

UNIVERSITY of



DAYTON

Political Activities Policy

Effective Date: May 3, 2016

Approval: May 3, 2016

Maintenance of Policy: Government and Regional Relations Director

PURPOSE: Per Section 501(c)(3) of the Internal Revenue Code, 501(c)(3) institutions are prohibited from directly or indirectly participating in or intervening in any political campaign activities on behalf or in opposition to any candidate for elective public office. In complying with the Internal Revenue Code Section 501(c)(3), this policy establishes guidelines regarding political activities, prominently, that the political activities of faculty, staff, and students, must be separate and distinct from the identification of the University and not made on behalf of the University, either overtly or implicitly.

SCOPE: University Faculty, Staff, and Students and third parties present on campus.

DEFINITIONS:

(a) “Political Activity” – is generally described as participat[ing] in, or interven[ing] in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

(b) “Candidate for Office” – an individual who offers himself or herself as a contestant for an elective public office, whether such office is national, state, or local.

(c) “Lobbying” – is generally described as any attempt to influence the official action of any federal or local legislative or executive branch, or public official and/or his or her staff.

REFERENCE DOCUMENTS:

1. Internal Revenue Service Code: Section 501(c)(3)
2. Tax Exempt Status Policy
3. Appendix A: University of Dayton Political/Electoral Activity Procedures
4. Temporary Event Signage Guidelines

POLICY HISTORY:

Approved in Original Form
May 3, 2016

Based on Guidelines established on
September 16, 2008 and
revised on April 20, 2012

POLICY:

I. 501(c)(3) Tax Exempt Status

The University's tax-exempt status is based on the institution's fulfillment of the requirements set forth in part in Section 501(c)(3) of the Internal Code, which provides in effect that an educational institution qualifies for tax exemption as a recipient of deductible contributions provided that:

1. "no substantial part of the activities (of the Institution) is carrying on propaganda, or otherwise attempting to influence legislation" and
2. the institution "does not participate in, or intervene in (including publishing and distributing statements), any political campaign on behalf of any candidate for public office."

The University, as an institution, is the possessor of considerable material resources which have been acquired through its status as a tax-exempt institution of higher learning.

II. Lobbying

Lobbying is not a substantial part of the University's activities. In compliance with the Higher Education Act, the University does not use any HEA or federal student aid funds to pay anyone to influence or attempt to influence officers or employees of any agency, members of Congress or congressional employees with respect to specified types of federal actions. In addition, the University does not use state funding for lobbying efforts. University staff, faculty, and students are strictly prohibited from lobbying on behalf of the University without prior consultation with the Director of Government and Regional Relations located in the President's Office.

III. Political Activity

As a 501(c)(3) institution, it is University policy not to participate in, directly or indirectly, or intervene in any political campaign on behalf of or in opposition to any candidate for public office. University Faculty, Staff, and Students are welcome and encouraged to participate or intervene in a political campaign in their individual capacity as a citizen. However, University Faculty, Staff, and Students are not permitted to speak for or act on behalf of the University. Actions, by an individual, that involve University space, facilities, or resources may be attributable to the University and therefore require further guidelines set forth in Appendix A. While all members of the University community are free to express their political opinions and engage in political activities to whatever extent they wish, it is very important that they do so only in their individual capacities and avoid the impression that they are speaking or acting for the University in political matters. The University expressly disavows any political communications that are not made in accordance with these provisions: such communications are not authorized and may not be attributed to the University.

The University must safeguard its tax-exempt status by establishing guidelines for those University community members wishing to exercise their right to participate in political activities on or off campus. This policy is not intended to hinder staff, faculty, or student's personal expressions of political views made in a person's individual capacity and on his/her personal time. Because the University derives its tax status from this section of the IRS Code, engaging in impermissible political campaign activities can result in the revocation of the Universities tax-exempt status. Therefore, violations of the policies contained herein may result in disciplinary action.

APPENDIX A

University of Dayton Political Activity Practices

For the purposes of this document, the phrase “political” is to be read in the sense of advocacy for or opposition to a candidate for public office. The following guidelines are to serve as guidance to employees and students of the University with regard to participating in political campaigns.

