



The Center for
High Impact Philanthropy
School of Social Policy & Practice
UNIVERSITY of PENNSYLVANIA

Funding Advocacy: A brief for donors on supporting impact through advocacy

WHAT IS ADVOCACY?

Advocacy is any action or effort that seeks to support, argue on behalf of, or generally recommend something in favor of a particular group, policy, or issue. Supporting advocacy efforts can be an effective way for donors to inform the discourse around the societal issues they care about. At its most effective, advocacy can have a systems-wide impact. Especially when advocacy strengthens the voice of community members and those most proximate to community needs, such efforts ensure that the needs of those most impacted by policies, legislation and regulations are addressed. In this way, philanthropy that supports advocacy efforts can work alongside other types of philanthropic activity to further accelerate positive change.

IT'S ADVOCACY, NOT LOBBYING

Some donors shy away from supporting advocacy efforts due to a mistaken belief that such efforts constitute lobbying, which is prohibited by private foundation regulations and some donor-advised fund policies. However, lobbying is very different from advocacy. Generally speaking, lobbying is taking a position in favor of or in opposition to a specific act of legislation. Advocacy is broader and can include educating someone on an issue, mounting a public awareness campaign, or communicating objective facts and then leveraging that information for a more general call to action that does not

identify a specific piece of legislation.

Private foundations may also fund public charities that engage in lobbying activities if their grants are not earmarked for lobbying. They may fund a public charity's general operations or a specific project that includes lobbying so long as they don't fund more than the non-lobbying portion of the project.

Funders who wish to engage in advocacy on public and/or social policy can better understand the difference and legal ramifications of their proposed work by seeking legal advice.

WHY FUND ADVOCACY?

Engaging in or otherwise supporting advocacy efforts can create systemic change, with the potential to achieve greater and longer-lasting impact. While many donors directly fund nonprofit programs, those efforts typically have a limited or finite effect. In pursuing advocacy efforts, a funder can potentially change the environment in which all nonprofits in a sector work. As a result, the potential for impact can be even greater.

For example, in the 1980s and 1990s, tobacco control advocacy in New York City first grew out of grassroots groups such as People for a Smoke Free Indoors, which ultimately achieved its goal of passing clean indoor air legislation. As a member and funder of the nonprofit, Edith Everett was among the few in the New York City investment community who battled the influence of the tobacco industry. One of the ways the tobacco industry gained credibility was through its philanthropy; in response, Edith and her husband Henry Everett worked to dissuade cultural and educational institutions from accepting money from tobacco companies. During her tenure on the Board of Trustees at the City Uni-

versity of New York, Edith convinced the board to divest millions of dollars in tobacco stock, setting a precedent as one of the first universities in the nation to sever ties with the industry.

Within the last decade, reducing mass incarceration in the United States has been an area of growing interest among private foundations, whose investments have supported advocacy in the forms of grantmaking, policy, and research. For example, the Open Society Foundations awarded a \$50 million grant to the ACLU for its campaign to reform criminal justice policies on a state and national level. The Charles Koch Foundation has funded new scholarly research in criminal justice reform at law schools including the University of Pennsylvania, Southern Methodist University, and Arizona State University. Arnold Ventures has played a leading role in reform efforts, most recently by launching the National Partnership for Pretrial Justice, a coalition of more than 20 research, policy, and advocacy groups.

TYPES OF ADVOCACY

Given the potential for greater and longer-lasting impact, how can donors include advocacy as part of their overall philanthropic strategy? Here are common tactics donors can employ to further their philanthropic goals:

- *Community Organizing* creates a critical mass of concerned citizens and/or brings together a distinct group of community members to promote a shared idea of change and to actualize the interests of that specific community.
- *Trainings* provide skills and education to a specific group of community members on a task or issue to serve that community's unique interests.
- *Public Education* seeks to give the electorate the knowledge necessary to pursue further action

and develop greater understanding of the chosen issue and public policy.

- *Educating Legislators and Politicians* means providing research, testimonials, and data to those who create and vote on policies so that they can be fully informed.
- *Convene and Conference* brings multiple stakeholders together who are connected to a particular issue or community group. This activity includes connecting beneficiaries with legislators in an act of civic engagement and general edification.
- *Conducting and Funding Research* produces results that can be shared with the public and relevant groups, effectively spreading the word about an issue.

