



COLORADO COLLEGE

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Guidance on Political (Partisan) and Public Advocacy Activities

Colorado College supports academic freedom. Free and open inquiry is core to the academic mission because an academic environment is necessarily a place where strong arguments, independent analyses, and divergent perspectives may be freely expressed. Institutions of higher learning should be committed to the unrestricted search for and generation of new knowledge. This value is stated in the article on Academic Freedom in the College’s Bylaws¹, expanded in the Faculty Handbook², and affirmed in the Staff Handbook³. The Bylaws also support all members of the College community in freedom of speech, freedom of press, freedom of peaceful assembly and association, and freedom of personal beliefs.

At the same time, the IRS is unambiguous about the fact that the Internal Revenue Code “absolutely” prohibits all 501(c)(3) organizations from participating in political campaign–related activity⁴. As a nonprofit organization, CC is therefore prohibited from certain partisan activities regarding political campaigns, candidates for political office, and elections or referendums involving issues or amendments⁵. Potential penalties for improper political activity by a college or university can include loss of the institution’s tax-exempt status and imposition of taxes on the institution and its responsible managers. There are other risks as well, such as federal or state government lawsuits, audits, and investigations⁶.

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¹ https://www.coloradocollege.edu/basics/welcome/leadership/trustees/BOT-BYLAWS_June-2023-Version.pdf

² <https://www.coloradocollege.edu/offices/humanresources/people-practices/handbooks/facultyhandbook.pdf>

³ <https://www.coloradocollege.edu/offices/humanresources/people-practices/handbooks/Staff-Handbook.pdf>

⁴ <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations>

⁵ <https://www.coloradocollege.edu/basics/welcome/leadership/policies/code-of-ethical-conduct-and-conflict-of-interest.html>

⁶ <https://www.irs.gov/charities-non-profits/charitable-organizations/frequently-asked-questions-about-the-ban-on-political-campaign-intervention-by-501c3-organizations>

Purpose of this Document

This guidance document is intended to assist faculty and staff in assessing whether particular activities are permissible or appropriate on College property and/or using College resources, given legal requirements, the nature of their roles at the College, and the College's interest in maintaining a productive workplace. This document draws together existing internal and external policies, resources, and legal considerations. The intention is also to invite discussion and check-in; if you find that you or your team is unsure about the application of this guidance to particular activities, please discuss with your unit/office/department/divisional leaders. This guidance is not intended to restrict the expression of opinions or advocacy on political, public policy or civic issues that faculty and staff may undertake in their individual capacities.⁷

General Principles

CC is permitted to host certain political activities and political campaign events, but only done in a non-partisan manner, for an educational purpose, and with "equal access" to all other candidates and issues related to the event or activity hosted on campus. See next section for CCE Guidance (follow the link to the CCE webpage) to read more about hosting speakers/events on campus that are non-partisan. Non-partisan analysis or communications that examine broad social, economic, and similar policy issues that are intended to educate the public do not constitute lobbying—these activities are generally permissible for 501(c)(3) colleges and universities⁸. While the guidelines on political involvement do not apply to campus community members acting in their personal capacities, care must be taken so that no individual activity is inadvertently attributed to CC. Therefore, Colorado College employees will not conduct prohibited partisan political activities on CC's premises; use CC's resources to conduct prohibited partisan political activities; or associate CC with any partisan political activity in such a manner as might indicate CC's partisan participation in a political campaign. Campus resources include office space, classrooms/meeting/event space, ITS resources, email, mailing and contact lists, vehicles, our tax-exempt status used for purchasing, our institutional subscription to discounted services, etc.

In addition to the engagement in political and policy activities that are considered educational activities, institutions of higher education may engage only in a limited amount of issue advocacy and lobbying under specific conditions. Therefore, individual employees and offices should not independently make decisions about engaging in lobbying that might be perceived as institutional lobbying but should first discuss and seek authorization from their divisional vice president. Lobbying is defined by the IRS⁹ as "activities that attempt to influence legislation

⁷ This guidance also is NOT intended to discourage or prohibit concerted activity under Section 7 of the National Labor Relations Act.

