



Policy Title: Lobbying Activities

Category: Government Relations

Policy Number: IA 1-09

Sponsor: Senior Vice President of University Enhancement

Effective Date: September 5, 2009

INTRODUCTION AND PURPOSE. Various federal laws and the university bylaws place certain restrictions regarding the university engaging in lobbying activities. This policy is intended to promote compliance with those laws and the university bylaws.

This policy only addresses lobbying activities and does not alter the absolute prohibition that the university shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

POLICY STATEMENTS.

In accordance with Title 26, United States Code, Section 501(c)(3) and the university bylaws, no substantial part of the activities of the university is carrying on propaganda to influence legislation or is otherwise attempting to influence legislation (often termed “lobbying”).

In accordance with various other federal laws, including OMB Circular A-122, the various federal appropriations acts, the Anti-Lobbying Act (18 USC § 1913), and the Byrd Anti-Lobbying Amendment (31 USC § 1352), federal funds received by the university may not be used to engage in any lobbying activities involving the legislative or executive branches of the United States government.

No person is permitted to engage in any lobbying activities in their capacity as an employee, agent, student (when using university resources or as a member of a university student organization), or otherwise on behalf of the university without the express permission of the senior vice president for university enhancement, the senior administration official responsible for administering and promoting compliance with this policy.

In the event the senior vice president of university enhancement cannot be consulted in the time allotted for an external request for support of a particular policy, the following have authority to act, on behalf of the university: the President, members of the President’s Cabinet, and the director of government relations. No person may authorize the use of university funds for purposes of any lobbying activities without the express permission of the senior vice president for university enhancement.

Violation of this policy is prohibited and could result in sanctions, including termination.

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DEFINITIONS.

Lobbying activities for 501(c)(3) nonprofit organizations, as sanctioned by Congress and the IRS, is defined in the following manner:

Direct lobbying is defined as attempting to influence specific legislation or legislative proposal by stating a position to a legislator or other government employee who participates in the formulation of the legislation.

Grassroots lobbying is defined as any communication with the general public that refers to and takes a position on specific legislation or legislative proposal.

PROCEDURES.

1. The senior vice president for university enhancement, after consultation with the President, may permit lobbying activities to be conducted and university funds to be used for lobbying activities, but only to the extent both of the following are fulfilled:

- a. The organization does not spend on lobbying more than 20% of the first \$500,000 of its annual exempt expenditures, 15% of the next \$500,000 and so on, up to \$1 million a year;
AND
- b. No funds received from the federal government are used.

This is in compliance with the 1976 federal law.

2. The director of government relations shall create and maintain records documenting lobbying activities and university funds used for lobbying activities that were permitted pursuant to paragraph 1 of this policy in order to substantiate compliance with paragraph 1 of this policy. Such records shall be retained for a period of three years.

3. Records documenting lobbying activities and university funds used for lobbying activities will be submitted to the business office at the end of each fiscal year as part of the year end closing process. These records are used in preparation and support of the IRS 990.

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GUILDLINES PERTAINING TO ELECTRONIC MESSAGES

Lobbying activities of the university are subject to various prohibitions and restrictions found in regulations. To help ensure compliance with those regulations, such lobbying activities are under the oversight of the senior vice president for university enhancement.

Lobbying activities of individuals, *in their individual capacity*, are not considered lobbying by the university and therefore are not subject to the oversight of the senior vice president for university enhancement. It is important to distinguish the two.

Due care must be exercised by those individuals who desire to engage in lobbying activities to ensure those activities are actually in their individual capacity and there is not an incorrect appearance that such activities were conducted on behalf of the university. For example, while it is appropriate for an individual to identify himself/herself affiliated with the university, that individual should then also include a statement to clarify that the lobbying activities are not on behalf of the university. Such a statement would read as follows:

The views and opinions expressed herein are those of the author or authors in his/her/their individual private capacity and do not necessarily reflect those of Rosalind Franklin University of Medicine and Science, its schools or colleges, or its affiliates.

This message shall be placed at the end of any emails.

Due care must also be exercised to ensure university resources are not used to fund individual lobbying activities. For example, university letterhead stationery and envelopes, university funds, and equipment are not to be used for individual lobbying activities.

POINTS OF CONTACT.

Senior Vice President of University Enhancement and Director of Government Relations.