

Creating Change Through Policy Advocacy

10 Ways Foundations Can Engage



Overview

Achieving big outcomes that create a better and more equitable society requires public investments, as private dollars simply aren't enough to effect long-term, systemic change. Foundations are well-positioned to lift up community voices and educate decision-makers on smart public policies – addressing long-standing concerns such as racial and economic inequity, education and the environment, as well as emerging ones such as the COVID-19 pandemic. Some foundations already have taken steps in this direction, and there is tremendous opportunity to expand this role.

The good news is that there are many ways to support better public decisions, with models to suit every foundation's context and interests. This *Bainum Brief* highlights 10 ways foundations can engage in policy advocacy, with examples from many funders across an array of topics. It also provides some lessons learned to make the best use of scarce resources and maximize the chances of success.



Creating Sustainable Impact

One of the most powerful ways any foundation can achieve its goals — in areas as diverse as health, energy, arts and education — is to engage in public education and advocacy campaigns on the local, state and federal levels. Private funds for direct services, technological innovations and entrepreneurial financing models are valuable ways to enhance service delivery. But they simply aren't sufficient to address complex, systemic problems affecting large numbers of people on a long-term basis. And even the best-performing direct services won't be scaled up without advocacy. Fortunately, foundations can help bring thought leaders, community voices and good information into policy debates to achieve better results.



In 2018, the Bill & Melinda Gates Foundation — the largest foundation in the world — spent [\\$355 million](#) on education across the United States.¹ Meanwhile, just its home state of Washington spent approximately [\\$13 billion](#) on education.² The foundation notes, “Because our resources alone are not enough to advance the causes we care about, we engage in advocacy efforts to promote public policies that advance our work....”³ Bridgespan Group recommends that philanthropists “wage an advocacy campaign,” as one of its “Ten Ways to Make a Big Bet on Social Change.”⁴ Arabella Advisors promotes this strategy in “Four Promising Practices for Philanthropies to Advance Advocacy and Policy Change.”⁵ A 2020 report from the Center for Effective Philanthropy found that nearly three-quarters of foundation CEOs said they have increased policy efforts in the past three years — even though the proportion of resources dedicated to that strategy is still small.⁶ So the philanthropic community has made a good start — and it can and should build on those experiences to do more.

In 2015, the Bainum Family Foundation’s new strategic plan included policy advocacy to call attention to the need for greater public investments in our youngest children in order to address long-standing racial and economic inequities in Washington, D.C. This *Bainum Brief* describes a variety of ways in which foundations are using this important strategy.

The National Committee for Responsive Philanthropy’s [Leveraging Limited Dollars: How Grantmakers Achieve Tangible Results by Funding Policy and Community Engagement](#) “documented \$26.6 billion in benefits for taxpayers and communities in 13 states, and found that every dollar grantmakers and other donors invested in policy and civic engagement provided a return of \$115 in community benefit.”

Questions Concerning Policy Advocacy

Pursuing a strategy of policy advocacy is still relatively uncommon in foundation grant-making. Why? Funders cite several common concerns; however, a growing body of experience, knowledge and support can address these issues.

