

Regulation on Contacts with Covered Federal Government Officials

I. Purpose

This regulation governs all University contacts with covered federal government officials.¹ This regulation applies to employees who in their official capacities interact with covered federal government officials and is intended to assist these employees and the University in presenting an authorized, accurate, and persuasive presentation.

A. Official Policy Positions and Contact on Behalf of The University

The President shall initiate a collaborative federal agenda development process to determine the federal priorities of the University on an annual basis called the Unified Federal Agenda. The Unified Federal Agenda shall consist of the University's "Federal Policy Priorities" and "Federal Appropriations Guide." Upon Board of Governors' approval, the Unified Federal Agenda shall serve as the basis for all official federal lobbying efforts. Campus-based Congressionally directed funding requests shall be at the discretion of the individual campus. When federal policy questions that are not on the University's Unified Federal Agenda arise, the President will determine the official position and the priority of the policy issue on behalf of the University. Under direction from the President, the Director of Federal Relations shall have primary responsibility for representing the University with the federal government.

B. University and Constituent Institution Federal Relations Personnel

The President shall designate a Federal Relations Officer for the University at large as well as the UNC System Office, who shall at a minimum have the following duties and responsibilities:

1. Represent the President and the Board of Governors with the federal government;
2. Represent the President and the UNC System Office on the University Federal Relations Council;
3. Coordinate UNC System Office and Federal Relations Council activities in support of the University's approved Unified Federal Agenda;
4. Represent the President and the Board of Governors in pursuit of Congressionally directed grant funding;
5. Assist the UNC System Office senior leadership in the pursuit of contracts, grants and cooperative agreements with federal government agencies;

6. Assist the UNC System Office senior leadership in the proper training of campus research personnel for compliance with the Byrd Amendment (31 U.S.C. 1352);
7. Coordinate visits between covered federal government officials and the Board of Governors, UNC System Office personnel, constituent institution personnel, and affiliated entity representatives;
8. Manage external consultants engaged in a federal lobbying capacity on behalf of the UNC System Office;
9. Work with the University's General Counsel to educate UNC System Office employees and the Federal Relations Council on their role in and the obligations of the constituent institutions and affiliated entities to comply with the federal Lobbying Disclosure Act of 1995, as amended; and,
10. Monitor all lobbying activities on behalf of the university and file registration and quarterly reports as appropriate to ensure full compliance with the federal Lobbying Disclosure Act of 1995, as amended.

C. Federal Relations Officer Designation

Each Chancellor shall designate an officer at their constituent institution to carry out the function of Federal Relations Officer (FRO). The duties and responsibilities of the campus Federal Relations Officer shall be, but are not limited to:

1. Represent the institution on the University's Federal Relations Council;
2. Coordinate institutional activities in support of the University's approved Unified Federal Agenda;
3. Assist the institutional research officer in pursuing contracts, grants and cooperative agreements with federal government agencies;
4. Assist the institution's research officer in the proper training of institution research personnel for compliance with the Byrd Amendment (31 USC 1352);
5. Coordinate visits by covered federal government officials to the institution or affiliated institutional program;
6. Represent the institution in pursuit of Congressionally directed grant funding;
7. Manage external consultants engaged in a federal lobbying capacity on behalf of the institution;
8. Work with the institution's attorney to educate all institutional employees on their role in compliance, and the obligations of institutional personnel to comply, with the Lobbying Disclosure Act of 1995 as amended; and

9. Monitor all lobbying activities on behalf of the institution and file registration and quarterly reports as appropriate to ensure full compliance with the federal Lobbying Disclosure Act of 1995, as amended.

D. Federal Relations Council

1. The Federal Relations Council (FRC) shall serve as a coordinating body in support of the following activities:

a. Development, strategy, and advocacy in support of the University's Unified Federal Agenda;

b. Training of FRC members on lobbying best practices, federal policy and funding trends and activities;

c. Compliance with federal lobbying disclosure requirements.

2. Composition

The FRC is composed of one representative, the Federal Relations Officer, from each of the seventeen constituent institutions of The University of North Carolina System, as well as the president's designated Director of Federal Relations from the UNC System Office. Additional representatives or alternates may be named as ad hoc members to the FRC.

