

WABASH COLLEGE

Policy Regarding Political Intervention Activities

Wabash College (the “College”) encourages and promotes the free exchange and expression of ideas, including political views. Wabash also encourages its community members to engage in activities related to the larger community, including political activities. However, at the same time, the College must be mindful of and protect its status as a public charity described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The Code absolutely prohibits the College and all other 501(c)(3) organizations from directly or indirectly participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office or allowing its resources to be used in any way that would appear to support a political candidate. Please read this policy carefully because it may apply in ways you do not anticipate: for example, staff and students may not use College resources such as its email system for advocacy on behalf of a candidate. The political campaign intervention prohibition applies to all elections for public office—at the federal, state, and local level. Violations of this prohibition may result in revocation of the College’s tax-exempt status and/or the imposition of certain taxes on the College, as well as other risks. The purpose of this policy is to assist the College in the preservation of its tax-exempt status under Code section 501(c)(3) by educating about both acceptable and prohibited political activities.

1. Pursuant to Code section 501(c)(3), the College may not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

Therefore, the College is prohibited from engaging in the following activities:

- Donating directly to a political campaign, political party, or to a political action committee (“PAC”);
- Taking sides in a political contest;
- Endorsing candidates for public office (or hosting events that favor or oppose any candidate for public office);
- Issuing public statements by or on behalf of the College in favor of or in opposition to any candidate for public office; and
- Expending funds or providing College resources (e.g., College phone or email system, photocopying, mailing lists, etc.) to produce materials or communications in print or electronic format that favor or oppose candidates for public office.

2. College faculty and staff may engage in political activities in a personal capacity, subject to certain restrictions.

Faculty, staff, trustees, and others affiliated with the College may exercise their individual right to support any political candidate. As such, the ban on political campaign activity does not restrict leaders of the College from expressing their views on political matters if they clarify that they are speaking for themselves as individuals. Nor are leaders prohibited from speaking about important issues of public policy. To distinguish individual political intervention activities from activities that may be attributed to the College, faculty, staff, trustees, and others affiliated with the College must comply with the following provisions in addition to the other provisions in this policy:

- Make it clear that their individual actions are not made on behalf of the College;
- Any mention of or reference to the College is made for identification purposes only and not as an endorsement by the College; and
- Where an individual's activity appears in print either electronically or hard copy — such as a written endorsement of a candidate for public office — the written communication must include a disclaimer stating that the communication is made solely by the individual and that it is not made by or on behalf of the College.

Moreover, faculty and staff may not conduct any political intervention activities:

- during scheduled work hours;
- with College resources (e.g., using the College's letterhead, email system, email addresses, social media accounts, or website, etc.); or
- in any official College publication or at any official College function.

Please keep in mind that it can be difficult to determine whether a College official is acting on his or her own behalf or on behalf of the institution. In this regard, in many situations, if not most, senior leadership and the College will be viewed as one and the same. Accordingly, extra caution is warranted when senior College leadership engages in personal political activities.

Any College employee who has a question about whether his or her individual political intervention activities may be attributed to the College should contact James Amidon, Chief of Staff and Director of Strategic Communications, for further clarification and direction.

3. Subject to the following, the College may invite or permit candidates to speak on campus:

- The College must provide an equal opportunity to participate to all qualified candidates seeking the same office.
 - The nature of events should be similar (e.g., one candidate should not be invited to a large banquet, and another to a small gathering of a few students).
- The College must not indicate any support for or opposition to any candidate. Introductions and event communications should clearly state that the College does not endorse or support the candidate. **CAUTION:** Exclusively positive or excessively supportive introductions can easily be misinterpreted as political campaign activity.

- Fundraising is not permitted at the event.
- Such candidate appearances should be in an academic context (e.g., class lectures, speeches, town hall question and answer sessions, or similar programs). Candidate appearances should not be treated as campaign rallies or events.

Candidates may also attend or speak at College events in a non-candidate capacity. In this regard, a political candidate may be a public figure who is invited to speak because of his or her achievements. Nonetheless, if the candidate is publicly recognized at the College event or is asked to speak:

- The College should ensure that the individual is selected to speak solely for reasons other than his or her candidacy, and that neither the candidate nor the College addresses his or her candidacy;
- No campaign activity should occur at the event; and
- The College should ensure that it maintains a non-partisan atmosphere at the event where the candidate is present.

To ensure that all requirements have been fulfilled, no individual or group may invite a candidate to campus without the College's prior approval. Please contact Mr. Amidon to initiate that process.

4. The College may conduct voter registration and get-out-the-vote drives.

- Voter registration drives and events should be conducted in a neutral, nonpartisan manner (they should not refer to any candidate or political party).
- The College may similarly conduct training programs or courses with the intent of increasing understanding of the electoral process or encouraging students to be involved in the process. Nonetheless, such training must be nonpartisan in nature (i.e., the selection of instructors and students, and the development of curriculum must be nonpartisan).

5. The College may take a position on public policy issues, including issues that divide candidates in an election for public office, as long as the message does not in any way indicate support or opposition to a candidate.

CAUTION: A message does not need to identify the candidate by name to be prohibited political campaign activity. A message that shows a picture of a candidate, refers to a candidate's political party affiliations, or contains other distinctive features of a candidate's platform or biography may be prohibited political campaign activity. A communication is particularly at risk of being considered political campaign intervention when the communication is made close to an election and/or when it makes reference to candidates or voting in an upcoming election.

Because of the fine line between public policy positions and political intervention activities, Mr. Amidon must review and approve in advance any official statements by the College on public policy issues.

6. The College may allow established student groups to use its facilities for partisan political purposes, subject to the following:

- Facilities should be offered and made available to established student groups equally;
- Any such groups should pay the standard fee applicable to student groups, if any, for use of College facilities;
- To avoid the appearance of College endorsement, College staff who participate in student political group activities should (a) make clear that they participate as individuals and not on behalf of the College; and (b) help educate the group regarding this policy;
- If student groups advocate publicly for a candidate or position, any such communications must clearly indicate that the group does not speak on behalf of the College; and
- If student-run newspapers or other publications publish editorials, any such editorials expressing the opinion of the editorial staff must include a statement indicating that the views are limited to those of the students and do not represent the opinion of the College. Such editorials may express the editors' views about candidates for public office if the publication's editorial policy is free from editorial control by college administrators and/or faculty advisors.
- No links to candidate websites shall be placed on any College website page (or on any student group page that is linked directly from the College's website).
- Student groups (and any other College-affiliated group) may not co-sponsor a candidate event with a campaign, political organization, nonprofit or any other outside group.

CAUTION: As noted above in Section 1, no College resources—i.e., Student Senate funds, postage, campus mail, telephone system, College email including list serves, photocopiers, etc.—may be used by student groups in advocating for or against a candidate for public office.

7. Participating in a political campaign is different from lobbying. Code section 501(c)(3) organizations are permitted to engage in a limited amount of lobbying, but the lobbying may not be a “substantial” part of the College's activities.

- The lobbying rules are complex. You must speak with Mr. Amidon and obtain approval prior to engaging in any lobbying activity on behalf of the College. Moreover, increased, unique, or focused lobbying and public policy activities that are conducted during a campaign season may warrant extra caution.

College Contact Information

The College recognizes that it can be challenging to navigate the limitations on political activities to which Code section 501(c)(3) organizations are subject. Please contact Mr. Amidon (amidonj@wabash.edu) for assistance in analyzing a particular activity.