Introduction and Purpose
This policy outlines the important, and sometimes unique, responsibilities of college employees as employees of the state of Montana. “The holding of public employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual’s duties for the benefit of the people of the state.” Section 2-2-103, MCA. All college employees are public employees who carry out their duties for the benefit of the public. As such, they are subject to certain statutes, policies, and directives related to their status as a public employee. This policy outlines the most significant of those responsibilities.

Policy
Ethical Responsibilities
Employees are bound by the ethical standards set forth in state law (Sections 2-2-105, 2-2-121, and 2-2-201, MCA), as well as the conflict of interest policies of the Board of Regents and the college.

Public Records and Public Participation
Article II, Sections 8 and 9 of the Montana Constitution grants the public the right to have a “reasonable opportunity” for public participation in the operation of public entities and the right to examine documents or to observe the deliberations of all public bodies or agencies of state government, except when the demand of individual privacy clearly exceeds the merits of public disclosure. Article II, Section 10 recognizes the right of individual privacy, which shall not be infringed upon without the showing of a compelling state interest. Information, including electronic information and email, prepared, owned, used, or retained by the college related to the transaction of official business and designated for retention is considered a public record.

Information generated in connection with the transaction of official college business by college employees that is not constitutionally protected or otherwise excepted by law, may be a public record that the public would have the right to examine. See Sections 2-6-1002 and 1003, MCA. The Montana University System has adopted Public Records Request Response Guidelines which the college uses when public record requests are made. Employees are obligated to maintain public records, and retain such records, in accordance with the Montana University System General Record Retention Schedule.

The college’s Public Participation Policy outlines the processes and procedures related to the public’s participation in college decisions of significant interest to the public.

Employee Email
MUS-provided electronic mail (e-mail) systems are to be used by employees for their job-related activities. BOR Policy 1303.3. Employees are strongly encouraged not to use the college email system for any purpose other than official college business. State law related to public records extends to private email systems if used for college business. In such case, private email may be reviewed to obtain any public records. Emails that are determined to be public records will be subject to the Record Retention Schedules of the Montana University System. See also Montana Secretary of State’s, Email Guidelines.
Campaigning and Political Activity
As public employees, college employees may not engage in certain political and campaign activities. Public employees may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support or opposition to any political committee, the nomination or election of any person to public office, or passage of a ballot issue. Section 2-2-121(3), MCA.

Montana law does not restrict the right of a public employee to express personal political beliefs at work or elsewhere, as long as public time, facilities, equipment, and supplies are not used. A public employee may engage in political activities outside of work and may give or use their title while doing so. See, AG Opinions, Vol.51, Op.No.1.

College employees are also subject to the Commissioner's Directive on Political Activity of Public Employees.

Gratuities and Donations
College personnel are not permitted to accept money, goods, unrelated services, entertainment, or any form of gratuity, either directly or indirectly, from any individual or company interested in business or financial relations with the college. Any such gift must be returned to the donor.

Use of College Property, Services and Resources
Montana state law prohibits a public officer or public employee from using “public time, facilities, equipment, supplies, personnel, or funds for the officer’s or employee’s private business purposes.” Section 2-2-121, MCA. In addition, the Board of Regents has adopted various policies related to the use of the college’s internet and email systems which restrict the use to job related activities. See, Policies 1303.1, 1303.2 and 1303.3, BOR Policies and Procedures Manual.

This policy governs the personal or private business use of college property, services, and/or resources (hereinafter referred to as “Property”).

Related Policies
Montana Code Annotated 2021 2-2-104 Rules of conduct for public officers, legislators, and public employees
Board of Regents Policy 770 Conflict of Interest
Commissioner's Directive on Political Activity of Public Employees.
Board of Regents Policy 1303.1 Employee User Responsibilities
Board of Regents Policy 1303.2 Employee Internet Services
Board of Regents Policy 1303.3 Electronic Mail
402.4 Conflict of Interest
504.1 Fundraising and Gifts
102.1 Public Participation