



MEMORANDUM

To: Julio Frenk
University President

From: Linda L. Neider
Chair, Faculty Senate

A handwritten signature in blue ink, appearing to read 'L. Neider', is placed over the 'From' field.

Date: October 29, 2020

Subject: Faculty Senate Legislation #2020-10(B) –Add a Section Titled *Social Media and Political Activities Policy* in the *Faculty Manual*

The Faculty Senate, at its October 28, 2020 meeting, approved by an overwhelming majority with 4 abstentions the proposal to add a section to the *Faculty Manual* titled *Social Media and Political Activities Policy* to ensure compliance with state and federal laws and regulations and to protect the University's reputation.

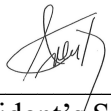
This legislation is now forwarded to you for your action.

LLN/rh/vpa

cc: Jeffrey Duerk, Executive Vice President and Provost
Guillermo Prado, Vice Provost, Faculty Affairs
All Academic Deans, for distribution to faculty

CAPSULE: Faculty Senate Legislation #2020-10(B) –Add a Section Titled *Social Media and Political Activities Policy* in the *Faculty Manual*

PRESIDENT’S RESPONSE

APPROVED:  DATE: 11/3/20
(President’s Signature)

Office of the Provost, Office of Faculty Affairs,
OFFICE OR INDIVIDUAL TO IMPLEMENT: ALL Academic Deans

EFFECTIVE DATE OF LEGISLATION: IMMEDIATELY
(pending any additional approval by the Board of Trustees)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

SOCIAL MEDIA AND POLITICAL ACTIVITIES POLICY

POLICY

The University of Miami ("University") is committed to the principle of free expression, and academic freedom, including the exchange of political viewpoints and ideas, for all members of its community. The University encourages its faculty, staff and students to fully participate in their rights of citizenship, including exercising the right to speak, vote, campaign, and otherwise engage in the political life of our community, state, and nation. In addition to the provisions contained in this policy, employees within the University of Miami Health System have guidelines provided in [University of Miami Hospital and Clinics' Social Media Policy](#).

Nothing in this policy is intended to limit the rights of faculty, staff or students to express personal opinions or engage in political activity in their individual capacities and as private citizens.

The University acknowledges that social media may be used to further the University's mission by providing channels of interaction and engagement between the University and students, faculty, staff, and the community. However, certain types of partisan political activities by the University or by University employees, in their official capacities, are incompatible with the University's tax-exempt status under the law.

This policy describes the limitations on University involvement in partisan political campaign activities and the use of University social media sites.

SCOPE

This policy applies to all University faculty and staff who are employed by the University in any capacity. The guidelines also apply to others, such as volunteers and appointees who use internally managed University computing resources. This policy may apply to employees outside of work hours and while using personal accounts when use of social media affects an individual's professional responsibilities, violates an applicable law, or constitutes a violation of University policy.

PURPOSE

The purpose of this policy is to encourage the use of social media by University faculty and employees while making sure usage is in line with applicable state and federal laws and regulations, and to provide protection to the University's reputation and other members of its community. This policy primarily focuses on social media accounts that are University-owned and University-controlled, however, it also provides guidance when the University's name or logo is displayed/used by a faculty member or a staff member on their personal social media account. More information about the University's social media can be found [here](#).

The University is exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code, and therefore prohibited from directly or indirectly participating or intervening (including the publishing or distributing of statements) on behalf of any political party or in any political campaign on behalf of or in opposition to any candidate for elective public office.

Additionally, the purpose of this policy is to define certain limitations that preserve the University's tax exempt status and to protect against any conflicts of interest or commitment that may infringe on the ability of University personnel to perform their official duties and meet their responsibilities with maximum effectiveness and objectivity.

PROCEDURES

I. PERSONAL SOCIAL MEDIA SITES

There are no restraints upon the personal political activity of faculty and staff, provided the employee is acting as a private citizen, is not representing the University, and is not using University resources in connection with partisan political activity.

- A. Faculty and staff members may not use University name, logos, letterheads, symbols, or other identifiable marks of institutional affiliation, including pictures, for the purpose of endorsing or promoting political parties, campaigns or candidates.
- B. A faculty or staff member endorsing or opposing a candidate for political office, or taking a position on an issue must make it clear they are speaking as an individual and are not stating a University position.

II. UNIVERSITY SOCIAL MEDIA SITES

- A. On any [University-owned and University-controlled social media sites](#), an employee's posts must protect the University's institutional voice by remaining professional in tone and in good taste. No individual University department or unit should construe its social media site as representing the University as a whole.
- B. The University's trademarks are intended to present a positive image of the University, and may not be altered in any way. Nor can the University's trademarks be used in the name of a business or logo, or in promoting services or a product in a way that could state or imply an endorsement of the University.
- C. An employee is prohibited from posting confidential or proprietary information about the University or its students, employees, or alumni. Employees must follow the applicable federal requirements such as FERPA, HIPAA, and NCAA regulations; and adhere to all applicable University privacy and confidentiality policies.

III. POLITICAL ACTIVITIES

Faculty and staff are welcome and encouraged to participate or intervene in a political campaign in their individual capacity as a citizen. However, while all members of the University community are free to express their political opinions and engage in political activities to whatever extent they wish, it is very important that they do so only in their individual capacities and avoid the use of University trademarks, logos, and imagery in faculty and staff social media posts that are electoral or partisan in nature, or otherwise would imply the University's endorsement of the views expressed in the post.

- A. Certain activities such as certain voter education activities (including presenting public forums and publishing voter education guides) conducted in a non-partisan manner do not constitute prohibited political campaign activity under Section 501 (c) (3) of the Internal Revenue Code for tax-exempt organizations. In addition, other activities intended to encourage participation in the

electoral process, such as voter registration and get-out-the-vote drives, would not be prohibited political campaign activity, if conducted in a non-partisan manner.

- B. Voter education or registration activities with evidence of bias that would favor one candidate over another; oppose a candidate in some manner; or have the effect of favoring a candidate or group of candidates, will constitute prohibited participation.

IV. VIOLATIONS

Violation of the provisions in this policy may lead to disciplinary action up to and including termination of employment.