- **Is it legal?** IRS and state rules govern what a foundation can fund and what its staff and grantees can do. According to the [Alliance for Justice](#) (AFJ), **public** foundations “may engage in a limited amount of lobbying and make grants earmarked for lobbying,” while **private** foundations “may not lobby or earmark funds to support lobbying, although they may provide grants to public charities that lobby.”⁸ The AFJ provides free technical assistance and publications such as the [Philanthropy Advocacy Playbook](#)⁹ and [Investing in Change: A Funders’ Guide to Supporting Advocacy](#).¹⁰ (The Bainum Family Foundation contracted with the AFJ to train our staff and partners.) Two types of funding — general support grants and specific project grants — offer grantees considerable flexibility. And virtually all important advocacy activities can be done in a way that is not construed as lobbying. (Of course, 501(c)(3) foundations and nonprofits cannot engage in “electioneering” — supporting or opposing candidates for elected public office. They can engage in nonpartisan voter education and mobilization.)
- **Is it controversial?** There will be supporters and opponents of any substantive position. Some foundations may be comfortable taking a more controversial stance. There are ways to choose issues and bring diverse stakeholders together to move forward.
- **Can we measure progress?** Yes, there is a good body of literature on strategy development and measures to determine progress and make course corrections.¹¹
- **Is success too uncertain?** Policy change is complicated, but funders can maximize the chances of success by both pursuing a thoughtful long-term strategy *and* being prepared to respond to new developments. Fast-moving policy currents and the rigid deadlines associated with legislative sessions require a strong infrastructure that can react nimbly. In spring 2020, many advocates changed course to respond to the COVID-19 pandemic and the racial justice movement. Some policy changes, such as [police reforms](#) in California, Colorado, Minnesota, New York and Utah, were enacted very quickly.

What Can Foundations Do?

The good news is that there is a role to play for all types of foundations, regardless of size, geographic scope, priorities or risk tolerance. This section describes different approaches to foundation involvement in advocacy that funders can mix and match to suit their situation. Note that private foundations need to examine the context of their actions — the “facts and circumstances” — as well as the activity itself to ensure the activity will not be construed as lobbying.

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1. Choose a policy agenda, but with flexible sites

The funder identifies a policy or set of policies that it supports and designs a campaign to advance those policies. It selects target sites (at the local, state or federal level) and may also support national partners to work with the sites.

Examples:

- The David and Lucile Packard Foundation's [Children's Health](#) initiative
- The Pew Charitable Trusts' [Pre-K Now](#) (In 2002, Pew transitioned from a traditional grant-making organization to a public charity.)
- The Chan Zuckerberg Initiative funds the “bipartisan [Clean Slate Initiative](#) [that] is advancing policies to clear records for those who stay crime-free.”¹²



2. Choose the sites, but have a flexible policy agenda

The funder identifies locations in which it wants to work (perhaps because of historical interest, location, ripeness for change, etc.) and then works with the community to develop and advance a policy agenda.

Examples:

- [Woods Fund Chicago](#), which supports “community organization and public policy advocacy that advances racial equity and economic justice”
- The Bainum Family Foundation’s early childhood initiative, which supports [public education and advocacy campaigns](#) that address paid family leave and infant/toddler policies

“While committed long term to building a strong early childhood system in Illinois, the Robert R. McCormick Foundation is also continuously adapting to changing political contexts...Our strategy ... incorporates support for one of the strongest early childhood policy and advocacy networks in the nation.”¹³

“The Hudson-Webber Foundation supports activities aimed at moving local, state and federal policy, as well as aligning public-sector resources to improve the quality of life in Detroit.”¹⁴

3. Create or join a broad national movement

Funders also can create or join a broad campaign on an issue, with different policy options, partners and funders at the federal, state and local levels. Funders need to be comfortable with a potentially wide-ranging policy agenda, as with the current movement to enact police reforms.

Examples:

- [Opportunity Starts at Home Campaign](#)
- [Campaign for Tobacco-Free Kids](#)

“The goal of the [Heising-Simons] Foundation’s [Climate and Clean Energy](#) program is to protect people and the planet from the worst effects of climate change ... grantee partners help advance policy quickly and boldly ... grantees design and advocate for effective policies, build coalitions to foster policy improvements, communicate the urgency to take action ... and empower leaders to be bold and innovative.”¹⁵



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4. Include policy advocacy in a broader, systemic change initiative

The funder joins or starts a systemic change/collective impact initiative and includes policy advocacy among the strategies.

Example:

- [StriveTogether](#), which financially incentivized its Texas community partnerships statewide to align advocacy efforts, contributing to the state's historic 2019 investment of \$6.5 billion in new funding for education¹⁶

5. Join (or create) a funder collaborative

In order to streamline efforts in a geographic area or around a shared priority, a group of funders can come together in a funder collaborative. Aligned and pooled funds enable funders to tackle bigger topics in a coordinated way and can streamline efforts for applicants.

