

DATE: February 12, 2020
TO: Senior Leadership Group
FROM: Michael J. Schoenfeld, Vice President, Public Affairs and Government Relations
RE: Campus political activity and engagement with government officials

With the 2020 election season beginning this week, questions will inevitably arise about political activity on campus and engagement with policy makers. As a non-profit, tax-exempt entity, Duke must abide by federal and state laws prohibiting the use of its facilities, funds, services, personnel or other resources to support or oppose individuals or organizations campaigning for public office.

This memo provides general guidance to members of the Duke community as they consider engaging in these activities. It is based on guidance from the Office of University Counsel as well as best practices for colleges and universities developed by the American Council on Education and other organizations and is administered by the Office of Public Affairs and Government Relations. I encourage you to share it with your departments and units, and it will also be available on the Office of Government Relations website and the Duke State Relations website for future reference.

Please note that the Duke policies and guidelines referenced below apply specifically to Duke faculty, staff and contractors. Students and student groups are also strongly urged to consult with the Office of Government Relations or with Duke State Relations when planning major events involving government officials or political candidates, particularly when those events take place on campus and in Duke facilities.

Note that this memo neither addresses every situation, nor constitutes legal advice. Rather, it summarizes certain longstanding University guidance, policies and practices, as well as federal and state law regarding - among other things - permissible political activity on campus, visits to campus by congressional and federal executive branch officials and state officials, and lobbying. I invite you to contact my office with questions about any specific situations, and we welcome the opportunity to meet with your units should there be broader interest in the guidance.

Voting. Members of the Duke community are encouraged to vote in the upcoming elections and can find information on how to register to vote in Durham [here](#). Early voting for the March 2020 primary election begins on campus Thursday, Feb. 13, in the Brodhead Center. Check [here](#) for more information location and times. POLIS: The Center for Political Leadership, Innovation, and Service at the Sanford School of Public Policy (POLIS) is an additional resource for students and members of the Duke community interested in voter registration efforts and non-partisan political engagement. For more information, [click here](#).

Please remind staff about the Human Resources policy for taking time off to vote. Staff members who are registered voters and are unable to vote outside regular work hours can use accrued time off to do so. This time should be scheduled by a supervisor at the beginning or end of the work period. For more information, [click here](#).

Employees Speaking Out on Political Issues. A Duke faculty member or employee who is identified (by themselves or others) with their Duke title or affiliation when speaking or writing at campaign events or in campaign-related publications, advertisements, fundraising requests, websites, blogs, email and/or social media posts must take care to indicate that their comments are purely personal, neither part of their Duke responsibilities nor made on Duke's behalf, and do not represent the views of the University. A disclaimer noting that titles and affiliations are provided for identification purposes only and that any views expressed by the individual are his/hers alone and do not reflect the views of Duke University or any of its constituent institutions should be added to the material. In addition, faculty and staff should take care to only use personal e-mail, social media or other online accounts (and not duke.edu accounts or other Duke electronic resources) for the distribution of campaign messages, petitions and similar material.

Employee Involvement in Political Campaigns. Federal law prohibits Duke University from raising funds for a political candidate or political party. This prohibition includes using Duke funds, facilities, personnel, email addresses and systems, social media, or any other resources for partisan political activities. In addition, employees may not use the University seal, letterhead, symbols, logos or other identifiable marks of institutional affiliation (including images of Duke buildings) to endorse or promote political parties, campaigns or candidates. Duke funds cannot be used to reimburse individuals for political donations, and no employee can implicitly or explicitly require any Duke employee to make a political contribution. Care should also be taken when referencing web pages, social media or the like since a link to only one candidate's online information on a Duke website or other electronic media may be interpreted as favoring a particular candidate. Faculty and staff who advise campaigns or candidates on policy or strategic issues may do so only on their own time, must be explicit in communications that they do not represent the University in this regard and should at all times use only their personal email address, social media or other resources.

Candidate Appearances on Campus. Candidates for political office may speak on campus at the invitation of the University or recognized student-run organizations affiliated with the University as long as:

- Duke actively provides equal speaking opportunities to political candidates seeking the same office;
- Duke, as an institution, does not indicate any endorsement, support or opposition of the candidate (this should be stated explicitly when the candidate is introduced and in announcements of the candidate's attendance);
- No political fundraising occurs; and
- The appearance is a speech, a Q&A session or a similar format typical of an educational activity at an academic institution.

Duke can host a debate as long as it does not endorse, support or oppose political candidates, questions are prepared and presented by a non-partisan and independent panel, and all candidates for the office are invited to participate.

Invitations from Faculty Members or Academic Units. Faculty members may reserve facilities for educational activities involving political candidates provided the appearance furthers the educational or academic mission of Duke in accordance with the policy regarding the use of University facilities found in Appendix S of the Faculty Handbook [here](#). Fundraising on campus is not permitted. Faculty members need to take special care to follow these guidelines for candidate appearances and to avoid the appearance of institutional endorsement or support.

