

Interpretation of Policy on Political Activities of Employees

The board policy concerning political activities of University employees, first adopted on January 16, 1976, and amended on February 8, 1985, addresses conflicts of time that may arise when an employee becomes a candidate for election to political office. With respect to candidacies for both full-time offices and part-time offices for which compensation is more than nominal (including membership in the General Assembly), the policy establishes the presumption that becoming such a candidate will generate a conflict of time that interferes with the satisfactory performance of responsibilities owed the University. An affected employee has the option of attempting to rebut that presumption, by demonstrating that his or her campaign activities will not interfere with University employment. If the employee fails to rebut the presumption, he or she has three options: (1) decline to run for the office; (2) resign from University employment in order to run for the office; or (3) seek a full or partial leave of absence, with corresponding suspension of or reduction in pay. Such a leave of absence may be granted at the option of the University, if it is "deemed practicable by the University."

In recent months the committee has received petitions from several employees, with accompanying recommendations from their respective chancellors, which requested in each instance that a member of the teaching faculty be granted a leave of absence for a portion of the semester, to coincide with the faculty member's involvement in political campaign activities. In those cases in which the presumption concerning a conflict of time was applicable, the committee discerned a substantial obstacle to granting the request for a leave of absence for a portion of the semester. In such cases, a substitute instructor would have to take the place of the absent faculty member, for purposes of teaching, advising, and otherwise discharging the responsibilities owed students enrolled in classes that initially had been assigned to the absent faculty member. Even if such a substitute were available, potentially it could work some hardship on affected students if they were required to adjust, during the semester, to the sudden introduction of a new mentor. For example, there might be discontinuity in the presentation of subject matter; there might be a diminution in the quality of instruction; there might be different performance expectations and grading standards. Thus, in the opinion of the committee, there is a very serious question about the "practicability" of granting a faculty member's request for either partial or full leave, if it is to commence "midstream", after a semester has begun.

Faculty employment is distinguishable from other types of University employment for purposes of the concern here expressed. Other types of University employment are not necessarily keyed to the semester-based provision of educational services to students. Thus, the absence of such employees for intervals of several weeks or several months during a semester might not have the same potentially negative effects on students as would the comparable absence of faculty members. (For these other employees, however, a similar consideration would apply to employment duties which fall routinely at particular times of the calendar year.)

Without purporting to rule, categorically, that such partial-semester leaves of absence will not be "deemed practicable" and thus will not be permitted, the committee does wish to convey to affected faculty members its serious reservations about the feasibility of such leaves of absence. In general, it would be preferable for the faculty member who anticipates running for an elective office to broach this issue well in advance of the semester during which campaign activity would be occurring and to seek a full or partial leave for all of that semester, rather than for just a portion of the semester. Under such an approach, the institution would have appropriate lead time to assign instructors to the courses in question, students would know in advance the identity of and could make an advertent choice about whether to enroll in a course to be taught by a particular instructor, and there would be no mid-term adjustments confronting students who did enroll in a course.

If the legitimate interests of faculty members in running for elective offices are to be accommodated the reconciled with legitimate University concerns, faculty members must have timely notice of the University's expectations. Thus, this interpretation of policy should be publicized widely among the faculties of the constituent institutions. Furthermore, it is essential that each chancellor adopt effective procedures for informing all employees, well in advance of any semester during which either a primary or general election will be held, that there are board policies regulating conduct in this area of

concern and that interested employees should seek appropriate guidance on this subject from specifically identified and well informed administrative officers.