

Pittsburg State University encourages employees and students to exercise their rights of citizenship, including participating in the political process, while respecting our federal, state, Kansas Board of Regents, and university policies, regulations and laws. These frequently asked questions are intended to assist the university in meeting its obligations.

GENERAL FAQ

1. What is political campaign activity?

Political campaign activity can include, among other things, solicitation of campaign contributions; advocating, volunteering, or working for candidates, political parties, or political action committees; and advocating a particular position on a referendum.

2. What is meant by university resources?

University resources include, but are not limited to: IT, telecommunication or media systems; university sponsored websites and social media platforms; posters; email or voicemail systems; listservs; telephones; computers; photocopy machines; printers; campus addresses; other services, equipment and personnel.

EMPLOYEES

This includes student employees during their capacity as an employee.

This is NOT intended to limit the rights of employees to express personal opinions or engage in political activity off-site, during non-working hours, in their individual capacities as private citizens, and without use of university resources.

1. As a university employee, are there restrictions on my political campaign activities?

Yes. As a university employee, your political campaign activities are restricted by state law and Regent policy in three significant ways:

- a. You may not engage in political campaign activities during your work time;
- b. You may not use state/university resources to engage in political campaign activities at any time; and
- c. You may not solicit contributions or services for a political purpose from other university employees while they are engaged in their official duties.

University resources include, but are not limited to, the following:

- institutional letterhead and logos
- office space and other facilities
- office supplies
- photocopiers
- telephones or facsimile machines
- electronic resources including email, websites, online discussion boards, virtual conferencing platforms, cell phones, computers, or other similar resources

As a private citizen, the First Amendment protects your right to engage in political activity on your own time and with your own resources.

Reference: K.S.A. 25-4169a and KBOR, Ch. II.E.16

2. As a university employee, may I use my official capacity in advertisements, pamphlets, and related material in support of or opposition to parties and causes?

No. An employee may not use of the university's name, letterhead, logo, trademarks and/or resources (including university computing and information technology resources) for partisan electoral purposes such as solicitation of funds or other contributions in support of a political party or candidates, endorsement of candidates for public office, or advocating a position with

regard to a public issue (other than an authorized spokesperson on behalf of the university) is strictly prohibited.

The university will not, through its officials or units, participate or intervene in any political campaign on behalf of, or in opposition to, any candidate for public office.

Reference: 26 U.S.C. 501(c)(3), K.S.A. 25-4169a & KBOR.

3. May employees use campus facilities and grounds for fundraising events for a candidate, party committee or political committee?

State university facilities and grounds shall not be made available for fundraising events for any candidate, party committee or political committee, or for filming or otherwise producing partisan political advertisements.

Reference: KBOR, Ch. II.E.16 and K.S.A. 25-4143

4. As a university employee, may I make available a campus facility or grounds for filming or otherwise producing political advertisements?

State university facilities and grounds must not be made available for fundraising events for any candidate, party committee or political committee, or for filming or otherwise producing partisan political advertisements.

However, facilities may be used for holding political meetings, or public forums under certain conditions. Parties should be referred to Overman Student Center, Operations Coordinator for room reservations.

Reference: KBOR, Ch. II.E.16. and K.S.A. 25-4143.

5. May elected officials be introduced at a campus event?

Other than the Governor, elected officials and candidates for elected office **shall not** be introduced or recognized on campus unless they are in attendance at a campus event in an official capacity and at the request of the university.

Reference: KBOR, Ch. II.E.16.c.

6. May I have a political candidate conduct an educational presentation for class?

When Political Candidates are invited to the university to offer educational presentations about a topic completely unrelated to their candidacy the presentation is not considered a Political Event.

The Political Candidate's educational presentation must be delivered as non-partisan and remain educational in nature; at no point can the presentation turn to the Political Candidate's candidacy. Further, any communications or promotional activities concerning the Political Candidate's presentation shall only indicate the educational capacity in which the Political Candidate is appearing and shall exclude all mention of the Political Candidate's candidacy or the election.

7. As a university employee, may I contribute to a political campaign?

Yes, but contributions must be made with personal funds, outside of work hours and university buildings, and may not take place with university-owned resources, such as cell phones, and computers. The use of university funds, including the use of purchasing cards for charging contributions to campaigns, is expressly prohibited. Campaign contributions cannot be solicited or collected on university time or in university buildings.

8. As a university employee, may I encourage my co-workers and/or students to vote?

Yes, though such activities should not interfere with the fulfillment of an employee's responsibilities to the university and must not disrupt university operations. Employees must ensure they share accurate, non-partisan, content-neutral information.

9. May a university employee accept an appointed or elected position?

Yes, if the elected position is not paid entirely by federal funds. Faculty, administrators and other unclassified employees, including University Support Staff, may accept any public or political party appointed or elected position that does not create any conflict of interest with, and does not require substantial time away from, assigned duties or in other respects infringe upon those duties.

Reference: KBOR, Ch. II.C.13

10.If my employee salary is paid completely by federal loans or grants, may I run for partisan office?

The federal Hatch Act may prohibit state employees whose salary is paid for completely by federal loans or grants from running for partisan office.

STUDENTS

The University encourages students to engage fully in the political process to contribute to civic debate and enhance their education. Federal law, though, prohibits tax-exempt educational institutions from engaging in any activity on behalf of, or in opposition to, any candidate's campaign for public office.

1. May a student organization conduct voter education?

Yes. A student organization may provide non-partisan voter education and registration on campus. It may provide voter education guides and coordinate voter registration drives.

2. May a student organization use *university* funds or *university* resources in the planning or conduct of Campaign Activity?

