



NORTHWESTERN
UNIVERSITY

Responsible University Official:
Special Assistant to the President for
Government Relations
Responsible Office: Government Relations
Origination Date: January 19, 2010

LOBBYING AND COMMUNICATIONS BY FACULTY AND STAFF WITH FEDERAL, STATE, AND LOCAL GOVERNMENT OFFICIALS

Policy Statement

Faculty and staff must consult with Office of Government Relations prior to initiating contact with Federal, State or Local elected officials and must report and account for legislative and/or lobbying activities.

Reason for Policy/Purpose

A. Reasons for this Policy

Government Policies have a profound impact on Northwestern University. The U.S. government, for example, is the largest single source of sponsored research at Northwestern University, and federal and state student financial aid are significant sources of funding for many of our students. As a tax-exempt charitable organization, educational institution, employer, and provider of research, medical, and other services, Northwestern is governed by a multitude of government rules and regulations and, therefore, employs government-relations personnel to help the University's officers formulate and communicate policy positions to elected and appointed officials at all levels of government. In addition, the University has retained external lobbyists to help protect the University's diverse interests at the federal, state, and local levels. Our lobbyists, whether employed or retained, must register (e.g., with the federal government, the State of Illinois, Cook County, the City of Chicago) and are required to report lobbying contacts, as well as lobbying expenses.

As an Internal Revenue Code Section 501(c)(3) organization, Northwestern University is limited in the amount of lobbying activities it may conduct. Federal tax law states that "no substantial part" of a not-for-profits' activities may be devoted to lobbying. However, not-for-profits with very large budgets may lawfully expend a million dollars per year under the federal tax law's so-called "expenditure" test. ***This limitation, which applies to lobbying at all levels of government, combined with Northwestern's legal obligation to report all lobbying contacts and expenses, requires that the University carefully monitor lobbying activities of staff and faculty so as to report accurately and not exceed the statutory limits.***

B. This policy has the following purposes

- To facilitate and coordinate communications between Northwestern University and government officials and agencies.
- To ensure compliance with all relevant laws and regulations, including lobbying disclosure rules, tax and other laws governing nonprofit organizations, and laws regarding gifts to public officials.
- To guide faculty and staff on interactions with government officials and agencies (e.g., inviting government officials to speak on campus, writing letters or petitions, responding to officials’ requests, providing expert testimony to governmental entities, attending meetings with government officials as a member of an organization or professional society, or engaging in grass-roots lobbying activities with membership organizations).
- To help faculty and staff who have contacts with government officials to differentiate between stating personal or professional views and communicating official University positions to government officials and agencies.
- To inform faculty and staff as to how they might request the assistance of Northwestern’s Office of Government Relations with government policies impacting University operations, thus helping the University formulate its positions on governmental policies.

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Who Approved This Policy

President
Vice President of General Counsel
Special Assistant to the President for Government Relations

Who Needs to Know This Policy

All University faculty and staff who plan to interact with government officials and/or agencies and all University faculty and staff who oversee University payments for those interactions.

Website Address for this Policy

<http://policies.northwestern.edu/docs/lobbying-communication-020912.pdf>

Contacts

- Special Assistant to the President for Government Relations (847-491-8396; b-layton@northwestern.edu):
 - (1) Must vet all contacts with government officials and advise on reporting lobbying activities and expenses.
 - (2) Will assist in bringing attention to new issues or to raise the administration's awareness of current or pending government policies affecting University operations.
 - (3) Will approve/decline, in advance, any presentation of gifts to government officials.
- Vice President & General Counsel (847-491-0608; phil.harris@northwestern.edu)
 - (1) Will answer/clarify policy questions, on the University's tax exemption, political speech and political activity, and gifts to government officials.
 - (2) Will approve/decline, in advance, any presentation of gifts to government officials.
- Office of Sponsored Research (312-503-1780; Lynda.Wolter@northwestern.edu):

Will answer/clarify questions related to contractual requirements of government grant contracts.
- Coordinator, Office of Government Relations (847-491-7490; gov@northwestern.edu):

Will answer/clarify questions about completing and submitting the Contact and Expense Reporting Form (Parts I and II).

