

What is a professional practice statement?

This Professional Practice Statement, developed by the Association Forum of Chicagoland, is provided as a management tool for associations and individual association executives, developed by experts in the industry, and recommended as a means to achieve excellence in managing associations and other not-for-profit organizations.

BACKGROUND

Associations engage in government relations, public policy, and advocacy activities for a variety of reasons. These activities can enable an association to:

- Serve as a unified voice for a profession or industry;
- Impact state, federal, international legislation / regulation / policy;
- Provide a platform for members' participation in the democratic process;
- Educate and inform public policy makers and influencers with its specialized knowledge and expertise.
- It should be noted that for international issues, the process will be outlined by that country's jurisdiction and culture.

For an association that chooses to engage in government relations, public policy, or advocacy through formal lobbying efforts, broad based public policy campaigns or informal comments on an issue of importance, it is critical to have an official organizational policy in place. This protects the association from potential liability and ensures that the association's activities are consistent with the association's mission, member sentiment, 501 (c) status, applicable laws and regulations. Organizational policy provides direction to staff and volunteer leaders on what they can and can't do on behalf of the association and creates a transparent process for how the organization's position statements are determined and disseminated.

POLICY STATEMENT

To the extent allowed by law and consistent with its tax-exempt purposes, the role of an association in government relations, public policy, and advocacy is:

- 1) To communicate the association's position to elected or appointed officials and their staffs in the legislative, judicial and / or executive branches of government at a local, state, national or international level.
- 2) Make citizens aware of information related to public policy decisions or initiatives and/or influence them to act in a manner favorable to the association's position.
- 3) Assist policymakers and their staffs by providing working knowledge, sharing expertise and serving as a valuable resource to provide accurate, timely information about their area of interest.

CHARACTERISTICS TO CONSIDER IN DEVELOPING A GOVERNMENT RELATIONS / PUBLIC POLICY STRUCTURE**TAX EXEMPT CATEGORY**

An association's tax exempt category needs to be taken into account in any of its government relations, public policy, and advocacy activities. It determines the legal parameters for its advocacy, lobbying and education activities. The most common tax categories for associations are 501(c) (3), (4), and (6).

- 501(c)(3) – Charitable, scientific, educational, religious – “exclusively” devoted to public benefit activities; is allowed to be involved in lobbying activity as long as the lobbying activity and cost is not “substantial” when compared to the rest of the organization's budget and activities; is not allowed to form a political action committee (PAC) or participate in campaigning or elections.
- 501(c)(4) – Social Welfare – devoted to social welfare; is allowed unlimited lobbying as long it is for social welfare purposes and is allowed limited political activity
- 501(c)(6) – Business league trade – devoted to common business interests of members; is al-

lowed unlimited lobbying activity and limited political activity

GOVERNANCE AND STRUCTURE OF A GOVERNMENT RELATIONS, PUBLIC POLICY, AND/OR ADVOCACY PROGRAM

When considering the optimal governance and structure of a government relations, public policy, and/or advocacy program, an association should consider its:

- Focus and approach to advocacy - First, the strength of an association is in its membership, and an uninformed membership may equally be its weakness. Therefore, every association should maintain a consistent focus on keeping its members, and if applicable, its members' customers and prospective customers, informed on matters of importance to its mission. Second, a government relations / public policy program should commit to a balance between being proactive and being reactive. A solely reactive practice may stunt the growth of an association. On the other hand, a solely proactive practice may leave an association neglectful of emergent issues. The governance and structure of a program should allow for sufficient, dedicated resources to maintain a baseline of reactivity for key activities that affect its members, while focusing resource growth upon the expansion of its proactive endeavors. An association that focuses greater resources on proactive efforts than reactive efforts is considered best practice.
- Areas of structural priorities - Based upon the needs of its members, an association may structure its efforts and prioritize resources among a number of areas of focus. In building a program, the following prioritization is recommended:

1) Policy/position development – Policies and positions that align with the interests of the profession or industry the organization represents form prerequisites for having any focus or direction with an association's government relations, public policy, and/or advocacy program. The governing body of the association should approve the related policies and positions of the organization.

2) Government Relations – Associations should understand the dynamics and interests of issues and monitor and act upon them according to mission, focus, member interest, impact and business location.

- At the International level – Associations should maintain local country contacts who can monitor and act upon government requirements, while aggregating the full government relations and public policy program at headquarters for better resource allocation. It is advisable to also monitor non-governmental organizations' advocacy efforts and to learn where to form coalitions/partnerships for a greater voice.
- At the Federal level – Association staff can direct many of the program activities. If an association has considerable federal interests, it should consider retaining or hiring a lobbyist or firm to execute a viable federal government relations program.
- At the State level – A state government relations program may focus on all or a subset of states related to an association's priority. Such a program also may depend upon the strength and commitment of its state constituents/chapters (if applicable).

3) Professional relations – Structurally, professional relations with other organizations should be considered and developed in conjunction with ongoing governmental and public policy efforts.

4) Public/media relations – Once an association has determined its policies and positions on key issues and dedicated resources and structure to advocating for these policies and positions through government relations activities, the association should strive to maximize the exposure of its policies/positions and efforts to the government, its members and the profession or industry represented, its members' customers and any other relevant external audiences.

- Process of execution – Broadly, executing a government relations or public policy program should consider utilizing a combination of volunteers, association staff, and outside contractors.
 - Volunteers – Volunteers can participate in government relations through committees, task forces, grassroots and "grasstops" (see definition below) activities. Each association should decide how best to utilize its volunteers for these activities. The governance structure for

volunteer engagement should maintain a consistent focus on ensuring volunteers provide high-level direction and leadership but not management of minutiae.

- Association staff – In areas where the workload demands consistent year-round or long-term dedication, an association should strive to allocate resources to employing full-time or part-time staff for those areas. A key asset to employing staff, in contrast to contracting outside assistance or relying solely on volunteers, lies in the development of consistent resources dedicated and readily accessible for an ongoing and strategic focus of the association.
- Outside contractors – In the *Art of Outsourcing* (2000), Andrew Lang defined outsourcing as “contracting with a vendor to provide a recurring internal activity”; moreover, he outlined reasons associations choose to outsource as to “gain access to expertise,” to “focus on core activities,” and to “lower operating costs.” However, an association should distinguish between consistent activity best suited for immediately accessible association staff, and short term or specialized work that may require the expertise of an outside contractor. Lobbying and public relations are key areas for which an association’s government relations or public policy program should consider outside contracting.
- Lobbyists – An association should carefully consider the issues associated with hiring professional lobbyists. Where interests cannot be sufficiently advocated by volunteers or staff, professional lobbyists can provide insight, expertise and support to promote the interests of the industry or profession represented, the association, the membership and, to the extent relevant, the general public. The governing body should review the performance of the lobbyist on a periodic basis. In turn, the lobbyist should be able to provide input to the association on its strategy, objectives and overall policy goals.
- Constraints and abilities – While developing or honing the governance and structure of a governmental relations or public policy program, each association will face some common but also some unique constraints that limit its ability to enact the above recommendations. Financial resources may limit the ability of an association to advocate in desired ways. However, associations should consider the opportunity for greater financial resources that their government relations and public policy program may produce through donations, sponsorships, and retention of members.
- Legal requirements – Where lobbying and related activity is permitted, associations must ensure they comply with all laws governing lobbying, influencing legislation and engaging in political activity. Such laws may include, but are not limited to, nondeductibility of dues spent on lobbying, state and federal lobbyist registration requirements, rules related to entertaining and gift-giving to political officials and staff, Internal Revenue Service and Federal Election Commission requirements to disclose contributors, limits on types of expenditures of association funds, and restriction on solicitations. Government relations / public policy professionals should be responsible for ensuring that association practices are in compliance with the most current policies and laws. Associations should seek competent advice on meeting the wide range of legal requirements associated with government relations, public policy and advocacy activities.

The Role of Political Action Committees in Government Relations, Public Policy and Advocacy

PACs may be effective advocacy tools for certain 501(c) associations. Their participation in the campaign and election process represents the association’s belief in supporting candidates who will be fair and likeminded of the policies of the association. At no time should PAC creation or PAC support be considered the cure-all or quid pro quo of a relationship with an official or government body. Rather, a PAC is one more demonstration that the association is taking full advantage of its advocacy opportunities. Associations should be sure, however, that they understand and seek competent advice regarding the laws and regulations governing association involvement in PACs prior to undertaking such activities.

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PROFESSIONAL PRACTICE FOR THE ASSOCIATION ELECTED LEADERSHIP (GOVERNING BODY)

The role of the governing body is to create and periodically review and approve the following “top level” strategy and strategic documents to guide the execution of government relations, public policy, and/or advocacy programs. During regular periodic review, volunteer members and association staff will typically make recommendations to the governing body for changes, deletions, or amendments.

- 1) Public Policy Goals - Government relations goals need to be established and updated regularly with input from association membership and leadership.
- 2) Issue Priorities - State the Association’s board approved public policy priorities concisely – reflecting the needs and interests of the profession or industry represented, the association, and its members. Revisit priorities regularly using ongoing environmental and status scans.
- 3) Policies and Procedures - Board approved policies and procedures for conducting the program should determine the spokesperson(s) for the organization, outline communication with the governing body, and include a review and approval process for positions and position statements.
- 4) Government Relations, Public Policy, and/or Advocacy Committee Charge – If a government relations, public policy, or advocacy committee is in place with a reporting path to the governing body, it should recommend changes to policies and procedures or new positions as needed.

PROFESSIONAL PRACTICES FOR THE ASSOCIATION PROFESSIONAL

Advocacy programs typically include some or all of the activities listed below. Association professionals operationalize or implement these activities based on prioritization and strategic guidance from the appropriate government relations, public policy, or advocacy committee and approved by the governing body. These activities are typically executed through collaborative efforts of staff and volunteer members.

- 1) Issues identification and analysis – Monitor relevant political and regulatory environments, identify issues, and provide expert analysis on the potential effect on membership. Reassess and realign issue assessments using frequent environmental and status scans.
- 2) Develop and Publish Position Statements – Draft views that align with the interests of the industry or profession, the association, and the membership, approved by the governing body for public release in accordance with policies and procedures.
- 3) Government Interaction – Develop meaningful relationships with government officials and create statements that are positive, thoughtful, brief, to the point, and technically accurate.
- 4) Testimony – Association staff may assist member experts by providing oral or written testimony or comments. Where facts are incomplete or not yet available, witnesses should be instructed to acknowledge that and offer to gather the information later.
- 5) Regulatory government relations – Associations often provide comments when a regulatory agency publishes proposed regulations and requests comments. Comments should be submitted in writing, be timely, and include input from those affected.
- 6) Coalitions – Associations can often have a stronger voice when working through a coalition group. Effective programs include networking through these groups on common issues for purposes ranging from information sharing to collaborative action.
- 7) Public Relations – In communicating views to members, appropriate vehicles must be utilized which may include speakers, briefings and trainings. It is also critical that the content be based on the association’s approved position statements.
- 8) Candidate events – Some associations can interact with candidates and political parties.

9) Political Action Committees (PACs) – These organizations are subject to stringent federal, state, and local regulations. An association should carefully examine legal issues, objectives, funding expectations, and ability to raise funds in order to meet the expectations set for the PAC.

10) Associations of associations - Consider joining government relations/public policy organizations (associations of associations) such as National Council of State Legislatures, Council of State Governments, Council on Licensure, Enforcement and Regulation, National Governors Association, ALEC, etc. These organizations have specific missions that allow their members to interact with associations and corporate interests. They can be effective relationships to showcase associations' knowledge and helpfulness related to specific causes and interest areas.

11) Grassroots Campaigns – These campaigns include efforts to bring pressure on elected officials by mobilizing voters in their own districts.

- Host house meetings or parties
- Gather signatures for petitions
- Mobilize letter-writing, phone-calling, and emailing campaigns
- Set up information tables
- Raise money from many small donors for political advertising or campaigns
- Organize large demonstrations
- Ask individuals to submit opinions to media outlets and government officials

“Grasstops” lobbying is a method of utilizing members that have a high-value or personal relationship with an elected or appointed government official to influence the official or relevant legislation.

12) Social Media – Consider social media outlets such as Twitter and Facebook as critical tools for government relations, public policy, and advocacy. These platforms may provide the media for planned “grassroots” campaigns as well as for hosting spontaneous, unplanned, or unexpected grassroots buzz around an issue.

DISCLAIMER

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REFERENCE LIST

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