



Political Activity Policy

Policy Statement

The University of St. Thomas is a 501(c)(3) charitable organization and will not participate or intervene in political campaign activities in support of, or in opposition to, any candidate for public office. Under IRS rules and regulations, the university is prohibited from the following activities:

- Endorsing candidates
- Making campaign contributions
- Engaging in fundraising
- Statements of position (verbal or written) made on behalf of the university in favor of or in opposition to any candidate for public office
- Making partisan comments in official university publications or at official functions
- Becoming involved in any other activities that might be beneficial or detrimental to any candidate, including activities that encourage individuals to vote for or against a candidate based on nonpartisan criteria
- Host a debate or forum showing preference for or against a certain candidate

Overview

Section 501(c)(3) contains an absolute prohibition on participation or intervention in political campaign activities in support for, or in opposition to, candidates. The IRS will once again be focusing on this in 2008 since it is a major election year. Organizations that violate this ban are subject to revocation of their tax exemption. They also risk the imposition of excise tax penalties on the organization itself as well as on organization managers who approve the making of expenditures for impermissible political purposes.

Definition of terms

A “candidate for public office” is an individual who offers himself as a contestant for an elective public office, whether such office is national, State or local. Section 501(c)(3) defines participation in a political campaign as including the publishing or distribution of statements. IRS regulations further provide that publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to a candidate constitute intervention in a political campaign. Absolutely no payments may be made to support candidates and political campaigns.

Permissible Political Activities

Some activities that are political in nature are permissible under Section 501(c)(3) as “educational” activities. The regulations provide that in order to be considered “educational”, activities must present a “sufficiently full and fair exposition of the pertinent facts.” The presentation of information must not be biased and must “permit an individual or the public to form an independent opinion or conclusion.”

- Candidate Debates and Forums

The university may provide forums for candidate debates without those activities constituting impermissible political activities. In general, the university must ensure a fair and neutral forum and provide equal time to all qualified candidates. The following factors should be followed to ensure that a debate is a permissible political activity:

- (1) The debate should include all legally qualified candidates for the contested office.
- (2) The debate topics should cover a broad range of issues, including those issues of importance to the university.
- (3) The questions presented to the candidates should be composed by an independent, non-partisan group. Such a group could include members of the university, the media, and community leaders.
- (4) A moderator should be selected by the university and his or her role should be limited to ensuring that the debate ground rules are followed. The moderator should refrain from commenting on the candidates' statements in a way that demonstrates approval or disapproval of their ideas.
- (5) 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 university.

- Student Newspaper Endorsements

Student newspapers may publish editorials that oppose or endorse specific legislation and/or candidates for political office without endangering a university's tax exemption. The newspaper must state clearly that the views reflected are those of the student editors and not of the university. For the content to be permissible, neither the university's administration nor faculty may exercise any control over the newspaper's editorial content.

Other potential trouble spots with student newspapers may include endorsements of certain candidates or the use of political cartoons to communicate a message. The university may minimize the risk of tax controversy with respect to political statements in student newspapers by ensuring that all content and editorial decisions remain in the hands of the students and by printing a statement to that effect in every issue of the newspaper.

- Advertising

Campus radio stations and newspapers may accept paid political advertising by candidates as long as several guidelines are followed. The acceptance of the advertising must be 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. Ads should be solicited in a fair manner according to established guidelines, and equal time should be given to all candidates who wish to use the broadcast medium for paid political advertising.

- Use of Institutional Facilities

The university is often viewed as a quasi-public forum, and candidates for public office may be invited to, or may seek permission to visit, the campus to make public appearances in connection with their campaigns. If a candidate uses a campus visit as an occasion to make a campaign speech, the university should make it clear that the institution does not support or oppose the candidate in all

promotional materials related to the event, and state this disclaimer again when introducing the candidate at a public forum. The university should also ensure that there is absolutely no political fundraising at the event.