Definitions

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| Lobbying: | Any oral, written, or electronic communication on behalf of Northwestern University to any government official (legislator, legislative staff member, or executive branch employee) regarding the formulation, modification, or adoption of legislation. |
| Reportable Lobbying Expenses: | Include not only the salary, wages, fees, and benefits paid to the person while performing lobbying on behalf of the University, but also the cost of preparation, planning activities, research, and other background work that is intended, at the time of its preparation, for use in lobbying. |

Policy/Procedures

University Positions on Government Policies

At Northwestern University, government relations is a function of the Office of the President. Only the President and his duly designated representatives (e.g., senior staff, employed or retained lobbyists, etc.) may speak for the University to government officials. The University's government-relations agenda is determined by the President in consultation with the Board of Trustees, Deans, Officers, and the President's Staff of the University. At any given time, the University's government-relations agenda consists of those issues it reports in government filings and current communications with government entities on the part of the President or Office of Government Relations. Please contact the Special Assistant to the President for Government Relations in order to bring attention to new issues or to raise the administration's awareness of current or pending government policies affecting operations of the University.

Communications with Government Officials

As a rule, faculty and staff must notify the Office of Government Relations before contacting or responding to government officials. Although many of these communications may not constitute lobbying, they should be vetted with the Office of Government Relations to determine if reporting is required. Examples of such communications follow:

- **Inviting Government Officials to Campus or to University Events:** Faculty and staff may not invite government officials to speak at or attend University events without first consulting the Special Assistant to the President for Government Relations. Because of the importance of government decisions to the University and the need to prioritize University requests and account for all government contacts, it is essential that the Office of Government Relations be aware of potential invitations, if only to prevent multiple

invitations to the same official. Office of Government Relations staff can assist in official invitations to government officials by providing proper format, etc.

- **Lobbying by Membership Organizations:** The (federal) Lobbying Disclosure Act requires that universities report a portion of all membership dues paid to organizations registered as lobbying entities (e.g., the Association of American Universities) in the proportion of the organization's lobbying expenses to total expenses. Faculty and staff must report to the Office of Government Relations any payments (to coalitions, organizations, etc.) in excess of \$5,000 paid by University funds.
- **Advocacy or Lobbying Days:** Many professional associations or learned societies sponsor conferences or meetings in Washington or Springfield that may feature meetings or visits with legislators or other government officials. Faculty or staff planning to attend such meetings should consult with the Office of Government Relations staff to determine if attendance would constitute lobbying. Lobbying consistent with official University positions should be reported, including expenses paid by Northwestern. Any personal or professional opinions must be conveyed as such and not as representing the positions of Northwestern University.
- **Petitions and Letter-Writing Campaigns:** Grass-roots strategies are generally ineffective for large organizations like research universities; moreover, the University's tax exemption imposes strict limits on grass-roots lobbying. The University discourages joining petitions or letter-writing campaigns unless they are conducted by organizations of which Northwestern is already a member or concern an issue on which Northwestern has taken a leadership role. Only the President or his designee may sign on behalf of Northwestern University.
- **Expert Testimony:** Northwestern University encourages its faculty and staff to participate in government and the legislative process. The Office of Government Relations can assist faculty and staff wishing to serve on government advisory panels or to offer legislative testimony. Such advice or testimony, however, should be reviewed to determine whether it constitutes lobbying (and, therefore, requires reporting by the University). Personal or professional views should carry a disclaimer that such views do not represent the position of Northwestern University.
- **Contacts with Executive Officials or Administrative Agencies:** Contacts with members of the executive branch, including administrative agencies, regarding government regulations, policy positions, or executive orders, must be reported in advance of such contacts to the Office of Government Relations. As noted below, contacts by faculty or staff members regarding the execution or administration of grants or contracts are excluded from this requirement.