I. THE FOLLOWING ACTIVITIES ARE PERMISSIBLE:

Certain political campaign activities are permissible under Section 501(c)(3). These activities, however, must be classified as “educational” activities, in that they present a sufficiently full and fair picture of the facts and permit individuals to form independent opinions or conclusions about the candidates for elective public office. The following are examples of activities that may be permissible:

- 1) **Provide a forum for candidate debates, if the following criteria are followed:**
 - a. Debate should be open to all official candidates for the contested office.
 - b. Debate topics should cover a broad range of issues, including those issues of importance to the organization sponsoring the debate.
 - c. The agenda for the debate should address a wide range of issues and be of significant interest to members of the University community.
 - d. A moderator should be selected by the sponsoring organization and their role should be limited to ensuring that the debate ground rules are followed.
 - e. The debate should begin and end with a clear statement to the effect that the views presented are those of the candidates and not of the sponsoring organization.
 - f. No campaign fundraising may take place on University property

- 2) **Student newspaper, radio and television stations (and accompanying websites) must follow the following criteria:**
 - a. Editorials must clearly state that the views reflected are those of the student editors and not the University.
 - b. These University operations may accept paid political advertising by candidates as long as the acceptance of the advertising is made on the same basis as other non-political advertising and the advertisements should be preceded by a statement that they are paid advertising and not reflective of the University’s views. Advertisements should be solicited in a fair manner according to established guidelines and equal time should be given to all candidates.

- 3) **Use of University facilities:**
 - a. The University may rent rooms to any candidate, political campaign group, or any student organization on the same basis as other candidates, non-political campaign groups, student organizations or individuals. Rental fees and other pertinent charges must be paid by the group in line with current schedules. Preferential treatment is not permitted.
 - b. The University will not promote or endorse any political campaign event held on campus.
 - c. The candidate or organization must read a statement at the start of the event that the use of the facilities in no way constitutes an endorsement by the University of the candidate or the organization.
 - d. No campaign fundraising may take place on University property.
 - e. Community members are encouraged to host government officials in their official roles as duly-elected or appointed representatives of local, state & federal government. As partners, government officials merit the opportunity to be on-campus to celebrate successes, learn about University developments, and make announcements related to their official duties. However, great care is to be taken to ensure said opportunities do not develop into partisan events; stamp the imprimatur of the University on an elected official's stance on a given initiative or policy; or take on the appearance of a candidate's campaign event under the color of the university. To ensure the accurate representation of the University's participation in such events, all related press releases, including those generated by the respective public officials, are to be approved by the Government & Regional Relations Director in conjunction with Office of University Communications.
 - f. Any policies on use of University facilities shall apply.
- 4) **Door-to-door campaigning** in the student neighborhood is permissible in compliance with University policy. Door-to-door campaigning in the residence halls or in other University buildings is not permissible.
- 5) **Students may place campaign advertisements (e.g. signs):** in the windows of their University housing (residence halls, campus housing or apartments) and inside their residence hall rooms, apartments, or houses in compliance with University and residence hall policies. Bedsheets used as campaign advertisements are permitted in compliance with the general practice and regulations of bedsheets placed on student housing.

However, faculty, staff, and students may not place political advertising on other University property or public areas of University Housing (e.g. University lawns). *Please visit the Temporary Event Signage Guidelines for further information at,*

https://www.udayton.edu/facilities/planning_construction/temp_event.php

- 6) **Voter registration may be conducted if the following guidelines are met:**
 - a. Voter registration drives must be conducted in a non-partisan manner. No campaign signs, banners or posters are permitted in the area where the drive is being conducted.
 - b. The University must ensure that any voter guides distributed present all of the candidates and their views/responses in a non-partisan manner. This is true for both University prepared and third-party prepared materials.

- 7) **Statements made in an individual capacity.** University employees and students are encouraged to express their personal views and support candidates for elective public office in an individual capacity.
 - a. In the event a University employee provides written or spoken support/opposition to a candidate – and – where there is a reasonable perception that the writer/speaker may be closely identified with the University, the following disclaimer language should be made a conspicuous portion of the spoken or written remarks to reflect that such statement is made in an individual capacity and not on behalf of the University:

The views presented are solely those of the author (speaker) and do not represent the views of the University of Dayton. The University neither supports nor opposes the candidates and/or parties mentioned within the provided remarks.

