OM 7.25.0 Government Relations Policies

Introduction

These policies apply to a range of actions (collectively referred to as government relations) that bring University employees in contact with the electoral process and/or government officials and their staff. They apply to all faculty and staff (University employees) who consider:

a) using University resources and/or property to contact, correspond with, or meet with government officials (at federal, state, and local level) or candidates for public office,

b) inviting government officials or candidates for public office to visit campus,

c) using University resources and/or property to conduct voter education, registration, and get out the vote campaigns,

d) inviting candidates for public office to campus and/or using University resources and/or property to give campaign support (public or financial) to candidates for public office (as described below, actions that are deemed partisan political activity are prohibited),

e) conducting nonpartisan voter education programs as provided for in subsection 8 of these policies,

f) requesting public or financial support from government officials for individual or University programs, legislation, regulation, government policy, executive orders, or ordinances,

g) giving anything of value to government officials (with very limited exceptions, nothing of value may be given to federal, state, and/or local government officials per this Clarkson policy).

These policies for contacting and communicating with officials and employees at all levels of government have been established to facilitate a coordinated and effective government relations program and to ensure compliance with federal, state and local lobbying laws. In general, for purposes of these policies, contacts and communications with government officials and employees fall into three categories:

1) Prohibited activities. For example, these policies generally prohibit the giving of gifts to any government official without permission from the President, Provost, or Director of Government Relations.

2) Encouraged activities: For example, investigators are permitted and encouraged to speak with administrative program personnel at funding agencies (e.g. a funding officer at the National Science Foundation or a study panel chair at the National Institutes of Health). Employees should feel free to engage in these activities.

3) Activities that are permitted but must be reported: For example, these policies do not prohibit talking to a military officer of the rank of Brigadier General or higher, or talking to a member of the Senior Executive Service. However, the law requires that the University track, and in some cases report, such activities, and therefore these polices require that they be reported and tracked internally.

The Director, Government Relations has been designated as the University point of contact for governmental relations. The Vice President for External Relations or assigned designee interfaces with government and elected officials on Clarkson’s behalf in advancing community relations, special events and general activities supporting local, regional, state and federal initiatives and provides media relations direction for the director of Government Relations/president in official releases by elected officials and government agencies. University employees should contact the Director, Government Relations when in doubt about whether interactions with government personnel they are considering might constitute government relations subject to this policy, or whether those interactions constitute prohibited, encouraged or reportable activities.

First Amendment Freedom Respected

No University government relations policy limits any action by faculty and staff with respect to engagement with government officials, political campaigns or any aspect of relations with government, provided that individuals clearly identify themselves as acting and speaking for themselves and not as representatives of the University. As such, contacts and communications to government officials, staff members, or agencies in your capacity as an individual citizen are not covered by this policy. However, the following guidelines must be observed to ensure your actions or statements will not be interpreted as representing the University:
All contacts with elected officials or government agencies for personal or other non-University purposes, whether in person or in writing, should be clearly identified as such. University property and resources, as defined in this policy, must not be used in communications to elected officials and staff, or to other governmental departments/agencies, for personal or non-University purposes.

Definitions

In addition to terms defined in specific contexts below, the following definitions apply for purposes of this policy:

**University Property.** For purposes of this policy, University property includes any office supplies or the use of office equipment including but not limited to University telephone systems, clarkson.edu email accounts, letterhead, offices, bulletin boards, campus mail, computing and duplicating machines, and any other physical and electronic resources not available to the general public.

**University Resources.** For purposes of this policy, University resources include the normal working hours of all faculty, staff, and students, including but not limited to administrative support of other University employees (whether compensated with University funds or government funds), and University travel or other funds expended for government relations purposes (authorized or unauthorized).

Authorization to Lobby for the University

Federal and state laws regulate and limit the use of University funds that can be spent on lobbying activities. They require the University to register as a lobbying entity and report lobbying activities as well as expenditures. Any violations of these laws could lead to significant penalties for the University and University employees ranging from large fines to criminal prosecution. Compliance with this policy is therefore imperative.