NORD advocacy helps funders fast-track drug development

Funders focused on medical research can support The National Organization for Rare Diseases (NORD), which has advocated for the FDA to fast-track drug development and encourage greater collaboration between researchers, practitioners, and patients. This advocacy effort is less expensive than funding drug development, and it builds capacity amongst a diversity of invested stakeholders. It can take 10 or more years to develop, test, and approve a new drug, and the associated costs are reflected in the price of new medications when they finally make it to market.

Instead of funding the development in this traditional model, supporting advocacy efforts has created new legislation that has altered drug development protocols, modified HIPAA regulations for specific rare disease populations, and provided new hope to the nearly 30 million Americans who have a rare disease. A funder supporting NORD's advocacy efforts was able to achieve greater leverage and more immediate outcomes than it otherwise would have if it had funded more protracted drug development protocol.

The Hewlett Foundation's efforts to address climate change

When the William and Flora Hewlett Foundation first dedicated resources to the impacts of rapid climate change, much of that investment was focused on the symptoms of climate change, and not the root causes. Ultimately, to increase the impact and scale of their efforts, the foundation decided to steer its support into public policy education and lobbying.

The foundation now aims to build a critical mass of supporters to help address the broader, more systemic aspects of climate change. In this example, the funder determined that neither advocacy nor a particular program alone would be enough to adequately address the consequences of rapid climate change. Utilizing multiple levers, including advocacy, enables funders to have more impact on this complex issue.

TEGAC invests in research to support public education funding

The Texas Education Grantmakers Advocacy Consortium (TEGAC) is a statewide funders' collaborative that works to empower Texas philanthropy to invest and engage in effective public education policy and advocacy at the state level.

In 2011, the Texas legislature cut the state's education budget by \$5.4 billion. A group of foundations came together to advocate for the restoration of the budget in the next legislative session. To do that, the Consortium invested in research, finding that the cuts negatively impacted staffing teachers and maintaining smaller class sizes. TEGAC's collective efforts, through sharing their research findings and convening philanthropic leaders, contributed to restoring \$3.9 billion to the budget in 2013.

Funding advocacy in The New York Community Trust

As a community foundation and public charity, The New York Community Trust can participate in and fund advocacy activities, as well as a limited amount of lobbying. For example, the Trust is one of the largest funders of immigrant services; its grants also support advocacy for policies that benefit immigrants and capacity-building for immigrant-led groups.

The Trust found that grantees were using operating funds to transport clients to receive services because paratransit services were too unreliable. In response, they supported a coalition to press the MTA to fix the paratransit system, a lifeline for the elderly and those with disabilities, and changes were made within six months.

President Lorie Slutsky describes advocacy and lobbying as one of three legs of a stool, with the other two being direct service and research. She says that although progressive and conservative board members sometimes disagree on the Trust's positions on advocacy and lobbying, they can usually reach a consensus if it benefits the community.

Read by 4th's public education advocacy to improve literacy

Read by 4th unites stakeholders and funders to tackle the issues of childhood literacy and reading at grade-level by 4th grade. The Read by 4th initiative in Philadelphia is a collective impact effort—a group made up of nearly 140 partners spanning public and private sectors, for-profit and nonprofit organizations, and entities big and small—with the Free Library of Philadelphia coordinating activities and program evaluation.

The collective sets real, measurable goals against a specific timeframe and budget so that all partners knew their responsibilities and funders understood the costs. Jenny Bogoni, Executive Director of Read by 4th, stated that it is also helpful to establish in early conversations about funding advocacy that pushing for systemic change takes time, because at its core, the campaign is about changing behaviors and attitudes.

Read by 4th partners are contributing evidence-based literacy interventions; expanding access to out-of-school programming; teaching parents how to integrate reading into their family experience; educating government on how to expand access to early education; and funders are helping make this happen.

CONSIDERATIONS

Funding advocacy is different from more traditional grantmaking. Given the elements involved—multiple stakeholder groups, levels of governmental involvement, and partners including organizations and other funders—it could take some time to both execute an advocacy campaign and ultimately see

the gains. Early conversations are essential to a successful effort and allow greater understanding by all parties about respective roles, goals, and expectations.