If a candidate is invited to speak at a university event in his or her capacity as a political candidate, all candidates must be provided an equal opportunity to participate. The university may not indicate any support for or opposition to any of the candidates. No political fundraising should occur. In determining whether candidates are given an equal opportunity to participate, the nature of the event to which each candidate is invited will be considered, in addition to the manner of presentation. For example, if the university invites one candidate to speak at its well attended annual event, but invites the opposing candidate to speak at a sparsely attended meeting, the university will likely have violated the political campaign prohibition.

Persons who are candidates for public office may also be invited to speak at campus in their individual capacities. For example, an incumbent state governor running for re-election, who is also an alumna of the university, may be invited to speak in her capacity as an alumna without the activity constituting an impermissible political activity. During the speech, no reference should be made to the governor's status as a candidate for public office nor should any campaign activity occur in concurrence with the speech. Any promotional material related to the speech should make clear that the governor is appearing in her capacity as an alumna, without any mention of her candidacy for re-election.

The university may make its facilities available to individuals or groups who wish to use them to conduct political campaign activities. The university should ensure that all facilities are made available to political groups on the same basis as to other non-political groups or individuals. If rents and fees are normally charged, they should also be charged to the political group or candidate. No preferential treatment should be given. The university should neither promote nor endorse any political event held by an outside organization on its campus. The university should also require the candidate or organization holding the event to read a statement at the start of the event that the use of the university's facilities in no way constitutes an endorsement by the institution of the candidate or the organization. The university should also make sure that the facilities are equally available to all candidates and political parties. (See section below on Guidelines for Candidates Appearing on Campus for more information.)

- Voter Registration on Campus

The university may wish to provide a forum for on-campus voter registration, either under its own auspices or under the sponsorship of other organizations. Allowing or conducting voter registration on campus does not constitute impermissible political campaign activities so long as the drive is conducted in a non-partisan and fair manner. The Federal Election Commission has provided guidance on how to conduct a nonpartisan voter registration campaign. Its regulations require that either all candidates or no candidates be named, that all or no party affiliations be given, and all persons interested in registering be permitted to do so regardless of their party preference.

Universities should not give preferential treatment to particular groups seeking to conduct voter registration drives on campus.

- Other Voter Education

Organizations on the university campus may wish to engage in other forms of voter education, such as the dissemination of voter guides and incumbent voting records. Both voter guides and voting

records may be permissible forms of political activity if certain guidelines are followed. In general, voting records and responses to candidate questionnaires may be distributed if done so without editorial comment and if they cover a broad range of issues. However, formats that “evidence a bias” toward a certain candidate or that cover only a narrow range of issues may constitute impermissible voter education activities.

- Course Credit for Participation in Political Campaigns

The university may wish to offer course credit to students who participate in political campaigns, either as interns or as part of an approved curriculum in a class. Such participation by students is permissible if the university offering the credit retains no control over the students’ selection of a campaign in which to participate. In addition, the course offering credit for campaign participation should be an elective and not a mandatory part of the curriculum. Finally, the course curriculum should delineate how participation in the campaign relates to the educational goals of that particular course or department curriculum.

- Issue Advocacy vs. Political Campaign Intervention

The university may take positions on public policy issues. However, it must avoid any issue advocacy that functions as political campaign intervention. Even if a statement does not expressly tell an audience to vote for or against a specific candidate, if the university delivers a message favoring or opposing a candidate, it is at risk of violating the political campaign intervention prohibition. A political statement can identify a candidate not only by stating the candidate’s name but also by other means such as showing a picture of the candidate, referring to political party affiliations, or other distinctive features of a candidate’s platform or biography.

- Web Sites

The university may not utilize its web site as a form of communicating favoritism or opposition towards a candidate for public office. The same rules apply as to printed materials, oral statements, or broadcasts. In addition, the university web site should not contain links to other web sites that promote or oppose candidates.

- Political Signs

The university generally allows political signs in personal offices and residence hall rooms as long as they are in good taste and are not offensive. Signs may not be placed in common areas, on the outside of buildings, including facing out from office or classroom windows, or on the grounds. This is to avoid any suggestions that the university is endorsing a candidate. Individuals who rent housing from St. Thomas on Summit and Grand avenues may place signs on their lawns. But signs should not be affixed to multi-unit apartment buildings such as the student residences at 2171 and 2175 Grand, or placed on the lawns of such addresses.

