

WVU Policy
Federal Lobbying Disclosure

WVU POLICY
FEDERAL LOBBYING DISCLOSURE

1. PURPOSE & SCOPE.

- 1.1. Purpose. The purpose of this Policy is to ensure West Virginia University’s compliance with the Lobbying Disclosure Act of 1995 (“LDA”) and the House Leadership and Open Government Act of 2007.
- 1.2. Scope. This policy applies to all West Virginia University faculty, staff, and student employees.

2. DEFINITIONS.

- 2.1. “Covered Executive Branch Officials” include the following:
- 2.1.1 the President of the United States;
 - 2.1.2 the Vice President of the United States;
 - 2.1.3 any officer or employee in the Executive Office of the President;
 - 2.1.4 any officer or employee serving in an Executive Level I through V position;
and
 - 2.1.5 any member of the uniformed services serving at a pay grade 0 – 7 or above.
- 2.2. “Covered Legislative Branch Officials” include the following:
- 2.2.1 members of Congress; and
 - 2.2.2 an employee of (i) a Member of Congress; (ii) a committee of either House of Congress; (iii) the leadership staff of the House of Representatives or Senate; (iv) a joint committee of Congress; and (v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress.
- 2.3. “Lobbying Contact” means a written, oral, or electronic communication made to a Covered Official on behalf of WVU related to the following:
- 2.3.1 formulation, modification, or adoption of federal legislation (including legislative proposals);
 - 2.3.2 the administration or execution of a federal program or policy;

- 2.3.3 formulation, modification, or adoption of a federal rule, regulation, executive order, or any other program, policy, or position of the US Government; or
 - 2.3.4 the nomination or confirmation of a person or subject to confirmation by the Senate.
- 2.4. Exceptions or Exempted Communications – “Lobbying Contact” does not include the following:
- 2.4.1 a speech, article, publication or other material that is distributed and made available to the public through a medium of mass communication;
 - 2.4.2 a request for a meeting, a request for the status of action, or other similar administrative request;
 - 2.4.3 testimony given before Congress or submitted for inclusion in the public record;
 - 2.4.4 information provided in writing in response to an oral or written request, or in response to a request for public comments in the Federal Register;
 - 2.4.5 communications required by subpoena or civil investigative demand;
 - 2.4.6 written comment filed in the course of public proceedings; and
 - 2.4.7 communications made by the media if the purpose is gathering and disseminating news and information to the public.
- 2.5. “Lobbying Activity” means Lobbying Contacts and efforts in support of such contacts on behalf of WVU including preparation and planning activities, research, and other background work that is intended, at the time performed, for use in contacts, or with regard to the Lobbying Contacts of another.

3. POLICY

- 3.1. WVU’s Government Relations Office represents the University’s interest to the federal government and seeks to influence its actions when the University’s interest may be affected. This includes invitations to campus, requests for appointments with legislative or senior executive branch officials regarding legislation, rules, or policies made on behalf of the University. To maximize the effectiveness of all Congressional contacts, it is critical that messages related to University business be coordinated through the Government Relations Office. Communications on behalf of WVU to the Congressional Offices shall be through the Government Relations Office.
- 3.2. Reporting Expenditures – WVU must provide a “good faith estimate” of the total amount of its lobbying expenses during each quarterly period. The amount WVU must report includes the following:
- 3.2.1. any payments made to third parties, such as payments to lobbying firms and trade association dues, that are attributable to Lobbying Activities; and
 - 3.2.2. the time and expense of employees who assist the WVU in-house lobbyists or outside lobbyists retained by the organization.

3.3. All WVU employees that engage in Lobbying Activities or Lobbying Contact with a Covered Executive or Legislative Branch Official must complete the WVU Federal Lobbying Activities Report each quarter and submit that form to the Director of Federal Relations. The form is available on the University's Government Relations website. The completed forms must be submitted to the Director of Federal Relations no later than the 15th day of each month following the end of the quarterly reporting period:

3.3.1. 1st Quarter (January 1 through March 31) due April 15;

3.3.2. 2nd Quarter (April 1 through June 30) due July 15;

3.3.3. 3rd Quarter (July 1 through September 30) due October 15;

3.3.4. 4th Quarter (October 1 through December 31) due January 15.

3.4. When engaging in Lobbying Activities on behalf of professional organizations or for personal interests, WVU employees must comply with WVU BOG Governance Rule 1.4 – Ethics, Conflicts of Interest, and Outside Consulting Arrangements, and shall not use University-provided email accounts when engaging in such activities.

4. ADMINISTRATION OF POLICY.

4.1. The responsibility for application of this policy and the development of procedures rests with the Office of Government Relations in consultation with the General Counsel's Office.

4.2. For additional information regarding the application of this policy or the reporting of expenditures, please contact the Director of Federal Relations in the Government Relations Office.

5. AUTHORITY.

5.1. W. Va. Code § 18B-1-6; 2 U.S.C.S § 1602, et seq.; WVU Board of Governors Governance Rule 1.1.
