

THE UNIVERSITY OF CHICAGO
Office of Legal Counsel

Political Campaign Activity Memorandum

This memorandum addresses the rules governing the University's involvement in political campaign activities. Issues concerning the University's involvement arise both during and between political campaign seasons. A number of issues are identified here, but there will no doubt be others that are not addressed or for which the rules are less clear. Please contact the Office of Legal Counsel to discuss these issues as you encounter them so that the University can participate in the political arena in an appropriate manner.¹

As a tax-exempt organization under Section 501(c)(3) of the tax code, the University is prohibited from participating in political campaign activities. The University may, consistent with its purposes, engage in and sponsor debate and discussion of political issues. It is the support of individual candidates, campaigns or parties that is prohibited.

The University may not endorse any candidates, make donations to any politician's campaign, issue statements for or against any candidate, hold campaign rallies, host campaign announcements, or engage in any activity that would either support or oppose any candidate for public office. Further, no political fundraising may occur on the University's campus, using the University's name, or through the use of University e-mail accounts. These prohibitions apply to all campaigns, including those at the federal, state and local levels.

Because it is sometimes difficult to differentiate between prohibited political campaign activity and permitted political discussion, advance approval from the Office of Legal Counsel is required when a candidate is invited to speak on campus. This is not required for political figures for whom there is no ongoing campaign or upcoming election.

I. Individual Involvement in Political Campaigns

University employees may become involved in political campaigns in their individual capacities, provided they take precautions to ensure that their involvement is not attributed to the University. University officials engaging in political campaign activities must explicitly indicate that their actions and statements do not represent the views of the University. Individuals may identify their positions at the University so long

¹ This note does not address the federal and state laws that govern lobbying activities and restrict the goods or services that University employees may provide to government employees, including restrictions on meals, entertainment, transportation, lodging, training, discounts, favors, and other items of value. For guidance on these laws, please contact the Office of Legal Counsel.

as they make it clear that their affiliation with the University is provided only for identification purposes. University officials may not engage in political activities at University functions, or through University publications or the use of University e-mail accounts. Senior University officials should not engage in, or should limit their involvement with, political campaign activities because of the risk that such activities would be perceived as support or endorsement by the University.

II. Candidate Appearances

Candidates for public office may be invited to speak at the University if their appearances are for educational or informational purposes and they have University sponsorship. The format should be a speech, panel discussion and/or question-and-answer session. The event should not resemble a campaign rally.

When a candidate is invited to speak in his or her capacity as a political candidate (as part of a debate, for example), the University must ensure that it provides an equal opportunity to all political candidates running for the same office. Further, the University should explicitly state that it does not support or oppose the political candidate in any communications referencing the candidate's appearance, and when the candidate is introduced.

When a candidate is speaking not as part of a campaign, however, there is no requirement that the University provide an equal opportunity to other political candidates running for the same office. In this context, the University must ensure that the atmosphere is nonpartisan and that neither the candidate nor any representative of the University mentions the candidacy or the upcoming election.

Of course, these two circumstances are not always easy to distinguish. It is for this reason that advance approval from the Office of Legal Counsel is required if a candidate is invited to speak on campus. It is also important to discuss the plans with a candidate in advance of an appearance so as to avoid a circumstance in which what was expected to be a non-political speech turns into a campaign announcement or rally.

These guidelines apply solely when a political campaign is ongoing. Political figures who do not have an upcoming election may be invited to speak on campus when sponsored by a University unit or group without seeking advance approval from the Office of Legal Counsel.

III. Use of University Facilities

University facilities may not be used for political fundraising or any other partisan political campaign activities. University facilities may be used to conduct non-partisan voter education and registration programs. Such programs must be made available to all members of the University community regardless of their political affiliation and may not be conducted in a manner that favors or opposes one or more candidates. Outside of a campaign context, members of the University community may invite political figures to

speak on campus, or sponsor political discussion or debate, using University facilities. While University facilities may be used for this purpose without University sponsorship, there is no obligation to make University facilities available to outside users for this purpose.

IV. Student Groups

Because students are not regarded as speaking for the University, the rules pertaining to student groups are somewhat less restrictive than those applicable to others within the University community. Student groups that are registered with the Office of the Reynolds Club & Student Affairs, or their respective division or professional school, may use University facilities for meetings as long as no political fundraising is conducted, the usual and customary fees for the facilities are charged, and participation in such activities is limited to members of the University community. Prior approval must be obtained from the Office of Legal Counsel and the Office of the Reynolds Club & Student Affairs, division or professional school in these circumstances. Any student group engaging in political activities must make it clear in its written materials and at its events or meetings that its members are speaking as individuals and not on behalf of the University.

V. Websites

The IRS will treat information posted on the University's website that supports or opposes a candidate in the same manner as printed material that is distributed. Accordingly, there should be no text on the University website that supports or opposes a candidate, nor should there be links to candidate or campaign-related material.