

Political Activity on Campus

Effective Date: May 1, 2016

Policy Summary

Susquehanna University is committed to the free expression of political views by members of the campus community and to the value of discourse and debate in the educational process. The university's policy on "Academic Freedom" and "Statement of Professional Ethics" are printed in the Faculty Handbook. Nothing in the following policy shall be construed as superseding these foundational policies for the university. Rather, the following policy should be understood as clarifying and elaborating how academic freedom should be exercised while respecting and protecting the university's status as a tax-exempt institution. The university encourages students and other members of the campus community to learn about and participate in the political process. The purpose of this policy is to provide clear guidelines for Susquehanna University faculty, staff and students as to how they might appropriately do so.

This Policy Applies to:

<input type="checkbox"/> Board
<input type="checkbox"/> Campus Visitors
<input checked="" type="checkbox"/> Faculty
<input type="checkbox"/> Independent Contractors
<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Staff
<input checked="" type="checkbox"/> Students
<input type="checkbox"/> Vendors

Reason(s) for the Policy

To provide clear guidelines for permissible political activity by Susquehanna University faculty, staff and students in compliance with all election laws applied to non-profit institutions. Unless otherwise stated, activities listed as permitted or prohibited apply to faculty, staff or students acting in a capacity that could be construed as representing the university as an institution. The status of "permitted" or "prohibited" does not apply to activities clearly undertaken in an individual capacity as teachers, academic, intellectual, scholar, writer or citizen. Examples of situations when an activity could be construed as representing the university as an institution include, but are not limited to: using an official university email address; performing the activity on university property; posting messages on university space, virtual or materials; or failing to appropriately distinguish in the public sphere between a personal view and an institutional one.

Policy

I. Permitted Activities

a. Voter education and voter registration

- i. **Conducting training programs** designed to increase public understanding of the electoral process or to encourage citizens to become involved in the process, provided that such training is nonpartisan in the recruitment of instructors, the selection of students, and the curriculum. The program should be widely publicized.
- ii. **Annually preparing and distributing a compilation of voting records of all members of Congress on major legislative issues** that involve a wide range of topics, without political skew and without editorial opinion, provided that the information is not geared to coincide with the election period. Guides such as these should avoid rating candidates, even if the rating criteria are nonpartisan (e.g. based on professional qualifications) and should not be accompanied by a statement or actions that tie a position articulated in the guide to a particular candidate or election (see below for more details on publishing ratings of the candidates).
- iii. **Circulating unbiased questionnaires** to all candidates for an office, and tabulating and disseminating the results; provided that the questionnaires cover a broad range of subjects and neither reflect political skew nor contain editorial opinion. Candidates should be given a reasonable amount of time to respond to the questionnaires. To the extent the questionnaires include questions with “yes” or “no” answers, candidates should be given an opportunity to explain their answers.
- iv. **Conducting public opinion polls** with respect to issues (rather than candidates), provided that the questions are framed to be fair and neutral, accepted polling techniques are used, and the questions do not directly or indirectly concern records or positions of particular candidates or parties. With respect to such activities of faculty, the limitations should be address with due regard for academic freedom.
- v. **Participating in non-partisan voter registration activities.**

b. Candidate appearances

- i. **Providing access to air time** on a university-owned radio station on an equal basis to all legally qualified candidates for public office, in a manner consistent with the limits imposed by the Federal Communications Commission standards.
- ii. **Providing opportunities to speak** at university events on an equal basis to all legally qualified candidates for public office. If the university chooses to invite candidates to speak individually in their capacity as a candidate, it must take steps to ensure that all such legally qualified candidates are invited and that none are favored in relation to the activity. For example, if the university invites

one candidate to speak at a well-attended annual banquet, but invites another candidate to speak at a sparsely attended general meeting, the university will not have provided equal opportunity to participate. An explicit statement should be made as part of the introduction of the speaker and in communications concerning the speaker's attendance that the university does not support or oppose the candidate. Campaign fundraising at the event is prohibited. The university must make reasonable efforts to ensure that the appearances constitute speeches, question-and-answer sessions or similar communications in an academic setting and are not conducted as campaign rallies or events.