Forms/Instructions

Faculty and staff should use the following forms when they expect to interact with government officials or agencies on behalf of University interests, or when using University funds to join or

pay dues in excess of \$5,000 to membership organizations, coalitions, or advocacy groups having contact with federal, state, or local governments.

FORM I-A, “Any Type of Contact(s) with Government Officials and/or Agencies,” should be used to report, in advance, all contacts covered by this policy, such as plans to invite government officials to speak on campus, plans to write to legislators, plans to respond to officials’ requests, plans to visit government officials, etc. For many users, if not most, Form I-A will be the only form required. Submit Form I-A to gov@northwestern.edu or, via facsimile, to 847-491-7942.

FORM I-B, “Expenses Related to Contact(s) with Government Officials/Agencies,” is for follow-up reporting of expenses when the Office of Government Relations determines that the interaction reported in Form I-A constitutes reportable lobbying expenses as outlined in this policy. Form I-B requires timely reporting to ensure that Northwestern University complies with applicable law. Submit Form I-B – attached to the completed Form I-A that was submitted prior to the contact – to gov@northwestern.edu (or, via facsimile, to 847-491-7942) no later than 10 days after the end of the reporting quarter in which the contact was made: by April 10 (for quarter 1/1 thru 3/31); by October 10 (for quarter 7/1 thru 9/30); by July 10 (for quarter 4/1 thru 6/30); or by January 10 (for quarter 10/1 thru 12/31).

FORM II, “Membership Dues Paid with University Funds,” should be used by all faculty and staff to report membership dues or other fees exceeding \$5,000 that were paid, with University funds, to organizations interacting with government officials or agencies. The Office of Government Relations will determine whether the reported organization dues or fees constitute a reportable lobbying expense on the part of Northwestern University.

Questions about the policy or about completing these forms should be directed to the Special Assistant to the President for Government Relations (gov@northwestern.edu or 847-491-7490).

Appendices

[Appendix A – Government Contact and Expense Reporting Forms](#)

Form I-A: Any Type of Contact(s) With Government Officials and/or Agencies

Form I-B: Expenses Related To Contact(S) With Government Officials/Agencies

Form II: Membership Dues Paid With University Funds

Related Information

- **Personal Communications:** Nothing in this policy is intended to limit the constitutionally-protected rights of citizens to petition or contact their elected representatives on behalf of their personal beliefs or needs. Faculty and staff have no obligation to report personal contacts with government officials outside the workplace so long as no University resources (e.g., Northwestern University facilities, including computers, letterhead, e-mail addresses, etc.) are used in the communication.
- **Contractual Communications:** Faculty or staff need not report communications with government entities required in the execution or administration of grants or contracts (for

example, communication between research investigators and government program managers). Such communications are governed by the terms of the contracts. It is important to note, however, that most government grant contracts forbid the use of government funds for lobbying or political activity. Contact the Office of Government Relations or Office of Sponsored Research for clarification.

- **Political Speech and Political Activity:** The law treats political activity separately from lobbying activity. For example, whereas the Internal Revenue Code imposes monetary limits on lobbying activity for 501(c)(3) organizations, it imposes on such organizations a strict prohibition of political activity, i.e., participating or intervening in any political campaign on behalf of (or in opposition to) any candidate for public office. Recognizing the rights of *individuals* within the University community to engage in the political process, the Office of General Counsel has formulated a separate policy governing the use of University facilities for political activities. See <http://policies.northwestern.edu/docs/use-of-university-facilities-for-political-activities-final-012717.pdf> or contact the Office of General Counsel for more details.
- **Gifts to Government Officials:** Each level of government imposes rules regarding gifts to government officials. The rules vary from jurisdiction to jurisdiction and often vary between branches of government (legislative vs. executive) within the same jurisdiction. The rules vary from outright bans of gifts to imposing limits on the value of gifts, and the rules also tend to change frequently. Consequently, faculty and staff may not offer any gift to a government official without prior clearance from the Office of Government Relations or Office of General Counsel.

History/Revision Dates

Origination Date: January 19, 2010

Last Amended Date: March 6, 2017

Next Review Date: