

Workplace Expectations and Conduct: Public Employee Responsibilities

Subject:	Human Resources
Policy:	Public Employee Responsibilities
Effective Date:	January 2021
Review Date:	Three (3) years from Effective Date above
Responsible Party:	Human Resources
Applicability:	This policy applies to all employees

1. INTRODUCTION AND PURPOSE

This policy outlines the important, and sometimes unique, responsibilities of university 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 university 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.

2. 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 [university](#).

3. 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 university 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 university business by university 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 university 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 university [Public Participation Policy](#) outlines the processes and procedures related to the public's participation in university decisions of significant interest to the public.

4. 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 university email system for any purpose other than official university business. State law related to public records extends to private email systems if used for university business. In such cases, 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](#).

5. CAMPAIGNING AND POLITICAL ACTIVITY

As public employees, university 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](#).

University employees are also subject to the [Commissioner's Directive on Political Activity of Public Employees](#).