

# POLITICAL ACTIVITIES GUIDELINES

## Summary

As a tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code, the California Institute of Technology (Caltech) may not intervene in any political campaign on behalf of, or in opposition to, any candidate for public office. Violation of this prohibition could cause the Institute to lose its tax-exempt status or incur excise taxes imposed on political expenses. The Institute, including any individual acting on behalf of Caltech, campus or JPL, may not engage in any of the following activities on-campus or at JPL during any Institute function, or otherwise use Institute, campus or JPL resources or facilities to:

- endorse any candidate for public office;
- donate or contribute to any candidate's campaign, political party committee, or other political committee;
- participate or engage in political fundraising events;
- publish or distribute statements for or against any candidate; or
- engage in any other activity that favors or opposes any candidate or political party.

Members of the Caltech community may take political positions and participate in the election process, off hours, provided that they are not speaking or acting in the name of the Institute. This document provides 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.

## Overall Guidance

Caltech is a non-profit, educational institution subject to federal, state, and local laws and regulations regarding political and campaign activities. While all Caltech community members are free to express political opinions and engage in political activities, they must do so only in their individual capacities. The following statements constitute the foundation of Caltech's guidance 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.
- The use of government funds for lobbying is prohibited.
- Existing laws prohibit Caltech from endorsing candidates for political office or making any contribution of money, goods, or services to any candidate, political party, or political committee. Therefore no person shall intentionally or unintentionally cause Caltech to make such an endorsement or contribution.

- Individuals taking public political positions on behalf of themselves or groups with which they are associated may not represent, directly or indirectly, that the opinions or positions that they are taking are Caltech's opinions or that they represent an official Caltech position. This requirement is applicable to all electoral political activity, nationally or internationally, in which Caltech faculty, students, and staff engage.

## **Specific Guidelines**

### **Campaign and Political Activities**

All political activity in support of or in opposition to any candidate for public office (including exchange of funds or endorsements) directly or indirectly using the Caltech name is prohibited. The use of Caltech resources for such purposes is also prohibited. Caltech faculty, students, and staff may not:

- reimburse employees for campaign contributions;
- provide or utilize Caltech services, facilities, equipment, or support for political purposes (support includes but is not limited to staff time, including administrative support, and such things as mailing lists, office space, postage, photocopying, interdepartmental mail, electronic mail, duplicating machines, videoconferencing services, computers, and facsimile machines);
- use Institute office addresses or Caltech or JPL email addresses as a return mailing address for political mailings;
- use Caltech telephones for political campaign purposes; however, the use of campus residential telephone services for these purposes is allowed;
- use official letterhead, logos, or marks from Caltech or any subset of the Institute—including, but not limited to, the Caltech logo, JPL logo, or the Caltech seal—in support of a candidate or political party;
- provide hyperlinks to web pages of candidates on Institute web pages; or
- provide official remarks at an Institute meeting in support of a candidate or political party.

It is unlawful to require any Caltech employee to perform tasks, as part of their job, related to partisan political purposes.

### **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. Lobbying can also encompass communications with members of the general public to encourage them to contact government officials regarding government actions (known as “grassroots” lobbying) or developing relationships with government officials for the purpose of later influencing government actions (known as “goodwill”

lobbying). Laws that regulate 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. The below list of individuals may lobby on behalf of Caltech on matters under their jurisdiction:

- President
- Provost
- Vice President, Advancement and Alumni Relations
- Vice President, Administration and CFO
- Vice President and Director of the Jet Propulsion Laboratory
- Vice President, Strategy Implementation
- Vice President, Student Affairs
- General Counsel
- Vice Provosts
- Associate Vice President, Human Resources
- Assistant Vice President, Strategy Implementation and External Relations Officer

No other Caltech community members may lobby, or engage others to lobby, on behalf of Caltech without specific authorization from the Caltech President. Caltech's President must authorize any lobbying or attempt to influence federal, state, or local government action or a legislative or executive branch official or staff member by the use of Caltech's name. All Caltech community members should coordinate any lobbying activity with the External Relations Officer.

All lobbying activity must be conducted in compliance with applicable law. For example, no person may use federal funds for lobbying activities. 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. The law also limits activity in support of or in opposition to ballot measures and propositions.

Federal laws and regulations, as well as our prime contract with NASA, prohibit lobbying by JPL employees. Unsolicited communications with legislative or executive branch agencies that could be interpreted as lobbying shall be vetted by the JPL Office of Legislative Affairs

Individuals may personally attempt to influence the legislative process and use their Caltech title for identification as long as they do not use Caltech resources in doing so and a statement accompanies such actions or writings that clearly and unequivocally indicates the individual speaking is doing so as an individual and not a Caltech representative. (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.”) Individuals may not use the Institute's letterhead or the Caltech logo or seal in such correspondence.

### **Giving of Gifts to Public Officials and Their Staff**

Almost all jurisdictions have strict rules concerning the provision of gifts and honoraria to public officials (elected officials, non-elected officials, and their staffs). In some cases, gifts and honoraria are prohibited; in others, they are limited; and in many cases, they are subject to detailed disclosure. Also, 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 donor's interests. Meals, travel, and entertainment are the most common types of gifts, but gift rules can also apply in cases where public officials receive any other thing of value, including by attending a reception or receiving sports or event tickets.

As a non-profit organization, Caltech generally does not give gifts to public officials. In those limited cases where Caltech provides a gift, the gift must comply with all applicable laws and regulations. Therefore, any Caltech employee who wishes to make a gift to a public official on behalf of Caltech or paid for with Caltech resources must receive prior approval from the General Counsel's Office.

### **Permissible Political Activities**

The intent of this guidance is not to inhibit the expression of personal political views by any individual in the Caltech community, including JPL. Faculty, students, and staff may support candidates for office or act in furtherance of political causes as set forth in this Guidance. Discussing political issues and academic endeavors that address public policy issues are also welcome.

Because Caltech encourages freedom of expression, political activities that do not reasonably imply or give the appearance of Caltech involvement or identification are permitted as long as there is compliance with facilities use procedures. Examples of permissible activities include:

- use of areas, such as near the Red Door or Millikan Pond area, for tables, speeches, and similar activities;
- use of facilities for speeches by political candidates, but subject to the rules of the Internal Revenue Code, the Federal Election Commission, the California Fair Political Practices Commission, and other applicable laws. Consult the External Relations Officer to make arrangements. All legally qualified candidates must have the same speaking opportunity; however, political fundraising is not allowed; and
- student use of the Caltech name as part of a student organization's name, such as "Caltech

Students for George Washington." However, the organization must make clear that the opinions expressed are those of the individuals in the organization and not an official statement of Caltech or its trustees.

### **Guidance Applicability**

The campus External Relations Officer and the Legislative and Government Affairs Manager at JPL, in consultation with the Office of the General Counsel, interprets and applies these guidelines for their respective locations. All questions about planned activities relative to Caltech's guidelines and obligations in relation to campus should be addressed directly to the External Relations Officer in the Office of Strategy Implementation or the Office of General Counsel; questions about planned activities related to JPL should be directed to the Legislative and Government Affairs Manager. Students and student groups planning political or campaign activities should also discuss their plans with the Vice President for Student Affairs.