

# MAINE COMMUNITY COLLEGE SYSTEM

## GENERAL ADMINISTRATION Section 211

### **SUBJECT: POLITICAL ACTIVITIES**

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**PURPOSE: To promote compliance with laws limiting certain political activities on government-related property and with government-related resources**

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#### **A. Introduction**

For reasons set forth in the MCCS policy governing Freedom of Speech and Orderly Operations, MCCS is strongly committed to the ideals, principles and values promoted by the First Amendment. For reasons also set forth in that policy, MCCS has a duty to balance that commitment against the responsibility not to permit certain types of political activities that are typically not permitted by analogous laws governing the use of state-owned property and resources. To this end, this policy identifies and distinguishes prohibited partisan activities from permitted non-partisan activities that may occur on MCCS property or with MCCS resources. The purpose of this policy to minimize both the perception and the actuality of public resources being used for partisan political activities.

#### **B. Interpretation**

This policy shall be construed consistently with the MCCS policy governing Freedom of Speech and Orderly Operations, any contractual provisions regarding academic freedom, and pertinent provisions of law. The activities identified in this policy are not exhaustive, and the judgment required in applying the standards of this policy to a given case will very likely depend upon the facts of each case.

#### **C. Definitions**

For purposes of this policy, the following terms have the following meanings.

1. “Candidate” means any person seeking partisan elective municipal, county, state or federal office, including a state constitutional office or leadership position in the Maine Legislature.
2. “Partisan political activities” means:
  - a. Advocacy for the election or defeat of a candidate, political party (“party”) by any person or entity, including a political action committee (“PAC”); or
  - b. Solicitation of a contribution for a candidate, party or PAC that is reportable under Maine law.

3. “Non-partisan political activities” means:
  - a. Advocacy to pass or defeat legislation, bond issue, policy referendum or citizen initiative; and
  - b. Other non-partisan civic or educational activities.

#### **D. Distinguishing M CCS from the Individual**

The purpose of this policy is to minimize both the perception and the actuality of public resources -- M CCS appropriations, equipment, supplies and property -- being used for partisan political activities. This policy does not attempt to control or limit the use of any employee’s personal time and resources to engage in political activities. In most instances, the distinction between personal and professional resources is clear. In some instances, however, the distinction is not always clear. For example, M CCS employees may seek to testify before a legislative committee. There, the employee should do so on the employee’s own time and should inform the committee that the employee is speaking in the employee’s individual capacity, and not as a spokesperson or representative of the M CCS or a college. Likewise, those few employees whose official duties include serving as leading spokesperson for an institution or a official liaison for governmental affairs, such as a president, dean or legislative liaison, should avoid publically endorsing or supporting a candidate, party or PAC where there is risk that the statements would be perceived, given their position, as support or endorsement by the institution itself.

#### **E. Use of M CCS Resources by Employees for Non-Partisan Political Activities**

Generally speaking, M CCS permits employees to use M CCS resources to engage in non-partisan political activities related to their employment duties and the mission of M CCS. For example, faculty may engage in non-partisan political activities that arise from the instruction and education of students. These activities include a pedagogically sound curriculum, appropriate educational projects and genuine curricular activities aimed at educating students about the political process and contemporary issues. Likewise, a college may engage in genuine voter education activities, and genuine voter education 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 employee participants, the selection of students, and in the design and delivery of curriculum.

Consistent with its statutory mission to provide leadership in creating an educated labor force and to promote economic development, the M CCS President and college presidents may also periodically authorize certain employees to use M CCS work hours, resources and property to advocate for the passage or defeat of bond issues, policy referenda or citizen’s initiatives that the M CCS President determines are likely to have a material effect on the M CCS.

