



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Newly Issued Guidance on Campaign-Related Activities for 501(c)(3) Institutions

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Earlier this year, the American Council on Advocacy (ACE) issued a guidance document illustrating the “do’s” and “don’ts” of campaign-related activities by 503(c)(3) certified Colleges and Universities (“Institutions”). The document, titled “[Political Campaign-Related Activities of and at Colleges and Universities](#),” is not legally binding or exhaustive, but lists examples of prohibited and acceptable conduct that 501(c)(3) institutions can use as guidance during the upcoming election.

Some of the “Permitted” campaign-related activities listed include an ability to educate the student body on the electoral process in a nonpartisan manner, allow “established student groups” to utilize the facilities for partisan purposes on the same terms provided to other student groups, and provide equal access and opportunity to all candidates who wish to appear at the Institution if accompanied by an “explicit statement” that the Institution does not support or oppose the candidate(s). “Prohibited” campaign-related activities include supporting a candidate, either through express or implied means, on behalf of the university, including candidate endorsement letters on school letterhead, statements made in capacity as a school employee, and links, blog posts or message boards favoring or opposing a candidate on the Institution’s website. Further, although employees are free to support a political party during their non-work hours, the guidance document notes that “Senior Institutional Officials” should “refrain from or otherwise limit” campaign-related activity, due to the risk that such activity could be tied to the Institution.

Client Tip: *The guidance document provides a timely reminder for Institutions to review their policies and practices with respect to campaign-related activity and to closely monitor the content of Institution sponsored communication channels, including social media and websites, as even the implicit endorsement of a political party can threaten 501(c)(3) certification.*