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University of Rochester

Policy Governing Lobbying Activities, Expenditures and Gifts

The University of Rochester is committed to the expression and discussion of a wide variety of ideas and opinions and encourages members of the University community to be active and engaged citizens. This guidance should not discourage members of the University of Rochester community from communicating with their elected representatives or engaging in political discourse as private citizens, or on behalf of groups or organizations to which they belong.

However, when activities are undertaken in a personal capacity, it is the responsibility of the University community member involved to state expressly that the activity is conducted in a personal capacity and not in his or her capacity as a representative of the University of Rochester.

The Office of Government and Community Relations is the University's designated point-of-contact for federal, state, and local lobbying and must be contacted and informed of any planned activities that could be interpreted as lobbying by faculty, staff, and/or students prior to taking any action on behalf of the University. With the exception of specifically authorized employees, University faculty, staff, and other members of the University of Rochester community are not permitted to lobby on behalf of the University.

Purpose: Lobbying is a process of communicating with lawmakers and other public officials to advocate and help shape public policy on laws, regulations and other governmental matters at any level of the government. Lobbying is an appropriate way for the University to inform policy makers about the educational, research and other interests of the University; however these communications must be conducted and reported in compliance with all applicable laws. These laws require the University to register as a lobbying entity and report lobbying activities as well as expenditures. Any violations of these laws could lead to significant penalties for the University ranging from large fines to criminal prosecution. The purpose of this Policy is to ensure compliance with federal, state, local lobbying rules and requirements.

Policy on Federal Lobbying

All Federal lobbying as defined in this section must be reported to the Office of Government and Community Relations prior to any contact occurring.

Federal lobbying disclosure requirements are established by the Lobbying Disclosure Act (LDA) of 1995 (2 U.S.C. § 1601), as amended by the Lobbying Disclosure Technical Amendments Act of 1998 and the Honest Leadership and Open Government Act of 2007.

“Lobbying activities” are defined under the LDA as lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work if it is

intended, at the time it is performed, for use in lobbying contacts. A “lobbying contact” is an oral or written communication with members of Congress or their personal and committee staffs, or with the President, Vice President and certain Executive branch appointees, regarding (1) the formulation of Federal legislation, rules, regulations or policies; (2) the administration of Federal program or policy, including the negotiation or award of a Federal contract, grant, loan, permit, program or license; or (3) the nomination of anyone subject to Senate confirmation.

Lobbying activity does not include any communications such as articles or speeches made through mass media, testimony given before or submitted to Congressional committees, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force; information in response to a request by a federal official or a notice in the Federal Register, and communications required by subpoena or otherwise compelled by law.

Faculty members who are seeking or received federal funding may contact federal grants officers to discuss prospective or ongoing projects. If the grants or contracts are awarded under a competitive review process, such contacts are not considered to be lobbying.

Policy on New York State & Local Lobbying

All New York State or local lobbying as defined in this section must be reported to the Office of Government and Community Relations prior to any contact occurring.

“Lobbying Activity” pursuant to the New York State Lobbying Act includes any attempt to influence: (1) the passage or defeat of any legislation by either house of the state legislature and the approval or disapproval of any such legislation by the Governor; (2) the passage or defeat of any local law, ordinance or resolution, or the approval or disapproval thereof; (3) a State executive order; (4) a local government executive order; (5) the adoption or rejection of any rule or regulation having the force and effect of law by a state agency; (6) the outcome of a rule, regulation, or rate-making proceeding by a municipality; (7) the State or local government procurement process where the procurement is estimated to exceed \$15,000 in value; or (7) a tribal-state compact or State action regarding Class III gaming.

State lobbying law applies to local jurisdictions defined as municipalities by the Lobbying Act [Joint Commission on Public Ethics]. Municipality is any jurisdictional subdivision of the state, including, but not limited to, counties, cities, towns, villages, improvement districts, and special districts, with a population of more than 50,000; industrial development agencies in jurisdictional subdivisions with a population of more than 50,000; and public authorities and public corporations. It does not include school districts [N.Y.S.C.L., Legislative Law, §1-c(k)].

The City of Rochester fits the definition; therefore, state lobbying laws apply to the City of Rochester.

State and local lobbying activity does not include a response to a request for information or comments by the state legislature, the governor, or a state agency or a committee or officer of the legislature or a state agency, or by the unified court system, or by a legislative or executive body or officer of a municipality or a commission, committee or officer of a municipal legislative or executive body and communications required by subpoena or otherwise compelled by law.

