Policy Overview

The University of the District of Columbia (“UDC” or “University”) has established certain policies, guidelines and procedures pertaining to contacts being made on behalf of the University with federal and local government officials, their staff members and government agencies (“Government Officials”). These policies, guidelines and procedures are designed to ensure compliance with legal requirements regarding such contacts; to enhance the effectiveness of governmental contacts; and to facilitate coordination and communication within the University. This policy applies to any and all communications made with regard to the formulation, modification or adoption of legislation, legislative proposals, rules, regulations, Executive Orders, or Mayor’s Orders; policies or positions of the federal or District of Columbia government; and changes to the administration of federal or District programs and policies. This policy does not apply to routine contacts by employees to other agencies or Government Officials when such contacts are made pursuant to the performance of the employee’s routine job duties.

UDC employees, when acting or purporting to act in a representative or official capacity on behalf of the University should first notify the UDC Director of Government Relations prior to initiating any contact with, or before responding to, any contacts, requests or inquiries made by Government Officials when such contact or response falls within the scope of this policy.

All University activities within the scope of this policy involving or related to Government Officials must be developed in advance through consultation with the UDC Director of Government Relations to ensure that the University’s official position is being properly and appropriately presented and/or to provide for a coordinated and professional response on behalf of the University and its various constituencies. Additionally, the Director has principal responsibility for the University’s compliance with applicable federal and local laws and regulations concerning communications or interactions by the University with Government Officials.

The rules governing contacts with federal officials and local officials are similar, although there are certain federal legal requirements that are not requirements of the local government, such as registering the University as a lobbying organization. The following
are types of contacts to which this policy is applicable: Individual or group meetings with executive and legislative elected officials and staff; Appearances before executive and legislative bodies including committees, study groups, and commissions; Written materials or electronic transmissions; Invitations to visit UDC campuses; and Responses to requests for information, reports, and data from elected officials and staff.

**Policy for Contacts with Federal Officials**

The University of the District of Columbia is registered as a lobbying organization in accordance with the federal Lobbying Disclosure Act of 1995 (Pub. L. 104-65; 2 U.S.C. § 1601, et seq.), as amended. In order to assist in ensuring compliance with applicable federal law and regulations, the University has established a policy and quarterly reporting procedure for those who may be in contact with covered federal government officials. Covered federal government officials include any Member, officer, or employee of Congress; the President, Vice-President, officers and employees of the Executive Office of the President; and various high-level executive branch officials. The Federal Lobbying Contacts form is attached to this document.

Only individuals approved by the President of the University or the Director of Government Relations are authorized to lobby or represent the University’s interests with federal officials. The responsibility for authorizing such persons rests with the Office of Government Relations. This office is also responsible for the preparation and submission of the required federal reports associated with lobbying activities.

The Lobbying Disclosure Act was amended by the Honest Leadership and Open Government Act (Public Law 110-81) and requires the University to report in more detail about federal lobbying activities. Any contact with any Congressional Member or Congressional staff employee or political appointees in federal agencies on behalf of UDC may be reportable as a lobbying contact by UDC,¹ and the cost of such a reportable contact must be reported as a lobbying expenditure. UDC therefore requires any employee of the University, before making a lobbying contact on behalf of UDC, to receive approval from the Office of Government Relations.

These regulations relate to lobbying contacts with any Member of Congress and Congressional staff and political appointees in federal agencies. Many contacts with executive branch agencies will not trigger the reporting requirements because only contacts with political appointees (Schedule C employees) need to be reported. (For example, a UDC researcher dealing with a career agency grant official on the details of a grant to UDC would not be reportable. If the researcher lobbies Congress for the earmarked grant, then that would be reportable and would require prior approval by the UDC Office of Government Relations.)

¹ A Lobbying contact means any contact made with regard to: the formulation, modification or adoption of federal legislation, legislative proposals, Federal rules, regulations, Executive Orders; policies or positions of the federal government; the administration of federal programs and policies. See 2 U.S.C. § 1602(8)(A).
It is also important to note that use of federal funds for lobbying Members of Congress, their staff or employees of federal agencies is prohibited by federal law and this policy. In addition, funds received in accordance with the Higher Education Act, including but not limited to Title III funds and Title IV (financial aid) funds, may not be used for lobbying purposes. The University has an obligation to certify to the Department of Education that no funds received under the Higher Education Act have been used for the University’s lobbying or earmarking activity.

**Policy on Contacts with State or Local Officials and Agencies**

The Office of Government Relations is charged with the responsibility of representing the University’s legislative initiatives before the Council of the District of Columbia and the District’s agencies. It will only be able to effectively fulfill its responsibilities if it is aware that members of the University community are planning to make contacts on behalf of UDC. Due to the interests that many departments or employees may have in furthering a particular legislative issue, there have been instances in which individual requests have been made from UDC entities or individual employees directly to individual legislators or the entire body without the knowledge of the UDC Office of Government Relations. In order to maintain professional working relationships with public officials and keep the University’s messages coherent and effective, the Office of Government Relations requires that all University departments and employees contact the Office prior to any written or verbal communications with any elected or appointed public officials when acting or purporting to act in a representative or official capacity on behalf of the University of the District of Columbia.