- iii. **Conducting university-sponsored public forums** to which legally qualified candidates for a public office (or for the nomination of a particular party) are invited and given equal access and opportunity to speak, if the format and content of the forum are presented in a neutral manner.

- iv. **Inviting candidates to appear in a non-candidate capacity**, provided that the individual chosen to speak solely for reasons other than his or her candidacy, the individual speaks only in his or her non-candidate capacity, no reference to the election is made, and the university maintains a nonpartisan atmosphere on the premises or at the event. Campaigning at the event is prohibited. The university should clearly indicate the capacity in which the candidate is appearing and should not mention the candidacy or the upcoming election in any communications announcing the candidate's attendance.

c. **Issue advocacy**

- i. **Engaging in usual and permissible lobbying and public policy education activities**, within the constraints ordinarily applicable to such activities conducted by the university.

d. **Use of university resources**

- i. **Establishing genuine curricular activities aimed at educating students** with respect to the political process. For example, a political science program may, as part of a for-credit course, have students participate in several weeks of classroom work to learn about political campaign methods, and then be excused from classes to participate in campaigns of their choice, without the university influencing which campaigns are chosen.

- ii. **Rearranging the academic calendar** to permit students, faculty and staff to participate in the election process, if the rearrangement is made without reference to particular campaigns or political issues; provided that the recess is in substitution for another period that would have been free of curricular activity.

- iii. **Providing financial and administrative support to a student newspaper** even though the newspaper publishes editorial opinions on political and legislative matters.

- iv. **Allowing established student groups to use university facilities** for

partisan political purposes, provided that such groups pay the usual and normal charge, if any, for use of university facilities by student groups. Fees usually are not required for traditional, on-campus student political clubs. Generally, groups other than student groups should be charged. Administrators and faculty should take special care in relation to any such proposed student activities, to avoid the appearance of university endorsement and to observe the other principles this policy identifies. Subject to applicable law, the university may decline to permit their facilities to be used for such purposes.

e. Participation in the election process by faculty, administrators, and other employees of the university

- i. Members of the university community are entitled to participate or not, off hours, as they see fit, in the election process;** provided that speaking or acting in the name of the university is prohibited except as described in this policy; provided further that they are not acting at the direction of a university official; and provided further that if the university is identified, that the opinions expressed are not the opinions of the university should be communicated. It is acceptable for faculty, students, and staff to express classroom political opinions so long as it is clear, in context, that the opinion is an individual one. It is profoundly inappropriate to require the expression of a particular political opinion as a class assignment – for example, signing a petition of support for a political candidate, or requiring students to write letters to their congressional representative advocating a specific law or political action. Likewise, it is impermissible to grade based on political opinion rather than on the academic standards of the relevant discipline.
- ii. A faculty member, administrator or other employee may, engage in federal campaign-related activity** that is (a) outside normal work hours; (b) within ordinary work hours, if the time is made up within a reasonable period by devoting a comparable number of extra hours to work for the university; (c) charged to vacation time to which the person is then entitled or occurs during a regular sabbatical leave; or (d) during a leave of absence without pay taken with the university’s approval. Senior staff members, such as the president and vice presidents, should ordinarily refrain from or otherwise limit campaign activity, as there is a risk that such activity would be perceived as support or endorsement by the university.
- iii. Public statements, oral or written, by university officials** (such as the president, vice presidents, and deans) in support of a candidate, political party or the like, where the university official clearly indicates that his or her comments are personal and not intended to represent the views of the university. For example, the IRS condoned a full-page advertisement in a local newspaper, paid for by a candidate, where the advertisement referred by name and title to the president of a 501(c)(3) organization as a campaign supporter, when the ad expressly stated that the “titles and affiliations of each individual are proved for identification purposes only.”

