

# SOUTHWESTERN LAW SCHOOL

## L O S A N G E L E S

### **Political Activity Policy**

**Administrative policy approved November 7, 2022. Effective immediately.**

**Revision history: None; new policy.**

**Related document: Political Activity Request Form**

**Scheduled Review Date: October 2024 (Student Affairs Office and General Counsel's Office)**

#### **A. Background**

Southwestern Law School is a private institution of higher education whose activities are regulated in part by Section 501(c)(3) of the Internal Revenue Code, which prohibits nonprofit organizations from participating or intervening in any political campaign of a candidate for public office. A "candidate for public office" is an individual who is, or is proposed by others as, a contestant for an elective public office, whether the office is national, state, or local.

The Internal Revenue Service has stated that whether an organization is participating or intervening, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office depends on the totality of facts and circumstances of each case.

This policy addresses candidate appearances at Southwestern events and other political activities that could impact the school's nonprofit status. The policy emphasizes that political activities on campus and at other Southwestern events must be conducted in a neutral, nonpartisan manner and in furtherance of the school's educational mission. Because tax and political compliance laws impose restrictions and some prohibitions on certain political activities at nonprofit institutions like Southwestern, any approved activities must comply with the legal requirements detailed below.

#### **B. Candidate Appearances at Southwestern Programs and Events**

A faculty member, department, or student organization (Host) must submit a written request using the Political Activity Request Form and receive written approval before inviting an individual to speak in their capacity as a political candidate at a Southwestern event, whether on or off campus. The Host must submit a Political Activity Request Form

at least 45 calendar days before the anticipated event and should allow at least 5 business days for the request to be considered. The President and Dean (Dean) must approve requests from a faculty member or a department to host a political candidate; the Student Affairs Office (SAO) must approve requests from student organizations. The Dean and SAO will consult with the General Counsel's Office before making a final determination.

The Host must strive to provide all viable political candidates seeking the same office with an equal opportunity to speak at Southwestern. A political candidate is considered viable if they have met all candidacy requirements and are actively campaigning for office by canvassing, fundraising, making appearances in their capacity as a candidate, or engaging in other campaign activities. The Host must retain documentation of all invitations and submit them to the General Counsel's Office at least 14 calendar days before the event.

It is important for the Host to proactively communicate with the candidate about the purpose of the event and the matters listed below. While the candidate may answer questions or expressly advocate for their election during the visit, the Host must ensure it does not become a campaign event. The Host must follow the guidance below:

- Southwestern must not indicate support for or opposition to any candidate.
- Southwestern must not reproduce, republish, or distribute the candidate's campaign literature, advertisements, campaign signs, or other similar materials.
- Absent specific permission from the Dean, communications about the event must not mention the individual's candidate status.
- Before the event, the Host must communicate with the candidate in writing about the educational and informative purpose of the event and must notify the candidate about this portion of the policy.
- In communications concerning a candidate's appearance, and when the candidate is introduced to speak and finishes speaking, the Host must explicitly state that Southwestern does not support or oppose the candidate.
- The Host must be ready to terminate any event if a candidate does not adhere to this policy.

If applicable, the Host should follow the rules concerning debates and candidate questioning set forth in Section D below. **No individual will be allowed to speak in their capacity as a political candidate at a Southwestern event, whether on or off campus, within 45 calendar days before the election day.**

On occasion, candidates may speak or be featured at Southwestern events in a clear non-candidate capacity. Southwestern will maintain a nonpartisan atmosphere during such events. Southwestern will also clearly indicate the capacity in which the candidate is appearing (e.g., by noting the individual's graduation date on a nametag) and will not mention the individual's political candidacy or the upcoming election in communications (if any) announcing the candidate's participation in the event. Southwestern will also let the candidate know about these restrictions.

Candidates are also permitted to attend a Southwestern event as a general public attendee if the event is open to the public. Southwestern reserves the right to restrict or prohibit any person's attendance at Southwestern events if their attendance threatens the safety or well-being of attendees.

**C. Using Southwestern Facilities**

A Host may request to use campus facilities to hold public forums on issues of educational interest. The Dean must approve requests from faculty and departments, and the SAO must approve events hosted by student organizations. Such a forum, if approved, must be wholly educational in nature. Outside groups that are invited or allowed to participate must not engage in political or fundraising activities. The Host must take steps to ensure that hosting the forum does not reasonably imply that Southwestern has a position on an issue or is associated with any political efforts.