⁸ <https://www.acenet.edu/Documents/Student-Voting-and-College-Political-Campaign-Activities-Issue-Brief.pdf>

⁹ <https://www.irs.gov/charities-non-profits/lobbying>

(e.g., action by Congress, state or local legislative bodies). An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.

Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying when the activities are educational in nature” (educational meetings, educational materials, educational purposes and settings). Issue advocacy that is non-partisan and not designed to influence the election of any particular candidate for office are typically considered permissible. Heightened and targeted advocacy and public policy educational activities conducted during a campaign season directed at candidates' signature issues would run an increased risk of being considered prohibited activity for a non-profit organization.

CC students can engage in political activities and the acts of students are not themselves attributable to the College. However, under some circumstances the College might increase the risk of being seen as supporting prohibited political activities. For example, when providing institutional support to student groups, employees should ensure that applicable college policy allows the specific institutional support and follow institutional policy in issuing the support (e.g., space and event support, financial support), that the institutional support is given on the same bases that govern non-political student groups, and that institutional support is extended without discrimination based on positions and viewpoints. Individual employees might not have campus-wide information on student activities being supported. Therefore, we advise that faculty and staff discuss requests for support for political activities from student groups with the CCE (Jordan Travis Radke) or with the Vice President and Dean of Students (Lacy Karpilo).

CCE Guide and FAQs Related to Political-Oriented Work

The Collaborative for Community Engagement (CCE) has long-standing experience in working in and with the community, including organizations related to political and advocacy activities. The CCE has a resource page that presents helpful information on a number of topics, including:

- *hosting political speakers*
- *using campus resources with political campaigns*
- *paying CC students (college or federal work study funds) to work for outside organizations*
- *working or volunteering on political campaigns and lobbying*
- *on-campus voter education, voter registration, get-out-the-vote*

<https://www.coloradocollege.edu/offices/cce/for-students/political-work-guidelines.html>

In a community engaged educational framework, many topics we study in a liberal arts college are inherently political in the sense that it involves power. In this framework, all topics are political, and not to be avoided, but rather actively centered. It is therefore important to

distinguish the “political” in this educational and pedagogical framework from the legally prohibited partisan political activities such as lobbying and campaigning. The [linked CCE page on political work guidelines](#) is a helpful resource, and so is the American Council for Education (2024) recently published resource on [Student Voting and College Political Campaign Activities](#).

Participation in Partisan Political and Advocacy Activities

While faculty and staff, in their individual capacities, are free to participate or not, as they see fit, in discourse and advocacy concerning matters of political, public policy or civic interest, such activities must not interfere with the fulfillment of their responsibilities to the College or be conducted at the expense of the College.¹⁰ Employees should be attentive to the authority inherent in their institutional roles, differences in institutional power, and the appearance of coercion when they seek to engage other members of the College community (employees and students) in their political and advocacy activities.

The section on academic freedom in the Faculty Handbook states

“The practice of academic freedom includes the duty of academic responsibility, which includes faculty engaging in their discipline’s scholarly exchange of ideas and maintaining standards of accuracy and honesty in teaching and research. In the interest of maintaining an open and tolerant inclusive campus climate, the College expects faculty members to refrain from using the authority inherent in their institutional role to coerce others into accepting their conclusions. The College further expects faculty members to take care that their communications does not discriminate against others or constitute harassment of members of the College community, and to respect students and colleagues when they express alternative viewpoints.”¹¹

Faculty and staff who wish to participate in partisan political activities must do so in their own time, outside the course of their regular work and responsibilities for the College, and with their own resources¹². College employees may not perform tasks related to political activities during work hours. Employees may not be asked to perform tasks related to partisan political activities.

When expressing their personal views concerning current political and public policy issues, faculty and staff must take special care to make it clear that they are speaking only for

¹⁰ <https://www.coloradocollege.edu/basics/welcome/leadership/policies/code-of-ethical-conduct-and-conflict-of-interest.html>

¹¹ <https://www.coloradocollege.edu/offices/humanresources/people-practices/handbooks/facultyhandbook.pdf> page 11.

