

Advice from the U-M Office of the Vice President & General Counsel regarding Political Action

Advocacy/Petitions/Lobbying/Free Speech:

Q. What guidance is there relative to taking political action by faculty and staff? Should international, undocumented or DACA students avoid protest activities?

A. The U-M Guidelines for Political Campaigning and Ballot Initiatives is a helpful resource, although it directly applies only to activities relating to candidate elections and ballot proposals. <https://publicaffairs.vpcomm.umich.edu/key-issues/guidelines-for-political-campaigns-and-ballot-initiatives/>. For purposes of the rest of this section, we are assuming that the messaging/activities at issue involve political matters *other than* candidate elections and ballot initiatives.

- *Departmental Email Lists/Bulletin Boards/Communication Tools:*

Units should continue to ensure that their email listservs are used for designated purposes and by eligible individuals. This means that if a unit permits postings only by faculty, or only by faculty and grad students within the department, for example, it can continue to bar postings from others who are not part of the designated group. Similarly, if there is a departmental listserv, for example, that is supposed to be used for official departmental communications only, it should not be used by individual faculty for communications (whether related to petitions or otherwise) that do not fall within that scope.

If a department has a separate, “unofficial” listserv for faculty and staff to communicate about other matters (for example, a list serve that permits posts about non-work matters, such as questions about area schools or alerts about local, non-university events), then that listserv can also be used for political discussions -- *as long as* 1) the poster is clear s/he is not speaking on behalf of the university, and 2) the poster honors requests of individuals *not* to receive future communications about a given topic. These limitations are consistent with SPG 601.07 - <http://spg.umich.edu/policy/601.07>) - and would apply to any topic, not just political ones; they may also mean that the poster would have to come up with a separate email list if some members of the departmental “unofficial” listserv have asked not to receive communications about a particular topic. We also recommend that posters be aware that some recipients may not share their views, and that they therefore should consider phrasing their messages in a way that acknowledges that.

- *Departmental Official Statements:*

If the department wants to take an official position on the immigration ban, for instance, or other political matter, and send out a petition on the official listserv, then it likely could do so, *provided that* the petition (or underlying department message) is not written in such a way that it would constitute support for/opposition to the

election of a candidate or ballot proposal. If the department's message would amount to lobbying (see definition in next section), also consider the points below.

- Lobbying:

If a department were sending out an official message that urged *legislative* contacts, then that departmental communication could be considered lobbying on behalf of the university, and if so, would need to be included in the tallying of the university's lobbying contacts by Government Relations. For that reason, *before* any department (or other unit) proposed sending out an *official* statement that included a lobbying or other "call to action" component, consult with Government Relations and/or OGC.

If an individual faculty member were sending, on his/her own behalf, a message urging like-minded colleagues to contact their legislators, that personal message should not be attributed to the university as an institutional lobbying effort. For that reason, the individual faculty member would again need to take care to be clear that s/he is not speaking on behalf of the university. Moreover, particularly if the faculty member intended to engage in extensive lobbying efforts, we would, consistent with SPG 601.07, urge use of a personal, non-umich.edu account.

- Petitions:

Faculty and staff may not speak on behalf of the university or give the impression that they are doing so. Accordingly, those who are signing petitions relating to political matters should consider whether it is necessary to include their university affiliation/title, given that they are signing in their personal capacities. We recommend that you use personal email accounts when possible. If you decide to use your university titles/affiliations, or if the petition requires you to do so (*see, e.g., <https://notoimmigrationban.com/sign.html>*), you must be clear that you are referencing the University for identification purposes only. This is especially important where the petition relates to candidate elections or ballot proposals.

- Student Advocacy:

Core values of the university include public service and civic engagement. The U-M students have a long tradition of student activism. Anxiety on the part of international, undocumented, and DACA students about real or perceived repercussions for engaging in protest activities is understandable. All students—including international, undocumented, and DACA students—may engage in speech, protest, and advocacy about issues important to them, as long as they do so lawfully and in accord with university policies. Yet, these are also times of some uncertainty and some aspects of enforcement are outside the university's control. Students therefore are encouraged to use good judgment.

Division of Student Life professionals on each campus are experienced in helping students plan effective on-campus advocacy events such as rallies, marches, teach-ins, etc. Departments are encouraged to connect students to student life professionals.