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## REMINDERS FOR UNIVERSITY EMPLOYEES SEEKING TO CAMPAIGN FOR OR HOLD PUBLIC OFFICE

The ability to participate in civic life and activities is one of the fundamental tenets of our society. University employees enjoy constitutional rights to participate or not participate in the political process; however, University employment also entails limitations on employees' campaigning for and holding public office. This document summarizes [UNC Policy 300.5.2 Candidacy for Elective Office; Officeholding](#).

- Due to potential conflicts of commitment, all EHRA employees becoming candidates for or holding political office must make disclosures and receive approval. Failure to do so may result in administrative action or loss of University employment.
- The UNC System Office has created a [template petition form](#) for prospective candidates or office holders to petition for approval in advance.

### Major Public Office

- Major Public Office is:
  - any public office requiring full-time service, regardless of the amount of compensation;
  - any public office requiring service on a part-time basis for which the compensation is more than \$10,000; and
  - membership in the North Carolina General Assembly.
- Prior to assuming or announcing candidacy for election to a major public office, an employee must submit a petition in advance of the period of employment that would be affected (file by November 1 for a May primary election; file by July 1 for a November election).
- Failure to submit a petition may result in the mandated resignation of the employee at the start of the candidacy or assumption of position.
  - All petitions concerning service in the General Assembly and all petitions by senior academic and administrative officers are resolved by the president.
  - All other petitions by University employees are resolved by the appropriate board of trustees and transmitted through the chancellor.
  - In a situation where the circumstances do not allow the employee to provide advance notice, such as an appointment, petitions by employees other than senior academic and administrative officers may be submitted to and resolved by constituent institution chancellors to expedite the process.
- An employee pursuing major public office is presumed to create a conflict of commitment. To resolve, in advance of becoming a candidate the employee should either:
  - resign from University employment;
  - submit a petition requesting an unpaid leave of absence; or
  - rebut the presumption of conflict by demonstrating that there will be no conflict between the activity and University employment. The presumption of conflict is not rebuttable with respect to any full-time employee who assumes any full-time public office.

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- If the leave of absence is not approved or the rebuttal is not deemed satisfactory, the employee must resign upon assuming office or risk administrative action, up to and including separation from employment.
- If engaging in a campaign or serving in public office will prevent the employee from meeting full-time employment responsibilities, the employee may request a partial or full leave of absence with corresponding reduction in or suspension of pay.
- To support rebuttal of the presumption of conflict, the employee's petition should present what periods of time would be devoted to the activity and why the proposed schedule would not conflict with their weekly hours devoted to University service.
- Even if an employee has successfully rebutted the presumption, the employee may be required to abide by special conditions, such as maintaining and making available for review a daily log of time devoted to campaign or office holding activity.

### **Minor Public Office**

- Minor public office means any public office that is not a major public office.
  - Any employee who assumes a minor public office is presumed not to create a conflict of commitment with respect to the responsibilities owed by the employee to the University.
  - Any *part-time* employee who assumes *part-time* public office for which compensation is excess of \$10,000 is also presumed not to create a conflict.
- Any employee in these categories must promptly file with their immediate supervisor a written statement setting forth the amount of payments to which the officeholder is entitled.
- In certain situations, where the president or chancellor believes that a material conflict of commitment may exist, the president or chancellor may direct the employee to submit a petition for resolution.

### **Contacts for Additional Information**

Individual employees should direct any questions to the most appropriate contact in their institution's Human Resources or General Counsel's Office.