

BP 7370 POLITICAL ACTIVITY

References:

Education Code Sections 7054 and 7056;
Government Code Section 8314

NOTE: The following language in red ink is legally required.

Employees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board of Trustees. This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

~~❖ From the current CLPCCD Policy 4024 titled Civil Rights of Employees~~

The Board recognizes the right of an employee of the District to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate.

Such activities shall be conducted on the employee's own time and off the premises of the District. The employee will exercise reasonable care to show that any actions are being taken in the capacity of a private citizen.

~~❖ From the current CLPCCD Policy 2260 titled Political Activity~~

~~It is the Policy of this District that no College, District, State and/or Federal funds, services, supplies, and/or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board of the District.~~

~~District employees will comply with the Education Code, specifically Education Code Sections 7050-7058.~~

This policy is not intended to impinge upon academic freedom or free speech.

~~California Education Code Reference:
Political Activities of School Officers
and Employees Sections 7050-7058
Federal Code Reference:
Hatch Act (5 U.S.C. 1501-1508) and
Intergovernmental Personnel Act of 1970
as amended by Title VI of the Civil Service
Reform Act (P.L. 95-454 Section 4728)~~

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from the current CLPCCD Policy 4024 titled Civil Rights of Employees adopted on March 19, 1996 and current CLPCCD Policy 2260 titled Political Activity adopted on January 16, 1996 and revised on April 17, 2007. The language in **green ink** was added on September 24, 2013 during the review with Kit, David, and Lydia and on March 28, 2014 with Wyman, David, and Kit.

Date Adopted:

*(This policy replaces current CLPCCD
Policies 2260 and 4024)*

Legal Citations for BP 7370

Education Code Sections 7050 et seq.

7050. The Legislature finds that political activities of school employees are of significant statewide concern. The provisions of this article shall supersede all provisions on this subject in any city, county, or city and county charter as well as in the general law of this state.

7051. This article applies to all officers and employees of a local agency.

"Local agency" means a county superintendent of schools, an elementary, high, or unified school district, or a community college district.

Officers and employees of a given local agency include officers and employees of any other local agency whose principal duties consist of providing services to the given local agency.

7052. Except as otherwise provided in this article, or as necessary to meet requirements of federal law as it pertains to a particular employee or employees, no restriction shall be placed on the political activities of any officer or employee of a local agency.

7053. No one who holds, or who is seeking election or appointment to, any office or employment in a local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within the local agency upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. The prohibitions of this section shall apply to either urging or discouraging any political action of an employee.

7054. (a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:

(1) The informational activities are otherwise authorized by the Constitution or laws of this state.

(2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment in a state prison for 16 months, or two or three years.

7054.1. Nothing in this article shall be construed as prohibiting any administrative officer or board member of a school district or community college district from appearing at any time before a citizens' group that requests the appearance of the officer or board member for purposes of discussing the reasons why the governing board of the district called an election to submit to the voters of the district a proposition for the issuance of bonds and for purposes of responding to inquiries from the citizens' group.

7055. The governing body of each local agency may establish rules and regulations on the following:

(a) Officers and employees engaging in political activity during working hours.

(b) Political activities on the premises of the local agency.

7056. (a) Nothing in this article prevents an officer or employee of a local agency from soliciting or receiving political funds or contributions to promote the support or defeat a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the local agency. These activities are prohibited during working hours. In addition, entry into buildings and grounds under the control of a local agency for such purposes during working hours is also prohibited.

(b) Nothing in this section shall be construed to prohibit any recognized employee organization or its officers, agents, and representatives from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on school district property or community college district property during nonworking time. As used in this subdivision, "nonworking time" means time outside an employee's working hours, whether before or after school or during the employee's luncheon period or other scheduled work intermittency during the school day.

7057. No person who is in the classified service or who is upon any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his political acts, opinions, or affiliations.

7058. Nothing in this article shall prohibit the use of a forum under the control of the governing board of a school district or community college district if the forum is made available to all sides on an equitable basis.