

Effective Date: **May 17, 2022**

GUIDELINES

EMPLOYMENT, ETHICS

Guidance on Advocacy at Boston University

RESPONSIBLE OFFICE

Office of the University Provost

Boston University faculty and staff are thought leaders in their communities, the nation, and the world, and the University encourages them to share their expertise with policymakers. Boston University is dedicated to the free expression of ideas and encourages members of the University community to participate fully in the political process.

However, as a non-profit organization, Boston University is prohibited from participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office. In addition, to maintain its non-profit status, no substantial part of BU's activities may involve lobbying. The University is required to provide periodic reports to federal, state, and local government authorities regarding its lobbying efforts. The guidance below is intended to permit robust political discourse while ensuring Boston University's compliance with the restrictions placed on it as a tax-exempt organization.

What Rules Apply to Political Activities?

- The University itself cannot endorse or oppose any candidate (or slate of candidates),

and University resources cannot be used for activities in support of or in opposition to any candidate for public office. The publication or distribution of statements (written or oral) on behalf of or in opposition to a particular candidate is considered to be partisan political activity and is prohibited.

- Any University employee can endorse or oppose any candidate in their personal capacity. Faculty or staff may state their affiliation with the University, so long as it is clear that the endorsement or opposition is in their personal capacity, and not on behalf of the University.
- Boston University's name or insignia may not be used on stationery or other documents intended for political purposes, including soliciting funds for political support or carrying on a political campaign.
- Contributions for political campaigns may not be solicited in the name of Boston University or made in the name of Boston University.
- University resources, including the University's bulk-mailing privilege, University supplies, University facilities, such as meeting rooms or lecture halls, email accounts, websites and University social media accounts, may not be used for political campaign purposes, such as providing links to campaign websites.
- The University can participate in voter registration and get-out-the-vote drives, and faculty can encourage students and others to vote, provided that the activities are carried out in nonpartisan manner.

Examples – Political Activities:

Faculty or staff can endorse a candidate for political office on their personal social media account. University social media accounts, such as those managed by a department or a center, should not be used to 'like' or 'retweet' the employee's personal post.

What Rules Apply to Lobbying Activities?

Boston University is not prohibited from engaging in lobbying, but to maintain its non-profit status, no substantial part of BU's activities may involve lobbying. Lobbying may include:

- Contacting members of a legislative body for the purpose of proposing, supporting, or opposing legislation (which includes action by Congress, a state legislature and a local council);
- Urging the public to contact members of a federal, state or local legislative body or

similar governing body for the purpose of proposing, supporting or opposing legislation (also known as grassroots lobbying). Under Massachusetts law, this also includes promoting, opposing or attempting to influence the governor's approval or veto of legislation.

BU is required to track and routinely report on how much it spends on lobbying.

Therefore, at BU, only Federal Relations and Government & Community Affairs are authorized to lobby on behalf of the University. This guidance is not intended to limit the rights of faculty and staff to advocate for and help shape public policy. There are several forms of advocacy that are important to the research and scholarly work of the University community that, with careful planning, do not constitute lobbying. The following are some guidelines for engaging in advocacy without engaging in lobbying on behalf of Boston University. Of course, BU employees are free to engage in both political activity and lobbying activities in their personal capacities.

DO:

- Prepare objective, non-partisan legislative and policy analyses, including for bills and ballot measures, which does not advocate for the adoption or rejection of legislation, and make those analyses available to the general public on BU's website, on social media, and in teaching, and to officials and governmental employees bodies. Non-partisan analysis, study or research may advocate a position or viewpoint, including on legislation, as long as the facts are fully and fairly presented such that a reader could form an independent opinion.
- Engage in public policy education and advocacy activities, including educating the public about the effects of policies. To avoid being characterized as campaign intervention, statements on advocacy issues should not identify candidates for public office, express approval or disapproval for a candidate's positions, or refer to voting or an election.
- Provide technical advice or assistance to a governmental body or committee, including testifying before a legislative body or government agency, after a written request from that body or committee. The advice or assistance must be made available to the body/committee as a whole.
- Write model legislation and share it on BU's website and on social media.
- Write model institutional policies and share them on BU's website and on social media.
- Write online and elsewhere, including but not limited to in academic publications, or

Speak with the media about broad social issues, which also might be the subject of legislation, without including a call to action (described in detail below).

