



Maine
Philanthropy
Center

Public Policy and Maine's Philanthropic Network

A Path to Greater Impact



Public Policy Task Team

Maine Philanthropy Center

November 2014 – April 2015

The Public Policy Task Force presents this report, its conclusions and recommendations to the Maine Philanthropy Center board, membership and the broader network of philanthropy across the state in order to generate active discussion, suggestions and consensus on how to best advance our collective action in the public policy arena.

June 14, 2015

FOREWORD

MPC Strategic Plan

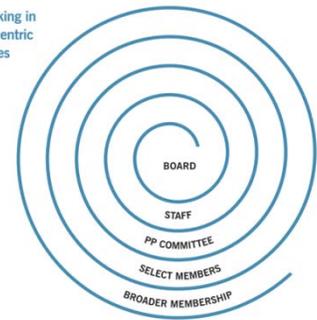
In March of 2013, the Maine Philanthropy Center (MPC) Board of Directors approved a strategic planning framework for 2013 – 2015. One of three stated strategic priorities was to “*increase the impact of philanthropy in Maine by promoting and advancing strategic partnerships.*” The Board felt strongly that public policy work was indeed one of those critical strategic partnerships and made it one of the plan’s objectives: “*Provide leadership to engage the MPC board and members in the national and state public policy arenas in order to achieve common goals.*” The Board also raised a number of key questions that would need to be answered on the path to achieving this objective:

- What can and should be MPC’s public policy role?
- What policies should govern and guide these activities in the future?
- Where are opportunities to provide leadership in bringing together the philanthropic community with governmental leaders to achieve shared goals?

Thus, MPC’s commitment to the exploration and advancement of public policy work as a means for philanthropy in Maine to achieve greater impact was now firmly acknowledged.

As MPC began to think about how to best move the public policy discussion and conversation forward, we uncovered a construct that provided to be a helpful and logical path to follow. It suggested that you begin the exploration closest to home with the MPC board and staff and then gradually expand outward.

Thinking in
Concentric
Circles



*In Search of the Spark:
Getting Your Members Fired Up About Public Policy.
Policy Works*

Staff Participation in Policy Works

MPC belongs to a national network of 34 other regional grantmaker organizations across the country led by the Forum of Regional Associations of Grantmakers. In 2009, seeing both potential for and interest in public policy work among its members across the country, the Forum created PolicyWorks, an initiative striving to build the capacity of regional association staff, board and volunteer leaders to engage policymakers in support of a vibrant and effective philanthropic sector. With the strategic plan direction now in place, the MPC staff and board joined the PolicyWorks community and began to engage in learning and training opportunities. We are fortunate that there is much to be learned from these peers. (See Appendix 1 to learn about public policy work among other regional associations.)

Interest Grows Within the Network

In addition, the conversation about public policy began to percolate across MPC’s membership and Maine’s philanthropic network in a variety of ways. As grantmakers increasingly desire to expand the impact of their work, they soon realize what a pivotal role government plays in the issues that they care about and begin to recognize the need for more involvement and partnership with that sector. When MPC hired a new president in 2013, she held one-on-one visits with grantmaker members. During these visits, many folks shared the hope that MPC would provide some leadership to Maine’s philanthropic network in area of the public policy. These findings confirmed that the direction provided by the MPC strategic plan was not only an internal organizational priority but also an increasingly shared desire within the broader community. In addition, when members began to express an interest in learning more about what foundations can and cannot do in the arena of public policy, MPC offered two different learning opportunities led by Alliance for Justice, one in 2010 and another in 2014.

On May 8, 2014, the MPC Funders Forum brought 86 attendees from Maine and New England to Point Lookout in Northport, ME for a half-day immersion into topics relevant to their work, including the role of philanthropy and public policy. A panel of philanthropic leaders from both inside and outside of Maine led a discussion with

the goal to build a common understanding of the spectrum of roles that philanthropy can play in public policy and why this is an increasingly important strategy for achieving greater outcomes and impact. The leaders shared the rationale for their own commitment to public policy and gave examples of work already underway. Forum participants engaged in table conversations about the role their organization has played to date and discussed their experiences. At the end of the session, the MPC Board chair shared plans to convene a task team to figure out how the philanthropic network might better coalesce around public policy activity and how MPC might best support that work. She asked the audience for a “Five Finger Vote” to indicate their support for MPC trying to move this work forward and the result was a resoundingly positive vote of confidence.

Public Policy Task Team

With the strong endorsement of the 2014 Funders Forum, MPC set out to develop a scope of work and recruit a diverse and dynamic public policy task team.

Intended Outcomes:

- To develop a comprehensive recommendation to the Maine Philanthropy Center Board of Directors and our broader philanthropic network about the purpose, scope and criteria for involvement in the public policy arena
- To determine MPC’s role in supporting this work as well as suggest the ongoing structure required to implement and carry it out on a regular basis

Overview of the Work:

- Articulate the purpose, vision for success and value of involvement in public policy
- Define the potential scope of work across the public policy continuum and clarify key terms
- Identify strategic implications and barriers to involvement in public policy and explore ways to address and mitigate
- Engage members, stakeholders and potential partners to inform the process and understand their perspectives, expectations, concerns and what is needed to secure their buy-in
- Propose the structure, partners, criteria for involvement and process/decision-making protocols required for ongoing public policy work supported by MPC
- Determine the organizational implications and resources needed to execute the proposed work (leadership, relationships, financial and staffing resource requirement)

Public Policy Task Team Members:

Co-Chair: Meredith Jones, Maine Community Foundation

Co-Chair: John Shoos, Sam L. Cohen Foundation/MPC Board

Becky Hayes Boober, Maine Health Access Foundation/ MPC Board

Dan Coyne, United Way of Greater Portland

Sara Gagne-Holmes, John T. Gorman Foundation

Lori Gramlich, Maine Association of NonProfits

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Brenda Peluso, Dietel Partners

Anne Pringle, Trustee, Davis Education Foundation

Michael Rayder, TD Charitable Foundation

Staff: Barbara Edmond, Maine Philanthropy Center

Garvan Donegan, University of Southern Maine Masters Candidate

This stellar task team worked for six months (*November 2014 – April 2015*) to propose the following ideas and recommendations to the MPC Board and the network in the hopes that all will actively examine the content, thoughtfully discuss the merits and lend ideas to make them better.

EXECUTIVE SUMMARY

Imagine that Maine's philanthropic network is actively engaged in public policy. What is our aspiration for what it might look like and what would be happening? ...

- We are learning together about policy issues.
- We are collaborating and partnering.
- We are building relationships and engaging in partnership with government.
- We are funding advocacy & capacity building.
- We are providing leadership and making our voice heard through a variety of methods.
- We are affecting change for issues, vulnerable populations and stakeholders we care about.

The complex issues that currently impact or threaten our quality of life require multi-dimensional solutions and many partners. It will take government, philanthropy, nonprofits and business all working in alignment to achieve this mission sooner and better. Grantmakers already play an integral role in shaping public life through their funding, capacity building initiatives, data collection/evaluation and mission investing. Public policy work is another important and essential tool for philanthropy to add to this repertoire.

"Making grants without also doing policy work is like driving a car while utilizing only 75% of its cylinders."

While any philanthropic individual or organization can engage in public policy on their own, there is added strength, and sometimes comfort, in joining together with peers to learn, present a shared voice, protect our interests and have a greater impact on the issues that matter most. The focus of this report is on that collective space and those charitable giving organizations and individuals who think of themselves as part of a network of players dedicated to collaboration and collective action. It is this collective group that is referred to broadly as "Maine's philanthropic network" throughout the report. By working together on public policy or any other number of activities, the network's ultimate goal is to use the human, strategic and financial resources at their disposal to make our state a better place for all people to live, work and play.

"Public Policy is a broad framework of principles, ideas and values which guide decisions that are made at every level of government about how we will care for one another, the community and the land. As the result of decisions made, action or inaction is pursued in relation to some issue or problem." Decisions are being made every day that directly affect the priorities philanthropy funds and the issues we most care about. There are other decisions that affect the business of philanthropy itself such as tax policy, tax reform and tax law. Philanthropy has much to contribute to the public discourse that guides these decisions, deserves to be heard and we believe is a voice that will be welcomed.

Our capacity and potential are greatly enhanced if we can work together to forge working relationships with public policymakers, deepen their knowledge and appreciation of philanthropy and provide government officials a way to partner with us more effectively and appropriately. A partnership with the Maine Philanthropy Center to coordinate and support this collective work has the promise of greater efficiencies of effort and also allows the philanthropic community the opportunity to have a voice on certain legislature issues that they may not be able to do directly, given legal parameters or political realities.

Early results from a recent MPC survey indicate that many in our network have identified public policy as an important strategy to increase the impact of their work but few have actually undertaken steps to do anything with it and are not sure where and how to start. The Public Policy Task Team hopes that this documentation of their work and deliberations will provide further definition, clarification and direction to overcome barriers and assure both individual and collective success. The task team recommendations are summarized and offered here as a potential collective path forward.

Overall Recommendations:

1. In order to enhance the impact of philanthropy's work on the complex issues facing Maine, there is great value in funders being engaged in public policy.
2. Philanthropy in Maine has an important voice and a unique perspective to lend to the public discourse and the formation of policies that affect the issues, people and communities we most care about. It is believed that it is time for philanthropy to be a more visible and recognized player.
3. While individual organizations may engage in public policy activities on their own, collective action should be referred to as "the work of Maine's philanthropic network".
4. The terms "public policy", "advocacy" and "lobbying" mean different things to different people. The task team proposes a shared set of definitions for the network to use in thinking about this work.
5. Public Policy work refers to a full continuum of possible activities, including research, issue identification, funding the efforts of others, education of the public and policymakers and potentially active advocacy with the limitations put forth by the IRS and the State of Maine. The task team has outlined a continuum around which the network can coalesce and focus ongoing discussions. This also can serve as a starting point for further definition of what the work is that needs to be done.
6. Maine Philanthropy Center is well-positioned to serve as convener, facilitator as well as provide leadership and stewardship for the collective public policy learning, thinking and action of Maine's philanthropic network. The task team offers guidance on the various roles MPC could play.
7. Guiding principles and parameters to govern the work are offered for network consideration as well as a multi-level approach for exploration and decision-making about potential public policy activities.

Suggestions for Moving Forward:

8. The optimal proposed structure for doing the work is the establishment of a network public policy leadership committee, supported by a part-time staff position. A process for how the leadership committee might do its work is also recommended. This structure, staff and process is housed and facilitated by MPC.
9. This public policy work proposed would be over and above the current capacity of MPC's budget and staff. The annual cost of the recommended model would fall in the range of \$40,000 - \$60,000, commensurate with the expertise of the staff hired. The task team proposes that the network consider a multi-year commitment to a funding mix of grants, dues, special starting capital and fee for service to get his work started and assure its on-going sustainability. If need be, other alternative implementation strategies would have to be explored.
10. The ideal timing proposed is to establish the leadership committee and staffing by late 2015. This will require much network engagement, discussion and endorsement throughout the summer and early fall. It is recommended that we work towards a full discussion of these recommendations at the October 1 Funders Forum.
11. Once the structure is in place, the task team recommends that the network enter into this work slowly, beginning with lower levels of continuum activity, and then over time gradually move up as comfort, confidence and experience grows.

In the months ahead, we invite your active participation in the review and discussion of this report, its recommendations and suggestions for moving the work forward. Be on the look-out for multiple opportunities to engage in this conversation. We will welcome your thoughts and ideas.

I. UNCOVERING THE RATIONALE

ASPIRATIONS FOR PUBLIC POLICY WORK WITHIN MAINE'S PHILANTHROPIC NETWORK:

The Public Policy Task Team began its work by exploring our aspirations for this work.



***Imagine that Maine's philanthropic network is actively engaged in public policy.....
What might it look like and what would be happening?***

- ❖ **We are learning together about policy issues.**
Talking about issues; Sharing knowledge, information and resources about issues; Having a space for different perspectives and different organizations to come together
- ❖ **We are collaborating and partnering.**
Engaging and empowering diverse voices and opinions – traditional, non-traditional, those most impacted; Convening and welcoming others to join the work; Leveraging the expertise, skills and strengths of others; Identifying a common shared agenda; Working in concert with the nonprofit network
- ❖ **We are building relationships and engaging in partnership with government.**
Have visible presence, active involvement and official representation in Augusta; Our opinions and advice are sought and valued by legislators and government officials
- ❖ **We are funding advocacy & capacity building.**
Building skills and confidence within both the philanthropic and nonprofit networks; Providing resources for others to advocate on issues we care about; Educating legislators and lawmakers; Encouraging democratic participation and engagement
- ❖ **We are providing leadership and making our voice heard through a variety of methods.**
Reaching out to educate others on key issues; Sharing ideas and expressing views through state and federal legislative visits, public hearings, op eds, editorial board visits and social media; Presenting a knowledgeable and unified voice
- ❖ **We are affecting change for issues, vulnerable populations and stakeholders we care about.**

THE VALUE PROPOSITION - WHY IS THIS IMPORTANT?

Ultimately the aim of our philanthropy is to make Maine a better place for all people to live, work and play. The complex issues that currently impact or threaten our quality of life require multi-dimensional solutions and many partners. It will take government, philanthropy, nonprofits and business all partnering to get the work done and achieve this mission sooner and better. Many in our ranks feel that philanthropy in Maine needs to become a more visible and active partner in this problem-solving.

Grantmakers already play an integral role in shaping public life. We do this with our funding, capacity building initiatives, data collection/evaluation and mission investing. Public policy work and support offers another important tool to add to this repertoire.

Decisions are being made by those in government, that directly affect the priorities we fund and the issues we most care about. Where government dollars go is a critical driver of stability, opportunity and change and it is important that the sectors are not working at cross purposes. Government agencies also make decisions that affect the business of philanthropy itself such as tax policy, tax reform and tax law. Public discourse - on international, national, state, regional, & local levels - benefits from voices that bring factual information, knowledge, expertise and experience about important issues. Philanthropy's demeanor tends to be aspirational, while others may bring an adversarial approach. For all these reasons, the voice of philanthropy deserves to be heard. We can assure that diverse perspectives are at the table, decisions are made with the most accurate information possible and there is strong advocacy for the common good. We also have the ability to assure that others can contribute to the dialogue by advocating in partnership with our nonprofit grantees and people who are most affected. Our missions and aspirations for Maine suggest that philanthropy cannot remain on the sidelines and be silent. In fact, we believe our voice will be welcomed.

While any individual or organization within the philanthropic community can engage in public policy on its own, there is added strength in joining together with peers to learn, present a shared voice, protect our interests and have a greater impact on the issues that matter most. Our capacity and potential are greatly enhanced if we can work together to forge working relationships with public policymakers, deepen their knowledge and appreciation of philanthropy and provide government officials a way to partner with us more effectively and appropriately. A partnership with the Maine Philanthropy Center to coordinate and support this collective work has the promise of greater efficiencies of effort and also allows foundations the opportunity to have a voice on certain legislature issues that they may not be able to do directly, given legal parameters or other political realities.

*"Policy work is necessary for lasting change
and collaboration is essential for effective policy work."*

And lastly, it is worth noting that philanthropy owes its historical origins and very existence to the advent of democracy in America. From the earliest days of our nation, Alexis de Tocqueville noted this rarity of the American psyche and for over two centuries the social compact between philanthropy and democracy has flourished. Philanthropy as we know it would not exist if not for this heritage. So why then would we not care about, enthusiastically support and fully participate in the democratic processes on which philanthropy is built and preserved?

WHOSE WORK IS IT?

The Question

There is the potential for several different levels of public policy work within Maine’s philanthropic network:

- Individual work by grantmakers on a policy issue
- Collaborative work among a number of grantmakers on a policy issue
- Collective work on a policy issue

As the task team deliberated the prospect of collective work, it became clear that we needed to figure out the best way to talk about it. The question arose -Whose work is it? Is it MPC’s work? Is it the work of a group of peer colleagues? Or, is it something bigger? We found ourselves wanting to convey that it is not “my” work and “your” work but rather “our” work – what matters to me, you and all of us!

References to this as “MPC’s work” felt limiting and inappropriate. MPC is itself a single organization. Its intrinsic value lies in that it represents the collective wisdom of a vast membership and has unique position of continually having an ear to the ground concerning philanthropy in Maine. For MPC alone to have a voice is not the point. The real vision here is about lifting up the collective voice of a broader network with MPC as the steward or the facilitator of that work.

We also came to be wary of the phrase “speaking on behalf of” as that suggests that everyone has voted and directly approved an action. We recognize that the network is made up of independent entities that may act on their own or hold a variety of opinions regarding policy issues. Arriving at a representative collective voice does not necessarily mean that every entity has been actively engaged in the process or has individually approved every action. If that were the case it is unlikely that any policy work would actually ever get done in a timely manner. Rather, the idea is that all have agreed on a rational and representative decision-making structure, criteria and process that the group believes will work in the best interest of the collective. Then, any member can choose to be more intimately engaged or not, as their interest dictates.

How Do Other Groups Deal With This?

Research among other networks that do public policy work was instructive. The Maine Association of Non Profits serves as “a voice for nonprofits” even though not all members are individually engaged in every advocacy effort and not all nonprofits are members of MANP. The Chamber of Commerce similarly provides “a voice for business” even though not every member has been consulted re positions nor is every business a chamber member. Our PolicyWorks partners in other regional grantmaker associations cautioned us to not call this “MPC’s work” but rather point to the broader network. In all cases, the “collective voice” is perceived to have more substance and clout because it is bigger than any one organization.

RECOMMENDATION:

The Public Policy Task Team proposes that we refer to this as the public policy work of “Maine’s philanthropic network” whose goal is to promote effective philanthropy and build stronger communities. The Maine Philanthropy Center serves as the convener, facilitator of discussion, steward of decision-making and at times, spokesperson for the network.

Maine’s “philanthropic network” refers those charitable giving organizations and individuals in Maine who think of themselves as part of a network of players dedicated to collaboration and collective action. This intentionally loosely-defined term could include a mix of family and private foundations, community foundations, public charity grantmakers, corporate foundations and giving programs and individual philanthropists. While current MPC members clearly provide the starting corpus of this network, it is hoped that others will be attracted to the work and broaden the reach.

II. LAYING THE FOUNDATION

HOW DO WE DEFINE THE WORK?

Public policy means a lot of things to different people. It was felt that having a shared common starting point is critical to moving the work forward. After the examination and debate of currently used definitions from a variety of sources, the task team proposes the use of the following definitions to guide work within the Maine philanthropic network.

DEFINITIONS RECOMMENDATIONS:

Public Policy

“Public Policy” is a broad framework of principles, ideas and values which guide decisions that are made at every level of government about how we will care for one another, the community and the land. As the result of decisions made, action or inaction is pursued in relation to some issue or problem.

“Public” - relating to or affecting all the people or a significant cross-section of the community

“Policy” – A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions

“broad framework of ideas and values” – Public policy should reflect the underlying values of the society or the community. One of the main challenges is to be able to identify those values when society has many diverse sectors, sometimes with opposing values. It must involve setting priorities and making trade-offs between values.

“decisions that are made” – Public policy is not an abstract concept. It is about making decisions that offer solutions to a problem or resolution to an important issue.

“action or inaction is pursued” – Public policy involves specific actions including programming, legislation and regulation. The decision to not do something is a policy decision.

Advocacy

“Advocacy” is the act of promoting a cause, idea or policy to educate, inform and influence people’s opinions or actions on matters of public policy or concern.

Lobbying

“Lobbying” means to communicate directly with any official in the legislative branch or any official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action or with the Governor or the Governor’s cabinet and staff for the purpose of influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those activities. “Lobbying” includes the time spent to prepare and submit to the Governor, an official in the legislative branch, an official in the executive branch, a constitutional officer or legislative committee oral and written proposals for, or testimony or analyses concerning, a legislative action. “Lobbying” does not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission.”

From Title 3, section 312-A (9) of the Maine Revised Statutes

A Special Note: More detailed definitions exist that further spell out the many nuances involved in this work. Different bodies (e.g. the State of Maine, the IRS) have differing definitions. The task team, in selecting the definitions above, is not intending to get into the operational weeds but rather offer what is believed to be a good high-level working definition that conveys the critical essence of each term.

WHAT IS THE FULL CONTINUUM OF PUBLIC POLICY ACTIVITIES?

The task team set out to first understand the entire range of possible activities that are considered to be under the public policy “umbrella”. The full continuum below was found to be a helpful educational starting place. From there, IRS regulations, current law and the thoughtful consideration of each group, organization or the network determine which items are or are not appropriate for their situation and the impact they seek to have.

Exploration:

- Issue identification
- Research
- Analysis
- Attend town meetings to learn more about the issues.
- Identify public officials

Determination of Scope and Relationship Building:

- Determine at what level you wish to form relationships (local, county, state, federal)
- Get to know public officials
- Learn about and understand how public processes work
- Develop an agenda for action

Funding and Enabling the efforts of others

- Invest resources in the advocacy capacity-building of others (i.e. nonprofit organizations, think tanks, research institutions)
- Fund the advocacy efforts of others on issues we care about
- Participate in collaborations (lead by others) to influence policy or legislation
- Allow others to use the organization’s space for the purpose of organizing around legislative activities
- Allow others doing advocacy work to link to our website
- Allow political campaigns to convene in our offices

Education - Sharing facts/knowledge about an issue

- Issue a topic paper
- Participate in a letter writing campaign to inform others about an issue
(the facts and current level of need)
- Issue a press article or arrange for a feature story
- Testify upon invitation in a public forum
- Respond to inquiries for information from public officials
- Host a legislative forum

Advocacy to the General Public – Urging others to act

- Conduct or finance public education on an issue (i.e. media campaigns, voter education, documentary films)
- Participate in a referendum campaign
- Organize others around a full public awareness effort
- Take out ads
- Write letters to the editor

Advocacy to Policymakers – lobbying for or against a particular action

- Letters to policymakers
- Phone calls to policymakers
- Testify at the State Capital
- Inform a political candidate
- Lobbying for specific legislation

Litigation

- File suit about an issue of importance to us

Endorsements/Political Contributions

- Endorse a political candidate
- Financially support a candidate or campaign

While some of the above activities are not allowed for 501(c)3 organizations or foundations, it is instructive to learn that the “umbrella” of possible opportunities is much broader than one might have originally thought. The task team was surprised to note how many different public policy activities exist on the continuum before one gets to the level of talking to policy-makers and lobbying for a specific action. Almost 80% of the items on the list fall outside of lobbying activity. It is ironic that a popular view of the term “public policy” goes immediately to thinking only about policymakers and lobbying.

WHAT ARE THE RULES WITHIN WHICH PHILANTHROPY MUST LEGALLY PLAY?

Much conversation occurs in Maine’s philanthropic network about what foundation members can and cannot legally do in the public policy arena.

In consultation with Alliance for Justice, seen as one of the leading authorities on such questions, one learns that the list of things that foundations cannot do is relatively small compared to what they can do.

A basic rule of thumb is that foundations cannot directly advocate for anything that has a “number” attached, indicating that it is an official piece of legislation (e.g. LD 1664). They can however advocate for an issue, a concept or a proposed change in administrative policy.

In addition to foundations, Maine’s philanthropic network includes other kinds of 501(c)(3) public charities and organizations like MPC itself who are governed by different rules. These organizations are allowed, with some restrictions, to lobby on behalf of specific pieces of legislation.

Neither foundations or 501(c)(3)s can support or oppose a candidate for office.

These rules however do not apply to individual philanthropists who also are a constituent in Maine’s philanthropic network.

(See Appendix 2 for more detailed information from Alliance for Justice.)

EXAMINING PARAMETERS FOR MAINE'S PHILANTHROPIC NETWORK

The public policy continuum can be a useful tool to provide choices and direction for individuals, organizations and networks seeking to do work collectively. One can use the continuum as a discussion starter about the parameters within which one might seek to work. For the purposes of this effort, the task team was charged to think about parameters from the perspective of collective work by Maine's philanthropic network.

It should be noted that some members of the network are foundations and some are nonprofit 501c3's, each needing to abide by slightly different regulations. The presence of this duality within the network would at times allow the group to lend a collective voice on issues where individual members might like to speak out but legally cannot.

Early on, both the Task Team and the MPC Board of Directors participated in an activity where they reviewed scenarios illustrating potential policy work from across the continuum. Participants were asked to review each scenario and then rate it according to the following:

1. Something the network **should definitely do**
2. Something that **would need further review and discussion** of the specific circumstances
3. Something the network **should never do**

The "thinking" across the two groups was amazingly consistent. The sampling of results below portray a suggested set of preliminary parameters for looking at the work.

PARAMETER RECOMMENDATIONS:

Things that the network should definitely do:

- Fund the advocacy efforts of others
- Participate in public policy training
- Attend legislative hearings
- Participate in Foundations On the Hill in Washington, DC
- Come together as funders to discuss proposed legislative activity on a particular issue of interest
- Build relationships and have discovery visits with state and federal representatives and other government officials
- Host gatherings with legislative officials to share the Annual Giving Report of Maine philanthropy and current work
- Monitor policy activity affecting charitable giving and provide information on philanthropic issues

Things that would need further review and discussion of the specific circumstances:

- Endorse a letter writing campaign initiated by one of the Maine funder collaboratives
- Communicates/promotes the advocacy efforts of individual members of the network
- Host a candidate forum as long as giving equal access to all candidates
- Provide testimony at legislative hearings
- Speak for or against legislation that impacts the business of philanthropic organizations
- Speak for or against an issue that many funders care about (i.e. early education, health access)
- File litigation

Things the network can never do

- Endorse a political candidate
- Financially support a political candidate

THE ROLE OF MPC IN SUPPORT OF THE NETWORK’S PUBLIC POLICY WORK

It is suggested that MPC play the following roles in supporting the public policy work of the network:

1. Information source
2. Convener/facilitator
3. Educator
4. Activator of network advocacy action
5. Communication hub

The chart below indicates some potential activities within these roles.

Information Source	Convener/ Facilitator	Educator (within network)	Activator of Network Advocacy Action	Communication Hub
Serve as "eyes" & "ears" of the network	Convene discussions to engage the network	Teach the network to fish on their own	Organize the network, activate and guide advocacy for sector-related issues	Provide updates about the philanthropic network to others
Analysis of developing issues	Coalesce thought	Educate network about advocacy	Engage network leaders when needed in legislature	Determine who is most appropriate to speak on behalf of the philanthropic network
Monitor developing issues	Gather to educate ourselves about issues	Remind network about the parameters of permissible actions (in advocacy)	Be a voice representing the philanthropic network in policy development.	May at times serve as spokesperson for the network
Distill thought	Facilitator of discussion around choices/ options	Educate on framework of issues	Educate the public & policymakers (issues TBD)	Alert/ update the network on what is happening
Disseminate research & best practices	Provide infrastructure tools to enhance members' engagement in public policy		Stand up for nonprofits when they're attacked	Draft issue statements when appropriate
Inform network about sector issues in current public policy environment			Educating the legislature on the financial realities of what philanthropy can & cannot do	
			Create opportunities to inform the legislature of philanthropy's point of view	
			Lobby on behalf of network issues	

III. Moving To Action

Public Policy Work could be summarized in several high level buckets:

1. Learning and capacity building of the network
2. Education and Information for others
3. Advocacy for philanthropic sector issues
4. Advocacy for societal issues

MPC has already been doing some beginning level public policy work which could be categorized as “toe-dipping on the edges while on the fly.” But should the network aspire to get more serious about public policy work and have more impact, then more dedicated and intentional attention, resource and structure needs to be applied. The degree of structure and decision-making required is directly correlated to how high up the public policy continuum the network strives to go. This section provides some ideas and recommendations for how the work could be accomplished.

WHAT IS THE WORK THAT NEEDS TO BE DONE?

Before we can explore who and the how the work gets done, the team felt it needed to get clear on the what. Below is what the task team felt is the work that needs to get done:

Relationship building:

- Identify public officials with whom the network needs to work
- Facilitate the relationship building between funders and public officials (e.g. legislative breakfasts; Hall of Flags)
- Identify and develop partnerships with other advocacy groups and resources

Education:

- Increase member understanding and engagement in public policy
- Develop advocacy education programs for members in coordination with program staff
- Teach the network about what they can and cannot do
- Provide linkages to technical assistance for member advocacy efforts

Information Resource:

- Monitor legislative activity or government administrative action related to our field; Identify pressing issues
- Inform the network about relevant policies and activities
- Research issues and translate their complexities and connections for members and government officials
- Prepare materials to help legislators understand our network and current issues related to philanthropy

Support the Network’s Public Policy Committee to:

- Identify values
- Articulate guidelines, principles and processes to govern the decision-making and work
- Prioritize issues by comparing to guidelines and research strategies (at local, state &, federal levels)
- Develop an annual policy agenda
- Set a strategy for moving forward
- Secure finances

□ Activate Network Advocacy Action

- Engage the network in participation on the PP committee
- Advise the network of PP committee recommendations
- Identify partners and communicate recommendations with them
- Draft issue or position papers; op eds
- Provide testimony (oral, written or both) or prep others to testify on issues affecting the network
- Organize advocacy efforts among members; Put out “calls to action”
- Lobby on behalf of network issues

□ Communications:

- Serve as a communications hub
- Represent the philanthropic network in policy development; respond to inquiries for information
- Keep leadership and members regularly informed about current issues or pending actions needing attention
- Monitor and share member advocacy efforts

HOW DOES THE WORK GET DONE?

Before exploring possible scenarios for how the work could get done, the task team identified who might be potential partners:

- Maine Association of Nonprofits
- United Ways of Maine
- Maine Development Foundation
- A Policy Coalition (e.g. Association of Financial Advisors)

Scenario planning uncovered three possible modes of operation and seven possible scenarios:

Do It Alone <i>(completely internal)</i>	Partner with Others	Hire the Work Out <i>(completely external)</i>
<p><u>Scenario 1:</u> MPC current staff continues on as now, fielding & reacting to requests as it can</p> <p><u>Scenario 2:</u> MPC forms a policy committee + hires qualified staff to do the new work</p>	<p><u>Scenario 3:</u> MPC partners with MANP and its policy committee/staff to get the work done</p> <p><u>Scenario 4:</u> MPC partners with United Way and its policy committee/staff to get the work done</p> <p><u>Scenario 5:</u> MPC partners with Maine Development Foundation and its structures/staff to get the work done</p> <p><u>Scenario 6:</u> MPC partners with a policy coalition (e.g. Association of Financial Advisors) to get the work done</p>	<p><u>Scenario 7:</u> MPC hires a lobbyist or public firm to do this work for us</p>

The team then proceeded to evaluate the pros and cons for each suggested scenario.

RECOMMENDATION: Scenario 2 received the unanimous support of the task team:
MPC forms a policy committee + hires qualified staff to do the new work

However, the team recognized that as specific activities unfold, we might find it beneficial to do a hybrid approach of all three modes noted above and, in any given circumstance, decide what to keep in-house, where to partner and what to hire out. It was acknowledged that Maine Association of Nonprofits and the United Ways of Maine are natural partners.

The team then offered the following guidance about *what to ‘own’ and where to ‘partner’*:

Own	Partner
Committee and decision making	Research (& Identifying Issues)
Coordination	Actual advocacy
Communication	Partner on proactive agenda
Agenda	Relationship building

THE PUBLIC POLICY LEADERSHIP COMMITTEE

RECOMMENDATION: The following is suggested for the formation and operation of a public policy leadership committee:

Public Policy Leadership Committee	
Who? <ul style="list-style-type: none"> • MPC Members • MPC Board (minimum of one) • MPC Board or Member with public policy familiarity/familiarity in Augusta • MANP members • Representation from different affinity groups 	How Many? <ul style="list-style-type: none"> • 5-11 (Require at least 5 active members but shoot for a higher amount)
Terms? <ul style="list-style-type: none"> • 3 year terms • Term limit: 2 terms • Can sit out a year and come back 	How Elected? <ul style="list-style-type: none"> • MPC Board elects the chair • Public Policy Team manages its own nomination process • MPC Board notified of committee member nominations
Desired Skills & Talent? <ul style="list-style-type: none"> • Knowledge of public policy • Experience in Augusta (and/or Federal) • Commitment to the work • Knowledge of specific issues/policy areas (e.g. tax law, foundation law, etc) • Knowledge of how to mobilize • Hold larger optics (i.e. seeing the bigger picture, representing others) • Strategic communications 	Meetings? <ul style="list-style-type: none"> • Should meet year-round • Flexibility and intensity will change depending on the time of year • Must keep meeting minutes

HOW DECISIONS GET MADE?

Much of the work of the leadership committee will be to advise and suggest educational programs which enable the network to build relationships, fund and support the advocacy efforts of others and become comfortable with organization–level public policy efforts. However, as the activities move up the public policy continuum and the network seeks to do more collective work, there will be a need for a more deliberate and transparent decision-making process to guide action.

RECOMMENDATION: The task team recommends a **multi-phased decision-making approach which tests potential efforts against guiding principles, screening criteria and potential tiers of activity before determining the specific actions to be undertaken.** At any point along the way, an item may be rejected, sent back for more information, re-directed to another group or a decision made for action or no action.

The Starting Point:

Any MPC member organization, staff or board member, funder affinity group, state or national advocacy partner may raise a public policy initiative, issue or question and ask that action be considered.

Guiding Principles:

The Maine philanthropic network will undertake public policy efforts that are consistent with any of the following guiding principles:

- Encourages the growth of individual philanthropy, foundations and corporate giving programs
- Has the potential to impact a population we serve or the nonprofit sector we care about
- We can present a unique perspective not likely to be offered by others
- Our involvement can make a difference by helping shape or being key to a successful outcome

The following norms will guide how we will work:

- Act within the limitations for advocacy and lobbying activities set forth by the IRS and the State of Maine
- Base our actions and positions on data, whenever possible
- Offer constructive solutions-orientated presence and tone
- Act in concert with our peers and partners

Screening Criteria

Once a proposed effort meets the guiding principle test, the Public Policy Leadership Committee will then evaluate it against four key criteria: • **Fit** • **Impact** • **Support/Risk & Opportunity** • **Credibility/Voice**
The following screening questions are offered as a way to explore each criteria. Along the way, the committee may need to direct a question or questions to another group for further input.

Fit:

1. Is it consistent with the mission, values, goals and strategic direction of MPC? How?
2. Does it generally align with the missions and goals of funders? Why do we think so?
3. Does it have a logical connection to MPC, its members and the people that members seek to help? How?
4. Is it of interest to a number of funders? How do we know? Is that important or not? Why?
5. Does it strongly align with the public policy agenda (*when available*)? How?

Impact:

1. Does it directly or indirectly affect MPC, its members, their interests and their ability to effectively conduct their philanthropy? How?
2. Does it affect the people that funders seek to help? Who and How?
3. What is the significance of the impact or potential impact? How do we know?
 - for funders?
 - for funder interests in the nonprofit sector?
 - for people that funders seek to help?
4. What is the landscape of the impact? local? state-wide? national? At what level is action needed?
5. What is trying to be achieved? How would we know if it is achieved or not?
6. What happens if nothing is done?

Support/Risk & Opportunity:

1. Who else is advocating for this and why? (*Particularly note the position of Forum of Regional Associations of Grantmakers, Council on Foundations, Independent Sector, or MANP vis-à-vis the issue*)
2. Who else is opposing this and why? Do they present significant problems for the network?
3. Who is providing the primary leadership on this issue?
4. What are members or member segments thinking about this issue? How do we know?
5. Is there, or do we reasonably anticipate that there will be, general informed support for the proposed position among MPC members? How would we know?
6. What is the potential for building awareness? Where and How?
7. What is the potential for controversy? Where are the landmines? How would we respond?
8. Can our involvement help or hinder our work? How? Do we come out stronger? Does it hinder our ability to attract new foundations and supporters?

Credibility/Voice:

1. Will the philanthropic network be perceived as a legitimately concerned and appropriate advocate for this?
2. Will our voice make a difference? What is it that makes us think that?
3. Can we lend expertise or experience to the discussion? What do we have to offer? Or, would other alternatives like funding or re-directing to others be preferred?
4. By participating, can we build good will with and for the larger philanthropic network?

The screening questions above are intended to generate thought/discussion and empower judgment. They are offered with no consideration of the importance or weight of one question in relationship to another. Thus, this list of questions is not intended to be used as a weighted scoring tool. The Public Policy Leadership Committee may determine at some later date that they would like to explore a more weighted and objective scoring tool.

It should also be noted that in addition to determining the appropriateness of any item for further action, this screening process will undoubtedly also begin to generate ideas for strategy and the most productive and promising courses of action. Thus, proverbially “feeding two birds with one seed”!

Tiers of Activity

Once a public policy initiative, issue or question has been screened and is recommended for action, it is time to determine the scope of recommended activity. How much or how little energy and attention will be paid? All items are not created equal and thus will require differing approaches and levels of activity. This step is particularly helpful when a public policy agenda is set for a year and enables more realistic planning and decision-making for how much work can actually be undertaken.

RECOMMENDATION:

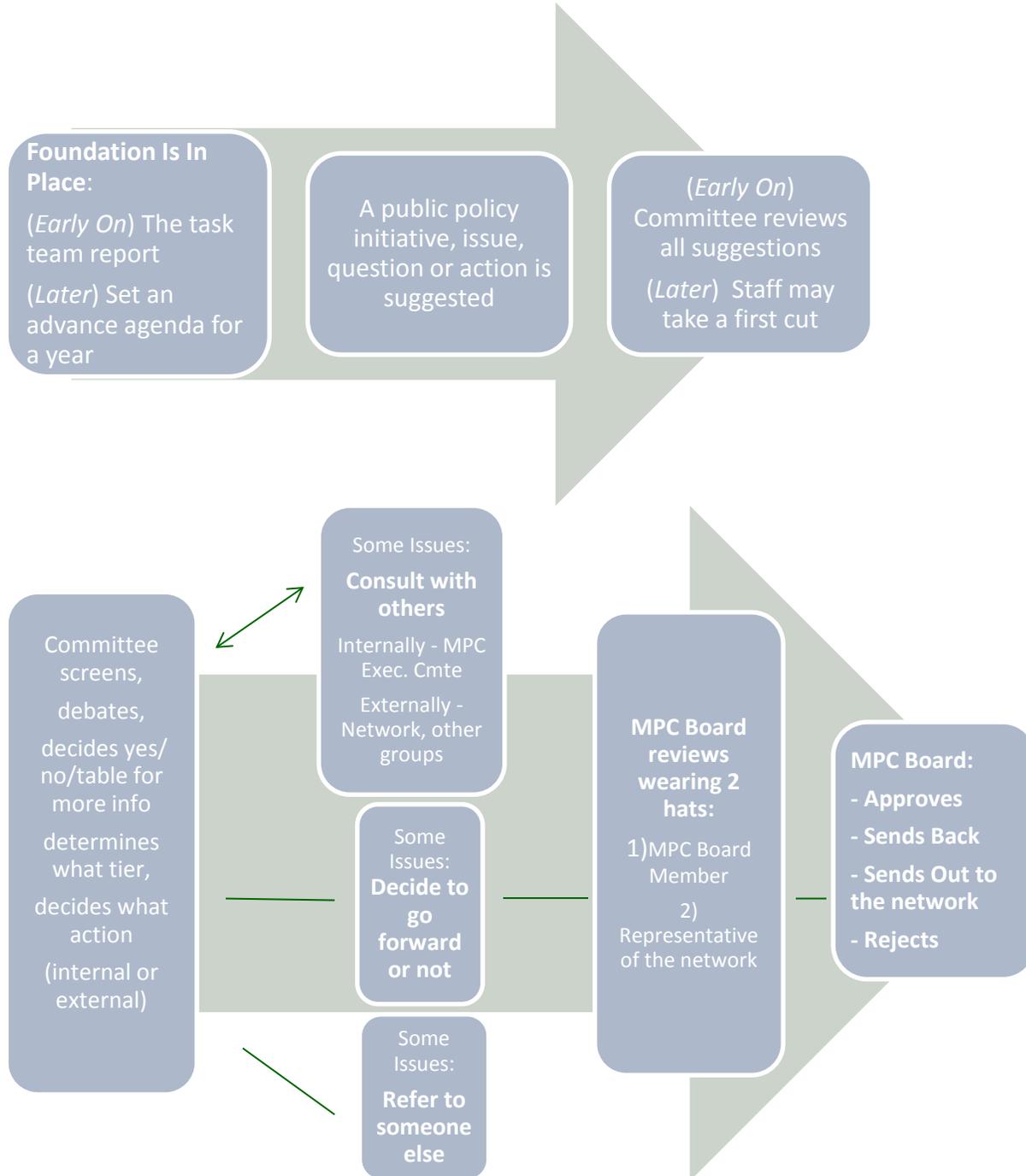
The task team looked at the activity levels, often called “tiers”, that are used by other organizations and recommend the following as the final step in the screening process.

Tier 1- Leadership Issues “All In”	Assume a leadership role in advocacy of this issue – proactively bringing visibility and lobbying at the local and state levels, before various administrations and with the human services sector. We will devote resources to research, policy development, grassroots organization/convening and public advocacy efforts
Tier 2 – Advocacy Issues “Some Significant Work”	Work with others who are taking the lead. We will proactively develop positions, advocate and generate grassroots support among our constituents, on an as-needed basis. We will let others do research.
Tier 3 – Supporting Issues “Caring Observer”	Monitor and respond to requests for support through such vehicles as sign-on letters. We will support the work of coalition partners who are the thought leaders on the issue.

The Public Policy Leadership Committee will then work to determine, on a case by case basis, what specific actions should be undertaken or not.

HOW THE PUBLIC POLICY LEADERSHIP COMMITTEE DOES ITS WORK?

The Public Policy Leadership Committee will follow a process that enables thoughtful and representative deliberations, decision-making and oversight regarding whether and how the network will be involved with public policy efforts and issues. The process will need to be responsive enough to enable time-sensitive action when required. The actual process will evolve over time and may be different in the beginning from when efforts are further developed. Below provides a preliminary picture:



A special note: As part of the process work, the topic of individual committee or board members voting on public policy topics and concern about potential corporate or organizational conflict of interest was researched and guidance sought. (See Appendix 3)

HOW THE PUBLIC POLICY WORK GETS RESOURCED?

If we are serious about doing this public policy work, the task force felt we also then need to be serious about resourcing it. The task team reviewed what support would be realistically required to move the work forward and discussed the pros and cons of various scenarios.

Staffing

- The staff capacity required does not currently exist within MPC.
- This is a part-time role to start; We need to start small and build.
- Ideally the staff person would be uniquely seen as working with philanthropy and not wearing multiple hats.
- An internal staff person allows you to build from within and have some continuity.
- A part-time external consultant would be difficult to find and expensive.
- Much is dependent on finding the right person and then looking at their employment requirements.
- The role is seen as year-round, given the breadth of possible work, the need to support the growth and work of individual members and the desire to build the relationships across various levels of government.
- Early on, the focus is on facilitating the work and knowledge-building/sharing.
- It is not appropriate to start out by including lobbying consulting and expertise in the budget.

Budget

(See Appendix 4 for a potential start-up budget.)

In order to demonstrate the seriousness of intent to do this and assure viability, it was felt that a multi-year commitment was preferable to one year at a time. It was suggested that the public policy work could be looked at as a 2-3 year pilot and the work annually evaluated from a cost- benefit perspective.

RECOMMENDATION:

- The preferred scenario would be to hire a part-time in-house staff person for roughly 20 hrs per week
- The budget for such an option would roughly range from \$40,000 to \$60,000 annually, commensurate with the expertise of the staff hired.

How To Pay for the Work?

- The task team recognized that the real “proof in the pudding” of the network’s desire to do public policy work will be the accompanying willingness to adequately fund it.
- MPC can certainly help steward revenue generation but should not be viewed as solely responsible for it. Some sense of the network’s commitment is required before the work can move forward.
- To solely cover a basic \$40,000 cost with additional grantmaker dues would require a 26% increase.
- MANP has a group of members who voluntarily pay extra dues to support their public policy efforts.
- Other regional grantmaker associations are conducting their public policy work either as part of their regular dues and operating budget or with special dedicated grants.

RECOMMENDATION:

- A three-year financial commitment should be made.
- A mixed funding approach should be explored consisting of:
 - Some special grant funding dedicated to this work
 - Some MPC dues increase
 - Some fee-for-service to assist individual organizations with their public policy exploration/ technical assistance needs
 - Some start-up capital contributed from special strategic initiative funds
- Network openness/interest to financial commitment should be made part of the upcoming outreach and engagement around this report

ON-GOING MEMBER ENGAGEMENT & ROLL-OUT TO THE NETWORK

The contents of this report open the door for much extended conversation with the Maine Philanthropy Center board, members and others in philanthropy across Maine who may have an interest in collective public policy activity. The Maine Philanthropy Center board will begin the discussion of the report at their meeting in June, 2015. The report will then be disseminated widely across the membership and Maine's philanthropic network with opportunities for both individual and group engagement taking place across the summer. The task force welcomes your feedback, insights and suggestions. We are also happy to discuss the report with your organization's staff or board, as you deem appropriate. Please share your insights under the public policy tab on the MPC website (www.mainephilanthropy.org) or directly contact Barbara Edmond barbara@mainephilanthropy.org or at 207-780-5029. This period of engagement will culminate with the October 1, 2015 Funders Forum where we will look to ascertain the consensus of the network around key recommendations of the report and actions for moving forward.

CLOSING THOUGHTS

We conclude this report with a big THANK YOU! Thank you to the dedicated work of the Public Policy Task Team who each spent well over 30-40 hours in reading, meetings, reflection and discussion. Please note their names on page 3 and thank them personally when you see them. Thank you to our fabulous leaders Meredith Jones and John Shoos who have led the work with on-going energy, enthusiasm and commitment. Thank you to our University of Southern Maine intern and masters candidate, Garvan Donegan, who recorded all the deliberations and made this documentation of the work possible to be shared with all of you. And thank you to all of you who have taken the time to read this report and contemplate the possibilities that involvement in public policy can have on philanthropy's ability to increase our impact beyond the dollars we contribute and truly affect greater change on the issues we all care about. May this report and its content help each of you and your organization find a way to channel your interests, peak your learning, overcome fears, concerns and barriers and find your place in the future public policy work of Maine's philanthropic network.

Outcomes

Data collected by the project evaluator throughout 2014 provided evidence of changes in the capacity for policy work at regional associations and identified outcomes to which the project contributed. The main data collection instruments included the annual PolicyWorks for Philanthropy Capacity Survey and the post-institute evaluation. *Key findings from the evaluation indicated notable progress for all three of the objectives outlined in the PolicyWorks work plan for 2014:*

- ***Strengthen RA capacity for policy work***
 - More RAs are assessing progress toward the achievement of policy work objectives. In 2014, about half of the RAs (48%) had a system in place to assess this progress compared with only a quarter (24%) in 2013.
 - More RAs are achieving their policy work objectives. Almost half (41%) reported being on track to achieve their objectives in 2014 compared to less than a quarter (21%) in 2013.
 - The relevance and integration of programs (member meetings) related to policy work has improved. More than a third of RAs (36%) in 2014 reported having a coherent set of policy work programs aligned with the RA's policy work objectives and planned in advance to capture synergies across programs. This reflects a marked improvement over 2013, when only four RAs (15%) reported this status.
 - More RAs are formally allocating staff time with clear objectives and/or performance targets for accountability. Half of the RAs (50%) in 2014 reported this status compared with only about a third (35%) in 2013.
 - RAs are increasing the engagement of their members in the RAs' policy work. More than two thirds (69%) of RAs in 2014 reported having *at least* a core set of members providing important leadership and expertise to contribute to the achievement of the RA's policy work objectives. This was a notable improvement from 2013, when only about half of the RAs (55%) had at least a core set of members engaged.
- ***Increase visibility of PolicyWorks with key stakeholders and partners***
 - RAs have established more partnerships and alliances with other organizations to achieve their policy work objectives. Nearly half of RAs (47%) in 2014 reported having formal coordination with at least one other entity compared with just a third (32%) in 2013.
 - The PolicyWorks network has been exploring opportunities for joint programming with other organizations, including a joint institute for the RAs and state nonprofit associations in 2015.
- ***Prepare RAs for individual and collective action***
 - RAs are systematically monitoring more policy issues. In 2014, a quarter of RAs (24%) reported systematically monitoring most or all policy issues relevant for its objectives, reflecting an increase over the five RAs (17%) that reported doing this in 2013.

- RAs are actively collaborating with each other to advance their policy work objectives. In 2014, all but two RAs had shared resources with or drawn guidance from another RA, and more than a third (38%) reported having collaborated with one or more other RAs to advance a joint objective.
- RAs are increasingly joining in collective action to advance policy reform. In 2014, nearly half of RAs (48%) indicated that they were working systematically with the local/regional nonprofit community to impact policy and the same share (48%) reported participating in regional/state coalitions to change public policy. These findings signaled marked increases over 2013, with six additional RAs formally collaborating with the nonprofit community and five additional RAs participating in coalitions to change public policy.

BOLDER ADVOCACY – An Initiative of Alliance for Justice

Rules & Regulations for Foundations

Foundations have an important role to play in advocacy. Both private and public foundations may participate in the advocacy arena – through funding of public charities or their own advocacy efforts.

Private foundations may support public charities that lobby, but they must follow specific rules. Private foundations are subject to a tax on any lobbying expenditures they make, but can fund public charities through general support or specific project grants. Private foundations are more limited in funding 501(c)(4)s, labor unions, and other non-public charities.

Public foundations, such as community foundations, may lobby themselves and may even earmark funds for lobbying activities; however earmarked grants will count against the public foundation's lobbying limit.

As public charities, public foundations can participate in and support a broad array of advocacy activities, including a limited amount of lobbying. Public foundations, like all public charities, are limited in how much lobbying they can fund and participate in.

NOTE: This activity may be covered and disclosure required under federal or state lobby disclosure provisions.

Click here for a complete guide:

[Investing in Change: A Funder's Guide to Supporting Advocacy](#)

This book is an indispensable guide for foundations in explaining the various roles they can play in the advocacy process. Investing in Change can serve as an in-depth guide to navigating the tax code surrounding support of public charities, or a quick reference guide to answer a specific question. ...

Appendix 3

Special Thoughts RE the Role of Committee and Board Members as Advocates

"Board members serve as a link between the organization and its members, stakeholders, constituents, or clients. They should think of themselves as the organization's ambassadors and advocates." – Ten Basic Responsibilities of Nonprofit Board Members, BoardSource

One of the primary responsibilities of a nonprofit board member is to be an engaged leader and champion for the organization's mission. In the process of engaging in this critical role, board members also wear many other hats – as leaders of their own businesses and organizations, community leaders, and connectors to people of influence and resources.

At times the board leadership role can put a board member in an uncomfortable position if the interests of the nonprofit organization appear to be, or are, in conflict with the interests of the board member's employer.

This dynamic can come into play in the area of nonprofit public policy and advocacy. For Maine Philanthropy Center's Public Policy Ad Hoc Team, the question has been framed this way:

How can public policy committee or board members become comfortable voting on public policy questions without feeling that they are in some way acting on behalf of their company or organization?

With clear communication of roles and guidelines for advocacy, we believe potential conflicts like these can be controlled, if not completely avoided. The following role clarification and guidelines are offered for consideration:

- In their fiduciary and governance role, the board member is acting as a leader of the nonprofit organization, and not speaking or acting for the business or organization that employs them.
- The board speaks for the organization and not one organization.
- MPC will develop a process for reaching a decision or position on a public policy issue that is reasoned and clearly articulated.
- MPC will have a written policy that articulates who is the organization's spokesperson in matters of public relations and communications.
- As with all important policy decisions that require a board vote, MPC board members will have adequate time and all available information to make an informed decision on important public policy matters.
- If a board member feels there is a potential conflict with their own organization, the board member can abstain from voting on the issue in question.
- MPC encourages board members to share these guidelines with their organizations.

Appendix 4

Public Policy Cost Estimate 4-22-15

<u>Part -Time</u> <u>20 hours per week</u>	Salary Range 1 \$37,500 - \$42,500	Salary Range 2 \$45,000 - \$55,000	Salary Range 3 \$55,000 - \$65,000
Salary	\$21,250	27,500	32500
SS/Medicare	1626	2104	2486
Retirement	1275	1650	1950
Health Insurance	4050	4050	4050
Workers Comp	300	300	300
Salary & Benefits	\$28,501	\$35,604	41286
Professional Development	\$1,500	\$1,500	\$1,500
Travel	\$1,500	\$1,500	\$1,500
Office Supplies	\$250	\$250	\$250
Technology	\$1,000	\$1,000	\$1,000
Operating Expenses	\$4,250	\$4,250	\$4,250
Total Staffing	<u>\$32,751</u>	<u>\$44,104</u>	<u>\$45,536</u>
Committee Expenses	\$1,000	\$1,000	\$1,000
Consultant Contract	\$6,000	\$6,000	\$6,000
Total Expenses	\$39,751	\$51,104	\$52,536
With Full-Time Staff	\$68,102	\$81,669	