

Lobbying Guidelines for Tulane University Faculty and Staff

Tulane University, as a tax-exempt organization, is permitted to engage in a limited amount of federal lobbying, provided it does not constitute a substantial part of the university's activities. The Internal Revenue Code requires that the University file annual reports documenting the types of lobbying activities in which it engaged and the expenses incurred in those lobbying activities. Depending on the amount of lobbying done by key university officials, the University may also be required to file quarterly reports under the Lobbying Disclosure Act. In order to comply with these regulations, Tulane University faculty and staff are not permitted to engage in lobbying activities on behalf of the University without the approval in advance by the University (See attached Lobbying Clearance Policy). If approved, lobbying activities must be documented and related expenses must be reported to the Office of Government and Community Relations. The use of federal funds to lobby any federal official in Congress or the Executive branch in support of awarding or extending a federal contract, grant, loan or cooperative agreement is strictly prohibited. Universities are explicitly prohibited from supporting or opposing political candidates in elections.

What is Lobbying?

Direct lobbying refers to attempts to influence a legislative body through communication with a member or employee of a legislative body, or with a government official who participates in formulating legislation. *Grass roots lobbying* refers to attempts to influence legislation by attempting to affect the opinion of the public with respect to the legislation and encouraging the audience to take action with respect to the legislation. In either case, the communications must refer to and reflect a view on the legislation. Under the Lobbying Disclosure Act, a Lobbying Contact is defined as an oral, written, or electronic communication to a covered official from the legislative or executive branch regarding the formulation, modification, or adoption of federal legislation or a federal rule, Executive Order, policy, or position of the U.S. Government, or the administration or execution of a federal program or policy.

Examples of lobbying activities include the following:

- A faculty or staff member contacts a member of Congress urging him or her to vote against an amendment that will be offered during debate on a bill. This constitutes lobbying because it states a view about specific legislation.
- A faculty member visits a member of Congress and requests on behalf of the University that he or she support legislation proposed by a professional society.
- A University Institute or Center distributes a notice via email and/or social media describing proposed or pending legislation that would ban smoking in public places and requests that they contact their legislators to urge them to support the bill. This constitutes grass roots lobbying because it includes a call to action regarding specific legislation.

Examples of allowable activities include the following:

- Non-partisan legislative or policy analysis, studies, or research made available and distributed to the general public, governmental bodies, officials and employees that does not advocate for the adoption or rejection of legislation. For example, a faculty member might conduct a research project on the

effects of pesticide use, which results in a publication presenting the advantages and disadvantages of pesticides, concluding that the dangers or costs outweigh the benefits and recommending that legislation be adopted to regulate the use of pesticides. This would not constitute lobbying because it presents both sides of the issue, is disseminated to the public, and does not include a call to action related to specific legislation.

- An executive or legislative branch official requests that you provide him or her with written information or testimony about your area of expertise.

Use of Federal Funds for Lobbying

Federally-funded lobbying, both Direct and Indirect, as described above, is prohibited by law. However, grantees using federal funds can engage in a range of other activities including highlighting and translating public health evidence, collecting and analyzing data, publishing and disseminating research results, implementing prevention strategies, conducting community outreach services, fostering coalition building and consensus on public health initiatives, providing leadership and training, and fostering safe and healthful environments. Examples of allowable activities for federal grant or contract recipients include:

- Conducting educational campaigns explaining both advantages and disadvantages of certain public policies, or that show the effectiveness or ineffectiveness of certain measures, as long as such communications are widely disseminated, balanced, and do not include a direct call to action with respect to specific legislation.
- Responding to formal written requests from public officials for technical assistance concerning evidence of program or policy effectiveness.
- Broadly disseminating balanced, objective evidence on opinions and alternatives for legislative or executive actions that would achieve policy outcomes, provided there is no call to action.
- Developing information to inform the public on potential policy solutions and their impacts, provided they are balanced, objective, and designed to allow individuals and the public to form independent conclusions.

Professional and Personal Society Lobbying

Nothing in these regulations shall prevent faculty or staff from expressing personal views on personal time and with personal resources. Personal and professional society contacts by University employees with elected officials or governmental agencies must be done in the name of the individual or the professional society. The employee must make clear that the contact is not made on behalf of the University. University resources, such as letterhead, copiers, email, etc., may not be used for such communications. Faculty and staff are not permitted to receive reimbursement for expenses from university accounts for personal lobbying activities and related travel expenses.



Tulane University Lobbying Clearance Policy

All Tulane faculty and administrators must clear in advance all requests made of the President of the United States, his cabinet officers, members of the Senate or House of Representatives and their staffs, the Governor of the State of Louisiana, Louisiana state legislators, or local elected officials, and coordinate all activities regarding them through the Office of Government and Community Relations. This includes all invitations to campus, requests for appointments and lobbying contacts with legislative or senior executive branch officials regarding legislation, rules, or policies made on behalf of the university.

In the past, Delegation members have been contacted on behalf of Tulane without prior clearance, leading to confusion and embarrassment for the university. These officials receive a multitude of requests each day for government assistance from a diverse constituency. For Tulane's requests to be taken seriously, they must be appropriate, carefully coordinated with other university requests, focused on the university's highest priorities, and tracked to ensure compliance with federal lobbying regulations.

The university is required to report certain lobbying activities and expenditures under Internal Revenue Service regulations, and may be required to file quarterly reports on lobbying activity under the Lobbying Disclosure Act. Broadly defined, lobbying includes all contact with elected and other government officials (local, state, and federal) for the purpose of influencing legislation. A record of all contacts, issues discussed, and costs involved must be kept and reported on semi-annually by the university. The university representative conducting the approved lobbying activity(s) will be required to complete a "Lobbying Activity Report Form," available from the Office of Government Affairs. Failure to disclose such information could result in fines and/or the possible loss of Tulane's tax-exempt status.

The Office of Government and Community Relations consolidates into one unit all administrative elements dealing with the university's government-related activities. The office assists faculty and administrators by facilitating communication between Tulane and federal, state and local government officials. Its activities are critical to the continuing development of much needed resources and Tulane's ability to maintain a sound financial position.

In reviewing requests to contact elected officials, the Office of Government Affairs and Community Relations works directly with the Senior Vice Presidents for the Health Sciences and Academic Affairs, the President's Council on Research Advancement, or the President, as appropriate. The President's Council on Research Advancement, which includes senior administrative staff representing academic, non-academic, medical, and non-medical components of the university, also meets to prioritize, coordinate and develop strategies for effectively implementing Tulane's government affairs activities at the federal, state and local levels.

Tulane's clearance policy does not apply to dealings with elected officials on personal matters that do not in any way involve activities related to an individual's employment at Tulane. In these cases, Tulane stationery should not be used, and it should be made clear that the individual or group is not representing the university.