

American University encourages and supports the free exchange of ideas and political viewpoints. The university recognizes a student's right to participate in the political process, and a student is free to do so provided that he/she acts in an individual capacity and not as a representative of American University.

The university is a non-profit, private institution of higher education whose activities are regulated by Section 501 (c)(3) of the Internal Revenue Code and by the Federal Election Campaign Act. These federal regulations sharply limit political activities by the university. Violations may endanger the university's tax-exempt status. The university takes seriously its responsibility to follow these regulations. Any violation by a student or a student organization can subject the student(s) and the student organization to discipline under the Student Conduct Code.

These frequently asked questions will help you understand how federal regulations affect your recognized student organization.

Q: In what ways can our recognized student organization use university facilities and resources for political activities?

A: A recognized student organization may reserve university facilities to conduct organizational meetings.

A recognized student organization **may not**:

- a) use university facilities to raise funds to benefit a political party, campaign, or candidate through admissions, fees, contributions, donations, or sale of materials or services;
- b) use university facilities for planning or participating in the operational process of a political campaign;
- c) use organization or university funds to purchase promotional material, pay for campaign ads or contribute in any way to a political campaign;
- d) use organization or university funds to pay honoraria or cover transportation, audio/visual services, accommodation or meal expenses for candidates for public office; or
- e) use university resources, including but not limited to, mail distribution services, the university seal or other identifying marks, stationery and letterhead, or facsimile and duplicating machines, for political campaigns or solicitation of endorsement of candidates for public office.

Q: How can our recognized student organization bring in a candidate for public office to speak?

A: If a recognized student organization wishes to invite a candidate to address students, faculty, the academic community, and the general public, it must secure approval from the director of Student Activities. Political activities on campus must be conducted in a neutral and nonpartisan manner, and in furtherance of the university's legitimate, exempt function, which is education. The university's approval will be granted, provided that the recognized student organization:

- a) makes reasonable efforts to ensure that the speaker's appearance is an educational or informational talk to the university community (i.e., speech or lecture on topics of general interest, question and answer sessions) and is not conducted as a campaign rally or event;
- b) makes sure that the speaker's appearance is as a current officeholder or lecturer and not as a candidate;
- c) makes sure that there is no reference to the candidate's campaign or the support or defeat of any clearly identified candidate(s);
- d) does not favor any one candidate or party over any other in allowing such appearances; and
- e) does not solicit donations before, during, or after the event.

POLITICAL ACTIVITIES FAQs CONTINUED

Q: Can our recognized student organization campaign on behalf of a specific candidate?

A: University facilities and services may not be used to promote, help finance, or support any individual, group, or organization campaigning for elected office. Candidate campaigning (solicitation), including transmission of campaign materials over the Internet and leaflet distribution, is prohibited by law.

If university students wish to volunteer and campaign for candidates, they must do so as individuals and not on behalf of the university or as part of a recognized student organization.

Q: Can our recognized student organization attend rallies?

A: The university and any recognized student organization, supported in part or whole by university funds, are prohibited from attending rallies. However, university students may attend rallies as individuals not sponsored by the university or a recognized student organization. Individuals or student groups should clearly indicate, by words and actions, that they are attending as individuals and not on behalf of the university or an affiliated organization.

Q: Can our recognized student organization endorse a candidate or lobby on a particular issue?

A: Under IRS Section 501(c)(3), the university must not engage in prohibited political campaigning or lobbying activity. This prevents a recognized student organization from endorsing a candidate or lobbying officials on specific legislation.

Q: If a recognized student group can't endorse a candidate, then is it acceptable for a student organization to be recognized as supporting a specific candidate?

A: The IRS provides only limited guidance in this area, so the university must make judgments on a case by case basis. In the case of recognized student organizations like Generation Dean or Students for Wesley Clark, the university must avoid the appearance of institutional endorsement or involvement. These types of student organizations can be recognized by Student Activities if (1) they use a disclaimer indicating that their opinions and views are not those of American University; and (2) they do not use university funds. Overall, these student organizations' actions cannot be undertaken or appear to be undertaken by the university or by a group whose actions are attributable to the university.

Q: Can our recognized student organization use student fee funds for political activities?

A: The Federal Election Campaign Act and Internal Revenue Code prohibit a recognized student organization from using its funds for political activities.

Q: How can you tell if a student's political activities are associated with a recognized student organization or a group of individuals?

A: Political activity is considered associated with a recognized student organization if the organization either sponsors the activity or uses its funding and resources to pay for or support activity expenses. If this is the case, then the recognized student organization is prohibited by federal law from participating.

Q: What if our recognized student organization is unsure about an event?

A: If you have questions, please feel contact Student Activities at x3390, activities@american.edu or stop by the Office at 274 Mary Graydon Center to speak to a Student Activities advisor.

**For more resources visit our website at
<http://www.american.edu/ocl/activities/>**