Invitations from Student Groups. Recognized student organizations may use facilities for partisan political purposes or for political forums in accordance with this guidance and the policy on use of University facilities found in Appendix S of the Faculty Handbook [here](#).

Use of Duke Facilities by Outside Groups. Duke's facilities are normally not made available to outside groups. When outside use is permitted, the facility must be reserved on a contract basis and a fee will be charged. For more information, see the guidance and the policy on use of University facilities found in Appendix S of the Faculty Handbook [here](#) and/or call either the Office of Government Relations or Duke State Relations, as appropriate.

Events Open to the Public. Candidates can visit campus without an invitation at events open to the public, but fundraising is not permitted.

Press Conferences. Press conferences or similar on-campus events for a political candidate are generally prohibited. Questions about specific events and requests should be directed to the Office of the Vice President for Public Affairs and Government Relations, 919.681.3788.

Policy on Pickets, Protests and Demonstrations. Please keep in mind Duke's policy on pickets, protests and demonstrations, found in Appendix V of the Faculty Handbook [here](#).

Visits to Campus by Elected and Appointed Officials. Members of Congress, executive branch officials, state government leaders and staff frequently visit Duke's campus as part of their official duties, to learn about Duke programs and issues, attend public events, and to speak to classes and student groups. 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.

Duke must follow the rules that govern gifts to and visits from any government officials. The rules are complex, cover even the smallest items (including food and drink) and can sometimes seem illogical; they must be followed, however, and violations can result in civil and criminal penalties for individuals and the institution. I strongly urge you to review the basic guidelines below and to alert my office of your intentions before issuing invitations to officials who may be covered by these laws. Also, note that as a general rule Duke is not permitted to pay honoraria (cash or in-kind contribution) to federal, state and local government officials for speeches, guest lectures or when serving on a panel at a conference.

We are fully prepared to offer you advice and guidance on how to operate within these guidelines.

Members of Congress and Staff. The expenses of members of Congress and their staff traveling to Duke are generally covered by the government. If a Duke department wishes to pay for such travel or is asked to do so by the official or their staff, the action must be approved in advance by the appropriate congressional ethics committee, and the Office of Government Relations must have a written copy of the authorization.

Generally, members of Congress and their staff should not accept any gifts from Duke or its employees, although there are a few exceptions, such as for items of nominal value (t-shirt, pens, or baseball caps), light food and refreshments, attendance at widely attended events including meals, honorary degrees and awards, books, invitations to charitable events, and gifts based on personal friendship. Members of Congress and staff cannot receive free or discounted tickets to any Duke athletic event; they must purchase tickets at face value.

Executive Branch Employees. Similar to congressional officials, executive branch employees (members of the cabinet and employees of government agencies) are subject to many restrictions on gifts and travel. These officials generally cannot accept any gifts, though there are certain often-used exceptions for attendance fees, food and refreshments served at a “widely attended” event, and for subsistence and related expenses for training, meetings, conferences and speaking engagements that relate to the employee’s official duties. In some instances, travel expenses can be covered by Duke, but in most cases, the executive branch employee’s expenses must be covered directly by the government.

In order for any of the above items to be provided or paid for by Duke, the government employee must receive approval from the appropriate agency official (typically an ethics officer). A copy of that approval should be obtained by Duke and submitted to the Office of Government Relations before any items are provided or reimbursements or payments are made.

Honoring or Recognizing a Member of Congress, Executive Branch Official or Staff. If a member of Congress or executive branch official is honored or recognized at an event sponsored by Duke, then Duke must report the entire cost of the event as a lobbying expense. Broadly defined, if the official is given an honorary degree, award or a plaque, you must document the costs related to the event (chair rental, audio visual, food, security, etc.) and provide a report to the Office of Government Relations in order for Duke to comply with the Lobbying Disclosure Act (LDA). I also ask that you let the Office of Government Relations know in advance of any invitation to an official to accept an award or honor, as prior government approval may be required in some cases.

State Officials. Like many other states, North Carolina has a series of ethics and lobbying laws that significantly increase the state’s regulation of various interactions between Duke personnel and “covered” state officials, including candidates for public office, legislators and judicial officers. Information regarding these interactions can be found [here](#). The resources provide general information about many important aspects of these laws, such as “gift” provisions, as well as general guidance regarding common Duke interactions with state officials that may be subject to state ethics and lobbying laws. Please notify Duke State Relations if you plan to invite state government officials to speak on campus or to attend events.

Lobbying. Duke personnel engaged in a broad range of government interactions involving Duke, on Duke's behalf, or using Duke resources, may be subject to heavy and complex state and federal regulations, including certain prohibitions and/or registration and expense reporting requirements. Thus, Duke community members who are considering any government interaction or advocacy involving Duke, on Duke's behalf, or using Duke resources, should consult Duke's lobbying policy here, as well as with the Duke government relations professionals referenced in the policy.

Please let me know if you have any questions about this information.