- Organize non-partisan public forums.
- Work with Federal Relations and Government & Community Affairs to find opportunities for faculty to share expertise, such as providing testimony at a hearing or public comments.
- Inform Federal Relations and Government & Community Affairs before inviting elected officials to participate in University events.
- Connect with Federal Relations/Government & Community Affairs for any required assistance with meeting with elected officials or their staff.
- Discuss the legislative process and/or pending legislation, including the effects of legislation, in connection with the academic curriculum. Students acting on their own are free to engage in issue advocacy or political campaigns.

AVOID (Note: in each case, these restrictions relate to actions taken in your capacity as a BU employee):

- “Calls to action” or “action alerts” to encourage officials or the public to support or oppose specific legislation (that which has been introduced or specific legislative proposals) from a BU email or BU social media account, on a BU website, or at events at which you are speaking in your capacity as a BU employee. It is not considered lobbying if faculty and researchers present their own professional opinions and state that they are not representing the views of Boston University. Sample disclaimer language is provided below.
 - A communication is a call to action if it includes any one or more of the following:
 - The communication states that the recipient should contact (1) a member or employee of a legislative body, or (2) any other government official or employee who may participate in the formulation of legislation, if the principal purpose of the contact is lobbying (direct call to action).
 - The communication states the address, telephone number or similar information of a legislator or an employee of a legislative body.
 - The communication provides a petition, tear-off postcard or similar material for the recipient to communicate with any such individual (direct call to action).
 - The communication specifically identifies one or more legislators who will vote on the legislation as (1) opposing the organization’s view with respect to the legislation, (2) being undecided with respect to the legislation, (3) being the

recipient's representative in the legislature, or (4) being a member of the legislative committee or subcommittee that will consider the legislation. It is permissible to name the main sponsors of legislation for purposes of identifying the legislation.

- Meeting with other groups, in your capacity as a BU employee, to plan a communication like the ones described above would also be considered lobbying.
- Asking a legislator or staff member to sponsor model legislation. However, lobbying does not include providing technical assistance or advice to a legislator, governmental body, or committee in response to an unsolicited request, such as requested testimony before a legislative committee.
- Attempting to influence the public (through social media or otherwise) on a specific ballot initiative, referendum, or similar process in your BU capacity or using BU resources.
- Distributing statements in support of ballot measures (or candidates) including asking people to support or oppose a ballot measure (or candidate) on behalf of BU.
- Asking candidates for office to take a pledge.
- Taking out paid advertisements on TV, radio, billboards, or general circulation newspapers or magazines on the subject of highly publicized legislation within two weeks of a vote on that legislation.
- **Note** – In certain circumstances, advocacy on an issue could be considered prohibited partisan political activity if statements on issues of public concern convey that the organization supports or opposes a candidate (or slate of candidates) even if those candidates are not named. Whether issue advocacy could be deemed partisan activity depends on the particular facts and circumstances, including:
 - Whether the communication is on a subject that presents a significant contrast between candidates in an upcoming election;
 - Whether the communication is close in time to or references upcoming elections; and
 - Whether the communication is isolated or 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

Examples – Lobbying Activities:

An employee can identify their profession and position when writing to a legislator asking them to support a bill. The employee must explain in the communication that they are writing in their personal capacity. This is not lobbying by Boston University as the individual is acting in

their personal capacity. *An example of disclaimer language could include: The views and opinions expressed in this letter (or paper, speech, presentation, as applicable) are my own and do not reflect the official policy or position of Boston University.*

A member of the faculty visits a Member of Congress and requests on behalf of Boston University that they co-sponsor legislation. This constitutes lobbying because it refers to and reflects a view on a specific legislative proposal.

Questions about this Guidance should be directed to the following offices:

Federal Relations www.bu.edu/federal

Government & Community Affairs www.bu.edu/community

END OF POLICY TEXT

Categories: Employment, Ethics, Political Activities Keywords: advocacy, advocates, political, political activities, political activity, politics