



FGCU REGULATION 5.014

*Effective Date of
Regulation:*

Employee Political Activity

May 5, 2020

- A. Employees of the University may seek election to, and hold, local, state, or federal elective public office. However, prior to the earliest of opening a campaign account, launching a campaign website or social media platform, or making any form of public announcement of the candidacy, the employee shall notify his or her Vice President (or the University President for employees directly reporting to that official) in writing of his or her intentions. The written notification (which may be by either letter, memorandum, or via email) must be provided no less than ten (10) days in advance of any of the above-mentioned actions. The notice must address how the employee believes his or her candidacy, and the expected conduct of his or her campaign, will impact the employee's performance of his or her duties and responsibilities as a University employee. Finally, the notice must disclose the employee's position as to whether during the course of the campaign the candidacy and related campaign activities will involve, or have the potential to involve, interests or activities which conflict or interfere with the employee's employment at the University, or its policies and regulations.
- B. When the relevant Vice President, or President, as appropriate, receives a notice of intent to seek elective office from an employee, that official will thereafter make a determination as to whether the candidacy, or related campaign activities, will materially impact the employee's performance of his or her duties and responsibilities as a University employee. The determination will also address whether the candidacy and related campaign activities involve, or have the potential to involve, interests or activities which conflict or interfere with the employee's employment at the University, or with its policies and regulations. In analyzing these questions, that official is entitled to request from the employee any additional information he or she deems necessary to make a determination, and shall discuss his or her determination with the employee and allow the employee to respond to and discuss the determination prior to the decision becoming final.
- C. If the Vice President, or President, as appropriate, determines that the employee's candidacy will not materially impact the employee's duties, and will not conflict or interfere with regulations or policies, that official will so inform the employee who may, thereafter, engage in campaign activities. If the Vice President, or President, as appropriate, determines that the employee's candidacy will have a material impact on the employee's duties or will conflict or interfere with regulations or policies, that official will notify the employee that there is a valid University interest in not authorizing the employee to continue working in his or her University position while also campaigning. In the event such a determination is made, and the employee wishes to run for elective public office in spite of the determination, the employee may request a leave of absence in accordance with current University policies or may submit a resignation. In the event the employee takes any of the actions set forth in section A. prior to obtaining a leave of absence or submitting a resignation, the employee

shall be deemed to have resigned his or her position as of the date such action was taken. Such deemed resignation shall not be considered disciplinary in nature.

- D. University employees running for elective office are personally responsible for reviewing and complying with the provisions of section 104.31, Florida Statutes, which prohibits University employees from certain actions including using official authority or influence to interfere with a nomination or election; or from influencing or coercing another person's vote; or from directly or indirectly coercing or attempting to coerce, command, or advise any other officer or employee to pay, lend, or contribute anything of value to any party, committee, organization, agency, or person for political purposes.
- E. In addition to the foregoing, University employees must comply with the following provisions with respect to campaign and political activities:
 - 1. Employees desiring to engage in campaign activities on campus for any candidate for elective public office must register with the Office of Campus Reservations.
 - 2. The posting of political campaign signs on campus shall be governed by Regulation 9.006(IX).
 - 3. While on duty, no employee shall coerce or attempt to coerce, command, advise, or influence any other employee's position on an issue or person on the ballot.
 - 4. University employees are prohibited from knowingly appearing with candidates for elective public office at live events or in commercials or other recorded settings wearing an official University uniform or other University apparel, insignia or name badge which would lead a reasonable person to believe the employee is supporting the candidate or the candidate's message. Merely being in the same room as, or in general proximity to a candidate will not constitute a knowing appearance. Rather, actions such as speaking or appearing by still photography or video in a television, on line, or social media post, or joining a candidate on stage at a rally or speech, are examples of a knowing appearance.
 - 5. University employees are prohibited from using University resources for campaign use.
 - 6. University employees should not state they are FGCU employees as part of the campaign.
- F. Notwithstanding any of the foregoing, University employees are not prohibited from participating in any political campaign or other political activities while off-duty, so long as such activities are not in conflict with the law or any provision of this Regulation.

Authority

Sections 104.31, 110.233, 112.313, Florida Statutes

History of Regulation

New 1/15/08; Amended 10/21/08; Amended 05/05/20

Approved by Florida Gulf Coast University Board of Trustees

May 5, 2020