

## **Political Activities Policy**

*Colby College is committed to a community which actively and fully participates in the local, state, national and global issues of our time. Inherent in Colby's Mission and Precepts is the concept that involvement in the work of our communities, our state and our country is a critically important responsibility. Engagement in voting, support of important causes and involvement in the governance of our towns, cities, state and nation by members of the Colby community is a necessary and crucial piece of this responsibility. Colby is committed to political engagement by our community while ensuring that the College adheres to the obligations of non-profit organizations regarding political activity.*

### **I. Policy Statement**

As a federally-recognized non-profit institution, Colby College is not permitted to participate or intervene in political campaigns involving any candidate for elective office. In fact, there are long-standing Internal Revenue Service (IRS) limits that prevent the use of College resources in such political activity. The College's policy has been updated for our community to identify obligations under federal law to protect Colby's nonprofit status, while recognizing that individual participation in political activity remains an important value. The guidance in this policy also seeks to reduce the likelihood that a member's participation in political activity is incorrectly attributed to the College.

#### **Definitions**

For the purposes of this policy:

**Political Activities** encompasses any activity, including oral or written statements and financial support, directed toward the success or failure of a Candidate for election in a partisan political campaign for public office, or a partisan ballot initiative that is closely identified with a Candidate.

**Campus Resources** means any College-owned or College-controlled assets, equipment and materials, including College funds, offices, conference rooms and other spaces and facilities, copiers, computers and other electronic equipment, computer networks, websites, radio stations, social media accounts, e-mail accounts, listservs and mailing lists, telephones, voicemail and mail systems, and letterhead, stationery, and other supplies.

**Candidates** mean individuals who have formally announced themselves as campaigning for an elective public office, whether at the federal, state or local level.

### **II. Political Activity Guidelines**

#### **Permitted Activities**

1. As a general matter, teaching, advocating or supporting (or opposing) particular policies or proposed legislation do not constitute Political Activities under federal law except in narrow circumstances in which a policy or proposed law is so closely intertwined with a Candidate or slate of Candidates that support or advocacy for those policies or legislation could reasonably be interpreted as favoring or opposing those Candidates.

There is no restriction on the discussion and teaching of political issues or Candidates. Any academic endeavors regarding political issues are encouraged.

2. Individuals may engage in campaign-related activity if it is outside paid work hours and is not on behalf of the College.
3. Public statements by College employees are permitted where the individual clearly indicates that their comments do not reflect the views of the College. As a reminder, in their individual capacities, faculty members who wish to engage in political campaigns as part of their individual Political Activities should refer to "Political Activities of Faculty Members" in the Faculty Handbook.
4. The use of Campus Resources by students and established student groups is permitted, provided the guidelines outlined in Section IV are followed.
5. Debates and candidate appearances may be sponsored by faculty, based on guidelines, below.
6. Non-partisan activity to promote voting, especially student voting, is permissible, including:
  - Creating and conducting voting information programming
  - Participating in non-partisan voter registration efforts/get-out-the vote activities
  - Providing clear information on state voter registration and voting requirements, as well as voting deadlines and voting by mail options
  - Providing students with transportation to polling locations and other resources to assist with the process of voting
  - Re-arranging the academic calendar to permit the campus community to participate in the election process, if the rearrangement is non-partisan.

**Prohibited Activities:**

1. Colby faculty and staff may not engage in Political Activities in their capacities as College employees. This includes using the name, seals or insignia of the College or identifying yourself by your College title or position. Such activity can be construed as an endorsement or involvement by the College in Political Activities. By separating individual Political Activity from your work in the Colby community (such as through the use of personal e-mail and social media accounts for Political Activity), the risk is reduced that your individual Political Activities will be incorrectly attributed to Colby. If you are in a setting where there is a reasonable question about whether your views might be attributable to the College, you should note that your views do not represent those of the College.
2. Notwithstanding the previous paragraph, there are certain members of the College whose affiliation is so intertwined with the College itself, such as the president or members of senior staff, that engaging in Political Activities could well be viewed as expressing the view of the College.
3. Likewise, while it is important to be engaged in local, state, national and global issues, as a matter of IRS regulation, community members (except students and recognized student groups per Section IV) may not use Campus Resources to engage

in Political Activities. Even minimal use of Campus Resources by faculty and staff of campus e-mail, Colby social media accounts, institutional message boards or forums, building hyperlinks into Colby-affiliated websites, or providing mailing lists, use of office space, phones, or photocopying in connection with Political Activities is prohibited under IRS guidelines.

