



TO: Presidents, State-Operated Campuses  
FROM: Bill Howard, Senior Vice Chancellor for Executive  
Leadership Development & General Counsel  
DATE: May 21, 2014

**RE: Political Campaign Activity at SUNY Campuses**

As we again enter an election season, it is appropriate to remind campuses of applicable law and State University policy on the use of University facilities for political purposes. The Board of Trustees established the University’s policy on non-commercial use of facilities, which was last amended in 1991 by Resolutions 91-2, dated June 3, 1991. That policy’s section on use of campus facilities for political purposes is attached for your reference.

**I- Political speech welcome on SUNY campuses:**

As a public educational institution, we recognize the benefits of exposing students to political debate and information, including partisan political speech, and therefore welcome such discussions generally. SUNY campuses routinely offer some of our facilities to a wide range of student, faculty/staff and outside speakers and likewise must open such facilities to political speech. In reviewing requests for permission to use campus facilities, we must be guided by the principle of viewpoint neutrality and even-handed treatment as to all terms and conditions of use (e.g. rental charges, security costs, insurance). Neither the University, nor its representatives acting in an official capacity, may take or refuse any action or make any statement that aids or hinders a candidate.

**II- Employee political activism:**

With regard to individual SUNY employees’ involvement in political campaigns, the following should be kept in mind: in keeping with State law and guidance from the Governor’s Office of Employee Relations, State employees must not use their position to gain political favor, encourage or discourage political contribution or activity or interfere with an election or lawful political activity. State employees may not use State resources (including SUNY letterhead, computers, e-mail and telephones) for partisan political purposes, but have the right to make personal political contributions, and to be active in personal political campaigns during nonworking hours.

Appointees of the Board, including Presidents, and management/confidential employees, are prohibited by a New York State Executive Order renewed by Governor Cuomo (attached) from making monetary contributions, or requesting others to do so, to the campaign of the Governor or to a political campaign committee organized by or for the specific benefit of the Governor.

Additionally, individuals who recruit, interview or hire applicants for SUNY employment; make promotional, disciplinary or other employment decisions relating to a SUNY employee; or award or make decisions related to State contracts or grants, may not ask applicants, employees or current or prospective contractors or grantees, as the case may be, the individual’s party affiliation, whether the individual has made campaign contributions to any party, elected official or candidate, or whether the individual voted for any elected official or candidate. No employee may be forced or pressured to contribute to a political campaign by another employee, nor threatened with any harm for making or withholding a contribution. Individuals seeking political contributions may not be admitted to SUNY property to solicit contributions from employees.

**III- More information:**

- To Learn
- To Search
- To Serve



You may find the guide, "[Political Campaign-Related Activities of and at Colleges and Universities](#)" published by the American Council on Education, helpful as well, since it describes specific scenarios and their permissibility under Federal tax and election law. Further, [ACE guidance on inviting Members of Congress and Senior Executive Branch Officials to campus](#) is also a useful resource.

More information is available from the [New York State Joint Commission on Public Ethics](#).

If you have any questions, please contact your Campus Counsel, Deputy General Counsel Sandra Casey, or Associate Counsel Joseph Storch in the Office of General Counsel.

#### Attachments

Copy:           Chancellor Zimpher  
                  Chancellor's Cabinet  
                  Presidents, Community Colleges  
                  OGC Attorneys