Attribution of Individual Activities to Section 501(c)(3) Organizations

A source of concern for universities is how to ensure that the participation by a member of the institutional community – a faculty member, a student organization, or a senior university official – is not attributed to the institution itself.

University employees cannot make partisan comments in official organization publications or at official functions of the organization. Employees may serve as advisors to candidates, and may even run for

office themselves. Where such participation is undertaken solely in an individual capacity, without making any use of the resources of the institution, the activity should not be attributed to the institution for purposes of the prohibition on political campaign participation.

There are some guidelines for members of the university to follow if they are involved in political activities in an individual capacity.

1. Employees are reminded of the prohibition against providing any direct or indirect support to a candidate. Thus:
 - a. Employees who desire to participate in campaign activities during normal working hours must take vacation time or leave without pay to do so. Employees are prohibited from speaking or acting in the name of the university. If the university is identified, it must be communicated that the opinions that are expressed are not the opinions of the university.
 - b. Employees cannot use the organization's letterhead in connection with campaign activities. Employees should not use the organization's support services or supplies (administrative, duplicating, messenger, etc.) in connection with campaign activities.
2. Any employee who participates in a political campaign must notify the campaign in writing (with a copy to the university) that such participation is in his or her individual capacity. The university should retain its copy of the letter in its files. The employee should seek, to the extent possible, to minimize any references to his or her position with the university by the campaign.
3. Employees may not make partisan comments in official organization publications or at official functions of the organization.
4. Recognized student clubs or organizations that hold or sponsor a political activity or event on campus will be held responsible for all aspects of the event and must follow university policies and student group sponsor/event processes, including using the university space reservation system (Resource 25) to obtain space and approval for the event, attendance at the event and appropriate marketing.

Guidelines for Candidate Appearances on Campuses

Candidates running for public office may want to make appearances on St. Thomas campuses.

In St. Paul, it is likely the candidates will want to walk around the quadrangle, walk through Murray-Herrick Campus Center and visit the residence halls. The following guidelines should be shared with candidates and their campaigns as they contact us:

1. Candidates who want to visit campus must call the Dean of Students Office (651-962-6050) 24 hours before arrival and make arrangements for a visit. (For candidates who wish to visit the residence halls, see the final point below.)
2. The Dean of Students Office will notify Campus Life (ext. 2-6130), the Undergraduate Student Government (ext. 2-6144), the Public Safety Office (ext. 2-5100) and the News Service (ext. 2-

6404) in University Relations.

3. The News Service will publish a short notice in *Bulletin Today* about candidate appearances.
4. The Dean of Students Office will post a flyer on a designated bulletin board in Murray-Herrick saying when a candidate will arrive and that he or she will be allowed to walk through the building and elsewhere on campus to meet students and drop off literature.
5. Candidates will be allowed to distribute campaign literature and to roam through Murray-Herrick and the lower quadrangle to meet students, faculty and staff. Candidates are discouraged from going into academic buildings, the libraries or computer laboratories.
6. Campus Square in the lower level of Murray-Herrick will be the designated location if a candidate wants to sit at a table and greet people. Arrangements must be made through Facilities Scheduling
7. The best hours to meet students are 9 a.m.-3 p.m. weekdays.
8. Candidates may be present during events such as football games (O'Shaughnessy Stadium) and soccer games (South Field). Candidates may hand out literature outside the entrance to the stadium and on the campus drive near the soccer field, but booths or tables will not be set up for the candidates at these locations.
9. The designated location to meet residence hall students is the lobby of Koch Commons. Contact the Residence Life Office 24 hours in advance to secure a table in the lobby. Candidates must contact Residence Life (2-6470) one week prior to their requested visit date in order to walk the hallways of the residence halls. With a prior appointment, reasonable hours for candidates' visits in the residence halls are Monday through Friday from 10 AM – 3 PM.

In Minneapolis, candidates and their campaigns should call Minneapolis Campus Services, 651-962-4007, for assistance.