

# Lobbying and Political Activity

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As a non-profit, private institution of higher education whose activities are regulated in part by Section 501 (c) (3) of the Internal Revenue Code (IRS), the University is prohibited from participating in political campaigns for candidates or ballot initiatives and is restricted in conducting lobbying activities. Violation of IRS regulations could have serious ramifications for the University, including loss of its tax-exempt status.

## **Lobbying Activity**

Lobbying is generally defined as communicating, directly or indirectly, with policymakers for the purpose of trying to influence legislation, whether federal, state, local, or foreign (non-U.S.).

Mount St. Joseph University faculty, staff and students with an interest in engaging in lobbying in their capacity as a member of the Mount community must notify the appropriate administrative officer who will consult with President's Cabinet. If it is determined that a lobbying activity is appropriate, it will be coordinated through the Office of the President. Such activity includes, but is not limited to, "call to action" letters often encouraged by professional interest or membership groups associated with higher education.

Where lobbying activity is permitted, it is Mount St. Joseph University's policy to adhere strictly to limitations on lobbying expenditures imposed by the Internal Revenue Service, the Higher Education Opportunity Act, foundation, government, and other funders. The University is specifically prohibited from using any funds under the Higher Education Act to attempt to influence a member of Congress in connection with any federal grant, contract, loan, or cooperative agreement and must demonstrate and certify to the Secretary of Education that we have not used any funds under the Higher Education Act for purposes covered in this policy. No student aid funding under HEA may be used to hire a registered lobbyist or to pay for securing an earmark. The University is also required to report lobbying expenditures annually to the IRS on Form 990.

## **Political Activity**

Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. The prohibition applies to all campaigns at the federal, state and local level. Violation of this prohibition may result in denial or revocation of our tax-exempt status and the imposition of certain excise taxes.

Political campaign intervention includes any and all activities that favor or oppose one or more candidates for public office. The prohibition extends beyond candidate endorsements to include contributions to political campaign funds or public statements of position (verbal or written) made by or on behalf of the University in favor of or in opposition to any candidate for public office, distributing statements prepared by others that favor or oppose any candidate for public office, or allowing a candidate to use the University's assets or facilities if other candidates are not given an equivalent opportunity. These prohibitions extend to both the content of the public and inside pages of the University's website as well as links to related and unrelated

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organizations that encourage, recommend or otherwise urge viewers to use the link to get information about specific candidates and their positions on specific issues.

Certain activities will require an evaluation of all the facts and circumstances to determine whether they result in political campaign intervention. Plans to invite a candidate for public office to campus or to host an election-related activity must be discussed with the Chief Compliance and Risk Officer and approved by President's Cabinet prior to issuing an invitation or arranging the event.

All employees of the University are entitled and encouraged to participate or not, off hours, as they see fit, as individuals in the election process provided that speaking or acting in the name of the University of Mount St. Joseph is prohibited; and further, if Mount St. Joseph University is identified, that the opinions that are expressed are clearly identified as those of the individual and not the University.

Faculty, staff and students may decide to run for public office while at Mount St. Joseph University. To ensure compliance with IRS regulations and University policy, including conflict of interest and/or a conflict of commitment, a plan to manage potential conflicts must be established upon declaration of candidacy. An employee intending to seek public office must inform his/her supervisor and appropriate administrative officer to develop a plan to avoid conflicts of interest. It is requested that this notification come as soon as the employee is considering becoming a candidate, but in all cases, notification must be made no later than immediately upon declaring candidacy. Students intending to seek public office must contact the Office of Student Affairs as early in the process as possible but no later than the declaration of candidacy. Student Affairs will then work with the student(s) to develop an appropriate plan.