

POLITICAL & CAMPAIGN ACTIVITIES POLICY

Summary

Because tax and political compliance laws impose restrictions, and even prohibitions, on certain political activities and on the use of resources, buildings and equipment at a non-profit institution such as the California Institute of Technology (“Caltech”), any such activities must be in compliance with these legal requirements.

In summary, the applicable laws dictate that no person may engage in any political activity in support of or opposition to any candidate for elective public office on behalf of Caltech or use any Caltech resources for such a purpose. Similarly, no person may lobby on behalf of Caltech or use Caltech’s name or resources to lobby any federal, state, or local legislative or administrative official or staff member unless specifically authorized to do so by Caltech. Individuals taking personal political positions must clearly indicate that they are acting as an individual and not on behalf of Caltech.

This policy is intended to provide specific guidelines on political and campaign activities. It also addresses how individuals can avoid having their personal opinions appear to be those of Caltech as an entity.

Statement of Policy

Caltech is a non-profit, educational institution subject to federal, state, and local laws and regulations regarding political and campaign activities. While all members of the Caltech community are free to express political opinions and engage in political activities, it is important that they do so only in their individual capacities and avoid even the appearance that they are speaking or acting for Caltech in political matters. The following statements constitute the foundation of Caltech’s policy and provide the basis for the more specific guidelines that follow:

No Caltech employee can lobby on behalf of Caltech unless explicitly authorized to do so and no government funding can be used for lobbying.

Caltech is legally prohibited from endorsing candidates for political office or making any contribution of money, goods, or services to candidates;

therefore no person shall intentionally or unintentionally cause Caltech to make such an endorsement or contribution.

Individuals taking political positions for themselves or groups with which they are associated, but not as representatives of Caltech, must clearly indicate, by words and actions, that their positions are not those of Caltech and are not being taken in an official capacity on behalf of Caltech. This requirement is also applicable to all electoral political activity in other countries by Caltech faculty, students and staff.

Nothing in this policy is intended to inhibit the expression of personal political views by any individual in the Caltech community. Faculty, students, and staff may support candidates for office or act in furtherance of political causes. There is no restriction on discussion of political issues or teaching of politics or campaign-related topics.

Guidelines

Campaign and Political Activities

Because of Caltech's tax-exempt status, Caltech is legally prohibited from endorsing candidates for political office or making any type of contribution to candidates. Violation of this prohibition can have serious consequences including loss of Caltech's tax-exempt status. Accordingly, any and all political activity in support of or opposition to any candidate for elective public office (including giving or receiving funds or endorsements) directly or indirectly using the Caltech name is prohibited. Use of Caltech resources for such purposes is also prohibited. Prohibited activities include:

1. Reimbursing employees for campaign contributions;
2. Providing Caltech services, facilities, equipment or support for political purposes (Support includes such things as mailing lists, office space, photocopying, interdepartmental mail, electronic mail, duplicating machines, computers and facsimile machines);
3. Using Caltech office addresses or e-mail addresses as a return mailing address for political mailings;
4. Using Caltech telephones for political campaign purposes.
However, campus residential telephone services may be used for these purposes.

5. Using Caltech letterhead or the Caltech seal in support of a candidate or political party.
6. Providing hyperlinks to web pages of candidates on Institute web pages.
7. Official remarks at an Institute meeting by an Institute official in support of a candidate, political party etc.

No Caltech employee may, as part of his or her job, be required to perform tasks in any way related to partisan political purposes.

We do permit incidental personal use of email and other resources and this policy does not prohibit such use. So, for example, you are not prohibited from emailing several friends that you plan on attending a campaign event. If, however, you are acting on behalf of a campaign or actively campaigning for a candidate (for example doing mass e-mails), you should refrain from using Caltech resources.

Lobbying

Lobbying can encompass any communication with a legislative body (e.g., Congress, state legislatures, county boards, city councils and their staffs) or any federal, state, or local government agency. Laws regulating lobbying exist at the federal, state, and local levels but can differ widely in scope, depending on the jurisdiction.

