

# Duke University

## Duke University Health System, Inc.

### Policy: Government Relations Activities

#### Overview

The missions of Duke University, Duke University Health System Inc., and all entities under their management or control (collectively, “Duke”) include, among other things, education and the advancement and dissemination of knowledge; commitments to research and free and open academic inquiry and learning, including the search for medicines to prevent and cure disease; and a commitment to health care for all. Duke encourages general educational and other interactions with the public and policy-makers at all levels of federal, state and local government, as well as other forms of involvement in the political process, in furtherance of its missions. Duke also recognizes and supports the individual engagement of members of its community as private citizens in public policy and the political process; nothing in this Policy limits such private interactions.

At the same time, certain forms of government interaction involving Duke or on Duke’s behalf are subject to federal and state regulation, including in some cases detailed registration and reporting requirements as well as direct limitations on such activities. Such regulation is derived principally from (i) tax laws and rules that provide the legal basis for the establishment and maintenance of Duke’s tax-exempt status and (ii) lobbying and ethics laws and rules that govern the activities of lobbyists and others engaged in government relations activities on Duke’s behalf as well as the public officials with whom they interact. Violations of these laws and rules can cause immediate and lasting damage to Duke and its ability to carry out its missions, and also subject individual violators to severe penalties up to and including substantial monetary fines and/or imprisonment.

In recognition of these laws and rules, Duke has adopted certain requirements, described below, for Duke employees and contractors engaged in certain regulated government interactions on Duke’s behalf (collectively, “Government Relations Activities”).

#### What Government Relations Activities are covered by this Policy?

Any of the following activities conducted by a Duke employee or contractor on Duke’s behalf will be considered a Government Relations Activity subject to this Policy *unless* a specific exception applies. A list of routinely excepted activities common to colleges and universities is provided further below.

- Direct or indirect communications with an official in the legislative or executive branch of the **federal** government with regard to:
  - the formulation, modification, or adoption of federal legislation (including legislative proposals, budgets, rules, regulations, executive orders, or any other program, policy, or position of federal government);
  - the administration or execution of a federal program or policy (including the negotiation, award, or administration of a federal contract, grant, loan, permit, or license);

- the nomination or confirmation of a person subject to confirmation by the United States Senate; or
- any efforts in support of the foregoing activities, including preparation or planning activities, research and other background work that is intended, at the time of its preparation, for use in contacts and coordination with the lobbying activities of others.
- Attempting to influence legislative or executive action, or both, through direct or indirect communications or activities with a **state** official (including, among others, legislators or legislative staff, prescribed members of the executive branch, members of state boards or board members and administrators of North Carolina public universities or community colleges) or their immediate family members;
- The provision of meals, tickets, travel or other gifts of any value to the aforementioned **federal or state** officials or their immediate family members.

**Routinely excepted activities common to colleges and universities** (*e.g.*, activities that are **not** Government Relations Activities subject to this Policy) include:

- Non-partisan legislative analysis, study or research which (i) is purely educational in nature, (ii) is available to the public, governmental bodies, officials, and employees, and (iii) does not advocate (expressly or implicitly) the adoption or rejection of specific legislation;
- Communications, such as testimony before a legislative committee, board, council or other public body, which are in response to an official (preferably written) request for technical advice or assistance;
- Communications with federal officials made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publications soliciting communications from the public and directed to the federal agency official specifically designated in the notice to receive such communications; or
- Communications with federal agency officials who are not “covered executive branch officials,” including routine inquiries or exchanges with program officers or other non-”covered” officials regarding grants programs, the administration of current grant awards or proposed or possible changes in an agency’s research programs. (The appropriate government relations office, listed below, can assist you in determining whether a particular federal agency contact is a “covered” official.)

### **What does the Policy require?**

Duke has adopted the following requirements for employees and contractors engaged in Government Relations Activities as described above:

1. Engaging in non-exempt Government Relations Activities on Duke’s behalf may require registration and disclosure by Duke and/or the individual(s) involved. Duke employees or contractors who anticipate a need to engage in or support such activities should contact the

appropriate office(s) listed below, to ensure that they and Duke remain within applicable legal requirements.

- For health-related legislative and regulatory issues at the federal level of interest to Duke University Medical Center and Health System (DUHS) and for all state government issues of interest to both Duke University and DUHS:

Office of Government Relations

Tel: 919-416-8910

Website: [http://www.dukemedicine.org/AboutUs/government\\_relations](http://www.dukemedicine.org/AboutUs/government_relations)

- For federal legislative and regulatory matters of interest to Duke University:

Office of Federal Relations

Tel: 919-668-6270

Website: <http://www.duke.edu/federalrelations/>

2. All uses or expenditures of Duke resources or funds, including expenditures for which reimbursement may be sought from Duke, for Government Relations Activities must be reported to the Vice President for Public Affairs and Government Relations or his/her designee. Reporting forms are available here: <http://www.duke.edu/federalrelations/documents/Lobbying%20Questionnaire--no%20year--Blank.pdf>. This information is required for quarterly and in some cases monthly reports that Duke must submit to federal and state regulators. Duke reserves the right to refuse reimbursement for expenditures that are not reported in a timely fashion or that, if made by Duke, would be prohibited by federal or state law or rules governing Government Relations Activities. No expenses for Government Relations Activities shall be allowable as charges to federal or state grants or contracts.
3. The creation or modification of internal positions and the retention of outside representation for work involving Government Relations Activities must be approved in advance by the Duke University Vice President for Public Affairs and Government Relations.