The President and the Director, Government Relations are authorized to lobby for the University regarding matters involving legislation or regulation at the federal, state, and local government levels. All University positions on legislation and regulation must be approved by the University President. The President may limit the number of lobbying actions undertaken by the University.

Lobbying Rules and Requirements

The following are summaries of federal, state and local lobbying rules and requirements. Any University employee who intends to engage in any of the following reportable activities must contact the Director, Government Relations prior to doing so, in order to ensure the University’s compliance with applicable reporting obligations.

**Federal Lobbying -- General**

The University is required to comply with the Federal Lobbying Disclosure Act of 1995 and the Honest Leadership and Open Government Act of 2007. Per statutory requirements, the University has registered to conduct lobbying activities at the federal level, and must report activities of those personnel considered lobbyists under federal law.

A “lobbyist” under federal law is an employee whose services include more than one lobbying contact and whose lobbying activities constitute 20 percent or more of his or her service time on behalf of the University during any three month period.

A “lobbying contact” under federal law is defined as any oral, written, or electronic communication to a “covered executive branch official” or a “covered legislative branch official” regarding (1) the formulation, modification, or adoption of federal legislation (including legislative proposals), federal rules, regulations, Executive Orders or any other program, policy or position of the federal government; (2) the administration or execution of a federal program or policy (including the negotiation, award or administration of a federal contract, grant, loan, permit or license); or (3) the nomination or confirmation of a person for a position subject to confirmation by the United States Senate.

The term “covered executive branch official” includes (1) the President, (2) the Vice President, (3) any officer or employee in the Executive Office of the President, (4) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive Order, (5) any member of the uniformed services whose pay grade is at or above O-7 under 37 U.S.C. § 201, and (6) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in 5 U.S.C. § 7511(b)(2) (B).

The term “covered legislative branch official” includes (1) a Member of Congress, (2) an elected officer of either House of Congress, (3) any employee of (a) a Member of Congress, (b) a committee of either House of Congress, (c) the leadership staff of either House of Congress, (d) a joint committee of Congress, or (e) a working group or caucus organized to provide legislative services to Members of Congress, and (4) any other legislative branch employee serving in a policy making position.

Federal “lobbying activity” is defined as lobbying contacts and efforts in support of such contacts, including preparation or planning activities, research, and other background work that is intended, at the time of its performance, for use in such contacts or efforts, or coordinating with the lobbying activities of others.
Any University employee participating in or supporting lobbying activities described above shall account for his or her time expended on specific legislative and regulatory issues, and any expenditures incurred in this regard, in such detail as required by forms supplied by the Director, Government Relations. The information to be reported includes, but is not limited to, salaries of employees engaging in or supporting lobbying activities, benefits, travel, printing and other administrative costs. Employees must send the reports to the Office of Government Relations on or before the Wednesday after the week during which the reportable activities occurred.

**Federal Grant Lobbying**

Under the statutory provisions known as the "Byrd Amendment" [31 U.S.C. § 1352(b)], recipients of federal contracts, grants, and loans, as well as those with cooperative agreements with the federal government, are prohibited from using federal monies to lobby Congress and federal agencies, or their respective employees, with respect to the award, making, entering, extension, renewal or modification of any federal contract, grant, loan, or cooperative agreement.

Any University employee participating in or supporting the University’s lobbying activities to secure federal grants or contracts shall account for his or her time expended on specific grants or contracts, and any expenditures incurred in this regard, in such detail as required by forms supplied by the Director, Government Relations. The information to be reported includes, but is not limited to, salaries of employees engaging in or supporting lobbying activities, benefits, travel, printing and other administrative costs. Employees must send the reports to the Office of Government Relations on or before the Wednesday after the week during which the reportable activities occurred.

**New York State and Local Lobbying**

Pursuant to the Public Integrity Reform Act of 2011, the New York State Lobbying Act of 1981 (as subsequently amended) and other state law, the University has registered to conduct lobbying activities. These activities are reported to the New York State Joint Commission on Public Ethics for both state and local government levels. For purposes of this policy, local government levels include municipalities with 50,000 or more residents.

Under New York law, the term "lobbyist" includes every person or organization retained, employed or designated by any client to engage in lobbying activities. Under New York law, the University is both a "lobbyist" and "client" because the University lobbies for itself.

