



Policy Name:	Policy on Partisan Policy Activity		
Associated Form(s):	N/A	Policy Number:	2023-8
Reviewed:	Non-Academic Policy Committee	Approved:	August 17, 2023
Approval Authority:	President <i>Ausan Upaish</i>	Adopted:	August 28, 2023
Responsible Executive(s):	1. Chief Advancement Officer 2. Vice President for Operations and Facilities	Revised:	October 5, 2022
Responsible Office(s):	1. Advancement 2. Facilities	Contact(s):	1. Director, Alumni Relations and Special Events 2. Director, Community Programs and Events

I. Policy Statement

As a tax-exempt entity, Mercy University must abide by federal and state laws that prohibit the use of University facilities, services, or personnel to promote or support individuals or organizations campaigning for public office and that prohibit the University (or any of its related entities) from contributing to or supporting political candidates or parties. Therefore, no University resources may be used for political purposes, including, but not limited to, personnel, email accounts, copiers, office space, vehicles, or publications. These restrictions on political activity do not apply to any employee acting solely in an individual capacity on their own time and utilizing their own resources. Violation of this prohibition can jeopardize the University's tax-exempt status.

This Policy provides general guidance for faculty, staff, and students so that they may engage fully in the political process in a manner that does not jeopardize the University's tax-exempt status. No policy can anticipate every situation that may arise. Accordingly, if any proposed activity is not covered in this Policy, or if there is any uncertainty regarding that activity, it is important to contact the Office of General Counsel.

Relevant definitions for the purposes of this Policy include the following:

- **Campaign** means an organized effort to influence individuals and/or a group to elect a particular Candidate to public office.
- **Candidate** means an individual who has announced themselves as campaigning for an elective public office, whether at the federal, state, or local level.
- **Political Activities** mean actions that endorse or oppose a candidate, a political party, or political action committee (PAC); taking a position on an issue for the purpose of assisting or opposing a Candidate or political party in a campaign; or otherwise supporting a candidate, political party, or PAC in a campaign.
- **University Resources** for the purposes of this policy include, but are not limited to: University funds and purchasing mechanisms, including the University credit card; University offices, conference rooms, and other spaces and facilities; University copiers, facsimile machines, computers, and other electronic equipment; University computer networks, websites, social media accounts, email accounts, listservs, and mailing lists; University telephones, cell phones and voicemail and mail streams; and University letterhead, stationary, and other supplies.

II. Applicability of Policy

This Policy applies to all University students, faculty, and staff, and all University services, activities, operations, and facilities.

The University is committed to the free and open discussion of ideas and opinions and promotes participation in political activities by members of the University community as a means of furthering the University's educational goals. However, as a non-profit, private institution of higher education whose activities are regulated in part by Section 501 (c)(3) of the Internal Revenue Code, the University is prohibited from directly or indirectly participating or intervening in any political campaign on behalf of or against any candidate for elective office. Political intervention includes not only making a financial contribution but also the publication or distribution of oral or written statements on behalf of or in opposition to a political candidate or party. There is no exception to this prohibition. The purpose of this policy is to define certain limitations which preserve the University's tax-exempt status. More specifically, the purpose of this policy is:

1. To preserve, in fact and in appearance, the University's non-partisan, independent, tax-exempt status.
2. To preserve University resources of all sorts (including among others, faculty and staff time, University space, equipment, supplies, and services) and related functions.
3. To protect against any conflicts of interest or commitment that may infringe on the ability of University's personnel to perform their official University duties and meet their responsibilities with maximum effectiveness and objectivity.

III. Prohibited Activity

- Individuals and groups within Mercy University endorsing or opposing a candidate for political office or taking a position on an issue for the purpose of supporting or opposing a candidate, must make it clear they are speaking as individuals and are not stating a University position.
- Individuals and groups within the University community may not use Mercy University's name or resources in connection with partisan political activity.
- Mercy University's name or insignia may not be used on stationery or other documents intended for political purposes, including soliciting funds for political support or carrying on a political campaign.

- Mercy University funds and other resources, including but not limited to bulk mail services, mailing lists/listservs, information technology services, office supplies, and equipment may not be used for partisan political purposes.
- Mercy University employees may not perform tasks related to partisan political activities during working hours.
- Organizations that are composed of non-University members, participants, or employees, in whole or in part, are not eligible to use University space for engaging in partisan political activities.

IV. Permissible Activity

Mercy University-related organizations composed solely of members of the University community, such as recognized student organizations or faculty or staff groups, may utilize available University facilities such as lecture halls or meeting rooms, or rooms regularly reserved for use to engage in partisan political activities within the University community, provided the organization or group:

1. Pays for all costs of such activities with non-Mercy funded dollars;
2. States at the beginning of the activity that the activity is being sponsored by the Mercy University-related organization or group and that the opinions expressed are not those of the University; and
3. Obtains approval in advance from the appropriate Student Affairs or administrative office for all plans and publicity for such activities sponsored by recognized organizations or groups.

In addition, certain nonpartisan political activities such as properly organized voter registration activities, voter education programs, and candidate debates or forums may be permissible if they do not evidence a preference for or opposition to a political party or to candidates who have taken a particular position.

In order to ensure that all legal and Mercy University requirements are followed, University policies for advance approval, scheduling, planning, and publicizing events on University property apply (see University *Facilities Use and License* policy.)

This Policy is not intended to infringe in any way on an individual's right, in their own name, to support a particular candidate or participate in a political campaign. Individuals remain entirely free to become involved in the election process as they choose, in a manner that does not evidence or imply University involvement.