

Kenyon College Policy Regarding Political Campaign Activities on Campus

Approved Oct. 26, 2018

I. Introduction

Kenyon College strongly supports the free expression and exchange of ideas. This foundational value of the College, which is central to liberal education, was re-affirmed in the Faculty Resolution on Freedom of Expression for Faculty and Students, adopted in the spring of 2017. The resolution notes that a central purpose of the College is to provide “the conditions within which strong disagreement, independent judgment, and the questioning of all assumptions, can flourish.” Because unstructured expression and debate can itself be a danger to liberal education, the resolution also recognizes that the College may “reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the College,” provided that any limitations be narrow exceptions “never to be used in a manner that is inconsistent with the College’s commitment to a free expression of ideas.”

As a federally tax-exempt educational organization, the College must also abide by provisions of federal tax law that prohibit it from participating in, or intervening in, any political campaign on behalf of or in opposition to any candidate for public office. This Policy Regarding Political Campaign Activities on Campus sets forth guidelines with respect to certain political campaign activities to ensure the College’s compliance with federal law. In the spirit of the Faculty Resolution, this Policy crafts a narrow set of restrictions to make our commitment to “the broadest possible freedom of expression” consistent with our legal obligations as a tax-exempt organization. In particular, this Policy seeks to ensure that the expression of political opinions by students, faculty and staff of the College not be understood as endorsement by the College of, or opposition by the College to, any candidate for public office.

References to “*Kenyon*” or the “*College*” in this Policy shall be understood to include Kenyon College and its affiliate organizations.

II. Individual Candidate Appearances on Campus at College-Sponsored Events

Candidate appearances on campus can support the College’s tax-exempt educational mission as long as they are conducted in an unbiased fashion. When candidates for political office are invited to speak on campus in their capacity as candidates at College-sponsored events (as opposed to invitations issued solely by registered student organizations, which are discussed in Section VI, below):

- The College must provide a truly equal opportunity to appear on campus to all other legally qualified candidates for the same office. “Truly equal opportunity” means that the nature and importance of the events to which the candidates are invited and the manner of presentation of the candidates must be of equal quality and importance, not favoring one over the other.
- The College must take affirmative steps to invite all candidates for the office to speak; waiting for candidates to ask the College for an opportunity to speak is not sufficient.
- The actions of the College with respect to each appearance, including the manner of introducing candidates and all communications relating to any appearance, must not indicate support for or opposition to any candidate. Any advertising or marketing materials must include a disclaimer stating that the College does not endorse or oppose any candidate for office. The moderator or emcee must make an affirmative statement that the College does not support or oppose the candidate.
- The event should be conducted as an academic event with an educational purpose, and not as a campaign rally or event.
- Questions from the audience may be permitted, but the moderator should indicate at the start of any question-and-answer session that such questions represent the opinions of the questioner only and not of the College.
- No fundraising may occur at or in connection with any candidate appearance.

III. Multi-Candidate Forums on Campus

As with individual candidate appearances, multi-candidate forums can support the College’s tax-exempt educational mission. In a multi-candidate forum sponsored by the College:

- All legally qualified candidates for the office must be invited to participate.
- Questions for the candidates should be prepared and presented by an independent non-partisan panel or moderator.
- Topics discussed should cover a broad range of issues of interest to the public that the candidates would address if elected to the office sought.
- Each candidate must be given an equal opportunity to present their views on each of the issues discussed.
- In order to avoid the appearance of an implied endorsement or non-endorsement, the candidates should not be asked by the moderator or panel members to specifically agree or disagree with positions, agendas, platforms or statements of the College or any of its departments or offices.
- The actions of the College with respect to the forum, including the manner of introducing candidates and all advertising and other communications with respect to the forum, must not indicate support for or opposition to any candidate. Any advertising or marketing

materials must include a disclaimer stating that the College does not endorse or oppose any candidate for office.

- Forum moderators should not, in their comments, express or imply approval or disapproval of any of the candidates. Moderators must make an affirmative statement that the College does not support or oppose any of the candidates.
- Questions from the audience may be permitted, but the moderator should indicate at the start of any question-and-answer session that such questions represent the opinions of the questioner only and not of the College.
- No fundraising may occur at or in connection with the forum.

IV. Candidate Appearances in Non-Candidate Capacities

Candidates for office may at times be invited to speak other than in their capacity as candidates. For example, they may be invited as a result of holding or having formerly held a public office, because they are an expert in a non-political field, because they are a Kenyon alumna or alumnus, parent or faculty or staff member, or because they are a celebrity or otherwise have had a distinguished career. If a candidate is invited to speak or permitted to speak in this type of situation:

- The moderator or sponsor must clearly indicate the non-campaign reason why the candidate has been invited to appear and speak.
- The candidate may only speak in this non-candidate capacity.
- No mention may be made by the candidate or others of the candidacy or the election.
- A nonpartisan atmosphere must be maintained at the event.
- Advertising and/or other communications with respect to the event should not mention the individual's candidacy and should indicate the capacity in which the individual is appearing.

V. Rental of College Facilities by Campaigns

The College may permit political campaigns to rent College facilities for campaign or other events which are not sponsored by the College or any of its groups or organizations. These events should, in general, be treated like any other rental of a College venue by an outside organization. In addition:

- The College must charge its usual rate for the use of the space, *i.e.*, the rate it would normally charge to an outside group, and not a special or discounted rate.
- The space must be one which is also made available at other times to other outside organizations.
- The College must make the space available to other political campaigns which request to rent it on the same terms.