Tax-exempt organizations are permitted to lobby, and Caltech engages in lobbying on a limited number of issues that directly affect Caltech's mission. No Caltech employee — other than the following individuals, on matters under their jurisdiction — may lobby on behalf of Caltech without specific authorization. Only these individuals are authorized to engage in lobbying activities:

President

Provost

Vice President for Student Affairs

Vice President for Business and Finance

Vice President for Development and Institute Relations

Vice President and Director, Jet propulsion Laboratory

General Counsel

Vice Provosts

Associate Vice President of Human Resources
Director for Government Relations

Any lobbying or attempting to influence federal, state, or local legislative action or a legislative or administrative official or staff member by using Caltech's name must be authorized by the President. Permission to lobby on behalf of Caltech for purposes authorized by the President may be granted by the Provost to faculty members and the Director for Government Relations to staff members. All lobbying on behalf of Caltech should be coordinated with the Director for Government Relations.

Any lobbying activity, even when authorized, must be conducted in compliance with applicable law. For example, no person may use federally funded contract or grant money for lobbying activities. And, no person may give a gift (or use any Caltech resources to give a gift) to any federal, state, or local official or staff member, except in compliance with these guidelines.

Individuals may individually attempt to influence the legislative process and use their Caltech title for identification so long as such actions or writings are accompanied by a statement that the person is speaking as an individual and not as a representative of the Caltech. (e.g. "The opinions expressed in this letter are those of the individual(s) signing below and not an official opinion of the California Institute of Technology or its trustees.") They may not use Institute letterhead or the Caltech seal in correspondence.

Giving of Gifts to Public Officials and Their Staff

Almost all jurisdictions have strict rules on the extent to which gifts and honoraria may be given to public officials (both elected and non-elected officials and, often, staff). In some cases gifts and honoraria are prohibited; in others they are limited; and in most cases they are subject to detailed disclosure. In addition, in some jurisdictions, such as California, gifts to both state and local public officials can result in a public official's disqualification from participation in any governmental action affecting the interests of the donor. Meals, travel, and entertainment are the most common types of gifts, but gift rules can also apply in cases where public officials attend a reception or receive tickets to sporting or other events.

As a non-profit organization, Caltech generally does not give gifts to public officials and, in those limited cases where it does give such gifts, it must do

so in accordance with all applicable laws and regulations. Therefore, any Caltech employee who, on behalf of Caltech, wishes to make a gift to a public official must receive prior approval from the Director for Government Relations before making such a gift.

Permissible Political Activities

As noted above, this policy in no way inhibits the expression of personal political views by any individual in the Caltech community. Nor are faculty, students, or staff prohibited in any way from joining with others in support of candidates for office or in furtherance of political causes. There is no restriction on discussion of political issues or teaching of political techniques. Academic endeavors which address public policy issues are in no way affected.

Because Caltech encourages freedom of expression, political activities which do not reasonably imply Caltech involvement or identification may be undertaken so long as regular Caltech procedures are followed for use of facilities. Examples of permissible activities are:

- (1) Use of areas, such as by the Red Door or Millikan Pond area, for tables, speeches, and similar activities.
- (2) Use of facilities for speeches by political candidates, but subject to rules of the Internal Revenue Service, the Federal Election Commission, and the California Fair Political Practices Commission, and other applicable laws. Arrangements must be made with the Director for Government Relations. If candidates are invited individually, all legally qualified candidates for the position must be given a comparable opportunity and none favored in relation to the activity. No political fundraising is allowed at such an event.
- (3) Students may use the Caltech name as part of the name of a student organization, such as “Caltech Students for George Washington.” The organization, however, must make clear that the opinions expressed are those of the individuals in the organization and not an official opinion of Caltech or its trustees.

Applicability of this Policy

The Director for Government Relations, in consultation with the Office of the General Counsel, interprets and applies these policies and guidelines. All questions on whether planned activities are consistent with Caltech's obligations should be addressed directly to the Director for Government Relations in the Office of the President, or the General Counsel. In addition, students and student groups planning political or campaign activities should discuss their plans with the Vice President for Student Affairs.