This section does not apply to routine contacts by employees to other agencies when such contacts are made pursuant to the performance of the employee’s routine job duties.

**Individual or Group Meetings with Executive and Legislative Branch Officials and Staff**

When meetings occur between employees or groups of employees with executive or legislative officials and the University of the District of Columbia, they must be coordinated with and approved by the Office of Government Relations. These meetings need coordination with the Office if the meeting falls within the scope of this policy. This includes specific funding requests or grant proposals, except requests or proposals made to officials whose function is to routinely receive and process such requests or proposals. If an individual or group is representing a personal interest (including professional organizations) and is not representing the University, the Office of Government Relations would appreciate being notified of the meeting for informational purposes only, but there is no specific requirement for such notification.
Appearances Before Executive and Legislative Bodies Including Committees, Study Groups, and Commissions

If appearances before executive and legislative bodies are for the purpose of representing the interests of the University of the District of Columbia as defined by this policy, the Office of Government Relations must be notified and must grant approval for such appearances. If the appearance is personal (including professional organizations) and it is made clear that the presenter is not representing UDC, the Office of Government Relations would appreciate being notified of the appearance for informational purposes only, but there is no specific requirement for such notification.

Written Materials or Electronic Transmissions

It is useful for officials to receive official University publications; however, it is important to coordinate such distributions to avoid duplication and other problems that may result from overloading officials with such material. Therefore, the distribution of materials to officials shall be coordinated with the Office of Government Relations.

Invitations to Visit UDC Campuses

The University welcomes visits by elected officials and staff, whether they visit as private citizens or in their capacities as government officials. Invitations to elected officials, Council staff and mayoral appointees to visit any campus of the University in their official capacity are to be approved in advance by the Director of Government Relations.

Responses to Requests for Information, Reports, and Data from Elected Officials and Staff

When requests for information, reports and data related to the University have been made to the University or its employees, responses to such requests are to be coordinated through the Director of the Office of Government Relations. This section does not apply to routine contacts by employees to other agencies when such contacts are made pursuant to the performance of the employee’s routine job duties.

This section does not apply to requests made under the District of Columbia Freedom of Information Act (FOIA). All responses to requests under the FOIA must be coordinated through the FOIA Officer in the Office of General Counsel.

This section does not apply to responses relative to investigations of or relating to the University initiated by federal or local government agencies, including but not limited to the Office of the Inspector General of the District of Columbia and the United States Department of Education. Such investigations shall be coordinated by the President or the President’s designee.
**Personal and Professional Contacts**

The University recognizes and appreciates the privilege of each employee as a citizen of the District and nation to express his or her own political opinions. The right to express one’s own opinions and to seek to make that opinion known is inalienable. Employees who choose to exercise their rights as citizens should make every effort to indicate clearly that the position they take is an individual opinion and does not represent the opinion of the University. If an employee identifies himself/herself as a member of the faculty or staff of UDC, he/she must clearly state that the opinions expressed are his/her own and not those of the University. The employee must not state or give the appearance that he or she is acting for or on behalf of the University.

Personal contacts (including those on behalf of professional societies and other organizations) with elected officials or governmental agencies, whether in person or in writing, should be done in the name of the individual or the professional society. UDC letterhead must not be used and any reference to affiliation with the University should be made only as an aid to identify the individual making the contact.

Many contacts and communications between employees and governmental representatives are unrelated to either political, legislative, or regulatory processes or overall institutional interests and priorities, and thus are properly within the purview of individual employees. There is no intent in this policy to restrict or impede these beneficial working relationships that promote the institutional mission.

**Judicial and Adjudicatory Proceedings**

This policy does not apply to communications and responses made in connection with local, state or federal judicial or adjudicatory proceedings involving the University of the District of Columbia. All such communications are only to be made by or with the approval of the General Counsel or the General Counsel’s designee. Communications under this section include, but are not limited to, the filing of a claim before any federal, state or local court or administrative agency by or on behalf of the University; or any response required to be made by the University or any employee in his or her official capacity in relation to any proceeding before any federal, state or local court or administrative agency. Such responses may or may not arise out of cases in which the University or the employee in his or her official capacity is a party. For example, this section requires any employee to obtain the approval of the General Counsel or designee prior to responding to a subpoena, even if the University is not involved in the particular case.

This section only applies to judicial or adjudicatory proceedings involving UDC and not to proceedings involving employees in their personal capacity. However, any employee who has been named as a defendant in a lawsuit or is the subject of an adjudicatory claim
in his or her official capacity and who has requested representation by the University, the District of Columbia, or an agent of the University or District shall be required to abide by this policy. Failing to do so may result in the termination of the University’s or the District’s representation of the employee sued.