

### **Guidance for Faculty and Staff on Political and Public Advocacy Activities**

Consistent with its Statement on Freedom of Expression, the University encourages and supports the free expression and exchange of ideas and views by all members of our community.<sup>1</sup> Under federal tax law, however, the University as an institution may not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office.<sup>2</sup> Additionally, while the University may engage in efforts to influence legislation, the amount of resources the University may devote to such activities is limited by federal law.<sup>3</sup> Consequently, institutional lobbying activities, even if delegated to individual faculty and staff, must be carefully coordinated and tracked by our Office of Government Affairs (please see discussion in Section VI below).

This guidance is not intended to restrict the expression of opinions or advocacy on political, public policy or civic issues that faculty and staff may undertake in their individual capacities.<sup>4</sup> Rather, together with *Rights, Rules, Responsibilities* 1.5 and Human Resources Policy 5.3.8, this guidance is intended to assist faculty and staff in assessing whether particular activities are permissible or appropriate on University property and/or using University resources, given legal requirements, the nature of their roles at the University, and the University's interest in maintaining a productive workplace.

#### **I. Definitions**

**"Advocacy activities"** means measures intended to generate support for a particular initiative or policy.

**"Lobbying"** means attempting to influence legislation by contacting, or urging the public to contact, members or employees of a legislative body (e.g., Congress, state legislature, local council, etc.) for the purpose of proposing, supporting, or opposing legislation.<sup>5</sup>

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<sup>1</sup> See RRR 1.1.3, Statement on Freedom of Expression.

<sup>2</sup> See 26 U.S.C. § 501(c)(3). See also RRR 1.5.2 (stating the same requirements and quoting § 501(c)(3)).

<sup>3</sup> See 26 U.S.C. § 501(c)(3) ("no substantial part of [the University's] activities" may be directed to influencing legislation.)

<sup>4</sup> This guidance also is NOT intended to discourage or prohibit concerted activity under Section 7 of the National Labor Relations Act.

<sup>5</sup> See *Lobbying (Charities and Non-Profits)*, IRS Website, available at <https://www.irs.gov/charities-non-profits/lobbying> ("Legislation includes 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. An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.")

**“Political campaign activities”** means activities that support or oppose any candidate for public office at the federal, state or local levels.<sup>6</sup>

**“Partisan political activities”** means political campaign activities and other activities directed toward the success or failure of a political party or partisan political group.

**“University resources”** means assets belonging to the University, including but not limited to, its name, seal, funds, space, facilities, communications systems (e.g., mail systems and privileges, phone systems, information technology systems, internet access, etc.), contact lists, supplies, equipment, and sales and use tax exemptions.

## II. Participation in Political and Advocacy Activities

While faculty and staff, in their individual capacities, are free to engage in discourse and advocacy concerning matters of political, public policy or civic interest, such activities must not interfere with the fulfillment of their responsibilities to the University or be conducted at the expense of the University.<sup>7</sup> Also, as discussed in Section III below, faculty and staff should be attentive to power disparities and the appearance of coercion when they seek to engage other members of the University community in their political and advocacy activities.

Faculty and staff who wish to participate in partisan political activities must do so on their own time, outside the course of their regular work and responsibilities for the University, and with their own resources.<sup>8</sup> University employees may not—and should not be asked to—perform tasks related to partisan political activities during working hours.

When expressing their personal views concerning current political and public policy issues, faculty and staff must take special care to make it clear that they are speaking only for themselves and not for the University.<sup>9 10</sup> In such cases, faculty and staff may state their affiliation with Princeton but must make clear that their affiliation is listed for identification purposes only, and must avoid creating the impression of University support or endorsement for their views or activities.

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<sup>6</sup> See *Election Year Activities and the Prohibition on Political Campaign Intervention for Section 501(c)(3) Organizations*, IRS Publication FS-2006-17, February 2006. (“Political campaign intervention includes any and all activities that favor or oppose one or more candidates for public office.”)

<sup>7</sup> See RRR 1.5.2 (8).

<sup>8</sup> This guidance is NOT intended to limit or prohibit the scholarly work contemplated by RRR 1.5.2 (6)(a) (permitting use of University resources for bona fide academic research related to current political issues and to the positions taken by candidates for public office).

<sup>9</sup> See RRR 1.5.2 (3) (“[I]ndividuals and groups must take special care to make it clear that when expressing political views they are speaking only for themselves and not for the University.”)

