

2024 Fall Political Activity Memorandum

To: Faculty and Staff
From: Brad Trahan, Interim General Counsel & Director of the Division of Institutional Integrity
Subject: Political Activities of Employees, Candidacy for Elective Office; Office Holding (Elective and Appointive Public Office) and Free Speech and Free Expression
Date: Oct. 21, 2024

Please print and post this memorandum for individuals in your unit who do not have regular access to e-mail.

Political Activities of Employees

As we approach the 2024 election, I want to remind our campus community of the laws and policies governing the political activities of public employees (all faculty and staff). Being a state employee does not mean you lose your constitutional right to participate - or not participate - in the political process; however, because you are a University employee, you must be aware of the limitations on participation in partisan or political activity during work time and the limitation on the use of University property. These limitations are established by [North Carolina law](#), the [State Human Resources Manual](#), and [University Policy](#). This memorandum provides a high-level summary of applicable laws and policies related to political activities and provides additional resources for your review.

1. No employee may take an active part in managing a campaign, campaign for political office, or otherwise engage in political activity during working hours.
2. No employee may use their position, state or university funds, services (including mail or email service), supplies (including letterhead), equipment (including telephones and computers), vehicles, or other university property or resources to support or oppose a candidate, party or issue in an election involving candidates for office.
3. Community service leave related to election activities may only be used for working inside a polling facility in a non-partisan role, such as assisting voters with the voting process. However, if an employee is receiving any payment for such activities, then vacation leave (or available comp time balances) must be used. Please note that standing outside the polling facility and distributing candidate information is considered partisan activity, and vacation leave (or available comp time) must be used.
4. No employee may coerce another employee to support or contribute to a political candidate or party or to change voter registration.

5. No EHRA employee (including Faculty, EPS, and SAAOs) may promise preferential treatment (or actually confer such preference) or threaten detrimental treatment (or actually impose such detrimental treatment) to an employee to induce support of or opposition to a candidate. Further, no SHRA employee may use any promise of reward or threat of loss to encourage or coerce any employee subject to the State Human Resources Act to support or contribute to any political issue, candidate, or party.

This is a non-exhaustive list; additional resources are provided below and should be consulted. The UNC System Office provides a website for [legal policies and resources](#), including those on Political Activities, and has published [Reminders Regarding University Employment and Political Activities](#).

In addition, please be reminded of and take time to review Appalachian State's [Acceptable Use of Computing and Electronic Resources Policy](#). This Policy outlines the acceptable uses and specific prohibitions on the access and use of Information Technology and Information Technology Resources owned or provided by Appalachian State.

Appalachian State University has guidelines on the appropriate use of University branding, which includes best practices for e-mail signatures. Those resources are available here: <https://uc.appstate.edu/brand-guides-resources/email-signature>

Candidacy for Elective Office; Office Holding (Elective and Appointive Public Office)

In addition to complying with the laws and policies described above, University employees who wish to run for or hold any elective or appointive public office are subject to state law and policies adopted by the University of North Carolina Board of Governors and/or the Office of State Human Resources.

Due to potential conflicts of interest, including time and effort (conflict of commitment), all EHRA employees (Faculty, EPS, and SAAOs) who are candidates for or who hold public office (elective or appointive) must comply with [Appalachian State Policy 604.7](#), which incorporates by reference [UNC Policy 300.5.2](#). These Policies require potential candidates for public office to make certain disclosures and receive necessary and timely approvals prior to seeking or taking office or risk an automatic loss of University employment. For SHRA employees, activities related to public officeholding are governed by [policies adopted by the Office of State Human Resources](#) pursuant to its authority under Chapter 126 of the North Carolina General Statutes.

The full text of these policies and regulations is available online. Employees seeking information or interpretation of these regulations should contact the Office of General Counsel.

Free Speech and Free Expression at Appalachian State

The United States and North Carolina Constitutions both guarantee that individual freedoms must be protected in our country. Those freedoms include but are not limited to, free speech and expression. Moreover, the [UNC System Office mandates](#) that all 17 of its constituent institutions must comply with these laws and its policy. As a result, [Appalachian State is committed](#) to upholding and protecting these freedoms.

Appalachian State is open to any speaker who operates within the reasonable time, place, and manner restrictions adopted by the University. Political campaign activities are permitted on campus provided they are sponsored or hosted by recognized student clubs or organizations or University-affiliated organizations, and all expenses related to the activity, if any, are borne by the candidate, political organizations, or student clubs or organizations or University-affiliated organization. University facilities may be rented for political events per campus policy on the use of university premises and facilities. Such sponsored events may not be subsidized by Appalachian State. Additional information is available at https://policy.appstate.edu/Facility_Use.

In accordance with [UNC Policy 1300.8](#), Appalachian State affords faculty, staff, and students the freedom to assemble and engage in spontaneous expressive activity, including political activity, as long as such activity is lawful and does not materially and substantially disrupt the functioning of Appalachian State. Please be reminded that a “material and substantial disruption” includes but is not limited to (a) any action that qualifies as disorderly conduct under N.C. Gen. Stat. § 14-288.4; (b) any action that qualifies as a disruption under N.C. Gen. Stat. § 143-318.17 (Disruption of official meetings); (c) any action in violation of a chancellor’s designation of a curfew period pursuant to N.C. Gen. Stat. § 116- 212; or (d) any action that results in the individual receiving a trespass notice from law enforcement.

Resources:

Questions concerning the interpretation and application of the laws and policies may be addressed to me at ogc@appstate.edu or 828-262-2751. If you have questions about leave or other OSHR policies, please contact the Office of Human Resources at 828-262-3186.

- The Constitution of the United States – [Bill of Rights – First Amendment](#)
- The North Carolina State Constitution (Article I, Section 14) – [Declaration of Rights](#)
- [N.C.G.S. 126, Article 5](#). Political Activities of Employees
- [N.C.G.S. 116, Article 36](#). Campus Free Speech
- Office of State Human Resources, [State Human Resources Manual](#)
- [UNC Policy Manual Section 300.5.1](#) – Political Activities of Employees
- [UNC Policy Manual Section 300.5.2](#) – Candidacy for Elective Office; Officeholding (Elective and Appointive Public Office)
- [UNC Policy Manual 1300.8](#) – Free Speech and Free Expression within the University of North Carolina System
- [Appalachian State University Policy 604.7](#) – Political Activities and Public Office Holding
- [Appalachian State University Policy 104](#) – Facility Use

- [Appalachian State University Policy 906](#) – Acceptable Use of Computing and Electronic Resources Policy
- UNC System Office [Reminders Regarding University Employment and Political Activities](#)
- Appalachian State University [Free Speech and Expression](#)