II. THE FOLLOWING ACTIVITIES ARE NOT PERMITTED:

- 1) Activities that favor or oppose one or more candidates for public office, using University assets, including but not limited to: letterhead, paper, copiers, printers, telephones, distribution lists, mailing permits, email accounts, stationery, the University logo or seal, voicemail systems, facsimile, the University's sales tax exemption for purchase of goods and services, etc.
- 2) Unsolicited interoffice communications including but not limited to email or other digital communications in support of or opposed to a candidate, campaign, political party, action committee, or group, are prohibited.
- 3) The use of University monies and resources to provide funding or logistical support for political campaign activities, such as advertising, attendance at campaign events, and other forms of advocacy are not permissible.
- 4) Political advertising in official public University buildings and grounds is not permissible. The University cannot indicate any support for a candidate with signs, banners, stickers, etc. in an official University public place (e.g. University lawns). This includes all administrative and academic buildings where University business is conducted.

- 5) Social media sites (e.g. Myspace, Facebook, Twitter, Instagram, etc.) that are created and/or maintained by, or for, University units, must avoid anything that might be considered as political campaigning. Social media accounts that are strictly personal – in your personal name and maintained by you from your home computer or personal laptop – may be used to express your personal political belief and may be used to engage in political campaigning.
- 6) Public statements of position (verbal or written) made by or on behalf of the University in favor or opposition to a candidate for elective public office are not permissible.
- 7) Distributing statements through University-sponsored or financed means that are prepared by others that favor or oppose a candidate is not permissible.
- 8) Voter education drives conducted in a biased manner that favor or oppose candidates or specific political parties are not permissible.
- 9) Making telephone calls to the public advocating for a candidate or political party – in the name of the University of Dayton – is not permissible.
- 10) University-paid political advertisements (newspapers, radio, television, websites, mailings) are not permissible.
- 11) No advertisements or editorials regarding candidates for elective public office may be placed in official University publications with the exception of those permitted activities cited in Section 2 of the “Permissible Activities” section.
- 12) With the exception of faculty/staff and student personal homepages housed on university servers, University IT resources may not be used to support or oppose a candidate’s campaign. Individuals cannot use official University hosted websites to express their views on a candidate unless that expression meets the “educational activities” test as defined as permissible under Section 501(c)(3) of the Internal Revenue Code. Employees and students are allowed to link a University website to official candidate websites provided that links to all qualified candidates are equally accessible and the links are provided as a means of voter education and not advocacy.
- 13) Any political activity, whether sponsored by campus-based organizations or by external organizations, may be terminated immediately if found in violation of the above guidelines. Sponsors of such terminated events can be subject to provide reimbursement of costs incurred by the University.
- 14) With regard to referendum ballot issues, it is the proper role of community members to discuss the underlying issues and share information using university resources. However, community members are respectfully asked to avoid using campus-wide communications systems and assets (including, but not limited to: print, email, university web pages,

bulletin boards) for overt electioneering and dissemination of partisan information related to the issue. Such partisan advocacy may put at risk the University's status as a 501(c)3 organization. To balance the priority of open dialogue with regard to public matters, as well as to safeguard the 501(c)3 status of the University, those community members who wish to engage in partisan advocacy of issues are directed to use a blogging site not affiliated with the University for that purpose.

III. HOSTING OF POLITICAL CANDIDATES ACTIVELY RUNNING FOR OFFICE:

A Catholic university is to engage people around difficult questions of faith and culture. The challenges and issues facing our nation are topics worthy of debate on a university campus that treasures the free exchange of ideas. Therefore, University facilities may be used to host events for candidates for public office. While the University, as an institution, will not, nor can it, endorse or appear to endorse specific candidates due to its status as a 501(c) (3) nonprofit institution, students groups, faculty, and staff may seek to bring candidates to campus either through individual visits or debate settings between credible candidates.

The University may rent facilities to candidates or political campaign groups on the same basis as to other non-political campaign groups or individuals. Rental fees, security, and all other pertinent charges must be paid by the visiting candidate or group in line with current schedules. Preferential treatment is not permitted. All proposed visits must be submitted in a timely manner to the Government Relations Director in the President's Office for consideration. Each proposed visit will be judged on an individual basis as to its logistical and security needs, as well as its impact on the operations of the University. The Office of the President will confer with internal and external colleagues to ensure candidate visits meet guidelines set herein, as well as to ensure the safe and proper setting for the event.

Students' and colleagues' cooperation is essential to assure the University remains in compliance with federal and mission-based requirements. In the midst of a campaign and electoral season, many individuals, departments, and groups affiliated with the University may receive requests from or forward invitations to candidates to appear on campus. Before such invitations are extended or after requests received, the University's Government Relations Director is to be contacted immediately. The Director may be reached in 207 St. Mary's Hall; 937.229.4158; 937.266.3087 (cell) or 937.293.7177 (home).