

Lobbying and Advocacy Activity

ROWAN UNIVERSITY POLICY

Title: *Lobbying and Advocacy Activity*

Subject: *Government Affairs*

Policy No: *GA: 2013:03*

Applies: *University-Wide*

Issuing Authority: *General Counsel & VP Government Relations*

Responsible Officer: *General Counsel & VP Government Relations (signature)*

Adopted: *date*

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I. PURPOSE

This policy sets forth the guidelines and processes for members of the Rowan community to engage in advocacy and lobbying activity officially on behalf of Rowan University with government officials under the guidance and authorization of the Office of the General Counsel and Government Relations. It is intended to provide clarity on the laws that govern lobbying activities at all levels of government, and consistency in the conveyance of communications with all governmental officials.

It further ensures compliance with the "Federal Lobbying Disclosure Act" and directs, facilitates and provides guidance for all interactions with federal, state, or local government officials by any member of the Rowan University community who represents an official University/University-unit position(s), on university related matters, including requests for appropriations, and pertinent public policy, legislative or regulatory issues, contracts, nominations, or any other governmental program or policy.

II. ACCOUNTABILITY

Under the direction of the General Counsel & Vice President Government Relations, and the Director of Government Affairs, the Provost, Deans, and Vice Presidents shall ensure compliance with and implement this policy.

III. APPLICABILITY

This policy applies to all full-time, part-time, permanent and temporary employees, faculty, staff, officers, volunteers and students.

IV. DEFINITIONS

A. Lobbying Activity: Lobbying contacts and any efforts in support of such contacts, including preparation or planning activities, research, and other background work that is intended, at the time of its preparation, for use in contacts and coordination with the lobbying activities of others.

B. Federal Official: Covered Federal officials include executive branch officials such as the President of the United States of America, the Vice President, and any high-ranking officer or employee of the executive branch of the federal government. Covered legislative branch officials include Members of Congress; elected officers of either House of Congress; any employee of a Member, joint committee, leadership staff group, or committee of either House of Congress; and any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress.

C. State Official: Covered State officials include the Governor, Governor's Cabinet members, senior staff members and others within the administration, members of the Legislature, partisan and non-partisan staff members of the Legislature; any employee of a Member of the Legislature, or committees of either the Assembly or the Senate.

D. *Local Official*: Covered Local officials include representatives from all local forms of government, including but not limited to, the Mayor, representatives of the Mayor, Directors and Senior Staff members, City Council members, City Council staff members, County office holders and their staff members within the administration, any employee of a local government official, or committees of any branch of local government.

E. *Lobbying Contact*: Any in-person or indirect unsolicited contacts made on behalf of Rowan University, including oral, written, or electronic communication, to influence a state, local or federal covered official with regard to, but limited to, appropriations requests, or taking action on legislation, rules, regulations, contracts, nominations, or any other program or policy.

A lobbying contact *is not*:

- A response to a request from an official (inquiries, meetings, expert advice and public comments)
- Communications required pursuant to an existing contract, permit, license, grant or loan
- Inquiry from an official
- News media questions
- Educational meetings and presentations to officials
- Written comments in response to a public proceeding or public testimony
- Personal lobbying using personal resources or that of a professional association
- Communications required by subpoena or civil investigative demand, or otherwise compelled by statute, regulation or other action of a public agency

F. *Personal Contacts*: Contacts setting forth personal beliefs or issues to federal, state or local elected or appointed officials or staff must be made in the name of the individual making the contact, and shall in no way imply that the contact is being made on behalf of the University. University letterhead shall not be used for personal contacts, and no personal messages shall be sent from University e-mail accounts. Official University Titles shall not be used when making personal contact.

G. *Professional Contacts*: Contacts on behalf of professional groups/organizations with federal, state or local elected or appointed officials or staff members. These contacts must be made on behalf of the professional society and not on behalf of the University. It should be clearly evident that you are not representing the University but rather are representing the professional society of which you are a member. University letterhead shall not be used for professional society contacts. University titles may be used when making professional contacts, pending approval by the Dean and Senior Vice President of Government Affairs.

