

## Reasons to avoid using UA emails to communicate with legislators or other government officials on non-UA business

The Executive Branch Ethics Act (EBEA) explicitly prohibits the use of UA resources for partisan political activity (see the eloquently written and awe-inspiring memo on this subject at <https://www.alaska.edu/counsel/ethics-information/ethics-and-politically-re/index.php>). While the EBEA does not treat all communications with legislators as partisan political activity, there are valid reasons to refrain from use of UA resources for legislative contacts as well, when those contacts are related to our personal or financial interests rather than our UA responsibilities. The General Counsel's office generally advises that, although the EBEA does not absolutely prohibit use of UA email addresses for contacting legislators, we do suggest utilization of our private emails for those communications, for numerous reasons. (Well, seven. (There used to be ten, but past years' budget cuts have reduced them by 30%.))

1. Use of UA email can convey the impression that I am speaking on behalf of UA rather than in my personal capacity. Regents' Policy (while not limiting what any of us can say in our personal capacities) does provide that communications with state or federal legislators *purporting to speak on behalf of UA* need to be authorized by the President (with narrow exceptions for routine development and administration of grants or contracts; supplying routine facts and information supplied to the general public; chancellor communications; and testimony at the request of the Alaska Legislature). P02.01.040.
2. The EBEA does prohibit me from using UA time, property, equipment, or other facilities to benefit personal or financial interests, and the subject of my individual communication to a legislator could be argued to relate to whatever personal or financial interest on my part motivated me to send it. For example, an email from me supporting UA funding arguably benefits my personal and financial interest in remaining employed. If so, an email from my work email address supporting UA's budget request might constitute use of UA's email system to benefit my personal or financial interest, while that same email from a private email address is perfectly acceptable.
3. The EBEA also does (as above) prohibit using UA resources for partisan political activity, and the line between legislative contacts and partisan political activity is an easy one to stumble across inadvertently. (For example, by following an exhortation to "Tell Senator X you will not vote for someone who supports House Bill 1.") By contrast, using private email addresses even for partisan political activity is not a misuse of UA resources and so is a "safe harbor."
4. Even if I am communicating on an issue on which UA has taken a position and encouraged me to contact legislators (e.g., supporting UA's appropriation), there are legislators who will read my signature line first, and once seeing that I am affiliated with UA, the content of my message may be discounted regardless of how valid.
5. State legislators have on occasion complained to the University about emails they have received from UA email addresses, particularly when those are rudely worded, and have pointedly asked if UA allows this. While UA can explain why this does not constitute an EBEA violation, those explanations frequently are not well-received, and the state legislature could amend the EBEA at some point to extend its prohibition to encompass non-partisan communications, which would make things more problematic both for UA itself and for users of UA email.
6. Emails from a UA email address are likely to be encompassed within the Public Records Act and therefore could be required to be produced in response to a Public Records Act request, while emails from a private email address presumptively are not.
7. With respect to federal contacts in particular, there are complex federal lobbying reporting requirements with which UA has to comply, and which might arguably be triggered by use of UA emails in support of UA efforts. If so, that might entail UA being required to engage in a

level of data-gathering that we'd prefer not to have to undertake (and most UA email users would prefer we not undertake either).

So, while the EBEA does not categorically prohibit the use of UA emails for (at least certain types of) communications to legislators, we do strongly discourage use of any UA resources (including UA emails) for any such communications, and encourage limiting ourselves to non-UA resources such as private email addresses.