3. Meetings

Official FRC meetings shall be conducted on a semi-annual basis. Director of Federal Relations will organize FRC meetings and develop the agenda based upon current federal issues and input from the FRC. At each FRC meeting, lobbying and ethics compliance guidance and best practices will be provided. Additional meetings may be arranged to enable information sharing on specific topics.

II. Contact by University Employees with Covered Federal Government Officials

Prior approval from the Chancellor or their designee is required before any institutional employee may initiate contact with covered federal government officials, or respond to requests from covered federal government officials, on behalf of the University. The Chancellor may delegate this responsibility to the Federal Relations Officer. The following scenarios specifically require advance approval by the Chancellor or the Federal Relations Officer:

A. Appearances on behalf of the University before federal bodies, including testimony before Congressional Committees or participation in meetings with White House personnel;²

B. Any request on behalf of the University to a covered federal government official, particularly requests for Congressionally directed funding, support of grant proposals or nominations to federal advisory councils;

- C. The delivery of materials, University publications, and periodicals to covered federal government officials;
- D. Any verbal or written statement made on behalf of the University that concerns federal policies, legislation, or regulations;
- E. Invitations to covered federal government officials to visit campus in an official capacity (Note: The visit should be coordinated by the FRO);
- F. Responses to requests for information, reports, and statistics from covered federal government officials and their staffs, including responses to inquiries from investigative congressional committees;
- G. Participation in press events with covered federal government officials intended to promote federal policy or funding priorities; and,
- H. Any planned University event to honor a covered federal government official, including but not limited to, the naming of a building or endowed chair, conferral of an honorary degree, or hosting of a meeting, retreat, conference, or other similar event in the name of the official.

After contacts or visits have been made with covered federal government officials by a person on behalf of the University, a short report on the contact should be made to the institution's Federal Relations Officer.

III. External Consultants

Chancellors may retain external consultants to assist in securing Congressionally directed grant funding for special projects. No State or federal funds may be used for this purpose. Consultants shall never engage Congress, covered officials at the agencies, or White House personnel on policy matters on behalf of the University. Care should be taken to ensure that all external consultant expenditures are reported as "lobbying activity" as appropriate.

A. Personal and Professional Society Contacts

Personal and professional society contacts by University employees with elected officials or governmental agencies, whether in person or in writing, must be done in the name of the individual or the professional society. University letterhead may not be used. In each instance, the employee is obligated to make clear that the contact is not made on behalf of the University. Nothing in this Regulation shall prevent faculty or staff from expressing personal views on personal time, with personal resources.

B. Disclosure of Lobbying Activity

Employees who engage in approved lobbying activities shall report issues lobbied upon, officials contacted, time spent, and an estimate of expenses on a quarterly basis to the Federal Relations Officer. Consistent with federal law, even those University employees who do not qualify as lobbyists must report all lobbying activities with covered officials to the Federal

Relations Officer. For purposes of this Regulation, the phrase “lobbying activities” shall be defined in accordance with the definitions set forth in the Lobbying Disclosure Act of 1995, as amended.³

No University of North Carolina System employee, administrator, faculty member, or other individual retained to provide outside assistance shall engage in activities that require registration with the United States House of Representatives or Senate under the Lobbying Disclosure Act of 1995 without prior review and approval by the respective Chancellor and the President.

C. Tickets to University Events

University events that require tickets for which there is a charge to the public may be extended to Members of Congress and their staff free of charge. Invitations to free University events are also appropriate and may be extended to Members of Congress and/or other covered federal government officials. Invitations to Members of Congress and/or covered federal government officials must be extended by the President of the University, the Director of Federal Relations, Chancellor, or campus Federal Relations Officer.

IV. Other Matters

A. Effective Date. The requirements of this regulation will be effective on the date of adoption of this regulation by the president.

B. Relation to State Laws. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern the activities of public officials.

¹ Covered federal government officials include any member, officer, or employee of Congress or the President, Vice President, officers and employees of the Executive office of the President, and various high-level officials and uniformed officers in the executive branch outlined in the “Plum Book.”

<http://www.gpoaccess.gov/plumbook/index.html>

² Note: When University employees appear before such bodies as representatives of other agencies, such as professional societies, it is requested that they notify the institutional Federal Relations Officer prior to the appearance.

³ Lobbying activity is defined as “lobbying contacts and efforts in support of such contacts, including background work that is intended, at the time it was performed, for use in contacts, and coordination with the lobbying activities of others.” 2 U.S.C. 1602 (7)