

9-7-2015

Student Academic Policies Committee Minutes of the Academic Senate 2015-09-07

University of Dayton. Student Academic Policies Committee

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Approved Minutes
Student Academic Policies Committee
October 7, 2015

Members Present

Ann Biswas, Myrna Gabbe (Chair), Steven Goodman, Mary Kay Kelly, Liz Kelsch, Eddy Rojas, Dori Spaulding, Jeffrey Zhang

Guests Present

Bruce Beil (Legal Affairs), S. Ted Bucaro (Office of the President), Scott DeBolt (UD Arena), Ian Dollenmayer (UG, Office of the President Intern), Chuck Edmonson (Engineering Technology), Ann Garcia (Finance and Administrative Services), Amy Lopez-Matthews (Student Life and Kennedy Union), Jason Pierce (College of Arts and Sciences), Lisa Sandner (Office of AVP for Finance)

Order of Business

1. Minutes from 9/16/15 meeting approved.
2. Members present and guests introduced.
3. Note: All discussion is in reference to the document The University of Dayton Political/Electoral Activities Policies & Practices as amended April 20, 2012.
4. Committee Chair (Gabbe) posed the question in reference to the policy's statement "*Any and all activities that favor or oppose one or more candidates for public office are not permissible*" (Political/Electoral Activities Policies & Practices, p. 3, Activities Not Permitted #1): Does the current policy on Political/Electoral Activities need to be revised, clarified, and/or interpreted to better encourage student participation in the political process?

Student Representative (Kelsch) reported that students are by and large unaware of the policy and most who were contacted feel it is unfair that they are not able to post political signs in their yards in the student neighborhood.

Guest (Bucaro) stated that much of the policy is from IRS tax code guidelines and is designed to protect the University's 501C tax-exempt status.

Because the student houses are owned by the university (university assets) they are, in essence, small dormitories. Signs in yards have implications for the use of university resources (i.e., maintenance, signage, etc.)

5. Committee Member (Rojas) asked if students are able to use public spaces, for example, the courtyard area around KU, to put up a table for political activities.

Guest (Lopez-Matthews) indicated that public spaces are off limits to partisan activities. She works with students groups to rent rooms at KU to hold these activities, host candidates, etc.

6. Committee Chair (Gabbe) stated that students are political beings and should be able to and encouraged to participate in the political process.

7. Guest (Bucaro) indicated that students as individuals are not restricted. What is restricted is what students can and cannot do or say in the name of the University. There can be no appearance that they are speaking or acting on behalf or from the perspective of the University.
8. Committee Guest (Edmonson) asked about the inconsistency in the policy between Activities Not Permitted #1 and #7, which states, *“Door-to-door campaigning in the student neighborhood is permissible in compliance with the University policy. Door-to-door campaigning in the residence halls or in official University public places is not permissible.”* (p. 4). If student houses are treated as “small dormitories” then why is door-to-door campaigning permissible in one location and not in the other location?

Guest (Bucaro) indicated that because the houses are on City of Dayton streets, they have a public right of way and thus political activity cannot be stopped. For example, students in the neighborhood who live in landlord owned houses rather than UD houses are able to put signs in their yards as long as it is not in violation of their rental agreements with their landlords. Houses owned by UD are clearly marked.

9. Guest (Pierce) asked two questions:
 - a. How do we balance this policy with our desire to encourage political engagement and give students opportunities to interact with those with differing ideas?
 - b. What is the case law regarding universities as being unique tax-exempt institutions with respect to whether there is a distinction between student political activities and employee political activities? That is, are students in a different liability class than employees?

Guests (Sandner and Bucaro) indicated that to the best of their knowledge there are no cases where a university has lost its tax-exempt status as a result of student speech nor are there cases where universities have lost tax-exempt status at all.

10. Guest (Bucaro) provided a brief history of the development of this policy. The presidential election cycle of 2008 was the first time a policy was developed with guidance from the IRS and professional organizations. It only becomes an issue during presidential campaigns. This policy has been shared with other private universities in the last few months as these universities begin to formalize their own policies.
11. Guest (Lopez-Matthews) indicated that she works with student organization that approach her with ideas for activities. Her goal is to come to a “yes” with these organization as she helps them understand the policy and organize their events while meeting the policy requirements.
12. Committee Chair (Gabbe) made three statements to try to clarify the challenges of the committee:
 - a. Our students really are not politically engaged.
 - b. Our students are coming to the age of political activity at a time when politics is particularly vicious.
 - c. We want to be part of their development as political beings.

13. Guest (Bucaro) defined “political activity” for the purposes of this document and the IRS as partisan candidates for elective office.
14. Committee Member (Rojas) asked how this policy matches up with students’ 1st Amendment rights.
15. Committee Chair (Gabbe) asked whether or not students could use a disclaimer on signs that they post in their yards.

Guest (Bucaro) discussed the Dr. Ben Carson event hosted at the UD Arena. At the time Ben Carson was not a candidate for public office and the Dayton Right to Life organization rented the arena for the event. Disclaimers were placed on table tents indicating that the views expressed were not those of UD.

Student organizations can and are encouraged to invite candidates to campus. Whatever costs and accommodations are available to one candidate must be available to all candidates who are invited by student organizations. If a candidate is invited by a student group, the group is not obligated to seek other candidates to come.

16. Guest (Sandner) indicated that the Office of Legal Affairs is currently reviewing University policies for publication. In this case, is the current document a policy or more of a set of guidelines? This process of review may provide an opportunity to re-examine the intent of the policy and to clarify

Summary

1. Students are generally not aware of the University’s Policies and Practices related to Political and Electoral Activities. While these policies are posted on the UD President’s website under Government Relations (available at <https://www.udayton.edu/president/government-relations/index.php>), efforts will need to be made to inform students of the policies.
2. The primary purpose of the policy is to protect the University’s 501C tax-exempt status.
3. To the best of the knowledge of those present at the meeting, there have been no cases of universities losing 501C tax-exempt status because of students’ political activities.
4. The distinction between student and university employee liability with regard to activities that may jeopardize the 501C tax-exempt status of the university is unclear.
5. UD students are generally not politically active and it is part of the responsibility of the university to encourage the development of politically engaged citizenry.
6. We are left to address Dr. Pierce’s question: How do we balance this policy with our desire to encourage political engagement and give students opportunities to interact with those with differing ideas?

Action Items

No action items were assigned.

Next Meeting

Wednesday 10/14/15 9:05-10:05 HM 472

Respectfully submitted,
Mary Kay Kelly
Department of Teacher Education