



University of  
New Hampshire

University System  
of New Hampshire

# Guidelines on Employee Political Activity

*September 13, 2024*

# General Principles



- UNH 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.
- UNH employees should not engage in political activity or public advocacy in their official capacities or using UNH resources, systems, devices, UNH-branded social media accounts, or under other circumstances where it may appear they are acting on behalf of UNH.
- UNH 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.
- Call us!

# State Limits: Partisan Political Activity & Lobbying



- State law (R.S.A. § 15:5) bans publicly-funded entities from using public funds to engage in “political activity” “
  - “Political activity” is not further defined
  - At a minimum, advocacy for or against political candidates or parties
    - » C.f. IRS regs: 501(c)(3) may not “participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.”
- The burden is on the entity to demonstrate that no public funds were used
- State law (R.S.A. § 15:5) also bans use of public funds to:
  - Lobby the Legislature or “otherwise attempt to influence” particular legislation
  - Exception for testifying before the Legislature
- Reputational and financial consequences to University

# State Law Rights for Individuals



- State law separately protects the rights of public employees to “publicly discuss and give opinions as an individual” subject to the government employer’s need for orderly operations (R.S.A. § 98-E:1) (emphasis added)
  - Again, difficult for those on the outside to distinguish official vs. individual role unless we help clarify
  - Particularly true on social media
- Similar protections flow from the First Amendment

# The Role of Faculty/Academic Freedom



“When faculty 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.”

- AAUP 1940 Statement of Principles on Academic Freedom (emph. added)
- UNH would forcefully argue academic freedom of the institution means research into politics or with implications for public policy would not violate state law limits on “political activity.”

# Outside Political Events on Campus



- New Hampshire's unique role in the primary process (and closely divided state government) mean that USNH institutions are always under a spotlight
- Institutional obligation of equal treatment regardless of viewpoint
- Institutional obligation to offer equal access
- In response to particular events, individuals retain their right to speak and act as citizens within common sense legal boundaries:
  - No use of University resources or undue disruption to the workplace
  - No violent, harassing, or other conduct that violates law or policy
  - No preventing the speech of others

# Resources and Questions



- General Counsel Office FAQ/Guidelines on Political Activity:  
[Guidance on Political Activity and Public Advocacy.pdf](#)
- UNH Outside Political Event Guidelines:  
<https://www.unh.edu/unhtoday/news/guidelines-hosting-political-events>
- UNH Social Media Guidelines:
- <https://www.unh.edu/marketing/social-media/guidelines-personal-social-media-accounts>