Policy Governing Lobbying Activities

Date: Updated on March 1, 2016

Policy Statement

Lobbying is a process of communicating with lawmakers and other public officials to advocate and help shape public policy on laws, regulations, and other governmental matters at any level of government. As long as these communications are conducted and reported in compliance with all applicable laws, lobbying is an appropriate way for the University to inform policy makers about the educational, research, and other interests of Columbia University. Columbia University strictly complies with all lobbying laws and regulations.

Reason for the Policy

The reason for the policy is to ensure compliance with federal, state and city lobbying rules and requirements.

Primary Guidance to Which This Policy Responds

There is not a primary policy.

Responsible University Office and Officer

Office of the General Counsel
Responsible Officer: Michael E. Feiler
212-854-5795
mf@gc.columbia.edu

Who is Governed by This Policy

All University employees.

Who Should Know This Policy

All University Employees, especially those employees engaged in lobbying activities or those employees considering engaging in lobbying activities.

Exclusions & Special Situations

None
Policy Text

Federal Lobbying


"Lobbying activities" are defined under the LDA as lobbying contacts (as defined below) and efforts in support of such contacts, including preparation and planning activities, research and other background work if it is intended, at the time it is performed, for use in lobbying contacts; and coordination with the lobbying activities of others for the University. A "lobbying contact" is a communication (oral or written) with members of Congress or their personal and committee staffs¹, or with the President, Vice President, and certain Executive branch appointees², regarding:

1) The formulation of Federal legislation, rules, regulations, Executive Order or policy;

2) The administration of Federal program or policy, including the negotiation or award of Federal contract, grant, loan, permit, program or license; or

3) The nomination of anyone subject to Senate confirmation.

Examples of federal lobbying contacts include letters, e-mail messages, telephone calls, and face-to-face meetings with officials or staff. Research and preparation for such meetings are considered federal lobbying activities.

Examples of communications that are not considered federal lobbying contacts include:

- speeches, articles, or communications made through mass media,
- testimony given before Congressional committees or submitted in writing for the public record of a hearing of such committee,
- written information in response to a written or oral request by a federal official,
- communications made in response to notices in the Federal Register,

¹ Covered Legislative branch officials include Members of Congress, elected officers of the House or Senate; employees of; or anyone acting in the capacity of an employee of, a Member of Congress, a committee of the House or Senate, the leadership staff of the House or Senate, a joint committee of Congress, or a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and any other legislative branch employees serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 USC App.).
² Covered Executive branch officials include the President; Vice President; any officer or employee, or other individual acting in the capacity of such an officer or employee, in the Executive office of the President; any officer or employee serving in a position in levels I-V of the Executive Schedule; any member of the uniformed services serving at pay grade 0-7 or above; and "Schedule C" employees.
communications required by subpoena, investigation, or otherwise compelled by law, and
response to a grass roots lobbying appeal

Faculty members who are seeking federal funding or who have received federal funding may have contact with federal grants/contracts officers to discuss prospective or ongoing projects. If the federal grants or contracts are awarded under a competitive review process, such contacts are not considered to be lobbying. If there are instances of contacts outside these general principles, please contact your Office of Government and Community Affairs to determine if your specific activity.

New York State Lobbying

"Lobbying Activity" pursuant to the New York State Lobbying Act includes any attempt to influence, by direct or indirect contact: (1) the passage or defeat of any legislation by either house of the State legislature and the approval or disapproval of any such legislation by the Governor; (2) the passage or defeat of any local law, ordinance, or resolution, or the approval or disapproval of such local law, ordinance, or resolution; (3) a State executive order; (4) a local government executive order; (5) the outcome of a rule, regulation, or rate-making proceeding by a municipality; (7) the State procurement process where the procurement is estimated to exceed $15,000 in value; (8) the local government procurement process where the procurement is estimated to exceed $15,000 in value; (9) a tribal-state compact or other State action regarding Class III gaming.

Examples of State lobbying contacts include letters, e-mail messages, telephone calls, and face-to-face meetings with officials or staff. Research and preparation for such meetings are considered State lobbying activities. Indirect contact, such as imploring students to call their legislators to support greater funding of research is also lobbying activity in New York State. Seeking grant funding from the State may constitute lobbying activity, and even if not lobbying activity, may also be required to be disclosed on Columbia's State lobbying reports.