**From “Policy on Use of Facilities by Non-Commercial Organizations”  
Adopted by SUNY Board of Trustees**

**Use of University facilities for political purposes:**

1. Every campus has a responsibility to develop its students as fully participating citizens; this includes the development of political literacy. The University has a definite responsibility for sponsoring some kind of non-partisan forum for the exchange of political ideas and for encouraging the formation of students’ own partisan organizations;
2. Student partisan political organizations are not different from any other student organization as to regulations governing recognition, membership, sponsorship and use of facilities. The campus, in permitting such groups to use its facilities, is responsible to see that there is equal opportunity for meeting of the various student groups – either for those groups’ own membership or for students generally;
3. When students sponsor activities which include the general public, they should bear in mind that in each case the institution is being represented to the public and that the institution must, therefore, be assured that the activity is in conformity with its purposes. These purposes will largely determine the type and extent of faculty or administrative control over the scheduling of such events;
4. Assemblies and convocations focused on political matters are appropriate means for augmenting curriculum offerings, enriching the cultural background of the students, and providing contacts with leaders outside the campus faculty. Therefore, the University should welcome and encourage meetings of this kind. To the extent that space permits, the campus-sponsored meetings for students should be open to interested members of the public. The number, form and time of such programs are matters for the discretion of each campus. They should, however, include partisan as well as non-partisan subjects and leaders and should promote interest in, and understanding of, our political governmental system, especially the responsibilities and opportunities of the citizen through our party system. The campus accepts responsibility for insuring that any partisan program be part of a scheduled series which presents a balance of views;
5. Upon proper application to an administrative officer, non-partisan groups ordinarily may be permitted to use the facilities of the campus for discussion of political or civic issues. Approval, however, will be granted subject to such conditions as the college council or administrative officer may require, and only if the desired facilities are available without interference with regular student or faculty activities;
6. Partisan political organizations may be permitted the use of University facilities under the conditions already noted and additionally subject to the following conditions:
  - a. That the proposed meeting give promise of contributing to the educational purposes of the campus; and
  - b. That the campus sees a reasonable possibility of making the facilities available for other viewpoints to be presented.
7. University facilities will not be made available for advocacy directed to inciting or producing imminent lawless action and which is likely to incite or produce such action.

For the complete policy, visit: [http://www.suny.edu/sunypp/documents.cfm?doc\\_id=374](http://www.suny.edu/sunypp/documents.cfm?doc_id=374).

## **Executive Order**

Section 7.7 Executive Order-No. 7: Prohibition Against Personal Use of State Property and Campaign Contributions to the Governor.

WHEREAS, government employment is a privilege rather than a right, and is based upon the trust and confidence placed in the State's workers by the public; and

WHEREAS, all State employees and officers should be able to pursue the interests of the public in an environment that is free from political party influence or interference; and

WHEREAS, it is the obligation of every State employee and officer to pursue a course of conduct that will not engender public concern as to whether the individual is engaged in acts that may violate his or her public trust; and

WHEREAS, all State employees therefore must act in a manner consistent with that public trust, and must not take any actions that are intended, or appear to be intended, to achieve personal gain or benefit; and

WHEREAS, employees and officers of State agencies and public authorities are subject to certain ethical statutes and rules, including but not limited to the State Code of Ethics (Section 74 of the Public Officers Law), and statutory restrictions on business and professional activities (Section 73 of the Public Officers Law); and

WHEREAS, there are some areas where New York's existing statutes governing ethical standards can and should be improved or clarified;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

### **A. Definitions**

1. "Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

2. "Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

### **B. Prohibition Against the Personal Use of State Property**

1. State supplies, equipment, computers, personnel and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind. This prohibition includes but is not limited to the following:

a. Official stationery may not be used for non-governmental purposes, nor may State government resources be used to mail personal correspondence. The designation "personal" on agency stationery means only that the contents are meant for the personal viewing of the addressee and not that the sender is acting unofficially. All letters and other written materials printed on such official stationery are considered official, and thus the designation "unofficial" has no meaning and may not be used.

b. Under no circumstances may State mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.

c. State telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal telephone number. State telephones may be used for incidental and necessary personal local calls that are of limited number and duration and do not conflict with the proper exercise of the duties of the State employee.

d. State computers shall be used only for official business, except that state computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the duties of the State employee.

e. State vehicles shall be used only for official business or incidental personal use associated with official business away from an employee's official work station. Individuals who are authorized by their agency or public authority to use a vehicle for personal purposes shall keep records of such use, and the value of such personal use shall be calculated and reported as personal income to such individual for tax purposes.

**C. Prohibition Against Campaign Contributions to the Governor**

1. No state agency officer or employee who serves at the pleasure of the Governor or their appointing authority, and no member of a public authority appointed by the Governor, may make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor. In addition, no such individual may request or demand that any other person make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor.

**D. Application to Public Authorities**

1. Each public authority shall adopt policies or rules applying the restrictions set forth above to all officers and employees who serve at the pleasure of their appointing authority.

**E. Penalties**

1. Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

Signed: David A. Paterson

Dated: June 18, 2008

[Re-issued by Governor Andrew Cuomo Executive Order Number 2: Review, Continuation and Expiration of Prior Executive Orders, January 1, 2011].