



Montana University System

Office of the Commissioner of Higher Education

560 N. Park Avenue – PO Box 203201 – Helena, Montana 59620-3201 – (406) 449-9124

TO: Montana University System Presidents & Chancellors
FROM: Helen Thigpen, Deputy Commissioner for Government Relations & Public Affairs
RE: Lobbying & Political Activity of MUS Personnel
Date: Tuesday, December 27, 2022

On Monday, the 68th Montana Legislature will convene to consider a range of topics and issues impacting Montanans and higher education. With the legislative session convening shortly, this memo summarizes restrictions on political activity that apply to Montana University System (MUS) employees.

Like all citizens, MUS employees hold many diverse opinions and beliefs on matters of public concern. The MUS recognizes the right of all MUS personnel to express their views freely and to engage in political activity with the legislature as private citizens – on their own time and outside their role as MUS employees. MUS employees do not lose the right as private citizens to speak freely or engage on any issue by virtue of their employment with the MUS.

However, under state law and MUS policy, MUS employees are prohibited from using state resources for political activities. State resources include but are not limited to college or university property, facilities, equipment, telephones, computers, email, regular or campus mail, networks, materials, supplies, work time, or work areas. Political activity includes but is not limited to efforts to influence the election of a political candidate or influence the content, passage, or defeat of legislation. More information is available in the [Commissioner's Directive on Political Activity of Public Employees](#).

MUS employees who wish to advocate for or against any legislative action during the legislative session:

- must do so as private citizens on their own personal time;
- may not use MUS or university property, resources, or work time; and
- may not imply that such activity is on behalf of the MUS or any individual campus, MUS-affiliated agency, department, or program.

Be assured, MUS and campus interests are well represented during the legislative session. A team of authorized individuals, including registered lobbyists, campus presidents and chancellors, and personnel in the Office of the Commissioner of Higher Education (OCHE), work collectively throughout the session to advance the strategic priorities of the MUS and the campuses. This process is carefully designed to provide a coordinated structure for communicating official policy positions and priorities to elected officials.

Therefore, only specific individuals who receive express authorization from OCHE and who are registered through OCHE with the Montana Commissioner of Political Practices may serve as lobbyists on behalf of the MUS.¹ Under state law, "lobbying" is the: (1) practice of promoting or opposing the introduction or enactment of legislation before the legislature or legislators; or (2) the practice of promoting or opposing official action of any legislator or the legislature. See [5-7-102\(11\), MCA](#), for more information.

To work legally and effectively, your legislative team assures the legislative branch that no other MUS employees are authorized to engage in political activity on behalf of the MUS or in association with their MUS job title. This includes lobbying appearances at the Capitol and communications to elected officials associated with an MUS job title or resource. The only exception is when the individual obtains prior authorization from OCHE to engage in such activity. Therefore, unless an employee engages with the legislative process as a private citizen (non-MUS employee), the appearance must be approved by OCHE.

The faculty, staff, professional, and administrative members of the MUS community are a tremendously talented and dedicated group of people. We recognize and admire the commitment of countless MUS employees who go the extra mile every day to help students succeed. This message is to ensure that MUS employees remain compliant with state and MUS policy and to safeguard our daily mission of building and sharing knowledge, supporting student success, and improving the quality of life of Montanans.

On behalf of the Board of Regents and the Commissioner of Higher Education, I greatly appreciate your cooperation and assistance. Please do not hesitate to contact me if you have any questions. I can be reached at hthigpen@montana.edu.

Sincerely,

Helen Thigpen
Deputy Commissioner for Government Relations & Public Affairs
Montana University System

¹ As provided in state law, members of the Board of Regents, the Commissioner of Higher Education, and campus presidents and chancellors are exempt from state lobbying restrictions.