The term "lobbying activities" is defined as any attempt to influence (1) the passage or defeat of legislation, including the approval or disapproval of legislation by the Governor; (2) the adoption, issuance, rescission, modification or terms of a gubernatorial Executive Order; (3) the adoption or rejection of any rule or regulation having the force and effect of law by a state agency; (4) the outcome of any rate-making proceeding by a state agency; (5) the passage or defeat of any local law, ordinance, or any regulation by any municipality; (6) the adoption, issuance, rescission, modification or terms of an Executive Order issued by the chief executive officer of a municipality; (7) the adoption or rejection of any rule or regulation having the force and effect of local law, ordinance or regulation; or (8) the outcome of any rate-making procedure by any municipality. The New York Lobbying Act also provides that lobbying on procurement contracts, Executive Orders and Tribal-State agreements is subject to regulatory oversight and enforcement by the New York State Joint Commission on Public Ethics.

The term “attempt to influence” means any activity intended to support, oppose, modify, delay, expedite or otherwise affect any of the above actions, including but not limited to oral, written or electronic communications to the Governor, Lieutenant Governor, Comptroller, Attorney General, Members of the State Legislature and their staffs, state officers and employees, and municipal officers and employees, paid or unpaid.

Any University employee participating in or supporting the University’s lobbying activities described above shall account for his or her time expended on specific legislative and regulatory issues, and any expenditures incurred in this regard, in such detail as required by forms supplied by the Director, Government Relations. The information to be reported includes, but is not limited to, salaries of employees engaging in or supporting lobbying activities, benefits, travel, printing and other administrative costs. Employees must send the reports to the Office of Government Relations on or before the Wednesday after the week during which the reportable activities occurred.

**Gifts to Public Officials**

Federal law prohibits federal officials and their staff from accepting gifts, including any gratuity, favor, discount, entertainment, hospitality, forbearance, or other item having monetary value. Accordingly, University employees may not offer such gifts to federal officials or their staffs.

State law prohibits lobbyists from offering, and state officers and employees from accepting, gifts in excess of “nominal value,” including but not limited to money, services, loans, travel, lodging, meals, refreshments, entertainment, discounts, forbearances, or promises having a monetary value. Exceptions include political contributions, gifts based on personal relationships that are not intended to influence, as well as certain ceremonial items given at events where the official is appearing in his or her official capacity, promotional items, honorary degrees, and food and beverages valued at $15 or less. The rules for determining whether gifts fall within an available exception are technical and complex; accordingly, University employees may not offer gifts to state officers or employees without the prior approval of the President, Provost or Director, Government Relations. In cases where gifts are permitted, the expenses relating to those gifts must be compiled and reported to the Director, Government Relations on or before the Wednesday after the week during which the gifts were provided.

**Partisan Political Activities**

Because of the University’s tax-exempt status, the University is legally prohibited from endorsing candidates for political office or making any contribution of money, goods, or services to candidates. It is important, therefore, that no person cause the University to make such an endorsement or contribution.

Without limiting the generality of the preceding paragraph:
(1) No person or group within the University may, on behalf of the University, engage in any political activity in support of or opposition to any candidate for elective public office (including giving or receiving funds or endorsements), nor shall any University property or resources be used for such purpose.

(2) No person or group within the University supporting candidates for public office or engaging in other political activities may use University property or resources or receive University support, except in limited permissible circumstances approved in advance by the Director, Government Relations. This shall not prohibit the use of campus facilities by recognized student political organizations, provided that such facilities are made available without regard to viewpoint and on the same terms as applicable to student organizations generally.

(3) Individuals within the University community endorsing or opposing a candidate for political office, or taking a position on an issue for the purpose of supporting or opposing a candidate, must clearly indicate, by their words and actions, that they are speaking as individuals and are not stating a University position.

Nonpartisan Voter Education Programs

Faculty and staff may initiate nonpartisan voter education programs that utilize university property and resources and may involve inviting candidates for public office to campus provided these programs give equal opportunities to all candidates on the ballot for a particular office and provided these programs are approved in advance by the Director of Government Relations.

History

Adopted January 2013