Policy Governing Lobbying Activities

Date: April 1, 2013

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 & 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 staffs, or with the President, Vice President, and certain Executive branch appointees, 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 a 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,

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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 constitutes lobbying.

New York State Lobbying

“Lobbying Activity” pursuant to the New York State Lobbying Act includes any attempt to influence: (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 State agency; (6) 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; or (9) a tribal-state compact or other State action regarding Class III gaming.

New York City Lobbying

“Lobbying Activity” pursuant to New York City law includes any attempt to influence: (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 a 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; or (7) the determination of any city board or commission.
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 Senior Executive Vice President, the Executive Vice Presidents, 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, the Medical Center’s Associate Dean of Government and Community Affairs, or an Executive Vice President. An Executive Vice President designating an individual to engage in lobbying activities shall provide written notification to the 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 Office of Internal Audit is responsible for submitting reports to the federal, state, and city agencies on lobbying activities conducted by Columbia employees as well as third parties acting on behalf of the University. All Columbia employees who engage in lobbying activities on behalf of the University must report their lobbying activities to the Office of Internal Audit.

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-activites

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