

<b>General Policy:</b> GE0003 - State and Federal Government Relations Activities	
<b>Version: 1</b>	<b>Effective Date: 01/07/2022</b>

## GE0003 – STATE AND FEDERAL GOVERNMENT RELATIONS ACTIVITIES

### SECTION 1. Policy Statement

The purpose of this policy is to facilitate compliance with federal and state law and enhance the effectiveness of contacts with federal and state government officials while protecting employees’ rights to free speech and expression.

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### SECTION 2. Reason for the Policy

- 2.1 The University must communicate with government officials with a clear and unified voice. The President, through the Office of Government Relations and Advocacy, directs a coordinated state and federal legislative, policy, and budgetary agenda on an annual basis on behalf of the University of Tennessee System – its campuses, institutes, and units. The Vice President for Government Relations and Advocacy (“Vice President”) is responsible for coordinating contact with state and federal government officials, and the University’s lobbying activities. Reporting to and under the supervision of the Vice President, the Office of Federal Relations serves as the University’s official liaison with federal government officials. The Vice President will ensure the involvement of the appropriate University officials in these matters.
- 2.2 As an entity that engages in federal lobbying activities, the University must comply with federal law, including but not limited to the Lobbying Disclosure Act of 1995 (as amended by the Honest Leadership and Open Government Act of 2007) and the Byrd Amendment. [add hyperlink to the Lobbying Disclosure Act]
- 2.3 The University must comply with state law, including but not limited to the Public Employee Political Freedom Act of 1980, Tenn. Code Ann. §8-50-602(a). [add hyperlink]

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- 2.4 The University Board of Trustees Policy on the Process for Submitting Legislative Proposals and Funding Requests to the General Assembly (BT0017) governs the process for submitting legislative proposals and funding requests to the Tennessee General Assembly as required by Tenn. Code Ann. §49-7-1002. [add hyperlink]

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### **SECTION 3. Scope and Application**

This policy applies to all University employees. This policy addresses the official representation of the University and the use of University resources when contacting state and federal government officials. Nothing in this policy is intended to restrict protected personal expression by a University employee (including expression on behalf of a professional society or other organization) on personal time using personal resources; nor is this policy intended to restrict a University employee from identifying their profession or place of employment in the context of their personal communication with a government official. However, a University employee must make it clear that they are expressing their personal views and not an official position of the University.

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### **SECTION 4. Procedures**

#### **4.1 Political Campaigns and Activities**

4.1.1 University employees who run for political office must comply with the Little Hatch Act [Tenn. Code Ann. §§2-19 201-208].

4.1.2 If a University employee runs for elected office and wants to conduct any political campaign business during regular business hours, the employee must request and be approved for annual leave or leave without pay.

4.1.3 The University employee must take steps to ensure that their individual political activities are not attributed to the University, including expressly and clearly indicating that any use of a University title at a campaign event or in campaign-related publications is solely for identification purposes.

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4.1.4 University resources must not be used when engaging in personal political activity. These resources include but are not limited to letterhead, e-mail accounts, stationary supplies, and University-owned hardware.

**4.2 Coordination of Lobbying Activities**

4.2.1 University employees must not engage in lobbying activities on behalf of the University, or give the appearance of engaging in lobbying activities, without specific prior authorization by the Vice President for Government Relations and Advocacy. A “lobbying activity” is contacting Covered Officials to solicit support for a particular position or approach to an issue.

4.2.2 All personal contacts with Covered Officials should be done in the name of the individual or the professional society, client or other organization the individual represents.

4.2.2.1 University employees must not use University resources to make personal contacts with Covered Officials. These resources include, but are not limited to: letterhead, e-mail accounts, stationary supplies, and university-owned hardware.

4.2.2.2 Personal contact with Covered Officials must not occur during regular business hours unless the employee has requested and has been approved for annual leave or leave without pay.

4.2.2.3 When making personal contact with a Covered Official, University employees must not make any use of the name of the University or any of its campuses or institutes for any purpose other than professional identification. If an employee makes use of the name of the University for identification purposes when making personal contact with a Covered Official, then the employee must specify that the communication is made in the employee’s personal capacity and the individual is not speaking on behalf of the University.

4.2.2.4 University employees should coordinate invitations to Covered Officials to attend University-sponsored events, in advance, with the Vice President for Government Relations and Advocacy.

4.2.3 Prior to contacting a Covered Official *on behalf of the University’s interests*, an employee, department or unit must coordinate with the University’s Office of

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Government Relations and Advocacy. Contacts, *on behalf of the University*, requiring coordination with the Office of Government Relations and Advocacy may include, but are not limited to:

- a) Testimony before executive or legislative bodies
- b) Individual or group meetings
- c) Presentation of written materials or electronic transmissions
- d) Invitations to visit campuses in any capacity
- e) University sponsored events that include government officials, candidates for office, and state and federal political appointees
- f) Responses to requests for information
- g) Any appearances before federal and state government officials in which an individual is representing an official University position
- h) Any verbal, or written statements made on behalf of the University that concern federal or state policies, legislation, or regulations.

