



## **2.2.8 Use of University Name, Symbols and Other Property**

### 1. Introduction

"The University of San Diego" and the university's seal and other identifying symbols are the property of the university. This policy addresses the permissible use of this and other university property in connection with actions by university employees. The university intends to protect its property to the extent allowed by law.

The university takes and asserts a position on matters of public concern only rarely, through expressly authorized agents or through statements issued by its Board of Trustees. The university recognizes, however, that its employees are entitled to express themselves as private citizens on matters of public concern. It also recognizes that academic excellence and the pursuit of truth are advanced by the presence of diverse viewpoints within the university community. Such diversity implies that some employees' personal views will conflict with those of other members of the community, and even with official university positions; this diversity of viewpoints lies at the heart of any university worthy of the name. The university does not routinely respond to views that are contrary to its own; accordingly, neither the public nor any member of the university community should draw any inference respecting the university's position on a matter simply because the university does not respond to an employee's expression of a personal view on the matter. Similarly, the university recognizes that its employees act in capacities other than as university employees, but the university does not generally take a position respecting those personal actions.

### 2. Identification with the University

When speaking or acting as a private person, a university employee must avoid actions that might cause a reasonable person wrongly to believe that the employee's opinions reflect an official position of the university, including any of its segments, or that the employee's actions are undertaken as part of the employee's university position.

Even if the standard set forth in the preceding paragraph would not permit an employee's conduct, an employee's conduct is automatically permitted in three situations:

- a. Though some employees may abstain from even nonassertive conduct to avoid harm to the university, any employee may speak or act without violating

this policy if the employee does not reveal the employee's affiliation with the university.

- b. Any employee may speak or act without violating this policy if the employee explicitly disclaims that the university endorses the employee's speech or action.
- c. An employee may use the name of the university, together with the employee's job position, for purposes of self-identification. However, this automatic right to use the university's name for self-identification does not authorize the use of university stationery when such use is otherwise proscribed, and it does not apply (1) to commercial or political activity or (2) to the president, vice presidents, deans, or director of public relations, or to an employee in the office of any of those persons.

When the automatic right to use the university's name for self-identification does not apply, the employee may nevertheless use the university's name if an explicit disclaimer is made or if the factually sensitive standard in the preceding paragraph permits the use.

### 3. Stationery and Symbols

In addition to the limitations imposed above, an employee may only use the university's stationery in connection with activities undertaken as part of the employee's university position. Use of the university's seal and other identifying symbols -- for example, to create individual stationery for a particular university event -- is permitted only as authorized by the marketing department. The university's stationery and symbols may not be used in connection with commercial or political activity.

### 4. Other USD Property

In addition to affiliating the university with certain activities or opinions, use of university property -- including the services of university employees -- also can impose direct costs on the university. Accordingly, except as otherwise provided in this policy, university property may be used only for activities undertaken as part of the employee's university position, and university property may not be used for political or commercial activity. However, when the costs imposed on the university are de minimis, and when use of the property is incidental to the employee's university responsibilities, use is permitted; responsible use in such situations can benefit not only the employee but also the university. For example, a local, personal telephone call will often impose only a de minimis cost on the university, and it may benefit the university by permitting the employee to remain at the employee's office when pressing personal business would otherwise require the employee's temporary absence. But the same could not be said of repeated local calls by an hourly employee who does not make up the university time spent on personal business. Receiving occasional personal mail at the office imposes only a de minimis cost on

the university; inviting responses to a personal mass mailing to an office address may not. Caution should be employed before imposing other than de minimis costs on the university; if imposed, arrangements should be made to compensate the university within three business days.

The preceding paragraph does not preclude the university from implementing other policies requiring compensation for costs, whether de minimis or not. Nor does it require that the employee reimburse the university for expenses within three business days if the expenses are covered by a policy providing for reimbursement on a different schedule. Moreover, it allows administrative decisions to waive reimbursement for certain expenses and allow, limit, or disallow use of certain property.

5. Definitions. As used in this policy --

a. "political activity" means a statement

(1) advocating the election or defeat of any candidate for public office;

(2) made in connection with any appeal for funding for a political candidate or party or ballot proposition; or

(3) made in the officially distributed statements for or against a ballot proposition.

b. "commercial activity" means activity, including consulting and the making of speeches or other presentations, for which the employee receives compensation from a source other than the university. However, the following activities are deemed not to be "commercial activity" regardless of whether compensation is received: the writing or editing of work for publication or the creation, performance, or exhibition of artistic work related to the field within which the university employs the employee; applying for or performing duties pursuant to a grant supporting the employee's scholarly work; holding office in a scholarly or professional organization; performing duties for a scholarly journal; attending or organizing professional meetings, colloquia, symposia, site visits, and similar gatherings; and refereeing or reviewing manuscripts, publications, or proposals.

c. "activities undertaken as part of the employee's university position" include scholarly activities, professional correspondence, and community service.

6. Exceptions

Notwithstanding the other provisions of this policy, the President or Provost, or their designee, may authorize use of the university's name, symbols, or other property if the circumstances so warrant.

(February 1999)