AMERICAN UNIVERSITY WASHINGTON, D.C.

University Policy: Policy on Lobbying and Political Activities

Policy Category: Ethics, Integrity and Legal Compliance

Subject: Restrictions and Certification Regarding Lobbying and Political Activities

Office Responsible for Review of this Policy: Office of Finance and Treasurer

Procedures: Certification requirements, Principal's Investigators Handbook

Related University Policies:

I. SCOPE

American University is subject to federal and local laws regarding lobbying and political activities. Federal and local lobbying laws require registration and reporting by organizations engaged in lobbying. The requirement for registration and reporting primarily depends on the amount of time and money spent by the University on lobbying activities. In addition, because of the University's status as a tax-exempt organization, subject to the requirements of Internal Revenue Code Section 501 (c)(3), the types of lobbying and political activities which are permitted are extremely limited. Moreover, the University is prohibited from using federal funds received from contracts, grants, cooperative agreements, and other arrangements, for lobbying purposes and must periodically certify to the federal government regarding the University's compliance with the requirement. Thus, this policy is intended to assist the University in complying with legal requirements by outlining prohibited lobbying and political activities.

This policy is applicable to all students, staff, and faculty (collectively "AU community members").

II. POLICY STATEMENT

All students, staff, and faculty are strictly prohibited from engaging in lobbying and political activities on behalf of the University unless specific and prior authorization has been granted by the Office of Finance and Treasurer.

This policy is not intended to hinder an AU community member's personal expression of political views made in a person's individual capacity and on his/her personal time. However, when engaged in such personal activities, AU community members must indicate by their words and actions that these activities or expressions are personal positions and are not made on behalf of American University.

III. DEFINITIONS

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.

Political activity--is generally described as any participation in or attempt to influence legislation, or the outcome of an election or ballot measure.

IV. POLICY

A. Permitted Activities

Nothing in this policy should be construed to impede or prohibit:

1. Expressing personal political views and engaging in lobbying or political activities as long as these expressions and activities are conducted in an individual capacity and on personal time. If an AU student, staff, or faculty engages in these personal activities on campus, then other University policies may apply to the individual's conduct (e.g., Freedom of Expression Guidelines found in the Student Handbook).
2. Discussing political views/issues or teaching of politics;
3. Academic functions/activities that address public policy issues. For example, certain nonpartisan political activities where candidates/political party representatives are invited to campus by university groups to address students, faculty, the academic community and the general public may be permissible if the activity: (i) makes reasonable efforts to ensure that the appearances constitute communications in an academic setting (i.e., speeches or lectures on topics of general interest, question and answer sessions) and are not conducted as campaign rallies or events; (ii) does not expressly advocate the election or defeat of any clearly identified candidate(s) or any candidates of a clearly identified political party; (iii) does not favor any one candidate or party over any other in allowing such appearances; and (iv) no one at the event will solicit donations before, during or after the event. Student organizations and groups planning this type of activity should contact the Director of Student Activities for approval. Other university organizations and groups should confer with their division executive.
4. Community members running for or holding political office. However, such activity must be disclosed to the division executive and reported to the Vice President of Finance and Treasurer. The University requires this disclosure to assure itself that the person's activities do not jeopardize the University's tax-exempt status or trigger legal disclosure requirements.
5. Nonpartisan study or research related to proposed legislation or members of the University community providing expert testimony at the invitation of elected officials.

B. Prohibited Lobbying and Political Activities When Acting in Your Official University Capacity.

General Prohibition: AU staff, faculty, and students are strictly prohibited from lobbying or engaging in political activities **on behalf of the University**, without specific and prior authorization from the Office of Finance and Treasurer.

Specific Prohibited Lobbying and Political Activities:

1. Participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office (including giving or receiving funds or endorsements).
2. Lobbying of any federal, state, or local legislative or administrative official or his or her staff members without the prior permission of the Office of Finance and Treasurer.
3. Giving gifts (or using University resources to give a gift) to any federal, state, or local official or his/her staff, unless it is done in accordance with applicable federal, state, or local law. Gifts include; without limitation, any gratuity, favor, discount, entertainment, hospitality, forbearance, or other item having monetary value. There are a few exceptions but to ensure the University is in compliance with applicable federal, state, or law, one must consult with the Office of Finance and Treasurer before offering any gift, meal, goods or services to a federal or local official or his/her staff.
4. Using the University's name, seal, address, resources, services, facilities, or personnel for any prohibited lobbying or political activities.
5. Using federal funds from any source, including, but not limited to contracts, cooperative agreements, grants, or other arrangements received by the university, for any prohibited lobbying or political activities.
6. Using funds from a private foundation or organization received by the University which, by contract, prohibits or restricts lobbying or political activities.

C. Certification Regarding Lobbying (Federal Grants, Contracts, or Cooperative Agreements)

1. Applications for federal grants, contracts, or cooperative agreements, and University participation in other federal programs require that the University certify compliance with lobbying prohibitions and limitations.
2. Certifications or statements related to lobbying activities in connection with any activity or agreement with a governmental entity must be completed and approved by the Office of Sponsored Programs.

D. Consequence for Noncompliance

Staff, faculty, and students who violate this policy may be subject to disciplinary actions, up to and including termination of employment or dismissal from the University.

E. Responsibilities for Implementation of Policy

The Vice President of Finance and Treasurer is the administrative officer responsible for the interpretation and implementation of this policy. Questions of whether planned student

activities are consistent with the University's obligations should be directed to the Director of Student Activities. All other questions regarding this policy should be directed to the Office of Vice President of Finance and Treasurer.

V. EFFECTIVE DATE(S)

This Policy is effective June 1, 2010. Reviewed and updated September 2014

VI. SIGNATURE, TITLE AND DATE OF APPROVAL

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved.

Douglas Kudravetz
CFO, Vice President and Treasurer