H. *Official University Contact*: A lobbying contact on behalf of the University, representing an approved University position or request.

I. *University Community*: Full-time, part-time, permanent and temporary employees, faculty, staff, officers, volunteers and students.

J. *Federal Contract*: An acquisition contract awarded by an agency, including those subject to the Federal Acquisition Regulation (FAR), and any other acquisition contract for real or personal property or services not subject to the FAR.

K. *Federal Cooperative Agreement*: A cooperative agreement entered into by an agency.

L. *Federal Grant*: An award of financial assistance in the form of money, or property in lieu of money, by the Federal Government or a direct appropriation made by law to any person. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, loan insurance, interest subsidies, insurance, or direct United States cash assistance to an individual.

M. *Federal Loan*: A loan made by an agency. The term does not include loan guarantee or loan insurance.

N. *Person*: An individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

V. BACKGROUND

A. Rowan University sets forth its policy on lobbying activities and contacts with federal, state, and local, officials to enhance the coordination of institutional advocacy and lobbying priorities and efforts.

B. This policy along with other educational efforts targeted to public officials is aimed at ensuring that anyone within the Rowan University community, reasonably expected to engage in contacts with local, state and federal officials and agencies, are provided with general guidelines and current information about lobbying laws and rules, and Rowan University guidelines for such activities.

C. This policy is not intended to limit the personal rights of those in the University community (faculty, staff, volunteers and students) to contact, and advocate with, officials about their personal beliefs and issues. Nor is it directed toward those contacts made on behalf of their professional groups/organizations as long as that representation is expressively not on behalf of Rowan University or it is done with the approval of Rowan University if University titles will be used in such activities.

VI. REFERENCES

A. Code of Federal Regulations, 45 CFR 93

B. Federal Lobbying Disclosure Act, Public Law 110-81, 105-166, 104-65

C. Lobbying Activity Reporting

D. Political and Campaign Activities

E. Prohibiting the Use of University Funds for Political Activities and Entities

F. Rowan University Guide to Advocacy

VII. POLICY

A. The General Counsel & VP Government Relations or designee is responsible for the coordination of all official University contacts and interactions with all levels of government and other pertinent government agencies. The General Counsel & VP Government Relations shall advise and direct all such activities to ensure coordination and consistency of intent, purpose and accuracy, and shall approve materials, content of testimonies, and accuracy of positions to be presented in representation of the University. The University President, Provost, Vice Presidents, and Deans are authorized to represent Rowan University with federal, state and local officials, in coordination with the General Counsel & VP Government Relations. Other individuals, including faculty members, may be included on this list of authorized University representatives with the expressed, written permission of the head of the individual's specific unit (Provost, Dean of the specific school, or the Vice President of the Administrative Unit). The final authorization must be forwarded to the General Counsel & VP Government Relations or designee, and all subsequent activities by the authorized person must be coordinated through or in cooperation with the Department of Government Relations. An official authorized person's contact list shall be maintained by the Department of Government Relations and updated annually. If you are not on the approved authorized persons contact list for the University and engage in lobbying contacts on behalf of the University during your normal University related activities, you must immediately notify the General Counsel & VP Government Relations.

B. Any non-authorized member of the University community engaging in lobbying/advocacy contacts or other activities, on behalf of the University, must receive prior written approval from the Provost, Dean of the specific school, the or the Vice President of the Administrative Unit and coordinate their efforts with the University's Department of Government Relations.

C. Appropriate prior approvals and coordination of activities with the General Counsel & VP Government Relations are required when engaging in any of the following activities with local, state and federal legislators or government officials:

1. Submission of oral or written statement(s)/testimony, appearance before public officials, or one-on-one meetings with public officials to educate, inform, or represent the official position of the University or that of its component units on any issue;
2. University site tours or visits by public officials,
3. Advocacy or lobbying activities intended to create or influence legislation, regulations or public policy, and
4. Official request for public funding support from any public official on behalf of the University or any of its component units.