Additionally, there is the potential with advocacy campaigns to focus on an individual election or

legislative cycle, when often the change sought requires a longer timeframe. The most effective campaigns are not tailored to one specific set of circumstances and variables, but rather have the ability to sustain the changes in dynamics of the social and political environment.

Be mindful that advocacy is the act of taking a

side or stance, and while supporting a cause is a type of vote unto itself, actively supporting an advocacy campaign presents a more public position. Given the activities associated with advocacy, funders need to be prepared as they step out in favor of or in opposition to a particular issue.

EVALUATION

There are numerous ways for funders to evaluate how progress is or is not being realized, and the following list provides resources from evaluation toolkits to simple checklists to capacity assessments. The measurement and evaluation of advocacy efforts may require funders to be more tolerant and patient in their pursuit of longer-term results and flexible when it comes to measuring outcomes. While achieving goals is more easily measured at the conclusion of an advocacy campaign, there are other benchmarks in the short term that can illustrate whether progress is being made and capacity is being optimized. From the beginning, funders

should be clear about their goals and then continue to monitor activities according to these stated goals. For example, if the goal is to fight poverty, then the activity could be to increase the minimum wage. In this case, a funder could gauge progress by tracking votes held on the subject, instances of grantee staff speaking at hearings, meetings between a nonprofit and legislators, and public opinion surveys showing growing support for an increased minimum wage.. Funders should also be certain to communicate these goals—including intended outcomes, timelines, and measures of success—with their grantee partners.

ADDITIONAL RESOURCES

Advocacy can be a significant tool in a funder's arsenal for creating social impact. Funders interested in incorporating advocacy as part of their philanthropic efforts can learn more from the following list of resources.

Alliance for Justice. "Philanthropy Advocacy Playbook: Leveraging Your Dollars."

<https://bolderadvocacy.org/resource/philanthropy-advocacy-playbook/>

Bolder Advocacy. "Tips for Evaluating Advocacy: A Checklist for Grantmaking Organizations."

<https://bolderadvocacy.org/resource/tips-for-evaluating-advocacy-a-checklist-for-grantmaking-organizations/>

Bolder Advocacy. "Advocacy Capacity Tool (ACT!)."

<https://www.bolderadvocacy.org/tools-for-effective-advocacy/evaluating-advocacy/advocacy-capacity-tool/>

Center for Lobbying in the Public Interest. "Foundations for Civic Impact: Advocacy and Civic Engagement Toolkit for Private Foundations."

<https://www.cof.org/content/foundations-civic-impact-advocacy-and-civic-engagement-toolkit-private-foundations>

Harvard Family Research Project. "A User's Guide to Advocacy Evaluation Planning."

<https://www.councilofnonprofits.org/sites/default/files/documents/UserGuideAdvocacyEvaluationPlanning.pdf>

Innovation Network, Inc. "Pathfinder: A Practical Guide to Advocacy Evaluation."

http://www.pointk.org/client_docs/File/advocacy/pathfinder_advocate_web.pdf

Scott Downes. “No More Half Measures.” Center for Evaluation Innovation. <https://www.evaluationinnovation.org/publication/no-more-half-measures/>

The Aspen Institute. “The Advocacy Progress Planner.” <https://www.aspeninstitute.org/programs/aspen-planning-and-evaluation-program/tools/>

BIBLIOGRAPHY

ACLU. (2014). ACLU awarded \$50 million by Open Society Foundations to end mass incarceration. <https://www.aclu.org/press-releases/aclu-awarded-50-million-open-society-foundations-end-mass-incarceration>

Council on Foundations. (2014). Rules of advocacy & lobbying. <https://www.cof.org/content/rules-advocacy-lobbying>

Council on Foundations. (2014). Why engage in advocacy? <https://www.cof.org/content/why-engage-advocacy>

Dearlove, J., & Glantz, S. A. (2000). Tobacco industry political influence and tobacco policy making in New York 1983-1999.” UCSF Center for Tobacco Control Research and Education. <https://escholarship.org/uc/item/2t45x412>

Fortunato, K. (2018). A new year’s resolution for greater advocacy and civic dialogue. Connecticut Council for Philanthropy. <https://www.ctphilanthropy.org/news/new-year-s-resolution-greater-advocacy-and-civic-dialogue>