## **F. Use of MCCS Resources by Employees for Partisan Political Activities**

Except as otherwise provided by this policy, MCCS does not permit the use of MCCS work hours, resources or property for partisan political activities. An MCCS employee may not engage in partisan political activities during work hours; while in a building, facility or vehicle owned, leased or otherwise occupied by MCCS or the State of Maine; or when using the facilities, services or equipment of MCCS including, but not limited to, the computers, networks, telephones, copying machines, paper or any other office supply or equipment. Generally speaking, these prohibitions require that MCCS employees do not:

1. Coordinate college activities with partisan political campaign events;
2. Use institutional letterhead in support of a candidate, party, political action or PAC;
3. Provide mailing lists, use of office space, telephones, photocopying or other institutional facilities or support to a candidate, campaign, political party or PAC;
4. Endorse or make other public oral or written public statements by an institutional official such as a president or dean in support of a candidate, party or PAC where there is risk from the nature of the speaker's employment position and duties that the statements would be perceived as support or endorsement by the institution; and
5. Use a college's website to a hyperlink to the web pages, or other space on a college's website, of a candidate, party or PAC; or
6. Provide message forums on a college's website to support or defeat particular candidates without providing a disclaimer that the opinions are neither those of the institution nor sanctioned by the institution.

## **G. Use of MCCS Resources by Students for Partisan Political Activities**

Recognized student groups may use college facilities for partisan political purposes, provided that such groups pay the usual and normal charge, if any, for use of institutional facilities by student groups. Administrators and faculty should take special care in relation to any such proposed student activities, to avoid the appearance of institutional endorsement and to observe the other principles of institutional neutrality. Likewise, a college may provide financial and administrative support to its student newspaper, if any, even though the newspaper publishes editorial opinions on political and legislative matters.

## **H. Other Limitations Regarding Certain Common Political Activities**

The following rules apply to the use of M CCS property in the following instances.

### **1. Political Signs**

#### **a. Signs Regarding Candidates and Parties**

Signs for candidates for local, state or federal elective office may only be affixed to college property in areas where the public is not reasonably expected to have contact.

#### **b. Signs Regarding Referenda and Bond Issues**

Signs for or against a referendum, citizen initiative or bond issue may be affixed to college property, provided that the college president determines that such non-partisan political speech will further M CCS interests,

### **2. Filming Political Advertisements**

Political advertisements regarding a candidate, bond issue, referenda or citizen initiative may not be filmed on M CCS property without the prior approval of the M CCS President. Filming that is so approved must also comply with the M CCS policy on Filming and Photography on M CCS Property.

### **3. Voter Registration Activities**

Voter registration activities may be permitted in college buildings as allowed by the college's facilities' use or vendors' use policy, but are not permitted in any college residence halls.

### **4. Use of M CCS Facilities by Political Candidates and Parties**

#### **a. Candidate or Party Use of Meeting Rooms**

Candidates and parties may use M CCS facilities to the same extent permitted, and under the same terms imposed, for other external persons or entities, provided that such use complies with any pertinent college or System policies regarding facility use and the following:

#### **b. Candidate or Party Speaking Forums**

If a college invites or permits one candidate or party to speak at a college, either alone or in a forum with another candidate or party, the college must:

1. Invite or permit any other legally qualified candidate or party to participate so that no one candidate or party is favored in relation to the activity;
2. State explicitly in the introduction of the speaker and in communications concerning the speaker's attendance that:
  - a. The college does not support or oppose any one candidate or party;
  - b. Campaign fundraising at the event is prohibited; and
3. Make reasonable efforts to ensure that any appearance is tailored to an academic setting by focusing on issues and not candidates, allowing for questions, and prohibiting solicitations or references to campaign donations.

**c. Candidate Appearances in Classrooms**

A college may allow a candidate to speak to a class of students, provided that the talk is tailored to an academic setting by focusing on issues and not candidates, allowing for questions, and prohibiting solicitations or references to campaign donations.

**I. Additional Guidance**

In determining the lawfulness of other or more specific political activities not addressed above, colleges should consult the guidance of the American Council on Education, *Political Campaign-Related Activities of and at Colleges and Universities* issued in November, 2007.

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REFERENCES: 3 M.R.S.A. §170-A; 5 M.R.S.A. §22, §27, and §7056-A; 5 U.S.C. §1502-03

DATE ADOPTED: June 23, 2010

DATE(S) AMENDED: