

VOTING AND COLLEGE POLITICAL CAMPAIGN-RELATED ACTIVITIES IN AMERICA'S 250TH YEAR

In 2024, “48% of voting-eligible youth who weren't registered said they did not know how to register, ran out of time, missed the deadline, or had trouble with the application process.”

Fifty million Americans aged 18–29 are eligible to vote in the upcoming midterms; 8 million of them are newly eligible since the 2024 election. Postsecondary students have a constitutional right to vote where they are residing while attending college.¹

The convening of the 120th Congress in January 2027 will follow [November elections](#) for 35 Senate seats and all 435 seats in the House of Representatives. There also are [36 gubernatorial races](#) to be decided this November, with significant implications for the 2028 presidential election since “governors control redistricting, election administration, and increasingly set the tone for presidential primary contests.” And as of early June, [121 statewide measures](#) have been certified for the ballot in 37 different states, ranging from modifying voter identification policies in California to asking voters to choose the official state gun of Idaho. The [Youth Electoral Significance Index](#)—compiled by the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University²—ranks the Senate and gubernatorial races where young people have the highest likelihood of decisive impact on election results.

Throughout the year, the nation's 250th anniversary is being linked with voter registration, in efforts to celebrate the country's founding by encouraging citizens to be active members of the electorate. A [New Year's Day 2026 Facebook post by the Seminole County, Florida Supervisor of Elections](#) read, “As America begins the countdown to its 250th anniversary, we're reminded that voting has always been at the heart of our nation's story. For 250 years, generations have strengthened our system of self-government by staying informed and participating in elections.”

This issue brief was prepared in June 2026 by ACE General Counsel Peter McDonough, with thanks to Clarissa Unger and Jennifer M. Domagal-Goldman, respectively the executive directors of the [Students Learn Students Vote \(SLSV\) Coalition](#) and [ALL IN Campus Democracy Challenge](#), for their contributions. It updates ACE's “Student Voting and College Political Campaign-Related Activities in 2024” publication by McDonough and [Hogan Lovells Cadwalader's education practice group](#).

DISCLAIMER—This issue brief does not constitute legal advice. It incorporates and reflects high-level observations based on non-exhaustive research and does not analyze any specific factual scenarios taking into account potentially relevant details. Institutions should examine issues addressed here based on the context and facts of each situation, institutional policies, geographical and political context, and on their own counsel's interpretation of relevant law. This is a fluid environment and topic that includes the potential for changes in current law or current enforcement practices.

Ohio's Secretary of State is seeking to increase registration and voting by offering a limited-edition "I Voted" sticker to honor America's 250th birthday and serve "as a reminder that every vote helps write the next chapter of the American story." Along with an initiative that encourages campuses to host voter registration drives and foster civic engagement among students, the Iowa Secretary of State is running a Ready, Set, Vote 250! campaign "with a goal of holding 250 or more voter registration drives across the state...to increase voter registration, provide community engagement, and celebrate the 250th anniversary of America's founding." In Philadelphia, the National Constitution Center's special America at 250 exhibit includes the history of voting rights and civic participation. New Voters 250, a 2026 initiative of a Gen Z group begun nearly ten years ago, has been reaching out to the 87% of high school seniors who are eligible to register to vote before graduating.

Paradoxically, social media and news feeds are filled with troubling reports of voter inhibition efforts, with virtually no veil covering their motives and objective: to sway the outcomes in contested elections this coming fall. These efforts are taking place at both the federal and state levels.

At the federal level, President Trump enters the summer still pushing for passage of the SAVE America Act, which includes a core feature of extraordinary practical inhibitions on registering to vote, re-registering upon moving, including to attend college, and actually casting a vote. As noted by the Bipartisan Policy Center, "[T]here are easier, more cost-effective ways to improve citizenship verification that don't create new barriers for eligible voters." Three targeted actions by the Department of Education (ED) seem likely to negatively impact efforts by colleges and universities to encourage and enable their students to register and vote in November.

First, an August 19, 2025 Dear Colleague Letter (DCL), which does not have the force of law, said that ED's interpretation of allowable use of Federal Work Study (FWS) funds had changed because it did not share the prior administration's view of permissible uses of such funds to include paying "students working on nonpartisan voter registration activities and other voting activities" such as "nonpartisan voter registration, voter assistance at a polling place or through a voter hotline, or serving as a poll worker—whether this takes place on or off campus." However, both the 2026-2027 Federal Student Aid Handbook and the 2025-2026 Federal Student Aid Handbook republished in December 2025 only include a restriction regarding nonpartisan voter registration activities and other voting activities in its "Work Off-Campus" section. It did not make any changes or add any restrictions regarding colleges using FWS funds for students employed by the institution to do nonpartisan voting-related activities on campus, including assisting in voter registration encouragement efforts, which the Higher Education Act (HEA) explicitly requires of colleges and universities.³ Schools will need to assess from their own risk vantage point whether they will use FWS funds to pay students for on-campus, nonpartisan voting-related activities.

Second, the DCL also said that ED interprets the HEA's student voter registration encouragement obligations more narrowly than the statute's plain language. Even though the HEA requires that institutions must make a "good faith effort to distribute a mail voter registration form...to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution," the DCL said that "the Department does not interpret this 'good faith' provision in the HEA as requiring institutions to distribute voter registration information to *students who the institution has reason to believe are ineligible to vote* in federal or state elections." Colleges and universities would be prudent to keep in mind that the DCL is an interpretative document as they take steps to ensure they are meeting their HEA statutory requirements.

Third, a February 5, 2026 Department of Education letter was sent to college and university presidents regarding the National Study of Learning, Voting and Engagement (NSLVE), the nation's leading source of school-level data on student voter registration and turnout prepared biannually at Tufts University. ED said it had privacy concerns, despite the fact that it had not concluded—and as of the publication of this issue brief still has not found—that the use of NSLVE data violates any privacy laws. Its letter threatened enforcement actions, including withholding or clawing back federal funding, if schools chose to "utilize any NSLVE report or data this year."

In the wake of this threat, Tufts announced that it was halting releasing statistics from the 2024 election cycle and the National Student Clearinghouse, which provided de-identified student data to the Tufts researchers for over a decade and pulled out of working on the study, despite maintaining they have not violated any laws. [Tufts emphasized](#) that NSLVE is a legally compliant nonpartisan study “that seeks to understand whether students vote, not who they vote for.” For schools seeking to optimize their nonpartisan student registration and voting efforts, it may be prudent to confirm with counsel that they may review and consider the [NSLVE’s national report on student participation in the 2022 midterm elections](#), which remains available on Tufts’s website, along with their own individual campus’s 2022 report previously provided to them by NSLVE.

In several states, legislation has been introduced or passed mirroring aspects of the SAVE America Act. For example, [Florida’s SAVE Act](#), which was [signed into law by Governor DeSantis](#) earlier this year, requires first-time voter registrants and already registered voters who update their registration because of a name, address, or party change or who are assessed by state officials as “potentially ineligible” to prove their U.S. citizenship by producing documents such as a birth certificate or passport. It also limits the acceptable identifications that can be used when arriving at a polling location, including by eliminating student IDs issued by Florida’s public colleges and universities, even though the law permits Florida voters to use a photo ID card issued by any other Florida government agency.

Many of the current policy-maker intervention efforts will need to overcome numerous legal challenges, such as those targeting two presidential executive orders that attempt to override state election laws: a [March 25, 2025 executive order](#) that directed the independent, bipartisan U.S. Election Assistance Commission (EAC) created by Congress to require eligible voters to provide documentary proof of their citizenship when using a federal form to register to vote; and a [March 31, 2026 executive order](#) that, among other things, directed the U.S. Postal Service to implement measures to assure that it would not deliver mail-in ballots sent by anyone not included on newly created federal mail voter lists.⁴ Decisions issued 24 hours apart in late June by two different federal judges⁵ enjoined the executive branch from effectuating the goals of these executive orders in the many “blue states” that have banded together to challenge them. As a window into the foundational voting rights issues that these and other courts are grappling with at this time, [in one of those decisions](#) the judge wrote, “The U.S. Constitution empowers the States to determine voter eligibility in federal Elections,” subject to its Elections Clause, which “grants Congress ‘the power to override state regulations’ by establishing uniform rules for federal elections, binding on the States” (quoting the U.S. Supreme Court), but it “does not grant the President any specific powers over elections.”

As this issue brief was going to print, the U.S. Supreme Court issued its decision in an important case regarding whether mail ballots may arrive after Election Day. In [Watson, Mississippi Secretary of State v. Republican National Committee et al.](#), the Court preserved the rules in a number of states that provide grace periods for ballots postmarked by Election Day, even if they arrive after Election Day.

The judiciary’s continuing attention to the various lawsuits, along with state and local reactive processes and requirements changes as we move through the summer and into early fall, will require constant monitoring. For some colleges and universities, it is almost certain that they will require one or more modifications to guidance and actions that are intended to encourage and enable student voting this November.

Historically, the impact of policy-maker intervention efforts lands particularly hard on young voters, and this will be no different this year. [Youth voting data](#) from 2024 shows that the states that made it hardest to register and vote that year had the lowest youth voter participation. Amidst this uncertainty, the rules for participating as voters in our country’s democratic process can quickly feel unclear or complex to young voters—particularly students attending college away from home.

Adding to the shaky grounding of voting knowledge and confidence are a continuing drumbeat of allegations and questions about the integrity of past elections, including those emanating from the current U.S. federal executive branch and its Department of Justice (DOJ). As [noted in The New York Times](#) in early June, “In the last year alone, the Justice Department [has sought voter roll data from most states](#); sued those that have declined to comply; [opened](#)

a [criminal investigation](#) into 2020 election results in Fulton County, Ga., a state Mr. Trump narrowly lost that year; and demanded [ballots from the 2024 race](#) from Wayne County, Mich.” Those efforts have been challenged in the courts.

Meanwhile, the higher education sector remains in the crosshairs of the current federal executive branch led by a [president who tweeted in 2020](#) that “Too many Universities...are about Radical Left Indoctrination, not Education,” and a vice-president who said in a [2021 speech](#) titled “The Universities Are the Enemy,” that “we have to honestly and aggressively attack the universities in this country.”

In this hyper-partisan era, each aggressive policy-maker action that appears motivated by impacting election outcomes is almost assured of having an aggressive reaction. Senator Elizabeth Warren (D-Mass.), [speaking about the current administration](#), said “They want to suppress youth voting. And they’re looking for every way they can to throw a little sand in the gears, to put a few rocks in the way, to roll back any programs that might help get people registered and to the polls.”

Issue advocacy on campuses at this time—whether by faculty, staff, students, or unaffiliated members of the public—can quickly become intertwined with—and even fueled by—national and international politics and candidates for election. As we approach the 2026 midterm elections, it may get harder in some circumstances to distinguish between permissible issue advocacy and problematic political campaign-related activities.

During the coming months, student-focused registration and voting initiatives—as well as political campaign-related activities on or near campuses—will remain at high risk of partisan attention and public debate. Collaborative and coordinated administrative attention will help mitigate risks without unnecessarily inhibiting perfectly legal mission-aligned conduct.

The guidance and legal authorities that inform this issue brief are most directly relevant to private institutions. Specific state laws that may pertain to activities at public institutions are not addressed. However, public institutions would be prudent to consider this guidance as likely analogous in most respects to applicable restrictions under relevant state laws.

Because of the inherent complexities and challenges in this area, each institution should consult its counsel as it develops or revises policies and prepares to address issues that arise.

STUDENT VOTING

The Statutory Obligations of Colleges and Universities Regarding Student Voting

Since 1998, to remain eligible to participate in federal programs under the Higher Education Act (HEA), colleges and universities in most states have been required to help students register to vote in connection with federal and gubernatorial elections.⁶ [The relevant HEA provision](#) says the institution “will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.” The HEA exempts institutions from this obligation only if located in one of six states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) that continuously since August 1994 either have had no voter registration requirements or have permitted election day voter registration at polling places with respect to elections for federal office.⁷

It is incumbent upon the institution to make timely requests for forms from their states.⁸ Alternatively, an institution can meet this distribution obligation through email messages to students containing links to registration forms—and to online registration portals if the institution is located in a state that enables online voter registration—so long as those messages are exclusively devoted to voter registration.⁹

The “physically in attendance” qualifier to the HEA’s distribution mandates may be interpreted by some institutions to limit their actual obligations toward those students who are attending remotely.¹⁰ But the underlying goals of this HEA obligation suggest that colleges should consider providing their remote learners with links to voter registration forms and related voter information.

Colleges and universities should also be attuned to the possibility that they may have state-level voter encouragement obligations. As of 2026, three states—California, Maryland, and Minnesota—require higher education institutions to create nonpartisan action plans and designate campus coordinators to these efforts. [Minnesota’s law](#)—passed three years ago—requires that at least 35 days before each election, all postsecondary institutions receiving federal aid must prepare, certify, and submit to their counties the names and addresses for both on- and off-campus students.

One simple way colleges can minimally comply with the federal government’s institutional obligation is by distributing a link to the [National Mail Voter Registration Form](#). This form enables students and other U.S. citizens to register to vote in each state and to change their address or update other existing registration information. It also contains voter registration rules and regulations for each state and territory. The form was developed in accordance with the National Voter Registration Act of 1993 and is maintained by the [EAC](#), an independent, bipartisan commission established by Congress in 2002 to serve as a national clearinghouse of information on election administration. Of course, in states where online voter registration is permitted, it certainly makes sense to also include a link to the appropriate portal.

Encouraging and Enabling Student Voter Registration and Voting: Education and Resources

Colleges and universities can provide tremendous help to their students by demystifying and simplifying the voting process, ideally using communication platforms and methods that students embrace. While providing students with a link to the [National Mail Voter Registration Form](#) may satisfy an institution’s HEA legal obligation, most colleges and universities will conclude that their educational missions and roles in a democratic society call for more.

Noting that “[t]he role of higher education in a robust democracy is not limited to teaching or service learning,” and that colleges “are expected to help remedy” the persistent problem of young people being less likely to participate in the political system, [Princeton University researchers](#) studying voter turnout among college-aged students said, “Our results suggest that embedding voter registration and vote reminder resources into universities’ administrative procedures may help universities create a more politically engaged student body.” Offering links to user-friendly websites with information about voter eligibility, deadlines, and how and where to vote can be particularly helpful.

The federal government offers several resources, including:

- [Vote.gov](#), which provides state-specific voter registration information. The site is managed by the United States Election Assistance Commission (EAC), which was established by the [Help America Vote Act of 2002](#). The EAC’s four commissioners are appointed by the President and confirmed by the Senate, with an independent, bipartisan mission that includes serving as a national clearinghouse of information on election administration. Its [Voting 101](#) website offers new voter information and resources.
- [USA.gov](#), a web portal maintained by the U.S. General Services Administration, contains information about [absentee voting and voting by mail](#) and [updating one’s voter registration](#).

Choosing among nongovernmental, nonpartisan resources for sharing with students may be informed by the nature of the institutions and their constituencies:

- The [National Association of Secretaries of State](#) offers valuable information about registration, voter ID requirements, and polling places in all 50 states.
- [U.S. Vote](#) is a nimble website maintained by the U.S. Vote Foundation, a private, nonpartisan, nonprofit organization founded over twenty years ago to help U.S. citizens participate in elections. It includes

excellent resources about how to register in different states as well as information about state deadlines for requesting absentee mail-in ballots.

- [ALL IN to Vote](#), developed by the ALL IN Campus Democracy Challenge (ALL IN), maintains a [Rules in Your State](#) tool to help understand state-specific voting policies, requirements, dates, and deadlines.
- The [How to Vote](#) guide was developed by Democracy Works, and its [TurboVote](#) site may be particularly attractive to young and first-time voters.
- [Vote.org](#) uses technology to simplify political engagement, increase voter turnout, and strengthen American democracy; it describes itself as “the largest 501(c)(3) nonprofit, nonpartisan voting registration and get out the vote (GOTV) technology platform in America.”
- [Vote411](#) is an initiative of the League of Women Voters Education Fund, offering a polling place locator and providing a broad range of additional registration and voting information.

ALL IN and the [Students Learn Students Vote Coalition](#) (SLSV) are dedicated to supporting campus leaders in building a nonpartisan culture of voter engagement at colleges and universities. These organizations welcome inquiries from campuses to help ensure that all voting-eligible students have the information and resources they need to participate in every election; contact their Executive Directors: ALL IN’s [Jen Domagal-Goldman](#) or the SLSV Coalition’s [Clarissa Unger](#). You can sign up for the [ALL IN Insider newsletter here](#) and for [SLSV’s newsletter here](#).

Also, SLSV maintains a [National Voter Education Week \(October 5–9, 2026\) site](#) that offers institutions free access to unique toolkits, resources, trainings, giveaways, and educational materials to enhance their efforts and reach student voters. [StudentVote.org](#), which is maintained by the Student PIRGs’ New Voters Project, offers a [New Voters Project packet](#) that it describes as “[e]verything you need to run a successful nonpartisan voter engagement campaign on a college campus—building a vote coalition, promoting StudentVote.org, recruiting volunteers, working with the media, doing voter registration, getting out the vote on Election Day, and more!”

While the Congressional midterm elections will be front and center on the national stage during the fall of 2026, colleges and universities should pay special heed to encouraging and enabling awareness of and participation in state and local elections and ballot initiatives. Students, who may be new to their communities and less familiar with the local political landscape would likely benefit from accessible and comprehensive nonpartisan voter information and ballot guides customized to their campus locale. At the minimum, campuses should offer online tools such the [Local Elections Engagement Guide](#), which [SLSV describes](#) as “a comprehensive toolkit designed to help campus leaders, faculty, and organizations increase student participation in local and state elections.”

Of course, colleges and universities must take care to ensure that the voting encouragement and resources they offer to their students are nonpartisan and that their communications with students are likely to be received that way. Factors that tend to show that voter registration or get-out-the-vote communications are nonpartisan include: (1) limiting communications to urging individuals to vote or register to vote and to providing practical information such as how, when, and where to register and vote; (2) naming all candidates without favoring any or alternatively not naming or depicting any candidates; and (3) not naming or depicting any political parties, with the exception of identifying the political parties of all named candidates. SLSV offers a [Nonpartisan Messaging Guide](#) that provides simple messaging advice for how to advocate for core democratic values and practices without engaging in prohibited partisan activities.

Students may be advised that if they remain uncertain about their eligibility to vote, they may still go to the polls and cast a ballot on Election Day. If their eligibility is questioned at the polls, in most states they have the [right to request to cast a provisional ballot](#), which will be set aside for later consideration and, assuming eligibility is established, included in the final counts.

Being Aware of Barriers to Student Voting and Offering Solutions

Despite—or because of—surges in student voting in recent years, institutions should remain attentive to state and county requirements that could undermine students’ access to the polls. [Voter ID registration requirements](#) vary significantly among jurisdictions. Moreover, the landscape can shift at the 11th hour. In recent years, a number of states have added or confirmed restrictions, such as requiring that the student ID used for voter identification be signed or issued within the past two years.¹¹ Idaho has precluded the use of student ID cards altogether.¹²

In addition to offering clarity and precision to students regarding what is required from them in order to register to vote, colleges and universities ought to be attentive to practical constraints and potential confusion about terminology.

Institutions may wish to provide shuttles or other transportation for students to local polling places or public transportation hubs on election days. Such efforts should be permissible so long as there are no state law funding inhibitions for public universities, the transportation is offered to all students, and it is undertaken in a neutral and nonpartisan way.

Notwithstanding efforts in some locales to discourage convenient campus polling or ballot drop locations, some colleges and universities are able to serve as polling places to ensure adequate access by students. Institutions that do provide polling locations need to be mindful that every state has its own rules regarding what activity can take place in the vicinity of polls when voting is underway (e.g., signage, vote solicitation, handing out bottled water, among others), so universities should consult applicable state and local rules.

The National Conference of State Legislatures has a helpful [aggregation of links](#) to state-specific resources, which notes that 47 states and the District of Columbia offer early in-person voting. Where possible, it can be helpful for institutions to serve as early in-person voting locations.

“Residency” is one of those words that may trip up students when it comes to voter eligibility. The U.S. Supreme Court recognized that states may require residency as a qualification to vote. However, requiring a minimum duration for that residency is unconstitutional unless the state can demonstrate that it is “necessary to promote a compelling governmental interest.”¹³ Roughly half the states have [durational residency requirements](#) of 30 days or less; the other half do not have any durational residency requirements at all, though they may impose a cutoff date for registering to vote prior to an election. Students who temporarily relocate from their home to another address to attend college generally may choose to vote either where they reside while at college or where they consider their permanent home.

Absentee and mail ballots tend to be confusing as well. An absentee ballot is a ballot that a voter requests, while a mail ballot is a ballot that is automatically sent to a voter without having been requested. Both absentee and mail ballots will look the same and be processed and counted the same way by election officials. Institutions should note that [the U.S. Postal Service recently clarified](#) that postmarks are applied when a piece of mail is processed, not necessarily when it is dropped off at a U.S. Postal Service location or enters the postal system. Because states define when an absentee or mail ballot must be postmarked to be counted toward a specific election, additional onus is on the voter to ensure their absentee or mail ballots are returned in a timely fashion. Institutions should be aware of postmark deadlines in their state and encourage students to apply for and send back their absentee or mail ballots as early as possible.

Not all voting necessarily must occur either in person at a polling location or via sending ballots though the U.S. mail. The EAC has encouraged [ballot drop boxes](#), noting that they “should be placed in convenient, accessible locations, including places close to public transportation routes, near or on college campuses, and public buildings, such as libraries and community centers familiar to voters and easy to find.” The [National Conference of State Legislatures](#) notes that “many states that permit or require ballot drop boxes set minimum requirements for where

they must be located, how many a county must have, hours they must be available, and security standards.” Within applicable parameters, institutions can contact their local election officials to request drop boxes on their campuses or press for changes to the requirements and limitations.

Institutions should remind students, though, that ballot drop boxes can only be used for voters within that jurisdiction, typically a county. If voting absentee or by mail from a different jurisdiction, ballots should be returned via U.S. mail and not placed in a drop box.

Many states expect absentee ballot applications and mail-in ballots to have appropriate postage applied by the sender. Sometimes rules vary within states. In Florida, for example, some counties send out vote-by-mail ballots with prepaid return postage, while others do not. However, stamps are as mysterious as handwritten thank-you notes for many students. Many young voters have never walked into a post office or used a stamp, and they have no idea where or how to buy one. Students who register to vote and intend to do so may end up not voting for want of a postage stamp.

As [Inside Higher Ed pointed out](#) several years ago, “college students...will ‘go through the process of applying for a mail-in absentee ballot, they will fill out the ballot, and then they don’t know where to get stamps.’” Institutions should, at the minimum, advertise and enable easy purchase of single stamps in on-campus locations. Better yet, unless there are applicable legal or policy restrictions, schools should make stamps freely available to students for absentee and mail-in ballot purposes.

[Several states require](#) witnessing or notarization of votes being submitted by mail or in a drop box. In such states, colleges should consider providing day and/or nighttime locations and staffing (or volunteers) with witnesses and notary services for their on- or near-campus students.

POLITICAL CAMPAIGN–RELATED ACTIVITIES BY AND AT COLLEGES AND UNIVERSITIES

The IRS is unambiguous about the fact that the Internal Revenue Code “absolutely” [prohibits all 501\(c\)\(3\) organizations](#) from participating in political campaign–related activity. This prohibition includes directly or indirectly participating in or intervening in any political campaign or election of a candidate for public office, regardless of whether that office is a local school board, a state comptroller, a member of Congress, or the president of the United States. For example, neither colleges and universities nor individuals acting in an institutional capacity on their behalf may offer public statements in favor of or in opposition to any candidate for public office or make contributions to political campaign funds.

Generally speaking, potential penalties for improper political activity by a college or university can include loss of the institution’s tax-exempt status and imposition of taxes on the institution and its responsible managers. There are other risks as well, such as federal or state government lawsuits, audits, and investigations.

However, 501(c)(3) organizations, including colleges and universities, may engage in electoral educational activities unrelated to a candidate for public office. These include nonpartisan voter education drives and get-out-the-vote initiatives. Hosting or presenting public forums and publishing voter education guides conducted in a nonpartisan manner also are perfectly fine and indeed encouraged—as [are other nonpartisan activities](#) that describe, encourage, enable, and inform the democratic process.

Engaging in and Enabling Issue Advocacy, Lobbying, and Public Policy Educational Activities

Institutions have developed differing views about their leaders making statements and engaging publicly regarding current events and significant related issues. And they have varying levels of risk tolerance. That said, federal law does not preclude colleges and universities—and their leaders—from undertaking in or enabling issue advocacy.

Pointed attacks by the executive branch on institutional autonomy and efforts to defund critical aspects of the research enterprise; policy-maker concerns about the value of a college education; diversity, equity, and inclusion (DEI) debates; ongoing conflicts in the Middle East and Ukraine; and a host of other noteworthy national and world issues have been fueling news feeds and discussions on campuses at a time when presidents, chancellors, and other **institutional leaders have been debating** whether and when they may feel compelled to make formal statements and otherwise encourage engagement on issues that affect broad segments of their communities. Whether issue advocacy undertaken by persons authorized to speak on behalf of the institution is assessed by the IRS to veer into prohibited political campaign–related activity will be based on the particular facts and circumstances.

Nonprofit 501(c)(3) organizations also may engage in an **allowable amount of lobbying**. Lobbying is “activities [that are] attempting to influence legislation,”¹⁴ including contacting—or urging the public to contact—members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation. Issue-specific lobbying must not be designed to influence the election of any particular candidate.

Faculty may host forums or present on public policy issues within the context of their teaching, research, or other institutional activities regarding matters such as the state of democracy in America, gun violence, abortion, and climate change. Federal tax law concerns are unlikely to arise for institutions so long as these are mission-aligned educational activities conducted in a manner that does not run afoul of the IRS restrictions previously described.

Moreover, the expressed views and activities of individual faculty members are not likely to be attributed to the institution by the IRS unless these individuals are directed or authorized to speak on behalf of the institution. Colleges and universities are the source of some of the deepest wells of expertise on subjects that are relevant to public policy issues of the day. Individuals serving in academic capacities at colleges and universities are often interviewed by the press to explain issues and provide their own views (as distinguished from views held by their college or university).

Campaign-Related Activities by Faculty and Staff

American citizens have the prerogative and constitutional right to engage in partisan political activity. Institutions should have a high degree of tolerance for—and even encouragement of—faculty and staff who are individually motivated to participate in political and social action “on their own time.”

Distinguishing between an individual faculty or staff member’s own permissible civic engagement from that which would be impermissibly representative of the institution (actually or perceptively) is critical. Colleges and universities should help their community members understand and attend to this distinction. Written guidelines that are widely known and easily accessible—and incorporated into faculty and staff policies—can be extremely helpful.

Campaign-Related Activities by Students

The IRS has long stated that student political activity is presumptively not the activity of the institution.¹⁵ Student and student-group partisan speech or conduct therefore does not, on its own, jeopardize the institution’s 501(c)(3) tax-exempt status.

Consistent with these principles, students and student groups generally may engage in political speech and debate, form partisan or ideological organizations, and receive recognition on the same terms as other groups. They also may invite political candidates and partisan speakers to campus, wear campaign apparel, publish political editorials and endorsements in student newspapers, use university-affiliated digital platforms for political speech that is reasonably understood to be theirs rather than the institution’s, and physically and verbally engage in voicing their support or opposition to candidates in ways that do not run afoul of an institution’s legally appropriate time, place, and manner restrictions.

As explained by [Stephen Dunham](#), who served as general counsel for The Pennsylvania State University, Johns Hopkins University, and the University of Minnesota, “As a general matter, I think the free expression/First Amendment issues are the same for speech and protests related to political activity as they are for speech and protests that are not tethered to such activity.”

Institutions should be attentive to the risks of over-restricting student political expression. At public institutions, viewpoint-discriminatory restrictions on student speech or student-group recognition violate clearly established First Amendment law. Although private colleges and universities can establish their own rules that limit or qualify the extent of acceptable student speech, most extend analogous First Amendment expressive rights to their students via contractual or policy protections. For example, [Princeton University’s Statement on Freedom of Expression](#) “guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn,” acknowledges that “it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive,” and underscores that “concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.”

ILLUSTRATIVE PERMISSIBLE AND (LIKELY) IMPERMISSIBLE ACTIVITIES (YES/NO)

Student Voting

Permissible

- Y1. **Creating and conducting voting information programming, including online webinars**, designed to increase student understanding of the electoral process or to encourage campus community members, including students, to become involved in the process
- › Such programming must be nonpartisan in the recruitment of instructors, the advertising or invitation to students, and the curriculum. The program should be widely publicized, although the programming may be structured or directed to particularly appeal to campus community constituencies that are known or reasonably believed to have been less participatory in the electoral process in prior years.
- Y2. **Participating in nonpartisan voter registration encouragement or get-out-the-vote activities**
- › Such activities by an institution, including its staff and faculty, are considered nonpartisan even when aimed at groups (such as students, urban voters, young people, or minorities) that may be more likely to favor a certain political candidate or party, provided that the activities are not intended to target voters of a particular party or to help particular candidates and that particular geographic areas, such as a portion of campus with residence halls within a different congressional district than other campus housing, are not selected to favor any party or candidates.
- Y3. **Providing students with a clear summary of state registration and voting requirements**
- › Institutions may create or update existing websites that explain voting laws, processes, and deadlines in practical terms, including regarding voter registration, and link to nonpartisan tools for registering and voting. Colleges and universities may create and staff a nonpartisan telephone helpline and/or email help desk for students to contact with questions about the voting process.
- Y4. **Students may be voting in various jurisdictions**
- › Given the varying locations of some students, institutions may wish to provide information not only about the county and state where the college or university is physically located but also about other counties within the states or even other states. Offering links to explanatory websites is an efficient way to do this. Care should be taken to ensure those websites are nonpartisan.

- Y5. **Providing periodic voter encouragement and deadline reminders**
- › Colleges and universities may send emails and text messages as well as use their social media platforms to encourage voter registration and voting and to remind students to be attentive to relevant deadlines, specifically those for voter registration, absentee ballot requests, and ballot receipt.
- Y6. **Providing clarity regarding current voting by mail options**
- › Students may be uncertain about the availability of voting by mail and their eligibility to obtain and submit a ballot. Give particular attention to residency eligibility, processes, and deadlines for students who wish to vote as residents of the community where the institution is physically located. Explain voting alternatives for students who are likely ineligible to vote in the community where their campus is physically located. This will allow students to make fully informed decisions as to where to register and vote.
- Y7. **Providing students with stamps, transportation to polling locations, and other resources to assist with the process of voting**
- › Institutions may wish to provide multiple locations where students living on or near campus can pick up hard copies of absentee ballot applications and make stamps easily available on campus for those applications and absentee ballots. They may wish to email or mail copies of absentee ballot applications to students. In states that permit it, colleges and universities may maintain drop boxes and collection points for students to return ballots on campus; however, it should be clearly noted at the drop box locations—and in communications about them—that the drop boxes can only be used for voters within that jurisdiction, typically a county. Other mail-in or absentee ballots should be sent via U.S. mail and not placed in a drop box. For students who live on or near campus, colleges and universities may provide locations and staffing (or volunteers) for witnesses and notary services for students who need them to vote by mail. Providing students with shuttles or other transportation to local polling places or public transportation hubs is permissible.
- Y8. **Telling students that the institution will quickly provide written confirmation of their residency and address verification and instructing them precisely where and how to make such a request**
- › Many states require proof of residency for voter registration. Colleges and universities can and should prioritize offering students proof of residency and address verification documents that students can use to help them vote.
- Y9. **Annually preparing and distributing a compilation of voting records of all members of Congress on major legislative issues** that involve a wide range of topics, without political skew or editorial opinion, *provided that the information is not geared to coincide with the election period*
- › Guides such as these should avoid rating candidates, even if the rating criteria are nonpartisan (e.g., based on professional qualifications) and should not be accompanied by a statement or actions that tie a position articulated in the guide to a particular candidate or election. (*See N3.*)

Impermissible

- N1. **Providing partisan links or other resources** regarding voter registration or voter education
- N2. **Conducting voter education activities confined to a narrow range of issues or skewed** in favor of certain candidates or a political party
- › For example, the IRS has disapproved such activities that involved selected voting records of certain incumbents on a narrow range of issues, such as land conservation.

- N3. **Publishing ratings of the candidates**, particularly in situations where the ratings could be viewed as reflecting the views of the institution or when institutional resources are used to prepare or publish such ratings without reimbursement at the usual and normal charge (*See Y9.*)
- N4. **Promoting action (voting) with respect to issues that have become highly identified as dividing lines between the candidates**
 - › This principle does not bar the institution from commenting on issues critical to its tax-exempt purposes if it has a history of commenting on such issues in nonelection years.
- N5. **Coordinating voter education activities with a candidate's or party's campaign event**

Candidate Appearances

Permissible

- Y10. **Providing access to airtime** on a university-owned radio station on an equal basis to all legally qualified candidates for a public office, in a manner consistent with the limits imposed by Federal Communications Commission standards
- Y11. **Providing opportunities to speak** at college or university events on an equal basis to all legally qualified candidates for a public office
 - › If the institution chooses to invite candidates to speak individually in their capacity as a candidate, it must take steps to ensure that all such legally qualified candidates are invited and that none are favored in relation to the activity. For example, if a university invites one candidate to speak at a well-attended annual banquet but invites another candidate to speak at a sparsely attended general meeting, the university will not have provided equal opportunity to participate. An explicit statement should be made in introducing the speaker and in communications concerning the speaker's attendance that the institution does not support or oppose the candidate. Campaign fundraising at the event should be prohibited. The institution must make reasonable efforts to ensure that the appearances constitute speeches, question-and-answer sessions, or similar communications in an academic setting and are not conducted as campaign rallies or events.

Please note that Y11 addresses situations in which the institution itself (acting through its officials/authorized persons) invites one or more candidates to speak. For situations involving student groups inviting a candidate to speak, please see Y18. For situations involving faculty or other staff inviting candidates to speak, the university should consider whether the actions of the faculty or staff member could be attributed to the university and whether university resources will be used to support a political candidate. See Y21–Y23 and N18–N19 for discussions of whether an individual's actions or statements would likely be attributed to the university. See N13 (prohibiting providing a forum to a candidate to promote their campaign if other candidates are not treated equally) and N9 (prohibiting providing university facilities to a candidate in a way that favors that candidate) for a discussion of the use of institutional resources.

- Y12. **Conducting institution-sponsored public forums** to which all legally qualified candidates for a public office (or for the nomination of a particular party) are invited and given equal access and opportunity to speak, provided that the format and content of the forum are presented in a neutral manner
- Y13. **Inviting candidates to appear in a noncandidate capacity**, provided that the individual is chosen to speak solely for reasons other than their candidacy, the individual speaks only in their noncandidate capacity, no reference to the election is made, and the organization maintains a nonpartisan atmosphere on the premises or at the event

- › Campaigning at the event should be prohibited. The institution should clearly indicate the capacity in which the candidate is appearing and should not mention the candidacy or the upcoming election in any communications announcing the candidate’s attendance.

Issue Advocacy, Lobbying, and Public Policy Education Activities

Permissible

- Y14. **Engaging in or enabling issue advocacy and lobbying on behalf of the institution** if the activity is nonpartisan and not designed to influence the election of any particular candidate for office

Impermissible

- N6. **Heightened and targeted issue advocacy, lobbying, or public policy education activities** conducted during a campaign season and directed at candidates’ signature issues or others that are closely aligned with candidates—for example, if an issue becomes a singular dividing issue between two candidates for public office and the institution makes issue advocacy statements close in time to the election when it had not previously issued communications on the topic

- › See N17 for a discussion of facts and circumstances relevant to a determination of whether an issue advocacy communication could result in political campaign intervention.

Use of Institutional Resources

Permissible

- Y15. **Establishing genuine curricular activities aimed at educating students** with respect to the political or electoral process

- › For example, [the IRS approved](#) a political science program in which—as part of a for-credit course—university students participated in several weeks of classroom work to learn about political campaign methods and then were excused from classes for two weeks to participate in campaigns of their choice, without the university influencing which campaigns were chosen.

- Y16. **Rearranging the academic calendar** to permit students, faculty, and administrators to participate in the election process if the rearrangement is made without reference to particular campaigns or political issues, provided that the recess is in substitution for another period that would have been free of curricular activity

- Y17. **Providing financial and administrative support to a student newspaper** even though the newspaper publishes editorial opinions on political and legislative matters

- Y18. **Allowing established student groups to use institutional facilities** for partisan political purposes, including candidate appearances on campus, provided that such groups pay the usual and normal charge, if any, for use of institutional facilities by student groups

- › Facilities fees usually are not required for recognized student political groups. Generally, groups other than student groups should be charged. Institutions should be careful to apply those fees in a strictly nonpartisan fashion.
- › Administrators and faculty should take special care in relation to any such proposed student activities to avoid the appearance of institutional endorsement and to observe the other principles identified in this issue brief. Moreover, a student political group should not be denied recognition or facilities access based on perceptions of its members’ positions or beliefs, because a similar group already exists, because no “opposing” group exists, or because the institution disagrees with its messaging.

- › Colleges and universities should have and make known comprehensive and unambiguous policies—such as [Penn State’s](#)—about university resources and political campaign–related activities.
- › In terms of the broader campus environment, canvassing—distributing campaign literature, circulating petitions, registering voters, and having one-on-one conversations about candidates or ballot measures—in portions of the campus that are generally understood to be “open to the public” constitutes core political speech that should not be swept into policies designed to prohibit or regulate commercial solicitation. However, institutions may impose reasonable, viewpoint- and content-neutral time, place, and manner rules—for example, prohibiting canvassing that disrupts classes or obstructs building access.

- Y19. **Adopting a voluntary payroll deduction plan** that would allow individual employees to direct a portion of their wages to the political action committees (PACs) for their respective unions, provided that the institution’s activities with respect to the PAC are ministerial and simply involve transferring the funds earmarked by the employees to the PAC chosen by the employee; the institution has absolutely no role in the management or governance of the PAC or any influence over the selection of candidates or political parties to be supported by the PAC; the institution’s name is not used or otherwise acknowledged in connection with any contributions made by the PAC to any candidates for public office; the institution is reimbursed for costs associated with the plan; the institution takes steps to ensure that no employee associates the PAC with the institution; and the institution does not allow employees to participate in PAC activities during work hours other than in the performance of the ministerial activities described previously
- Y20. **Providing links to the web pages**—or other space on the institution’s website—of all legally qualified candidates for a public office, if a tax-exempt purpose (e.g., voter education) is served by offering the link and the link is made in a manner that—after taking into account the format and other content on the institution’s website—does not favor one candidate over another (See N12.)

Impermissible

- N7. **Coordinating institutional fundraising with fundraising** of a candidate for public office, political party, PAC, or the like
- N8. **Reimbursing college or university officials** for campaign contributions
- N9. **Providing mailing lists, use of office space, telephones, photocopying, or other institutional facilities or support** to a candidate, campaign, political party, PAC, or the like free of charge
- › If mailing lists or facilities are sold or rented to a candidate or campaign, the items must be made available to all other candidates on the same terms and at fair market prices. Additionally, the institution should be prepared to show that it did not take the initiative in making the items available and that the sales or rentals are part of an ongoing pattern in which similar items are provided to unrelated, nonpolitical entities. Counsel should be consulted on the potential for taxation of revenues generated by such sales or rentals.
- N10. **Using institutional letterhead** in support of a candidate, political party, PAC, or the like
- N11. **Permitting social media platforms and other forums** affiliated with the institution to be used to express or provide support for particular candidates if the statements or information can be reasonably attributed to the institution
- › A disclaimer that states that the opinions are neither those of the institution nor sanctioned by the institution is recommended in those public discussion areas where the information could reasonably be attributed to the institution.

- N12. **Providing links to the web pages**—or other space on a university’s website—of one or more candidates for public office in a manner that favors one candidate over another
- › Generally, information posted on an institution’s website that favors or opposes a candidate for public office is treated the same as distributed printed material, oral statements, or broadcasts that favor or oppose a candidate. Institutions should diligently monitor the content of the linked website for any changes.
- N13. **Providing a candidate with a forum** or sponsoring events that promote their campaign if other candidates are not treated equally, even if the forum or event is not intended to assist the candidate
- N14. **Using institutional resources to conduct political campaign fundraising activities**
- › Funds or contributions for political candidates or campaigns may not be solicited in the name of the university, on the university’s campus, or through the use of campus resources, including by student groups.

Faculty, Administrator, and Staff Participation in the Election Process

Permissible

- Y21. **Members of the college or university community are entitled to participate or not, off-hours, as they see fit, in the election process**, provided that speaking or acting in the name of the institution is prohibited except as described in this issue brief and that they are not acting at the direction of an institutional official
- › If the institution is identified, it should be communicated that the opinions expressed are not the opinions of the college or university.
- Y22. **A faculty member, administrator, or other employee may, if permitted by institutional policies and procedures, engage in federal or state and local campaign–related activity** that is (a) outside normal work hours; (b) within ordinary work hours if the time is made up within a reasonable period by devoting a comparable number of extra hours to work for the institution; (c) charged to vacation time to which the person is then entitled or occurs during a regular sabbatical leave; or (d) during a leave of absence without pay taken with the institution’s approval
- › The institution should consult applicable state law concerning permitted volunteer activities by employees in connection with campaigns for state or local office. Senior institutional officials, such as the president and the vice president for governmental affairs, should be extremely cautious about personal engagement in campaign activity and ordinarily refrain from it, as there is risk that such activity would be perceived as support or endorsement by the institution. (See N18.)
- Y23. **Public statements, oral or written, by institutional officials** (such as the president and deans) are permitted in support of a candidate, political party, PAC, or the like, where the institutional official clearly indicates that their comments are entirely personal and do not—and are not intended to—reflect or represent the views of the institution
- › For example, the [IRS condoned a full-page advertisement](#) in a local newspaper—paid for by a candidate—in which the advertisement referred by name and title to the president of a 501(c)(3) nonprofit organization as a campaign supporter, despite the ad expressly stating that the “titles and affiliations of each individual are provided for identification purposes only.”

Impermissible

N15. **Endorsing, expressly or impliedly, a candidate for public office**

- › Examples of express endorsement include the placement of signs on university property that show support for a particular candidate and contributing to political campaign funds. Implied endorsements include public statements at a university event by an official of the institution, praising a particular candidate in relation to the holding of public office, and a pattern of institutional activities in relation to or support of a particular candidate. As with all of the prohibitions discussed in this issue brief, such a prohibition applies even if the candidate is an administrator or faculty member of the institution.

N16. **Wearing campaign buttons while remote teaching or having a home office background containing posters** supporting a candidate or political party are particularly problematic

- › As a [commentator noted years ago](#) about teachers who unsuccessfully challenged New York City’s policy prohibiting public school teachers from wearing political buttons in the classroom, “if they’re using them as political billboards—announcing their partisan identifications from their chests—the question of the intrusion of politics in the classroom cannot be avoided.”
- › In remote and hybrid class contexts, risks in this regard are heightened since faculty may be teaching two feet from their computer’s camera, assuring that the size of a button—and its intrusion on the “classroom”—would be significantly enlarged. That’s a problem. Similarly, care should be taken to ensure that onscreen backgrounds are devoid of campaign posters, slogans, or other partisan political visuals while faculty and staff are engaging with students.

N16 addresses political expression by faculty during instruction. It does not apply to students, who retain the right to wear campaign apparel and display partisan materials in their personal spaces, including residence halls. Nor does it apply to faculty expression outside of teaching and job-related duties, which at public institutions retains broad First Amendment protection as speech on matters of public concern.

N17. **Commenting on specific actions, statements, or positions taken by candidates**, including incumbents, in the course of their campaigns

- › The institution is not forbidden to comment on specific issues, particularly if it has a history of commenting on such issues in nonelection years. Whether a statement is delivered close in time to an election, whether the communication identifies specific candidates or approves or disapproves of a candidate’s positions or actions, whether the communication is part of an ongoing series of communications on the issue by the institution that are not related to the timing of any election, and whether the timing of the communication and identification of the candidate are related to a nonelectoral event are all relevant factors in determining whether an institution’s statement on a particular issue could result in political campaign intervention.

N18. **Public statements, oral or written, by institutional officials**, such as the president and deans, in support of a candidate, political party, PAC, or the like, when there is risk that the statements would be perceived as support or endorsement by the institution

- › For example, it would be inappropriate for a column titled “My Views” to appear in a university’s monthly newsletter in which the university president stated that it is their personal opinion that Candidate U should be reelected, even though the president paid part of the cost of the newsletter.

N19. Remarks at an institutional meeting by an institutional official in support of a candidate, political party, PAC, or the like

- › For example, institutional officials should not make statements that could be perceived as support for a particular candidate at a meeting of the board of trustees.

The foregoing is not exhaustive. Considerable judgment in the application of these principles is likely to be required. When activities that are separately identified in this issue brief are combined or occurring simultaneously, the institution should analyze and assess the interaction between or among the activities as well as the totality of the activities.

NOTES

- 1 In *Symm v. United States*, 439 U.S. 1105 (1979), the United States Supreme Court paved the way for students to register and cast ballots where they attend school by summarily affirming a lower court decision that held that the Texas voting registrar's practice of refusing to register students residing on a college campus unless they established their intention to remain in the community after graduation violated the [Twenty-Sixth Amendment](#). See generally Patrick J. Troy, "No Place to Call Home: A Current Perspective on the Troubling Disenfranchisement of College Voters," *Journal of Law and Policy* 22, no 1 (2006): 591–617.
- 2 CIRCLE was founded in 2001 at the University of Maryland's School of Public Policy and has been based at Tufts University's Jonathan M. Tisch College of Civic Life since 2008. It is a nonpartisan, independent research organization focused on youth civic engagement in the United States.
- 3 See section below titled "The Statutory Obligations of Colleges and Universities Regarding Student Voting."
- 4 The March 31, 2026 executive order is the subject of multiple lawsuits. See "[Federal judge limits challenges to Trump mail-in voting order](#)," *The Hill* (June 18, 2026). In a ruling in another case challenging an earlier presidential executive order regarding voting eligibility and processes, a federal court decision provided an in-depth, unequivocal, citation-supported explanation for why the President lacks the authority to direct such changes and underscored that the Constitution assigns responsibility for election regulation to the States and to Congress. See *League of Latin American Citizens v. Executive Office of the President*, D. Mass. (October 31, 2025).
- 5 *California v. Trump*, D.Mass. No. 25-cv-10810-DJC, [June 24 2026 Memorandum and Order](#); *California v. Trump*, D.Mass. No. 1:26-cv-11581-IT, [June 25, 2026 Memorandum and Order](#)
- 6 20 U.S.C. §1094 (a)(23)(A) & (C).
- 7 See 20 U.S.C. § 1094 (a)(23)(A) and (C); 42 U.S.C. 1973gg-2(b); and *The National Voter Registration Act of 1993 (NVRA)*, U.S. Department of Justice Civil Rights Division.
- 8 20 U.S.C. § 1094(a)(23)(B); Federal Student Aid, 2023–2024 Federal Student Aid Handbook, vol. 2, ch. 6 (last updated February 1, 2023).
- 9 20 U.S.C. § 1094(a)(23)(D).
- 10 20 U.S.C. § 1094(a)(23)(A).
- 11 "[Trump's Voter Crackdown Reaches College Campuses](#)," *POLITICO* (March 22, 2026); "[In These States, College Students Say Republicans Have Made It Harder for Them to Vote](#)," *The Chronicle of Higher Education* (February 19, 2020).
- 12 Advocacy groups BABE Vote and the League of Women Voters of Idaho brought suit, alleging that the ban on the use of student ID as identification for voting and same-day voter registration violated the Idaho state constitution. The Idaho Supreme Court unanimously affirmed dismissal of the lawsuit, reasoning that the voter ID laws were "reasonable exercises of the legislature's authority to enact conditions on the right of suffrage." See generally *BABE Vote v. McGrane*, 546 P.3d 694 (Idaho 2024).
- 13 *Dunn v. Blumstein*, 405 U.S. 330, 342 (1972).
- 14 26 C.F.R. § 1.501(c)(3)–1(d)(3)(i).
- 15 Rev. Rul. 72-512, 1972-2 C.B. 246 (students' political campaign participation as part of university course not attributed to the university); Rev. Rul. 72-513, 1972-2 C.B. 246 (student newspaper political editorials not attributed to the university despite institutional support); Rev. Rul. 2007-41, 2007-1 C.B. 1421 (facts-and-circumstances framework for political campaign intervention). See also "[Election Year Issues, IRS Exempt Organizations CPE Technical Instruction Program Textbook for FY 1993](#)", at p. 435, Judith E. Kindell & John F. Reilly ("[t]he actions of students generally are not attributed to an educational institution unless they are undertaken at the direction of and with authorization from a school official").