

**Lafayette College**  
**Guidelines and Procedures to Promote Compliance with Federal Political Campaign**  
**Activities Prohibition**

***FREQUENTLY ASKED QUESTIONS***

**September 2020**

1. As a tax exempt 501(c)(3) non-profit organization, is Lafayette College prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective office?

**Answer:** Yes

2. Could violation of this prohibition by engaging in political campaign intervention result in the revocation of the College's tax-exempt status and/or the imposition of certain taxes?

**Answer:** Yes

3. Are leaders of 501(c)(3) organizations prohibited from making comments in favor or against candidates in official College publications or at official functions of the College?

**Answer:** Yes

4. Does impermissible "political campaign intervention" include activities such as statements, brochures, email, pamphlets, or texts that favor or oppose a candidate for public office?"

**Answer:** Yes.

5. Are the rules prohibiting 501(c)(3) organizations from political campaign intervention intended to restrict free expression on political matters by leaders of such an organization from speaking for themselves, as individuals.

**Answer:** In general, no. Nonetheless, leaders of 501(C)(3) organizations cannot make comments in favor or opposition to political candidates in official organizational publications or at official functions of the organization.

In order to avoid the possibility of attribution of comments made outside of organization functions and publications, organizations leaders who publicly comment in their individual capacity should clearly indicate that their comments are personal and not intended to represent the views of the College.

Because leaders may be perceived to carry the imprimatur of the organization, special care should be taken to make clear that personal views expressed (outside of official organizational communications or events) are not intended to express the views of the organization. Care should be taken to indicate that titles and affiliations are provided for identification purposes only.

6. May 501(c)(3) organizations take positions on public policy?

**Answer:** Yes; however, 501(c)(3) organizations must avoid issue advocacy that functions (or can reasonably be perceived as functioning) as political campaign intervention. The facts and circumstances will determine whether the issue advocacy constitutes political campaign intervention. Factors include, among others, whether the issue addressed in the communication has been raised as an issue distinguishing candidates for a given office, whether the statement makes reference to voting or an

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election, whether the statement is delivered close in time to an election, whether the communication is part of an ongoing series of communications by the organization on the same issue that are made independent of the timing of an election, and whether the timing of the communication is related to a non-electoral event such as a scheduled vote on specific legislation by an officeholder who also is a candidate for public office.

Should a College leader have questions in this regard, please consult with the General Counsel.

7. May College Trustees, officers and key employees make contributions of cash, property, or services to a candidate for a political office or to a political campaign committee or to other entities or organizations soliciting or accepting contributions to support the candidacy of a person running for political office?

**Answer:** Yes. There are no restrictions whatsoever imposed on a Trustee, officer or key employee on making contributions to support a candidate for political office merely by reason of such leader's affiliation with or service to the College. The right to make such contributions of a College leader's personal cash, property or services is in no way diminished or restricted.

It is not acceptable or permissible, however, for any College leader to contribute or pledge to contribute directly or indirectly (for example, with an expectation of being reimbursed by the College) any College funds or property or the use of College facilities or the services of a College employee during his or her scheduled work time. Likewise and while identification of a College held position for identification purposes only is acceptable, care should and must be taken in making any such personal political campaign contributions to avoid giving any attribution or credit to the College whether such attribution or credit is stated or by inference.