Institutional Lobbying and Electoral Activity Frequently Asked Questions

As not-for-profit, tax-exempt entities, The Johns Hopkins University (JHU) and The Johns Hopkins Health System Corporation (JHHS) are required to comply with certain lobbying disclosure laws and ethics rules, and are prohibited as institutions from endorsing candidates or participating in political campaigns. While there are some federal reporting differences between JHU and JHHS, the following guidance applies generally to all Johns Hopkins employees.

In order to ensure compliance and preserve the tax exempt status of JHU and of JHHS, the office of Government and Community Affairs (GCA), in consultation with JHU and JHHS legal counsel, has developed this FAQ to provide a practical guide to understanding 1) acceptable institutional political and lobbying activities and 2) which activities may (or may not) trigger internal reporting requirements.

Federal, state and local rules regarding lobbying and political activity are complex and ever-changing. GCA is charged with executing the institution’s advocacy agenda and serves as a resource for University and Health System administration and faculty. Faculty and staff must contact GCA whenever they plan to engage with a public official (includes any federal, state, or local elected or appointed official and relevant staff) in their capacity as a faculty or staff member of Johns Hopkins or on subjects related to their research or professional area of expertise.

Lobbying defined: “Lobbying” includes oral, written or electronic communication with a public official with intent to influence a legislative, regulatory or policy change. Preparation for such contacts may also need to be captured for reporting purposes. Federal, state and local definitions of what constitutes lobbying may differ slightly, so consult with GCA for guidance.

Q & A

1) If I am invited to testify before a legislative committee, regulatory board or commission, what should I do?

Contact Government and Community Affairs. Our professional lobbyists (see contact information below) can provide practical guidance, demystify the hearing process, and anticipate any political landmines to ensure witnesses are well-prepared to appear before a legislative or regulatory body. Unless you are explicitly authorized in advance to speak on behalf of Johns Hopkins, all testimony should include the following disclaimer:

“The opinions expressed herein are my own and do not necessarily reflect the views of The Johns Hopkins University (or The Johns Hopkins Health System, as applicable).”

2) Should I notify Government and Community Affairs if I have requested a meeting with a public official or am participating in a “lobby day”?

Yes. We may need to report associated time and expenses on institutional lobbying disclosure filings. Please consult with GCA for more information on reporting requirements.
3) May I use institutional resources (phone, e-mail, letterhead) to call/write my representative, as part of a call to action (e.g. professional society or trade group)?

Grassroots or issue advocacy is acceptable; however, we advise using personal letterhead and e-mail. GCA can provide further clarification or guidance.

4) What are the guidelines for using Johns Hopkins University letterhead when corresponding with public officials?

Johns Hopkins letterhead should be used only when the writer is representing the institution on official business or writing “on behalf of” Johns Hopkins in a pre-approved situation. Letters and e-mail expressing personal views should be written on personal stationery or using personal e-mail. The institution may be mentioned for identification purposes; please include the disclaimer in question #1.

5) What is the process for inviting public officials to campus?

First, obtain approval from your dean. Then, contact Government and Community Affairs. In some instances, our professional lobbyists will assist with logistics and shepherding the request through the appropriate public officials.

6) May I offer a meal or gift to a public official?

As a general rule, faculty and staff must refrain from offering meals, tickets, travel or other gifts of any value to public officials. Such activity is prohibited or conditionally restricted by federal, state, and local laws. Please direct any questions to GCA.

7) If a public official requests my input in developing a piece of legislation or policy change, whom should I notify?

Alert your dean and the Vice President of Government and Community Affairs. Such activity may be construed as setting forth the position of the institution and trigger the institution’s reporting obligations. GCA can advise you on the history and political context surrounding a given issue and help faculty and staff articulate whether they are speaking as an expert or on behalf of Johns Hopkins.

8) Is there a distinction between “educating” public officials and “lobbying” them?

No. Though publishing and conducting nonpartisan analysis, study or research is not considered lobbying, discussing it with a public official may be. Advocacy and educational activities may constitute lobbying even if legislation is not pending. Accordingly, before engaging in any such activity in a Johns Hopkins capacity, please contact GCA for guidance.

IMPORTANT: A federal law known as the Byrd Amendment (31 U.S.C. §1352) prohibits the recipients of federally sponsored grants from using those funds to lobby or influence public officials.

9) I am considering hiring an external lobbyist. What should I do?

Contact GCA immediately. In addition to complying with procurement protocols, you must secure the prior approval of the Vice President of Government and Community Affairs for any contracts with
outside lobbying firms or consultants who intend to lobby on behalf of the University or one of its departments or centers, or JHHS or one of its departments.

10) May I convene a candidate forum or debate on campus?

Yes, with dean-level approval and within certain legal parameters. Coordinate with GCA to ensure compliance with all applicable laws. Among other things, as the sponsor, Johns Hopkins must invite all candidates and give each an equal opportunity to present his or her views.

11) Does Johns Hopkins endorse candidates or engage in electoral activity?

No. As a non-profit institution, Johns Hopkins is prohibited from intervening in political campaigns and Johns Hopkins resources must not be used to endorse or oppose a candidate for public office. See the University Policy on Political Activity and the Johns Hopkins Guidelines for Political Activity.

12) How should I advise students who are interested in advocacy and/or political campaign activities?

In keeping with Johns Hopkins’s mission and commitment to academic freedom, students acting on their own or as part of a student group are free to engage in issue advocacy and political campaigns. If a student group wishes to conduct an event on campus, the group should be directed to the appropriate student affairs or events office. If a candidate is invited to speak on campus, Johns Hopkins must provide an equal opportunity to other announced candidates for the office in question. GCA should be notified of any event in which a public official or candidate is expected to participate.

13) What are the guidelines for individuals interested in donating to a candidate or engaging in electoral activities?

University faculty and staff are encouraged to review the University Policy on Political Activity and the Johns Hopkins Guidelines for Political Activity. JHHS employees should review the Johns Hopkins Medicine Use of Name policy. In their personal capacities, faculty and staff may engage in political campaign activity. As a reminder: Johns Hopkins e-mail/letterhead may not be used to solicit donations or make statements on behalf of/in opposition to a candidate.

14) What if a non-governmental sponsor of my research asks me to meet or communicate in any way with a public official?

Contact GCA prior to agreeing to any such communication. While your purpose may be to explain your research or provide non-partisan expertise, your participation could be seen as lobbying (see question 8) on behalf of the sponsor. This may be particularly problematic if the sponsor is from industry and may implicate Johns Hopkins Medicine’s Policy on Interaction with Industry.

Contact: Johns Hopkins Government and Community Affairs (443) 287-9900 or gca@jhu.edu
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Johns Hopkins Health System General Counsel (410) 614-3323