

# **POLICY ON POLITICAL CAMPAIGN ACTIVITY**

## **I. Introduction**

Goucher College is committed to providing an environment in which the free exchange and expression of ideas, including political views, is encouraged and promoted. Goucher also encourages its community members to engage in activities related to the larger community, including political activities. At the same time, Goucher must be mindful of and protect its status as a non-profit 501(c)(3) organization, subject to the requirements and restrictions of the Internal Revenue Code (the Code). The Code absolutely prohibits all 501(c)(3) organizations from directly or indirectly participating, or intervening, in any political campaign on behalf of (or in opposition to) any candidate for elective public office. This prohibition applies to all campaigns, including those at the federal, state, and local levels. Violation of this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain taxes on the college, as well as other risks, including federal or state government lawsuits, audits, and investigations.

This policy provides guidelines to members of the college community about the legal prohibitions on political campaign activity contained within the Code. Whether specific activity violates those prohibitions will depend on the facts and circumstances of the particular case. For this reason, any questions about this policy or whether a particular activity is permissible should be addressed to the Office of General Counsel.

## **II. Prohibited Activities**

Goucher is prohibited from political campaign intervention, which includes any and all activities that favor or oppose one or more candidates for public office. Prohibited activities include the following, if carried out in the name of the college:

- candidate endorsements;
- contributions to political campaign funds;
- fundraising for political candidates;
- soliciting employees for political contributions;
- public statements of position in favor of or in opposition to any candidate for public office;
- distributing statements prepared by others that favor or oppose any candidate for public office;
- hosting events that favor or oppose any candidate for public office;
- providing college resources, such as the college phone system, computer network, photocopying, postal services, or mailing lists, for political campaign intervention.

## **III. Permitted Activities**

### **A. Voter Education, Voter Registration and Get-Out-the-Vote-Drives**

Goucher may engage in the following activities so long as they are conducted in a non-partisan manner:

- the presentation of public forums to which all legally qualified candidates for a public office are invited;
- the publication of voter education guides;
- voter registration and get-out-the-vote drives.

## B. Individual Activity by College Trustees, Employees and Students

### 1. Campaign contributions

Any college trustee, employee, or student may make campaign contributions as an individual to any political candidate, provided that they are not directed to do so by the college or reimbursed by the college for such contributions.

In certain circumstances, officers of the college who contribute more than \$500 to a particular state or local candidate are required to file a semi-annual report with the Maryland State Board of Elections. Any officer making such a contribution should contact the Office of General Counsel for assistance.

### 2. Participation in campaign activities

#### a. Senior college officials, including the president and vice-presidents

These individuals should refrain from or otherwise limit their involvement in campaign activity, because there is a risk that such activity will be perceived as support or endorsement by the college. Any such activity by senior officials must comply with the restrictions described for faculty and staff in subsection b.

#### b. Faculty and staff

Goucher employees may participate in campaign activities:

- outside normal work hours;
- within ordinary work hours, if the hours are made up within a reasonable period of time;
- during hours charged to vacation time or sabbatical leave; or
- during a leave of absence without pay taken at the college's approval.

While participating in such activities, employees shall not act at the direction of any college official and shall clearly indicate that they are acting in their personal capacities.

#### c. Students and student groups

Individual students may engage in political campaign activity without limitation except on the use of college resources, as provided in 2.e below.

Established student political groups may use college facilities for political campaign activity in the same manner as other student groups, provided that all groups are granted equal access and that the college officials responsible for providing access avoid the appearance of college endorsement of a particular group.

d. Trustees

Goucher trustees may engage in campaign activities but shall not act at the direction of any college official and shall clearly indicate that they are acting in their personal capacities.

e. Use of college resources

No member of the college community may use college resources, including but not limited to postage, inter-campus mail, telephones, fax machines, photocopies, or college letterhead, in advocating for or against a candidate or campaign issue.