D. The Provost, Deans, and Vice Presidents shall consult with the General Counsel & VP Government Relations or designee prior to the granting of approvals to lobby or advocate on behalf of the University, or direct the University member requesting such approval to do so.

E. Any verbal or written representation of the University or that of its component units must be consistent with and adequately reflect the University's mission, vision, values and strategic direction.

F. Personal or professional contacts (when not using official Rowan University titles) are not subject to this policy. This policy shall in no way be interpreted as preventing University faculty or staff members from presenting to members of local, state or federal government offices their personal or professional opinion(s) on an issue. However, faculty or staff and other members of the University should recognize and be sensitive to the fact that when they discuss matters relating to health, health care delivery, health professions education, health research, or related matters, regardless of their intention to express only their personal or professional point of view, they nonetheless tend to be construed as representing the University. Therefore, when speaking or writing as private citizens, although free from the University's censorship or discipline, members of the University community are urged to be accurate, exercise appropriate restraint, show respect for the opinion of others and clearly indicate that they are not acting as spokespersons for the University.

G. All student advocacy on behalf of the University is subject to this policy and must be coordinated through the Office of Student Life, Associate Provost of Academic Affairs, the Rowan University Student Government Association and the Department of Government Relations.

1. State and Local Lobbying

Any non-authorized members of the University community engaging in a lobbying contact, on behalf of the University, with state and local elected officials or their staff members must receive prior written approval from the Provost, Dean of the specific school, or the Vice President of the Administrative Unit. All official University contacts with state and local officials must be coordinated through the General Counsel & VP Government Relations.

2. Federal Lobbying

- a. Any non-authorized members of the University community engaging in a lobbying contact, on behalf of the University, with a federal official must receive prior written approval from the Provost, Dean of the specific school, or the Vice President of the Administrative Unit. All official University contacts with a covered federal official must be coordinated through the General Counsel & VP Government Relations.
- b. Members of the University community must maintain a record of and report all lobbying activities with federal officials, such as Members of House of Congress, high-level executive branch officials, or high-level federal agency officials, who are covered under the Federal Lobbying Disclosure Act (LDA).
- c. The "Federal Lobbying Disclosure Act" also requires the University to register all faculty, staff, and administrative personnel as lobbyist if they spend over 20 percent of their time on lobbying activities in a specific lobbying quarter, and if they contact covered federal officials more than once in any six-month period. University community members who do not qualify as registered lobbyists must report all lobbying activities with covered officials. The Deans and other senior University administrators shall routinely encourage their employees to report all lobbying activities with federal officials by completing the quarterly lobbying disclosure form that is distributed by the Department of Government Relations.
- d. The University policy and guidelines for complying with the Federal Lobbying Disclosure Act (LDA) are detailed in University policy, Lobbying Activity Reporting.

3. Federal Lobbying Education

The Department of Government Relations shall develop a LDA education course in coordination with the Department of Human Resources and the Office of the General Counsel. The LDA education course shall be made available to the University community on an annual basis. A copy of this policy shall be distributed to all new employees during orientation and an emphasis placed on the Federal lobbying requirements by the instructor.

4. Federal Lobbying Certification and Disclosure (Recipients of Federal Funds)

- a. Section 1352, Title 31 of the U.S. Code (Byrd Amendment) and 45 CFR 93, prohibits recipients of federal funds ~~whether grants, contracts, cooperative agreements~~ from using those funds to lobby to obtain, extend, or modify a federal award. No Federally

appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for lobbying or attempting to lobby an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. The regulation is intended to prevent the use of federal funds for lobbying, and to monitor the lobbying expenditures of federal fund recipients. This regulation is applicable to federal funds that are included in state appropriations.