4. While faculty can engage in lobbying efforts in connection with legislative issues, advocacy should be non-partisan and not designed to influence the election of any Candidate, party, or group. As a result, faculty members agree to:
  - a. Abstain from using Campus Resources for specific ballot initiatives.
  - b. Ensure that advocacy work they carry out is done outside of their duties as faculty members.
5. In its commitment to full participation in important global, national, and local issues of our time, the College understands that a Colby employee's work may at times involve doing research on a political campaign. When this situation arises, the individual should consult with the Provost and Dean of Faculty solely to ensure that the work doesn't jeopardize the College's non-profit status.
6. Under federal law, political contributions may only be made in a member's individual capacity and not on behalf of the College. Therefore, money, goods, and services derived from the College cannot be used to support any Candidate or issue campaign. Furthermore, as a general rule, the College is prohibited from receiving or giving gifts to any public official. Any College employee seeking to give a gift on behalf of the College to a Candidate, party, or action committee, must receive approval. The Office of General Counsel is able to provide advice and guidance regarding such approvals.
7. Unauthorized use of personnel or other Campus Resources, specifically student data or research, in support of or opposing an issue or Candidate campaign is prohibited.
8. One practice that has drawn recent attention is displays by faculty and staff members of materials supporting a Candidate (campaign buttons, Candidate posters and t-shirts, and other forms of partisan identification visuals) in one's office/home office background (if used to engage with others via Zoom, etc.). This is not permissible.

### **III. Guidelines for Candidate Appearances and Debates Sponsored by Faculty or Staff**

1. Under federal law, appearances of Candidates on campus must be of a primarily educational or informational nature. Candidates may also appear in a non-candidate capacity if they do not refer to the election and the presentation is non-partisan. Rallies, campaign fund-raising and other events which seek to support or oppose a Candidate or a cause are not permitted on campus.
2. All Candidates must be extended equal opportunities on an equal basis to appear on campus. Separate debate guidelines are addressed below. At any appearance and in communications describing the appearance, a clear statement, such as the one below or a similar statement, should be made that the College does not support or oppose the Candidates.

*“This is an educational, non-partisan event. The appearance of individuals at this event who are candidates for political office does not constitute an endorsement by Colby. The views expressed here are the views of the speaker(s) and not of Colby.”*

3. For any debate, all Candidates for an office or party nomination must be invited to participate, although they may be subject to consistent, nonpartisan, reasonable and objective thresholds for participation in such debates.
4. In maintaining the non-partisan nature of organization-sponsored events, employees should avoid wearing political t-shirts, buttons, hats, etc. at College-sponsored events.

#### **IV. Exceptions for Students; Student Organizations**

Students and recognized student organizations and clubs are not subject to the same restrictions on Political Activities. Thus, students and student organizations can legally use College Resources for partisan political purposes, as long as they pay the usual and normal charges and expenses, and obtain any typically-required approvals for such use. As with all student organizations seeking recognition, the Student Government Association may establish non-partisan policies and guidelines about whether to recognize a student organization which seeks to engage in Political Activity and how such a recognized organization must operate, including use of College Resources.

Students and student organizations must follow the policies of the Office of Campus Events regarding the use of campus spaces. Students and student organizations must include the following disclaimer whenever hosting or sponsoring an event which could be considered partisan:

*“This is a [student club-sponsored][student-sponsored] event. The use of Colby College facilities or resources for this event does not constitute support by the College in favor of or in opposition to any candidate. The views expressed here are the views of the speaker and not of Colby.”*

Students and student organizations may use campus communications technology and media, including email and campus platforms such as “Colby Now”, for event communications and advertisements provided they include the same disclaimer.

#### **Questions?**

Because of the complexity in determining when an activity becomes a restricted Political Activity, please contact the Office of General Counsel, (207) 859-4609 or [legal@colby.edu](mailto:legal@colby.edu) if you have questions. If we receive multiple questions about the same topic, we will work on the production of an FAQ to address those questions.

In addition, the American Council on Education has prepared the following guidance on examples of permissible and prohibited activities, student voting, and college political campaign-related activities:

- <https://www.acenet.edu/Documents/Political-campaign-activities-issue-brief.pdf>