No. University resources include IT, telecommunication or media systems; university sponsored websites and social media platforms; posters; email or

voicemail systems; listservs; telephones; computers; photocopy machines; printers; campus addresses; other services, equipment and personnel.

3. May a student organization sponsor an event which involves a candidate for political office?

Yes. Student organizations may sponsor an event (non-fundraising) for the purpose of hearing a political point of view. The student organization must use the applicable *disclaimer(s)* in question 6.

As a reminder, student organizations may not use university funds or resources in the planning or conduct of Campaign Activity. Invitees and student organizations may not use university logos or marks on any publicity (flyers, online postings, etc.) of the event. The appropriate disclaimer should be displayed on the publicity.

Student organizations must follow university policies and rules for reservation of rooms and any time, place and manner restrictions.

Reference: KBOR, Ch.II.E.16

4. May a student or student organization solicit funds for a candidate?

Not on university property or using university resources.

5. May a student organization advocate publicly for a political issue?

As long as the student organization makes clear that it does not represent the university. The organization should use the *disclaimer* in question 6.

6. Is there a Disclaimer that student organizations may use for events concerning Campaign Activity?

Yes. The following disclaimer announced immediately prior to the event speaker should be used: “This event is sponsored by [student organization name] without support or endorsement of Pittsburg State University. The University does not participate in political campaigns on behalf of, or in opposition to, any candidate for public office.”

The following disclaimer on publicity materials (flyers, online postings, etc.) must use: “This event is not sponsored or endorsed by Pittsburg State University.”

7. May students use campus facilities and grounds for *fundraising events* or *filming or producing advertisements* for a candidate, party committee or political committee?

No. State university facilities and grounds shall not be made available for fundraising events or advertisements for any candidate, party committee or political committee, or for filming or otherwise producing partisan political advertisements.

Reference: KBOR, Ch. II.C.16 and K.S.A. 25-4143 (definitions)

8. May a student organization or student use outdoor campus space to support a candidate?

Yes, subject to university policy – Freedom of Expression: Time, Place and Manner (<https://www.pittstate.edu/policy/students/freedom-of-expression.html>). Student organizations must use the appropriate disclaimer in question 6.

9. As a university student, may I display a partisan political sign in my residence hall?

Yes, so long as you comply with university and residence hall policies governing the posting of signs in dorm rooms and any other applicable time, place, and manner restrictions.

LOBBYING

Lobbying activities of Pittsburg State University are regulated by multiple, overlapping rules of federal and state laws and regulations. There are rules pertaining to limits on lobbyist spending and charges as well as prohibitions on university activity.

1. Who qualifies as a “lobbyist” in Kansas?

Any person to whom any of the following applies must register as a lobbyist:

- a. Any person employed to a considerable degree to lobby;
- b. Any person formally appointed to a specific position as the primary representative of an organization or other person to lobby in person on state property; or
- c. Any person who spends \$1,000 or more in a year for lobbying exclusive of personal travel and subsistence expenses.

A lobbyist must register.

Reference: Kansas Public Disclosure Commission and K.S.A. 46-222

2. What is lobbying?

It is an attempt to influence legislative or executive action. It is the oral, written or electronic communication on behalf of the university to certain government officials regarding, for example: adoption of legislation; administration of a federal or state program; modification of a rule, policy or position; or nomination of a person.

Reference: K.S.A. 46-225 and Lobbying Disclosure Act of 1995

3. What is not considered lobbying?

In general, lobbying does not include:

- providing written information in response to a written request from an executive agency for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement or from a judicial agency regarding a procurement;
- communications regarding a contract, lease or agreement of \$5,000 or less;
- a speech, article, publication or other material that is distributed and made available to the public through a medium of mass communication

The IRS has recognized a few lobbying exceptions that apply to universities.

- Lobbying does not include non-partisan analysis, study, or research and the communication of research findings to the general public, officials, or governmental bodies. Non-partisan analysis, study, or research may advocate a particular position or viewpoint as long as there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion. However, anyone using the results of non-partisan analysis to influence specific legislation is engaged in lobbying
- A communication that responds to a governmental body's or committee's written request for technical advice or assistance is not a lobbying communication.
- A communication is not a lobbying communication if it is an appearance before or contact with any legislative body with respect to a possible action that might affect the organization's existence, its powers and duties, its tax-exempt status, or the deductibility of contributions to the organization, as opposed to affecting merely the scope of the organization's future activities.

Examples. The Internal Revenue Service has provided several examples to illustrate the boundaries or what qualifies as lobbying (and therefore must be reported as noted above).

1. An officer of Pitt State writes to a Member of Congress urging him or her to vote against an amendment that will be offered during the debate on a bill. This constitutes lobbying because it states a view about specific legislation.
2. A member of faculty visits a Member of Congress and requests on behalf of the Pittsburg State University that she sponsor model legislation proposed by a professional society. This constitutes lobbying because it refers to and reflects a view on a specific legislative proposal, although no bill has been introduced.
3. A group of faculty conducts a research project collecting information on the dangers of the use of pesticides. They produce and publish a report that presents the advantages, disadvantages, and economic costs of current patterns of pesticide use and significantly

reduced levels of pesticides. The report concludes that the costs outweigh the benefits and recommends that legislation should be adopted to control the use of pesticides. This does not constitute lobbying because it presents information on both sides of the issue and presents a full and fair exposition of the facts that will enable the reader to form an independent judgment.

4. An officer of the university contacts a Member of Congress requesting that she write to an Executive Branch agency concerning proposed regulations issued by that agency. This communication does not constitute lobbying because it does not concern specific legislation.

4. May a university employee provide a candidate or state officer gifts or hospitality in order to influence a particular political outcome?

No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

There is an exception that applies for the benefit of an educational institution or such institution's endowment association,

Reference: K.S.A. 46-236