human Resources Officer  Steve Voeller Vice President, Communications and Government and Community Relations
<b>Elected Faculty Representatives, Shared Governance Groups, and Senior Leaders Notified Policy will be Advancing for Review:</b>	September 25, 2024
<b>Publication Dates: (UAnnounce / Other)</b>	September 25, 2024

**Policy Description:**

This policy defines when a member of the University community may engage in Political Activity within the scope of their affiliation with the University and/or when using University Resources.

**Reason for new, interim, or revised policy:**

Revisions include substantive updates to (i) purpose and summary, (ii) definitions, (ii) expert testimony language, (iii) compliance and responsibilities, and (iv) frequently asked questions. In addition, the requirements for registered lobbyists have been removed from the new interim policy. Those requirements remain in effect under state law and are captured in the Arizona Lobbying Handbook.

**Major impacts to the University:**

Provides clearer guidance to University employees and DCCs as to the types of permitted and prohibited political activities allowed within the scope of their University affiliation and/or when using University Resources.

**Anticipated concerns or objections:**

None. The Policy directly reflects state law and ABOR policy requirements.

**Estimate and description of financial cost to implement, if any:**

None.

**Will the policy affect any of the following:**

Existing University Procedure <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Compliance with law/regulation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Existing Board Policy <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	General Public <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Describe any items checked "Yes":**

This Policy articulates the standards for employees and DCCs to engage in political activity within the scope of their University affiliation and/or when using University Resources. This Policy reflects and implements the requirements under ARS §§ 15-1633 & 15-1864 and ABOR Policy 6-905 while fully embodying rights afforded under the First Amendment.