II. Prohibited Activities: when the action can be construed as representing the university as

a whole.

a. **Voter Education (including voter guides) and voter registration**

- i. **Conducting “voter education” activities**, such as those involving questionnaires, if confined to a narrow range of issues or skewed in favor of certain candidates or a political party. For example, the IRS disapproved such activities that involved selecting voting records of certain incumbents on a narrow range of issues, such as “land conservation.”
- ii. **Publishing ratings of candidates**, particularly in situations where the ratings could be viewed as reflecting the views of the university, or university resources are used in connection with the preparation or publication of such ratings without reimbursement at the usual and normal charge.
- iii. **Endorsing, expressly or impliedly, a candidate for public office.** Examples of endorsement include the placement of signs on university property that show support for a particular candidate, and contributing to political campaign funds. Examples of implied endorsement are public statements at a university event by an official of the university, praising a particular candidate in relation to holding of public office, and a pattern of university activities in relation to or support of a particular candidate. As with all of the prohibitions discussed in this policy, such a prohibition applies even if the candidate is an administrator or faculty member of the university. However, the policy does not apply to students’ private rooms in residence halls, where individual political expression is permissible.
- iv. **Commenting on specific actions, statements or positions taken by candidates**, including incumbents, in the course of their campaigns. The university is not forbidden to comment on specific issues pertinent to its tax-exempt purposes, particularly if it has a track record of commenting on such issues in non-election years.
- v. **Promoting action (voting) with respect to issues that have become highly identified as dividing lines between candidates.** This principle does not bar the institution from commenting on issues critical to its tax-exempt purposes, if it has a track record of commenting on such issues in non-election years with respect to such issues.
- vi. **Coordinating voter education activities with campaign events.**

b. **Use of university resources**

- i. **Coordinating university fund-raising** with fund-raising of a candidate for public office, political party, or the like.
- ii. **Reimbursing university officials** for campaign contributions.
- iii. **Providing mailing lists, use of office space, email, telephones, photocopying or other university facilities or support** to a candidate,

campaign, political party, political action committee (PAC) or the like.

- iv. **Using university letterhead** in support of a candidate, political party, PAC or the like.
- v. **Sponsoring events** to advance the candidacy of particular candidates.
- vi. **Using message boards and forums** affiliated with the university's website to support particular candidates, if the statements of the provider of the information can be reasonably attributed to the university. A disclaimer that states that the opinions are neither those of the university nor sanctioned by the university is recommended in those public discussion areas where the information could reasonably be attributed to the university.
- vii. **Providing hyperlinks to the webpages**, or other space on the university's website, of one or more candidates for public office in a manner that favors one candidate over another. Generally, information posted on a university's website that favors or opposes a candidate for public office is treated the same as if it was distributed printed material, oral statements or broadcasts that favored or opposed a candidate.
- viii. **Providing a candidate forum**, to promote his or her campaign if other candidates are not treated equally, even if the forum is not intended to assist the candidate. For example, the IRS concluded that a charitable organization violated the prohibition on campaign intervention when the candidate solicited funds on the organization's behalf, because the content of the solicitation included campaign rhetoric.

c. Participation in the election process by faculty, administrators, and other employees of the university

- i. **Public statements, oral or written, by university officials** (such as the president, vice presidents and deans) in support of a candidate, political party or the like, where there is risk that the statements would be perceived as support or endorsement by the university. For example, the IRS has indicated that it would be inappropriate for a column titled "My Views" to appear in the university's monthly newsletter in which the university president stated, "it is my personal opinion that Candidate U should be reelected," even though the president paid part of the cost of the newsletter.
- ii. **Remarks at a university meeting by a university official in support of a candidate, political party, or the like.** For example, university officials should not make statements that could be perceived as support for a particular candidate at a meeting of the board of trustees.

This policy is adapted from the American Council on Education Memorandum on Political Campaign-Related Activities at Colleges and Universities prepared by the Washington, DC law firm Hogan Lovells US LLP (September 2014).

Links With Other Policies

Faculty Handbook
Student Handbook

Exclusions and Special Situations

Not applicable

Policy Contact(s)

Responsible Office: Human Resources

Policy Author: Jennifer Bucher

Email: bucherjennifer@susqu.edu

Phone: 570-372-4024

Policy History

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Appendix

Not applicable