- Advertising for the event must include a disclaimer stating that the College does not endorse or oppose any candidate for office; the College must require this in its agreement for the rental of the space.
- Although the College is not required to rent its facilities to political campaigns, it may not discriminate among campaigns in decisions whether to rent or in the terms of any rental.

VI. Events Sponsored by Registered Student Organizations

Registered student organizations in good standing may use Kenyon's physical facilities for partisan political purposes, including campaign-related events. It is important in connection with any such event that the event is sponsored by the student organization and not by the College itself, or any department, instrumentality or affiliate of the College; if the event is also sponsored by the College or any department, instrumentality or affiliate, all of the restrictions described above for College-sponsored events must be followed. In connection with any student organization-sponsored event:

- All usual requirements for planning events and utilizing campus spaces should be followed, including the payment by the student organization of any costs or fees normally charged for the use of such campus space, if any.
- Faculty and staff should avoid any actions in connection with the event which might tend to imply an institutional endorsement of it. In its essence and its conduct, the event should be one sponsored and conducted by the student organization, not by a faculty or staff member or department or office of the College. In this connection, any faculty or staff advisor to the organization should act as an advisor to the student organization and not as a principal, to avoid the appearance of an endorsement by the College of the event.
- The name of the sponsoring student organization must be included in all advertising and marketing materials in any medium. Any advertising or marketing materials must include a disclaimer stating that the College does not endorse or oppose any candidate for office. This is particularly important to the extent that such advertising utilizes or links to any College webpages or email forums or lists.
- The student group must reimburse the College for any costs the College actually incurs in connection with the event.
- No fundraising may occur at or in connection with the event.
- If the event is one in which multiple candidates for a single office appear, then notwithstanding the other provisions of this section, the rules in Section III governing a multi-candidate forum will apply, and in the event of any conflict between the Section III rules and the rules set forth in this Section VI, the Section III rules shall govern.

VII. Use of College Resources, Name, etc. for Campaign Purposes

With the exception of the use by student organizations of spaces on campus to the extent permitted under Section VI and communications relating thereto to the extent described in this Policy, no College resources may be used to support or oppose any candidate for political office. The following rules are illustrative, but not necessarily exhaustive:

- No person or organization may use any College mailing list, office space, telephone, printing, photocopy or other reproduction equipment, website, webpage or email or social media resource, electronic message board or electronic forum to support or oppose any candidate for public office, except that student organizations may use electronic forums and media, to the extent that such forums and media are otherwise available to students free of charge, in connection with the promotion of a student-organization sponsored event held in compliance with Section VI of this Policy.
- No person or organization may use any College logo or other identifying mark, any College letterhead, College institutional publication of any kind or any other intellectual property of or commonly associated with Kenyon to support or oppose any candidate for public office. This guideline is not intended to infringe upon the editorial freedom of *The Kenyon Collegian*, or any other student-edited publication not under the editorial control of the College, which may endorse or oppose candidates for public office, even though such publications may utilize College resources.
- No person may provide links on College institutional websites or webpages or email forums to websites or webpages opposing or supporting any candidate for public office.
- This Policy is not intended to discourage the participation by students, faculty or staff of the College in the political process, but rather to ensure that such participation by individuals does not imply any endorsement of or opposition to any candidate by the College. Whenever the College is identified in any communication about a political candidate written by a member of the faculty or staff or a student, such communication should note that the College does not endorse or oppose candidates for political office.

VIII. Voter Registration and Education Activities

Voter education and registration activities can support the College's tax-exempt educational mission as long as they are conducted in an unbiased fashion. These guidelines must be followed:

- Voter education activities designed to increase awareness of the electoral process, to aid in the understanding of relevant issues, and to encourage citizens to become involved in the process may be conducted by the College and its faculty, staff and students, provided

that these activities are nonpartisan in the recruitment of instructors and students, and the design and content of the curriculum. Voter education and training activities should be widely publicized, although groups underrepresented in the political process may be targeted. Such activities may not favor or oppose one or more candidates for public office.

- Nonpartisan voter registration activities may be conducted by the College and its faculty, staff, students and registered student organizations.
- This Policy is not intended to restrict the participation by faculty, staff, students or registered student organizations in partisan voter education and registration activities, provided that no College resources may be used in support of any such partisan activities except as otherwise specifically provided in Section VI hereof. In the case of any such activities conducted on behalf of or in opposition to a candidate, the organization sponsoring such activity must make clear that it is not acting on behalf of or with the endorsement of the College.

IX. Responsibility for Compliance, Interpretation of Policy

As chief executive officer of the College, the President bears primary responsibility for ensuring compliance by the College with applicable laws. The College's tax-exempt status is essential to its existence. For these reasons, the office of the President bears the responsibility for the enforcement of this Policy and will, in consultation with legal counsel as necessary, interpret this Policy as may be necessary from time to time. Questions regarding the Policy or its applicability in particular circumstances should be addressed to the Office of Campus Events, which will confer with the President's office as appropriate. Faculty, staff and students may also consult the College's Center for the Study of American Democracy as an educational resource with respect to this Policy and the activities described in it. Questions and requests for interpretation of this Policy are encouraged. This Policy is not exhaustive, and many political activities not specifically mentioned herein may be permitted in support of the College's educational mission, or prohibited if they would threaten the College's tax-exempt status.