Exclusions from Policy

This policy is not intended to limit the rights of any employee to advocate and help shape public policy at any level of government. However, in exercising this right, employees must indicate to the government officials that they are expressing their own personal views, and are not acting in an official position with the University. In addition, individuals making personal lobbying contacts may not use University resources (including letterhead, telephones, copiers, computers, mailing lists, etc.). Similarly, if employees choose to lobby government officials on behalf of a professional society to which they are affiliated, they can do so provided it is clear they are expressing the views of the professional society and not of the University. It is your responsibility to ensure that others understand you are acting as an individual or on behalf of a professional association, and that you are not acting on behalf of the University of Rochester.

No Federal Funds Used for Lobbying Activities

Funds received under federal grants, contracts or cooperative agreements may not be used for lobbying or lobbying-related expenses. Federal law also prohibits the use of federal funds to pay any person for influencing or attempting to influence an employee of any agency, a member of Congress, or an employee of a member of Congress in connection with the awarding or renewal of any federal contract, grant or cooperative agreement.

Authorization to Lobby on University's Behalf

Only certain University Officers and Deans and employees in the Office of Government and Community Relations are authorized to act on behalf of the University when conducting lobbying activities with federal or state government officials. Other faculty and administrators may engage in lobbying activities on behalf of the University only if they are designated in writing to represent the University by the Office of Government and Community Relations. Any engagement of an external lobbyist or public affairs consultant must be first reviewed and approved by the Office of Government and Community Relations and must be made under a written agreement that requires the lobbyist to comply with all applicable registration and reporting laws and regulations.

These limitations ensure that the University's positions on federal and state legislation and other lobbying activities are presented in a consistent, cohesive manner and that the University accurately reports all lobbying activities as required by law.

Lobbying Disclosure

The Office of Government and Community Relations is responsible for submitting regular reports to the federal and state agencies on lobbying activities conducted by University employees as well as third parties acting on behalf of the University. All University employees who engage in lobbying activities on behalf of the University must report their lobbying activities to the Office of Government and Community Relations. Your level of lobbying activity will determine whether or not the University must register you as a local, state, or federal lobbyist.

Gifts, Events, and Travel for Public Officials

Elected officials, executive branch officials and staff frequently visit the University's campus as part of their official duties, to learn about the University of Rochester's programs and issues, attend public events,

and to speak to classes. The University supports and encourages such visits as an important way to provide policy makers with a greater understanding of issues that impact our students, faculty and staff, and as an opportunity for our faculty and researchers to serve as a general resource to government officials on a variety of pressing national and international matters.

As a registrant under the LDA and the New York State Lobbying Act, the University must follow the rules that govern gifts to and visits from government officials. The rules are complex and violations can result in civil and criminal penalties. Gifts include but are not limited to events, meals, travel, entertainment, or lodging for federal and state elected officials and their staff, as well as executive branch officials.

Elected officials and their staff may never solicit a gift from any person who has interests before them; accept a gift that is linked to any official action that the individual has taken, or is being asked to take; or accept any other gift, unless specifically allowed under one of the exceptions under law.

The 2007 Public Employee Ethics Reform Act and Public Integrity Reform Act of 2011 amended the New York State Lobbying Act and established new ethics and lobbying standards that in part redefined "gift" as anything of "more than nominal value in any form including, but not limited to money, service, loan, travel, lodging, meals, refreshment, entertainment, discount, forbearance or promise, having a monetary value." Prohibit any lobbying entity or its personnel from offering or giving any gift of any value "unless under the circumstances it is not reasonable to infer that the gift was intended to influence" the elected official.

Likewise, the Honest Leadership and Open Government Act (P.L. 110-81) amended the rules relative to gift-giving, event attendance, and travel by Members of Congress, officers, and employees. As a general rule, under the new law a Member, officer, or employee may not knowingly accept a gift from a registered lobbyist or a private entity that retains or employs a registered lobbyist unless the gift falls under one of the enumerated exceptions.

Certain exceptions exist for gifts under state law, but before giving a gift or inviting a government official to an event that requires travel, accommodations or meals, faculty and staff must contact the Office of Government & Community Relations or the Office of Counsel.

Questions

Any questions about the interpretation of this Policy should be addressed to the Office of Government and Community Relations or the Office of Counsel.