- b. Each person from the Rowan University community that requests or receives a Federal contract, grant, loan, or cooperative agreement, exceeding \$100,000 (\$150,000 for loans), must file with that agency a written certification, attached as EXHIBIT A, that the university has not made, and will not make, any payment prohibited as indicated in the previous paragraph. The certification requires that if funds other than Federally appropriated funds have been paid or will be paid to any person for lobbying or attempting to lobby an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement, the university will submit the Disclosure of Lobbying Activities form (SF-LLL, EXHIBITS B and C).
- c. Each person must file a lobbying disclosure form (SF-LLL, EXHIBITS B and C) at the end of each calendar quarter in which there occurs an event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. An event that materially affects the accuracy of the information previously reported includes:
 - d. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or
 - i. A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
 - ii. A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.
- e. The certification and lobbying disclosure requirements are applicable to all Federal subcontracts and subgrants. Any person who requests or receives from a person a Federal contract, grant, cooperative agreement or loan:
 - i. A subcontract exceeding \$100,000 at any tier under a Federal contract;
 - ii. A subgrant, contract, or sub-contract exceeding \$100,000 at any tier under a Federal grant;
 - iii. A contract or subcontract exceeding \$100,000 at any tier under a Federal loan exceeding \$150,000; or,
 - iv. A contract or subcontract exceeding \$100,000 at any tier under a Federal cooperative agreement must file a certification (EXHIBIT A), and a disclosure form (Form SF-LLL, EXHIBITS B and C), if required. All subcontract and subgrant disclosure forms must be forwarded from tier to

tier until received by the primary grant recipient or grantee. The primary grant recipient must forward all disclosure forms to the appropriate Federal agency.

- f. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by section 1352, title 31, U.S. Code.
- g. Any person from the Rowan community who requests or receives a commitment for a Federal loan guarantee or loan insurance in excess of \$150,000, must file a statement (EXHIBIT D) with the Federal agency indicating that if any funds have been paid or will be paid by the university to lobby an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee, the university will submit the Disclosure of Lobbying Activities form (SF-LLL, EXHIBITS B and C). If the university fails to file the required loan guarantee or loan insurance statement it will be subject to a civil penalty of no less than \$10,000 and no more than \$100,000 for each failure.
- h. Any person from the Rowan University community who requests or receives a commitment for a Federal loan guarantee or loan insurance in excess of \$150,000, must file a disclosure (FORM SF-LLL, EXHIBITS B and C) with that agency if the university has made a payment to lobby an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.
- i. If reportable lobbying activity has occurred and form SF-LLL is required, the form must be completed by the school/unit seeking the funds and forwarded to the Vice President for Finance and the General Counsel for signature. Every effort should be made to submit the SF-LLL form at the time of the application if the lobbying activity occurred before the application has been submitted. Alternately, the school/unit may submit form SF-LLL at the time of the grant award if it wasn't submitted with the grant application. Copies of the SF-LLL must be forwarded to the General Counsel & VP Government Relations for central filing purposes. Violators of the Federal certification and disclosure requirements are subject to fines of \$10,000 to \$100,000 for each violation and other remedies the federal government may deem appropriate. The penalties may include loss of a particular award and suspension or debarment as an institution from further federal funding. Please refer to the Rowan University Advocacy Guide for additional information about the Federal certification and lobbying disclosure requirements.

IX. ATTACHMENTS

- A. Attachment 1, Certification on Lobbying Activity Form
- B. Attachment 2, Disclosure of Lobbying Activities Form (Form SF-LLL)
- C. Attachment 3, Instructions for Completing Form SF-LLL and Public Burden Disclosure
- D. Attachment 4, Statement for Loan Guarantees and Loan Insurance

E. Attachment 5, Sanction

ATTACHMENT 5

SANCTION

Failure to comply with this policy may result in sanctions up to, and including, termination of employment.