Faculty whose academic interests include involvement with political groups are permitted to make de minimis use of private meeting space if regular Southwestern procedures for renting and using facilities are followed, and such activities are not related in any way, directly or indirectly, to supporting or opposing any candidates for elective federal, state, or local public office. No other Southwestern resources may be used to conduct the meetings, and any meeting announcements or invitations must make clear that Southwestern does not support or oppose the group's efforts.

**D. Debates on Campus**

Southwestern may, at its discretion, provide forums for candidate debates at its facilities. Requests to host candidate debates must be approved by the Dean. Any approved debate must include all viable candidates for the contested office. If inviting one or more candidates is impracticable or does not further an educational goal, the Dean may approve an exception. The Dean will consult with the General Counsel's Office regarding all debate requests and any exceptions.

When Southwestern hosts a debate or allows a third party (e.g., the League of Women Voters) to host a debate, topics must cover a broad range of issues. Questions presented to the candidates must be prepared by faculty, staff, students of Southwestern, and/or an independent, nonpartisan panel. All questions must be submitted to the General Counsel's Office no later than five business days before the debate. Candidates may not be asked whether they agree or disagree with positions or statements of Southwestern, and each candidate must have the same opportunity to present their view on the issues discussed.

Southwestern will select or approve one or more moderators, whose role will be limited to ensuring that the debate ground rules are followed. The moderator must refrain from commenting on the candidates' statements in a way that demonstrates approval or disapproval of the candidates' ideas. The moderator will begin and end with a clear statement that the views presented are those of the candidates and not of Southwestern.

**E. Disclaimers and Publicity**

When an event that is political in nature has been approved, the following can serve as a template for the required disclaimer in communicating the scope of the candidate's appearance:

This event is sponsored by \_\_\_\_\_. The use of Southwestern facilities for this event does not constitute an endorsement by Southwestern. Southwestern does not endorse these candidates or organizations or any other candidates or organizations in connection with this or any other political campaign or election.

Promotional materials for authorized events are subject to review and approval by the Communications & Marketing Office. No materials may state or imply that Southwestern, any office, or any institutional official endorses a political candidate or political organization or any position of a political candidate or political organization. Subject to this restriction, Southwestern may otherwise publicize the event in any manner it deems appropriate and may arrange for coverage by media organizations.

**F. Southwestern Publications and Website**

Southwestern will not endorse or oppose any political candidate in any official publications or on Southwestern's website or social media accounts.

**G. Fundraising and Contributions**

Funds or contributions for political candidates or campaigns may not, under any circumstances, be solicited in the name of Southwestern, on Southwestern's campus, at a Southwestern-sponsored event, or through the use of campus resources, such as email or mailing lists. In addition, no Southwestern funds may be used for campaign or political contributions.

**H. Registration of Student Organizations**

The SAO will not register student organizations that have a goal to support a particular candidate.

**I. Employee and Student Involvement in Political Activities**

Employees and students taking political positions for themselves or groups with which they are associated should clearly indicate, by words and actions, that their positions are not those of Southwestern and are not being taken in an official capacity on behalf of the institution.

Employees may not participate in campaign activities during their normal working hours. Employees may not use Southwestern letterhead, logos, photographs (including photographs with students and photographs in the workplace), support services, or other supplies in connection with campaign activities. Any employee who participates in a political campaign is responsible for notifying the campaign that such participation is

in their individual capacity. The employee should seek, to the extent possible within the law, to minimize any references to their position with Southwestern.

Employees working in federally aided programs may be subject to the federal Hatch Political Activities Act. Those persons should consult with the General Counsel Office regarding their associated obligations.

Southwestern students are free to express their individual and collective political views provided they understand and make clear that they are not speaking for or in the name of Southwestern. Students may not use any material containing the name, insignia, or proprietary logos or marks of Southwestern to support a particular candidate.

Any employee or student who intends to run for political office must notify Southwestern of their intent to run. Employees must notify the Dean, and students must notify the Associate Dean for Student Affairs. Southwestern will perform a conflict analysis and develop a conflict management plan to avoid or minimize potential conflicts of interest and/or commitment.

#### **J. Questions**

The law in this area can evolve over time. Questions about whether planned student organization activities or events are consistent with Southwestern's obligations should be directed to the Dean or the Associate Dean for Student Affairs, who can consult as needed with the General Counsel's Office.