Guerriero, P., & Ditkoff, S. W. (2018). When philanthropy meets advocacy. Stanford Social Innovation Review. https://ssir.org/articles/entry/when_philanthropy_meets_advocacy

Hall, L. S. (2019). Man bites dog? Not quite. But Koch support for criminal justice reform is pretty interesting. Inside Philanthropy. <https://www.insidephilanthropy.com/home/2019/2/26/man-bites-dog-not-quite-but-koch-support-for-criminal-justice-reform-is-pretty-interesting>

Hall, L. S. (2019). Why this philanthropist is behind a group pushing to reform probation and parole. Inside Philanthropy. <https://www.insidephilanthropy.com/home/2019/7/24/why-this-philanthropist-is-behind-a-group-pushing-to-reform-probation-and-parole>

Nielsen, S. (2016). Why strategic philanthropy (almost) always involves advocacy. Arabella Advisors. <https://www.arabellaadvisors.com/2016/02/01/why-strategic-philanthropy-almost-always-involves-advocacy/>

Stone, R. (2009). Dynamic families: How small family foundations decide to make big changes through public policy. The Sillerman Center for the Advancement of Philanthropy. <https://www.ctphilanthropy.org/resources/dynamic-families-how-small-family-foundations-decide-make-big-changes-through-public>

This case was prepared by the Center for High Impact Philanthropy, with support from Bank of America.



Please visit privatebank.bankofamerica.com/philanthropy to learn more about how we can help you pursue your philanthropic aspirations.

Sources:

1. Bank of America. Global Wealth and Investment Management (GWIM), the wealth and investment management division of Bank of America Corporation. As of September 30, 2019, GWIM had approximately \$97 billion in Philanthropic Client Assets. Philanthropic Client Assets consists of the following assets of philanthropic clients held in their GWIM accounts: assets under management (AUM) of GWIM entities, client brokerage assets, assets in custody of GWIM entities, deposits of GWIM clients held at Bank of America, N.A. and affiliated banks and assets in custody included in AUM.
2. Bank of America. Global Wealth and Investment Management (GWIM), the wealth and investment management division of Bank of America Corporation. As of September 30, 2019, GWIM had approximately \$16.8 billion in client assets in private foundation accounts. Client assets consists of the following assets of private foundation clients held in their GWIM accounts: assets under management (AUM) of GWIM entities, client brokerage assets, assets in custody of GWIM entities, deposits of GWIM clients held at Bank of America, N.A. and affiliated banks and assets in custody included in AUM.
3. Bank of America. Global Wealth and Investment Management (GWIM), the wealth and investment management division of Bank of America Corporation. As of September 30, 2019, GWIM had approximately \$29.5 billion in client assets for institutional nonprofit clients. Client assets consists of the following assets of nonprofit clients held in their GWIM accounts: assets under management (AUM) of GWIM entities, client brokerage assets, assets in custody of GWIM entities, deposits of GWIM clients held at Bank of America, N.A. and affiliated banks and assets in custody included in AUM.
4. Institutional Investments & Philanthropic Solutions (data current as of September 30, 2019).
5. Bank of America, N.A. and U.S. Trust Company of Delaware (collectively the "Bank") do not serve in a fiduciary capacity with respect to all products or services. Fiduciary standards or fiduciary duties do not apply, for example, when the Bank is offering or providing credit solutions, banking, custody or brokerage products/services or referrals to other affiliates of the Bank.

Bank of America, N.A., Member FDIC, and a wholly owned subsidiary of Bank of America Corp.

© 2019 Bank of America Corporation. All rights reserved.

3815 Walnut Street
Philadelphia, PA 19104

WEBSITE www.impact.upenn.edu
EMAIL impact@sp2.upenn.edu
PHONE (215) 573-7266

FACEBOOK facebook.com/CenterforHighImpactPhilanthropy
TWITTER twitter.com/ImpactSP2
LINKEDIN linkedin.com/groups/2015373
YOUTUBE youtube.com/impactsp2



The Center for
High Impact Philanthropy
School of Social Policy & Practice
UNIVERSITY of PENNSYLVANIA