

## **Political Activity Policy**

*Revised as of October 2014*

While New England Conservatory (NEC) students, faculty and other employees, in their individual capacities, are encouraged to participate fully in the political process, New England Conservatory of Music (NEC), as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, is prohibited from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office. Even an insubstantial violation may lead to monetary fines and exposes NEC to the possibility of revocation of its tax-exempt status. As a result, students, faculty, staff, and other employees, may not – either overtly or implicitly – involve NEC in their political activities. This prohibition includes using NEC’s name or NEC resources to conduct partisan political activities.

At the same time, NEC is dedicated to the free expression of ideas. Students, faculty, and other employees are therefore encouraged to personally participate fully in the political process during campaigns by candidates for public office as long as they do not—either overtly or implicitly—involve NEC.

### **Partisan Political Campaign Activities**

In accordance with both the law and stated NEC policy, everyone connected with NEC must observe the following rules with respect to his or her participation in national, state, or local partisan political campaign activities:

1. When endorsing or opposing a candidate for political office or taking a position on an issue for the purpose of assisting or opposing a candidate, individuals and groups within NEC should undertake to make it clear that they are speaking only for themselves and that they are not stating an NEC position. This requirement is particularly important for those who in their official capacity frequently speak for NEC.
2. Faculty and staff may take part in partisan political activities freely on their own time, but they must not do so on NEC’s campus or at the expense of their regular responsibilities to NEC and its students.
3. NEC email addresses may not be used to send any communication that could be construed as relating to political activity.
4. NEC’s name, logo, insignia or other identifying marks may not be used on stationery or other documents intended for political purposes or when communicating with candidates or politicians regarding a political campaign or other partisan matter(s) (e.g., letters to Presidential or other candidates on NEC stationery regarding political matters that could be construed to be from the institution or with the institution’s blessing), including soliciting funds for political support or carrying on a political campaign.
5. Funds or other contributions may not be solicited in the name of NEC for political support or carrying on a political campaign.
6. NEC employees may not—and must not be asked to—perform tasks related to partisan political activities during working hours.
7. The following may not under any circumstances be used for political campaign purposes:
  - a. NEC’s facilities;
  - b. NEC’s bulk-mailing privilege;

- c. NEC mailing lists—including the addresses of departmental offices or faculty or staff offices and e-mail addresses;
- d. NEC assets and equipment, including office supplies, telephones, facsimile machines, copiers, etc.;
- e. NEC’s sales tax exemption for purchases of goods and services.

8. Certain nonpartisan political activities (such as properly organized voter registration activities, voter education programs, and candidate debates) may be permissible if all of the viable opposing parties or candidates for the same office (as determined by NEC’s Controller or Senior Vice President for Finance and Operations) are represented and provided with equal opportunity to communicate their views and ideas. To ensure that there is no evidence of a preference for or opposition to a political party or to a candidate or candidates who have taken a particular position, care must be taken to ensure that all aspects of the event are politically neutral and that equal time is allocated to each candidate during the event (e.g., in a forum such as a debate, the same questions must be asked of each candidate with equivalent time for response). In order to ensure that all legal and NEC requirements are followed, advance approval for these events or activities must be obtained from (and all plans, publicity, and other information relating to such activities must be reviewed by) the NEC Controller or Senior Vice President for Finance and Operations, who will, if necessary, provide further guidance to the organizer. The NEC Controller and/or Senior Vice President for Finance and Operations is available for consultation regarding such activities. In addition, a disclaimer must be made at the beginning of any such event (and in any printed materials or advertising) that NEC does not support or oppose candidates for political office and that the opinions expressed are not those of NEC.

9. NEC building space (NEC facilities regularly reserved for student use and other NEC space such as lecture halls and meeting rooms) may not be used or rented for activities related to one political party. NEC’s outdoor grounds may also not be used for partisan political activities of any kind. Further guidance regarding facilities usage is available in NEC’s Facilities Usage Policy.

As noted above, these policies are not intended to infringe in any way upon NEC student, faculty, and other employee individual rights to support a particular candidate or participate in a political campaign. NEC is dedicated to the free expression of ideas. Individuals remain entirely free to become involved in the election process as they choose, so long as they do so in a way that does not—either overtly or impliedly—involve NEC.

### **Political Contributions**

NEC does not make contributions to political candidates, due to its non-profit tax status. NEC solicits contributed support to underwrite its own programs and services. It does not make contributions to other non-profit causes. Employees are encouraged to use their personal time and resources to support other fundraising causes outside of NEC.

### **Lobbying**

Given strict IRS rules regarding lobbying, the NEC Controller or Senior Vice President for Finance and Operations must be contacted if an NEC office or employee is considering engaging in any lobbying activity or retaining others to lobby on NEC’s behalf.

Lobbying is generally defined as communicating, directly or indirectly, with policymakers for the purpose of trying to influence legislation, whether federal, state, local, or foreign (non-U.S.). U.S. law divides lobbying into two principal categories: “direct” lobbying and “grass-roots” lobbying:

- *Direct lobbying* involves communications that:
  - Are directed towards government officials;

- Refer to specific legislation; and
- State or strongly imply a position on the specific legislation.
- *Grass-roots lobbying* involves communications that:
  - Are directed to segments of the general public;
  - Refer to specific legislation;
  - State or strongly imply a position on the specific legislation; and
  - Encourage the recipient of the communication to contact government officials with respect to the specific legislation. (This is sometimes called a “call to action.”)

During lobbying activities, NEC must not inadvertently support a particular candidate or political party by taking a position regarding a particular issue. Lobbying efforts that follow party lines are particularly risky for NEC, because the IRS can view such efforts as indirect support of a candidate or political party.

In order to be considered lobbying, an activity must generally meet all of the parts of either the direct lobbying definition or the grass-roots lobbying definition. When recording lobbying expenditures, NEC must track whether the spending was incurred for direct lobbying or for grass-roots lobbying, given different reporting requirements related to each type of spending. Such requirements include annual IRS reporting as well as twice annual reports to Congress on lobbying communications with congressional employees and certain high-ranking agency employees that attempt to influence U.S. federal programs, policies, and practices.