



THE UNIVERSITY  
*of* NORTH CAROLINA  
at CHAPEL HILL

# Political & Legislative Activities



## Overview

The University of North Carolina at Chapel Hill is a constituent institution within the State of North Carolina's public university system as well as a federal 501(c)(3) non-profit. As such, the political and legislative activities of employees are governed by multiple regulations including:

- the *Internal Revenue Code (IRC)*
- the *Lobbying Disclosure Act of 1995 (LDA)*, as amended by the *Honest Leadership and Open Government Act of 2007*,
- Article 5 of Chapter 126 of the North Carolina General Statutes, and
- the *UNC Policy Manual*.

The *UNC Policy Manual's Regulations on Planning, Establishing, and Reviewing Centers and Institutes* in the University of North Carolina require the University to ensure that the director and professional staff of each center or institute within the UNC system receives comprehensive annual training concerning *IRC* restrictions on political and legislative activities by section 501(c)(3) organizations covered by the *LDA*.



# Overview

The purpose of this training module is to:

- **To promote a clearer understanding of permitted and prohibited political and legislative activities for directors and professional staff of Carolina centers and institutes, and**
- **To familiarize employees with policies and resources for assistance when they have questions regarding permissible political activities.**



# Political Activities

## Political Activities

The *IRC* considers political and legislative activities as two separate matters and has different regulations and consequences for violations for both types of activities. The *UNC Policy Manual's* Section 300.1.5, "*Political Activities of Employees*," provides guidance on permissible activities, prohibited activities, senior officers, and violations for employees who are Exempt from the State Human Resources Act (EHRA non-faculty and faculty employees).

Article 5 of Chapter 126 of the North Carolina General Statutes provides guidelines, including criminal penalties, for employee who are Subject to the State Human Resources Act (SHRA employees).

We begin with a discussion of political activities under the *UNC Policy Manual's* Section 300.1.5.



## Political Activities

The *UNC Policy Manual* Section 300.5.1 states that

**“University employees retain the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America. Employees are encouraged to exercise fully and freely their right to participate or refrain from participating in political processes without fear of penalty or reprisal, consistent with the University’s commitment to encouraging the full freedom, within the law, of inquiry, discourse, teaching, research, service, and publication. Certain types of activities by University employees related to political processes, however, may be incompatible with the general responsibilities of employment or with the particular responsibilities of University employment.”**

**This policy provides guidance with regard to permissible and prohibited activities, as outlined in the following slides.**



## Political Activities

***Permissible Activities.*** An employee may engage in political activity to the extent not expressly prohibited by law or applicable policy. Permissible activities include, but are not limited to:

- Registering, voting, and otherwise participating in elections;
- Becoming a candidate for and holding public office in accordance with University policy;
- Expressing opinions privately and publicly on political subjects;
- Participating in political organizations;
- Participating in political campaigns;
- Engaging in political management; and
- Soliciting, accepting, receiving, and making financial contributions for political purposes to political parties, partisan political groups, and campaign committees of candidates for public office.



# Political Activities

## Permissible Activities

- **Nothing in this policy prohibits, or otherwise limits, teaching, inquiry, classroom discussion or discourse concerning political issues, including campaigns, candidates, political groups or issues in campaigns for public office, that are within the subject matter of any academic program, course, curriculum, or study.**
- **An employee may participate fully in public affairs in a manner that does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the University constituent institution or unit in which he or she is employed.**
- **The political opinions assumed by employees are personal ones, and employees must ensure that they do not imply that such opinions are endorsed by the University.**





## Political Activities

***Prohibited Activities.*** An Employee may not:

- **Participate in political activity while on duty [or representing the university in an official capacity];**
- **Use the authority of his or her position, University funds, services, supplies, equipment, information technology resources, vehicles, or other University property, to endorse, campaign for, secure support for, or oppose any candidate, political party, partisan political group, referendum, or issue in an election, or affect the results thereof; or**
- **Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, including with respect to any condition or incident of employment over which the employee has authority, control, or influence, for purposes of inducing support of, or opposition to, any candidate for public office, political party, or partisan political group.**



## Political Activities

**Senior Officers.** The University will supply to any candidate for public office information of a substantive nature, whether it is information on agriculture, economics, education or any other topic. It is important that all candidates know they can receive factual information from the University, but it should be made clear that the administration of the University will not be identified with any candidate or any party.