4.2.4 If a University employee is in doubt whether a contact with a Covered Official is a lobbying activity, the University employee should consult with the Vice President for Government Relations and Advocacy.

4.2.5 No University campus, institute, division, unit, or department may employ or retain a lobbyist without the prior approval of the Vice President for Government Relations and Advocacy.

4.2.6 The Office of Federal Relations is responsible for managing the University's compliance with the Lobbying Disclosure Act. University employees who engage in lobbying activities during a quarter must report those activities to the Office of Federal Relations within seven (7) days of the lobbying contact by using the online reporting form developed by the Office of Federal Relations. Knowing violations of the Lobbying Disclosure Act carry potential civil and criminal

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penalties. The University may be required by the Lobbying Disclosure Act to report a University employee's communication with a covered executive or legislative branch official, even if the employee is not a registered federal lobbyist.

#### **4.3 Semiannual Reporting of Honorary Contributions**

4.3.1 The Lobbying Disclosure Act also requires the University and its registered federal lobbyists to file semiannual reports (i.e., January 30 and July 30) with the United States Senate and the United States House of Representatives concerning certain political and honorary contributions. The Office of Federal Relations is responsible for filing the semiannual reports on behalf of the University. University employees must coordinate with the Office of Federal Relations prior to authorizing the payment of any University funds for an event that recognizes or honors a covered legislative or executive branch official.

#### **4.4 Semiannual Certification of Compliance with Congressional Gift and Travel Rules**

4.4.1 The semiannual report filed by the University also contains a certification by the University and its registered federal lobbyists of understanding and compliance with the [gift and travel rules of the United States Senate](#) and the [gift and travel rules of the United States House of Representatives](#). Some Covered Officials are subject to other gift and travel rules. Because of the complexity of those rules, employees must not provide gifts, meals, entertainment, or travel to Covered Officials or their staff without first consulting with the Vice President for Governmental Relations and Advocacy.

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## **SECTION 5. Definitions**

5.1 "Covered Official" means any and all of the following persons:

- a) A member of the United States Congress or the Tennessee General Assembly;
- b) An elected officer of either house of the United States Congress or Tennessee General Assembly;
- c) Any employee of, or any individual functioning in the capacity of an employee of, a member of the United States Congress or Tennessee General Assembly or a committee, joint committee, leadership staff or working group or caucus thereof;

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- d) The President and Vice President of the United States;
- e) Members of the President’s Cabinet;
- f) The Governor of the State of Tennessee;
- g) Members of the Governor’s Cabinet;
- h) Any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President of the United States or the President’s Cabinet or Office of the Governor of the State of Tennessee or the Governor’s Cabinet;
- i) Anyone serving in a position of a confidential, policy-determining, policy-making or policy-advocating character described in 5 U.S.S. § 7511(b)(2)(B) or described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. Appendix 4). [hyperlink cites]

5.2 “Lobbying” or “Lobbying Activity” is a contact with a Covered Official for the purpose of influencing such person on a particular issue to obtain a vote, support for a position or an intended outcome. Contacts that are excluded from the definition of “lobbying contact” under 2 U.S.C. § 1602(8)(B) are not covered by this policy.

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## SECTION 6. Penalties/Disciplinary Action for Non-Compliance

6.1 University employees violating portions of this policy may be subject to civil or criminal penalties as set forth by federal law.

6.2 Noncompliance with this policy may lead to disciplinary action, up to and including, termination as either unsatisfactory work performance or work-related behavior, or gross misconduct, under University policy.

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## SECTION 7. Responsible Official & Additional Contacts

Questions about this policy, including questions about whether particular activities are subject to this policy, should be directed to the Vice President for Government Relations and Advocacy. The email address for contact is [governmentrelations@tennessee.edu](mailto:governmentrelations@tennessee.edu) or [lobbyingdisclosure@tennessee.edu](mailto:lobbyingdisclosure@tennessee.edu). The phone number for contact is 615-619-2511.

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## SECTION 8. Policy History

List the history of any prior revisions of the policy or whether this policy replaces an existing policy. The format below is merely a guide.

**Revision 3:** XX/XX/XXXX

**Revision 2:** XX/XX/XXXX

**Revision 1:** XX/XX/XXXX

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## SECTION 9. Related Policies/Guidance Documents

### 9.1 Related Policies

9.1.1 BT 0017- Process for Submitting Legislative Proposals and Funding Requests to the General Assembly.

BT 0021- Policy Affirming Principles of Free Speech for Students and Faculty.

### 9.2 Guidance Documents

See Guidance Document – Legislative Activities

[GE0003 - Guidance Document](#)

[GE0003 - Policy Flow Chart](#)