¹² This guidance is NOT intended to limit or prohibit scholarly work and academic research related to current political issues and to the positions taken by candidates for public office.

themselves and not for the College.¹³ In such cases, faculty and staff may state their affiliation with Colorado College but must make clear that their affiliation is listed for identification purposes only, and must avoid creating the impression of College support or endorsement for their views or activities, such as by stating that their “comments are entirely personal and do not, and are not intended to, reflect or represent the views of the institution.”

Political and Advocacy Activities by those in Positions of Authority

Advocacy on political, public policy and civic issues by those in positions of authority requires heightened awareness to the potential that the recipients of their communications could perceive them as coercive. It is incumbent on supervisors and others in positions of authority (including administrators, unit leaders, or department heads) not to abuse, nor seem to abuse, the authority with which they are entrusted. Those in positions of authority must take care not to use or be perceived as using their positions to coerce their subordinates (whether students, junior faculty, or staff) to contribute to or support a particular candidate, political party, or position on a public policy or civic issue, particularly when asked to forward or distribute advocacy materials pertaining to such matters.

Use of College Resources

The College's resources, including the use of staff time, facilities, equipment, communication, and IT resources¹⁴, are intended to serve the educational, research, and administrative needs of the College. The College's resources may not be used in connection with partisan political activities.

Solicitation and Signage

The College has a policy on solicitation¹⁵ (including the distribution of flyers and other written promotional materials) of one employee member by another in the workplace. Faculty and staff who wish to make or solicit contributions to candidates for public office or to solicit support for legislation, public policy initiatives, or similar causes should do so on their own time and using their own resources, and without suggesting any support or endorsement by the College.

¹³ This guidance is NOT intended to limit or prohibit the scholarly work and academic research related to current political issues and to the positions taken by candidates for public office

¹⁴ <https://www.coloradocollege.edu/basics/welcome/leadership/policies/acceptable-use-of-information-technology-resources-policy.html>

¹⁵ <https://www.coloradocollege.edu/basics/welcome/leadership/policies/distribution-of-printed-materials-and-solicitation.html>

Final Considerations

This guidance cannot address every potential situation. The American Council for Education has recently published an informational resource on [Student Voting and College Political Campaign Activities](#) in 2024 which covers relevant topics and provides helpful examples (e.g., lobbying and issue advocacy, engagement in partisan political activity, candidates speaking on campus, use of institutional resources and facilities, fundraising, institutional social media platforms)¹⁶.

Additional cases of institutional resolutions with the OCR are released periodically, and they provide additional clarity on the approach that the OCR is taking. For example, they challenge the informal expectation/practice where personal social media be categorically excluded in institutional responses to concerns about hostile climate: See the recent 9th Circuit Court ruling¹⁷ and the OCR investigation and resolution of Lafayette College¹⁸ that critiqued the practice of a “categorical policy not to address allegations of harassment on private social media” to “not satisfy the Title VI obligation to take prompt and effective steps to redress a hostile environment.”

Faculty and staff are encouraged to consider the nature of their roles and office as they consider engaging in activities that might be considered as partisan, political, or advocacy at work. Specific questions should be directed to the academic or administrative head (e.g., chair, dean, director, associate vice president, vice president) with oversight of your department or office.

Additional References

Guidelines for Political Activity, Oberlin College¹⁹.

Guidance for Faculty and Staff on Political and Public Advocacy Activities, Princeton University²⁰.

Political Activities: Guidelines for Faculty and Staff of Harvard University²¹.

FAQs for Political Activity Policy, University of Southern California²².

¹⁶ <https://www.acenet.edu/Documents/Student-Voting-and-College-Political-Campaign-Activities-Issue-Brief.pdf>

¹⁷ <https://assets.law360news.com/1862000/1862208/23-55404.pdf>

¹⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03242029-a.pdf>

¹⁹ <https://www.oberlin.edu/general-counsel-and-secretary/materials/guidelines-for-political-activity>

²⁰ https://ogc.princeton.edu/sites/g/files/toruqf2461/files/media/508_guidance_for_faculty_and_staff_on_political_and_public_advocacy.pdf

²¹ https://ogc.harvard.edu/files/ogc/files/political_guidelines_final_revised_jan_2016_public.pdf

²² https://policy.usc.edu/wp-content/uploads/2024/02/USC_Political-Election-Compliance-FAQ-02-06-2024.pdf