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December 2011

4.621 Political Activities

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Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> Campus <input type="checkbox"/> Department/Unit <input type="checkbox"/> Interim		Political Activities Policy 4.621	
Human Resource Policies		Effective date: December 6, 2011	
Policy History:	Approved by:	Resolution #	Date:
Approved	Chancellor	N/A	December 6, 2011
Revised			
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
University Director of Human Resources	Director of Human Resources	937-769-1375	All Employees

I. Introduction and Purpose

Antioch University (“AU” or the “university”), is committed to free and open discussion of ideas and opinions, and encourages employees to exercise their civic rights to participate as individuals in the electoral process. However, because the university is a tax-exempt entity, it is prohibited by law from participating or intervening in campaigns for any elective office. Federal Election Commission regulations expressly restrict political activity of educational institutions. This policy has been established to comply with these and other related legal requirements with respect to political activities on campus. Violation of the law and this policy can result in harsh penalties to the university including loss of the university’s tax-exempt status and the imposition of excise taxes. Therefore, employees who violate this policy will be subject to serious disciplinary action including possible termination from employment.

II. Policy

Because the university is an educational institution which encourages the full exercise of political expression and thought, it is difficult to make bright-line distinctions between what is a permitted educational activity and what is a prohibited political activity. The IRS has stated that whether the activity constitutes “participation or intervention” in a political campaign will depend on all the facts and circumstances. To minimize the risk of violation of federal law, the following guidelines shall prevail and be followed:

A. Promoting Candidates

With regard to support of or opposition to candidates for election to public office, employees are free to express their opinions and engage in political activities on their own time and in their individual capacities but must avoid the appearance that they are speaking or acting on behalf, or with support, of the university. No person may, on behalf of the university, engage in activity in support of or opposition of a candidate for elective public office (including giving or receiving funds or endorsements); nor shall university resources be used for such purposes. All employees must abide by the following rules in particular:

1. Campaign promotional material such as stickers, posters, and other signage may be displayed in employee offices or cubes, provided that it is not viewable by the general public or visitors. Outside facing windows of any type would not be suitable for display of such materials. In addition, all such personally displayed materials must be placed in such a manner not to infer endorsement by the university.
2. The name, seal, insignia, marks, and letterhead of the university or of any of its campuses, departments, or programs shall not be used on letters or other materials intended for partisan political purposes.
3. No university office shall be used as a mailing address for partisan political mailings, nor shall telephone service that is paid by the university be used for partisan purposes.
4. No student organization shall be recognized by the university that has as its purpose the support of a particular candidate for office.
5. When employees engage in public speech regarding political candidates, university titles should be used for identification purposes only and, when there is any prospect that the use of the title could be mistaken as an endorsement by the university, it should be accompanied by a statement that the employee is speaking as an individual and not as a representative of the university.
6. University services, equipment such as copying machines, computers, email, telephones, and supplies shall not be used for partisan political purposes.
7. University employees, as part of their job, may not perform or be asked to perform political tasks.
8. Any employee whose regular duties do not include contact with federal or state regulatory agencies or other government officials should consult with campus presidents before responding to any inquiry from government officials. Employees also should contact the campus president before initiating contact with a government agency with respect to any non-routine or nontrivial compliance matter.

9. Invitations, subject to the following principles, may be extended by departments, programs, or recognized organizations to persons who are candidates for elective public office (or their representatives) to speak on campus, provided that:

a) Access to the university, if granted, shall be made available on an impartial, non-partisan basis. Access should not be limited to a party or even to the two major political parties when there are candidates from other minor parties.

b) The invited speaker's appearance on campus shall have an educational or informational focus, and not be conducted as a campaign rally or similar event;

c) No fundraising for the speaker/candidate shall occur in connection with the event; and

d) The event must be conducted in a manner that avoids any unauthorized implication that a participant is sponsored, endorsed, or favored by the university. The university representative shall expressly state that it neither supports nor opposes any of the candidates in attendance.

10. University facilities will not be rented to candidates (or their campaigns) for elective public office.

11. Debates and forums may be conducted on campus only in accordance with pertinent legal standards, which require that the activity be conducted in a non-partisan manner, provide access to all qualified candidates, and state that the views expressed by the participants are their own and not those of the university, and that sponsorship of the forum is not intended as an endorsement of any particular candidate. The university reserves the right to cancel any appearances by a political candidate if it is determined that such appearance is inconsistent with this policy.

12. Employees running for elected office must comply with all provisions of the Outside Employment Policy 4.205, even if the office sought will be unpaid. In addition, if an AU employee is running for political office, no campaign activities shall be conducted on campus, to avoid the appearance of a university endorsement.

13. Voter registration and "get out the vote" drives by university-sponsored organizations must be done on a non-partisan basis (i.e., they may not focus on a particular party).

B. Lobbying

While tax exempt organizations are strictly prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of a candidate for public office, the rules related to legislative activities are more relaxed. No organization may qualify for tax exempt status if a "substantial part" of its activities is related to attempting to influence legislation, (commonly known as "lobbying"). For example, the law does not

prevent the university from lobbying on issues critical to its tax-exempt purposes, provided that it does not constitute a “substantial part” of its overall activities.

1. Whether an organization’s attempts to influence legislation, i.e., lobbying, constitute a “substantial part” of its overall activities is determined on the basis of all the pertinent facts and circumstances in each case. The IRS considers a variety of factors when determining whether the lobbying activity is substantial, including the time devoted (by both compensated and volunteer workers) and the expenditures devoted by the organization to the activity. Once again, violations of these standards can result in the loss of tax exempt status of the university resulting in all income of the university being subject to tax. Therefore, advice of General Counsel should be obtained before engaging in any significant lobbying activity.

2. Attempts to influence legislation includes attempts to influence action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.

3. The university is regarded as attempting to influence legislation if it urges the public to contact members of legislative bodies or their staffs for the purpose of proposing, supporting, or opposing legislation or if the university directly urges or advocates for the adoption or rejection of legislation.

4. While the university may occasionally engage in lobbying activities without violating the “substantial part” test described above, promoting voter action with respect to issues that have become highly identified as dividing lines between candidates may be a proxy for candidate support and is, therefore, strictly prohibited by federal law. Therefore, it is the policy of the university that any efforts to influence legislation are prohibited unless specifically authorized by the Board or Chancellor. Violation of this policy may result in serious disciplinary action including possible termination from employment.

C. Promoting Public Policy

Under the law, tax-exempt organizations may involve themselves in issues of public policy without the activity being considered lobbying. For example, the university may conduct educational meetings, prepare and distribute educational materials about public policy issues or otherwise consider policy issues in an educational manner without jeopardizing their tax-exempt status.

Policy Cross References

Outside Employment	Policy # 4.205
Solicitation and Distribution	Policy # 4.623