3. Public statements, oral or written, by college officials, employees, and students

a. Trustees and senior college officials, including the president and vice-presidents

The political campaign intervention prohibition is not intended to restrict free expression on political matters by members of the Goucher community who are speaking for themselves, as individuals. Nor are community members prohibited from speaking about important issues of public policy. However, trustees and senior college officials are prohibited from making partisan comments in official Goucher publications or at official college functions. Trustees and senior college officials who make public statements endorsing particular candidates in other settings should avoid the appearance of speaking on behalf of Goucher by clearly indicating that their comments are personal and not intended to represent the views of the college.

b. College employees

College employees may freely engage in comment on political issues or public policy as individual citizens, but should be careful to qualify that the opinions expressed are their own and do not represent the official position of the college.

c. Students

Student groups may advocate publicly for a candidate or position, but must make clear that they do not speak on behalf of the college. All posters and flyers used for this purpose must be in accord with the college policy for posting notices on campus.

Student publications may publish editorials expressing the editors' view on candidates for public office, provided that the publication's editorial policy is free of editorial control by college administrators or faculty advisors. A statement on the editorial page must indicate that the views expressed are those of the student editors and not those of the college.

## C. Candidate Appearances

### 1. Speaking as a Candidate

When a candidate is invited to speak at Goucher as a political candidate, or is granted air time on the college radio station, Goucher must take steps to ensure that:

- it provides an equal opportunity to all political candidates seeking the same office;
- it does not indicate any support for or opposition to the candidate (this should be stated explicitly when the candidate is introduced and in communications concerning the candidate's attendance); and
- no political fundraising occurs.

In order to assure that candidates are given an equal opportunity to participate, the nature of the event to which each candidate is invited and the manner of presentation of each candidate shall be similar.

### 2. Public Forums

If Goucher sponsors a public forum involving several candidates for public office, it shall ensure that the forum is not operated in a way that would show bias for or against any candidate. The following procedures must be followed:

- the questions for the candidate should be prepared and presented by a nonpartisan panel;
- the topics discussed by the candidates should cover a broad range of issues that the candidates would address if elected to the office sought, and such issues should be of interest to the public, rather than exclusively to members of the college community;
- each candidate should be given an equal opportunity to present his or her view on the issues discussed;

- the moderator should not comment on the questions or responses, or otherwise imply approval or disapproval of the candidates; and
- the candidates should not be requested to agree or disagree with positions, agendas, platforms, or statements of the college.

### 3. Speaking or Participating as a Non-Candidate

Candidates may also appear or speak at college events in a non-candidate capacity. For instance, a political candidate may be a public figure who is invited to speak because he or she: (a) currently holds, or formerly held, public office; (b) is considered an expert in a non-political field; or (c) is a celebrity or has led a distinguished military, legal, or public service career. A candidate may choose to attend an event that is open to the public, such as a lecture, concert, or worship service. The candidate's presence at a Goucher-sponsored event does not, by itself, cause the college to be engaged in political campaign intervention. However, if the candidate is publicly recognized by or is invited to speak at the college, Goucher must ensure that:

- the candidate is chosen to speak solely for reasons other than candidacy for public office;
- the candidate speaks only in a non-candidate capacity;
- neither the candidate nor any representative of the college makes any mention of his or her candidacy or the election;
- no campaign activity occurs in connection with the candidate's attendance; and
- the college maintains a nonpartisan atmosphere on the premises or at the event where the candidate is present.

#### D. Issue Advocacy vs. Political Campaign Intervention

Federal tax law permits section 501(c)(3) organizations such as Goucher to take positions on public policy issues, including issues that divide candidates in an election for public office. However, such organizations 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, an organization delivering the statement is at risk of violating the political campaign intervention prohibition if there is any message favoring or opposing a candidate. All the facts and circumstances need to be considered to determine if the advocacy constitutes political campaign intervention.

Key factors in determining whether a communication results in political campaign intervention include the following:

- whether the statement identifies one or more candidates for a given public office;
- whether the statement expresses approval or disapproval for one or more candidates' positions and/or actions;

- whether the statement is delivered close in time to the election;
- whether the statement makes reference to voting or an election;
- whether the issue addressed in the communication has been raised as an issue distinguishing candidates for a given office;
- whether the communication is part of an ongoing series of communications by the organization on the same issue that are made independent of the timing of any election; and
- whether the timing of the communication and identification of the candidate are related to a non-electoral event such as a scheduled vote on specific legislation by an officeholder who also happens to be a candidate for public office.

A communication is particularly at risk of being considered political campaign intervention when it makes reference to candidates or voting in a specific upcoming election.

Any official statements by the college on public policy issues must be reviewed by the Office of General Counsel for compliance with these restrictions.