**Accordingly, in addition to the previously stated restrictions, a senior officer may not:**

- **Solicit, accept, or receive financial contributions from other persons or organizations on behalf of any candidate for partisan political office or the campaign committee of any candidate for partisan political office; or**
- **Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material.**



## Political Activities: SHRA Employees

SHRA Employees are subject to Article 5 of Chapter 126 of the North Carolina General Statutes. This law carries criminal penalties for certain political activities.

- **An SHRA employee taking an active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he receives compensation from the State or Otherwise use the authority of his/her position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof, may be subject to a Class 1 misdemeanor.**
- **A supervisor's willful interference with the political activities of the employees that person supervises is subject to a Class 1 misdemeanor.**
- **Coercing a State employee to support a political candidate or encouraging a State employee to change political parties is subject to a Class 2 misdemeanor.**



## Political Activities

**Violation of these prohibitions shall be cause for appropriate disciplinary action, including discharge from employment. For SHRA employees, there may be criminal penalties.**

**For more information about permitted and prohibited political activities, please contact the director or appointing officer (the person to whom the director reports) of your center or institute.**



# Legislative Activities

## Legislative Activities

The University's legislative activities, lobbying, are governed by overlapping regulations of the *Internal Revenue Code (IRC)*; the *Lobbying Disclosure Act of 1995*, as amended by the Honest Leadership and Open Government Act of 2007; Article 5 of Chapter 126 of the North Carolina General Statutes; and the *UNC Policy Manual*. The *IRC* defines lobbying as attempts to influence legislation.

### The *Internal Revenue Code*

- In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as *lobbying*). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.
- *Legislation* includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.



## Legislative Activities

The *IRC* also states,

- An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.
- Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.



## Legislative Activities

The *Lobbying Disclosure Act of 1995 (LDA)*, as amended by the Honest Leadership and Open Government Act of 2007 and the *UNC Policy Manual Section 300.1.7* provide further guidance.

The *LDA* requires individuals to report federal lobbying activities on a quarterly basis. Consistent with this act, the *UNC Policy Manual Section 300.1.7* sets the following reporting procedures and limitations for University employees:

- Prior approval from the Chancellor or his/her designated Federal Relations Officer is required before any campus employee may initiate contact with covered federal government officials on behalf of the University (*this includes letters on official letterhead or any other form of communication that may give the impression that the communication is on behalf of the university*).





## Legislative Activities

Additionally, the *UNC Policy Manual Section 300.1.7* provides the following direction:

- **Employees who engage in approved lobbying activities should contact the Office of Federal Affairs before engaging in those activities and shall report issues lobbied upon, officials contacted, time spent, and an estimate of expenses on a quarterly basis to the campus Federal Relations Officer, currently the Director of Federal Affairs.**
- **No University of North Carolina employee, administrator, faculty member, or other individual retained to provide outside assistance shall engage in activities that require registration with the United States House of Representatives or Senate under the *Lobbying Disclosure Act of 1995* without prior review and approval by the respective Chancellor and the President.**



## Reminders

**Centers and Institutes play an integral role in advancing the University's teaching, research, and public service mission. We value the contributions of all of our employees. We encourage appropriate and active engagement in public policy – through the proper procedures. If you have any questions or need guidance – you should contact the director or appointing officer (the person to whom the director reports) of your center or institute.**

**These guidelines are not intended to restrict your free expression nor your participation in political and legislative activities, when you are speaking or acting on your own behalf. They are intended to provide a clearer understanding of the types of activities in which you can or cannot engage, as a representative of the centers and institutes at The University of North Carolina at Chapel Hill.**



## Resources

Similarly, you are not expected to understand all of the intricacies of the policies governing political and legislative activities for University employees. We encourage you to contact the director or appointing officer (the person to whom the director reports) of your center or institute if you need guidance on specific issues.

### Other Resources:

- UNC Policy Manual: [Political Activities of Employees, Regulation on Contacts with Covered Federal Government Officials](#)
- Internal Revenue Service: [Political and Lobbying Activities, The Restriction of Political Campaign Intervention by Section 501\(c\)\(3\) Tax-Exempt Organizations, Lobbying, Election Year Activities and the Prohibition on Political Campaign Intervention for Section 501\(c\)\(3\) Organizations](#)
- US House of Representatives Office of the Clerk: [Lobbying Disclosure Act Guidance](#)
- UNC Chapel Hill Office of Federal Affairs: [Federal Lobbying Disclosure Requirements](#)