New York City Lobbying

"Lobbying Activity" pursuant to New York City Law includes any attempt to influence by direct or indirect contact: (1) the passage or defeat of any local law or resolution by the City Council and the approval or disapproval of any such local law or resolution by the Mayor; (2) the adoption, amendment or rejection by any city agency of any rule having the force and effect of law; (3) the outcome of any city agency rate making proceeding; (4) any determination made by any city official or employee with respect to a governmental procurement; (5) any determination made by the Mayor, the City Council, the City Planning Commission, a Borough President, a Borough Board, or a Community Board with respect to zoning or the use, development or improvement of real property subject to city regulation; (6) any determination made by a city official or employee in connection with the acquisition or disposition by the city of any interest in real property, with respect to a license or permit for the use of real property of or by the city,
or with respect to a franchise, concession or revocable consent; (7) the agenda or determination of any city board or commission; (8) the decision to hold, timing or outcome of any rate making proceeding before an agency; (9) any determination regarding the calendaring or scope of any city council oversight hearing; (10) any determination made by an elected city official or an officer or employee of the city to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

Examples of NY City lobbying contacts include letters, e-mail messages, telephone calls, and face-to-face meetings with officials or staff. Research and preparation for such meetings are considered NY City lobbying activities. Indirect contact, such as imploring students to call their legislators to support greater funding of research is also lobbying activity in New York City. Seeking grant funding from the City may also constitute lobbying activity.

**Who is Authorized to Lobby on Behalf of Columbia University**

A. Personal Lobbying/Professional Society Lobbying

This policy is not intended to limit the rights of faculty or administrators to advocate and help shape public policy at any level of the federal, state, or city government or to prevent faculty or administrators from identifying their profession and Columbia University as their place of employment in the context of their communications with federal, state, or city officials. However, in exercising this right, faculty and administrators must indicate to the governmental officials that they are expressing their own personal views, and not an official position of the University. In addition, individuals who are making personal lobbying contacts with federal, state or city officials may not use University resources (Columbia letterhead, telephones, photocopy machines, or computers). Similarly, if faculty or administrators choose to lobby federal, state, or city officials on behalf of a professional society to which they are affiliated, they can do so, provided it is clear that they are expressing the views of the professional society and not of the University.

B. Use of Federal Funds for Lobbying Activities

Funds received under federal grants, contracts, or cooperative agreements may not be used for lobbying or lobbying-related expenses. In addition, federal law prohibits using federal funds to pay any person for influencing or attempting to influence an employee of any agency, a member of Congress, or an employee of a member of Congress in connection with the awarding or renewal of any federal contract, grant, or cooperative agreement.
C. University Officers Authorized to Lobby on the University's Behalf

The following officers are authorized to act on behalf of the University when conducting lobbying activities with the federal, state, or city government: The President, the Provost, the Executive Vice President, the Vice Presidents, the Dean of a Faculty or School, and certain employees in the Offices of Government and Community Affairs whose function is to perform lobbying activities on behalf of the University.

Other individuals (faculty and administrators) may engage in lobbying activities on behalf of the University only if they are designated in writing to represent the University by the Executive Vice President for Government and Community Affairs or the Medical Center's Associate Dean of Government and Community Affairs. This limitation is to ensure that the University's positions on federal, state, and city legislation and other lobbying activities are presented in a consistent manner and that the University accurately reports all lobbying activities, as required by law.

D. Engagement of External Lobbyist on the University's Behalf

Any engagement of an external (i.e., not a University faculty member or administrator) lobbyist or public affairs consultant must first be reviewed and approved by the Executive Vice President for Government and Community Affairs or the Associate Dean of Government and Community Affairs at the Medical Center and must be made under a written agreement that requires the lobbyist to fully comply with all applicable registration and reporting laws and regulations.

E. Lobbying Disclosure

The Greenberg Traurig law firm in Albany prepares required lobbying compliance reports for submission to federal, state, and city agencies on lobbying activities conducted by Columbia employees as well as third parties acting on behalf of the University. Submission of reports to New York City shall be performed by Columbia's "Principal Officer", as such term is defined by New York City's Lobbying Law; New York State and federal reports shall be filed by Greenberg Traurig in accordance with applicable law. All Columbia employees who engage in lobbying activities on behalf of the University must report their lobbying activities to Mark Glaser at Greenberg Traurig at such times as shall be required for timely submission of all required reports.

Cross References to Related Policies

Policy on Partisan Political Campaign Activity:
http://www.essential-policies.columbia.edu

Internal Audit Processes Relating to Lobbying Disclosure:
http://finance.columbia.edu/content/lobbying-disclosure
http://finance.columbia.edu/content/process-submit-your-lobbying-disclosure
Web Address

http://policylibrary.columbia.edu/policy-governing-lobbying-activities

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