<sup>10</sup> This guidance is NOT intended to limit or inhibit presentations concerning scholarly work contemplated by 1.5.2 (6)(a).

### **III. Political and Advocacy Activities by those in Positions of Authority**

Advocacy on political, public policy and civic issues by those in positions of authority requires heightened awareness to the potential that the recipients of their communications could perceive them as coercive. It is incumbent on supervisors and others in positions of authority (including administrators and department chairs) not to abuse, nor seem to abuse, the authority with which they are entrusted. Those in positions of authority must take care not to use or be perceived as using their positions to coerce their subordinates (whether students, junior faculty, or staff) to contribute to or support a particular candidate, political party, or position on a public policy or civic issue, particularly when asked to forward or distribute advocacy materials pertaining to such matters.

To protect the University's federal income tax exemption, University leaders must not make partisan comments at University meetings or events or through official University publications.<sup>11</sup>

### **IV. Use of University Resources**

The University's resources, including the use of staff time, are intended to serve the educational, research, and administrative needs of the University.<sup>12</sup> The University's resources may not be used in connection with partisan political activities except to the limited extent permissible under *Rights, Rules, Responsibilities* 1.5.2 (2) and (6).

### **V. Solicitation**

As a general rule, the University does not permit the solicitation (including the distribution of flyers and other written promotional materials) of one staff member by another in the workplace, regardless of whether the solicitation is for commercial, charitable,<sup>13</sup> or political purposes.<sup>14</sup> Similarly, because of the potential for actual or apparent coercion, HR Policy 5.3.8 specifies that "*In or outside of the workplace, supervisors must not (1) use their positions to influence their staffs to provide gifts, donations or contributions of any kind and/or (2) solicit their staffs for funding or other support for political candidates or campaigns.*"

Faculty and staff who wish to make or solicit contributions to candidates for public office or to solicit support for legislation, public policy initiatives, or similar causes should do so on their own time and using their own resources, and without suggesting any support or endorsement by the University. The University's resources (as defined above) cannot be used for such purposes. Even outside of the workplace, individuals in supervisory roles (including faculty) should not (and, in the case of non-academic employees, must not) solicit their subordinates

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<sup>11</sup> See *Election Year Activities and the Prohibition on Political Campaign Intervention*, note 6.

<sup>12</sup> See RRR 1.5.2 (6).

<sup>13</sup> With supervisory approval, employees may engage in University-sponsored activities, such as the United Way, or in passive fundraising events, such as setting up an office display for selling Girl Scout cookies.

<sup>14</sup> See HR Policy 5.3.8.

(including staff, students, junior faculty, post-docs, etc.) at any time for contributions or other support for political candidates or political or policy causes.

## **VI. Lobbying**

Federal tax law limits the amount of lobbying in which the University may engage and requires the University to report its lobbying activities.<sup>15</sup> The University decides whether and how it influences legislation.

Faculty and staff may engage in lobbying in their individual capacities on their own time. University resources may not be used for this purpose without the approval of the University's Office of Government Affairs. If faculty or staff wish to engage in lobbying as Princeton faculty or staff members, they must first consult with the Office of Government Affairs.

## **VII. Additional Considerations**

This guidance cannot address every potential situation. Faculty and staff are encouraged to consider the nature of their roles and office before engaging in political or advocacy activities at work. Specific questions should be directed to the academic or administrative officer with oversight over your department or unit. The academic or administrative officer should consider the following non-exhaustive factors:

- The nature of the employee's role
- Whether other members of the community are likely to perceive the activity as coercive
- The office in which the employee works
- Whether the endeavor meets the definition of partisan political activity
- Whether the activity disrupts the workplace
- Whether the activity is likely to be attributed to the University
- Whether the activity is inconsistent with other University policies
- Whether rules are being enforced consistently and even-handedly

### **Related Policies**

[Rights, Rules, Responsibilities 1.5, Guidance Relating to the Tax-Exempt Status of the University and Political Activities](#)

[Acceptable Use Policy](#)

[Human Resources Policy, 5.3.8 Solicitation and Distribution](#)

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<sup>15</sup> See *Lobbying*, IRS Website, available at <https://www.irs.gov/charities-non-profits/lobbying>.

**Note:** *The information in this document is for your general information and education only and does not constitute legal advice. Please feel free to contact the Office of the General Counsel with specific legal questions regarding permissible University-based political and public advocacy activities.*