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Examples:

- [Family and Workers Fund](#) for advocacy to support workers in response to the pandemic
- Funders' Committee for [Civic Participation](#)
- [Texas Education Grantmakers Advocacy Consortium](#)

6. Start with what the funder already supports

If the funder doesn't want to create a new, stand-alone initiative, another option is to expand allowable uses of funds so that partners can pursue advocacy on issues within the foundation's scope. Funders can provide support for grantees' communications, research and stakeholder engagement, and use their own dissemination channels to share grantees' stories widely.

7. Use funding vehicles that provide more flexibility

If a funder provides an organization with unrestricted general operating support, the grantee is then free to use the funds for a variety of advocacy activities — such as lobbying for legislative change — that are within IRS and state rules, including that the funds are not earmarked for lobbying. Another, lesser-known option is that “[a] private foundation may make a specific project grant to a public charity for a project that includes lobbying ... and may give a grant in an amount *up* to the nonlobbying portion of the budget.”¹⁷

Examples:

- The Barr Foundation, whose [Climate Program](#) provides a mix of general operating and specific project grant support to organizations that make up the [Green Justice Coalition](#)
- [William Penn Foundation](#), which uses specific project grants to support advocacy efforts that advance its “Great Learning” and “Watershed Protection” goals

8. Build capacity and leadership

Running an advocacy campaign requires a somewhat different set of skills than running programs, so a funder may choose to start with preparing community leaders to fulfill these roles.

Examples:

- [Akonadi Foundation](#), which “support[s] movements led by people of color who are invested in power-building, organizing, litigation, cultural expression and strategic narrative change efforts to achieve racial justice”¹⁸
- The Chan Zuckerberg Initiative's [Movement Capacity Building](#)
- The Children's Health [Leadership Network](#), sponsored by The David and Lucile Packard Foundation

9. Focus on individual activities that support but aren't (yet) directly involved in advocacy

If a funder is hesitant about funding advocacy specifically, it can identify activities that are not direct advocacy but instead help create the context for good debate. Examples include supporting public opinion research, compiling research on the evidence base, issuing public reports on a situation, conducting meetings that bring diverse stakeholders together to discuss solutions, and building organizational capacity — such as membership or communications technology.



Example:

- [Overdeck Family Foundation](#), which supports technical assistance, such as national survey data collection, communications tools and core research, to the [Afterschool STEM Hub](#)

10. Carry out their own actions

Public foundation staff can engage in a limited amount of lobbying activity, and private foundation staff can engage in activities to educate decision-makers as long as they are not lobbying.¹⁹

Example:

- The Bainum Family Foundation, whose staff have testified before the D.C. Council to share nonpartisan information on effective infant/toddler programs

How Can Foundations Be Most Effective?

There is no single blueprint for a successful campaign, but some lessons learned can increase the chances of effectively using scarce resources to advance an important issue.

1. Leverage an issue rising in the public debate. Given how difficult it is to move any one topic forward, funders should look for situations in which new data, reports, leaders or events are already directing attention to an issue.²⁰ In response to COVID-19 and the rise of the racial justice movement in spring 2020, organizations quickly added new advocacy goals and pushed for existing ones that had suddenly become more urgent and possible.

2. Engage community partners as leaders and advocates in positions of power. Funders need to

support community leaders to be in positions of power to determine and carry out a strategy. One of the tenets of the Under 3 DC campaign is “[l]ift up and deepen the leadership of those whom structural race and economic inequity have most affected.” The Consumer Health Foundation focuses on racial equity by supporting communities of color and those with low incomes to advocate for economic justice and health reform.

3. Give grantees and partners as much flexibility as possible. This year’s action plan can change in an instant, and the opportunity to advance may shift among the federal, state and local levels. When the COVID-19 pandemic hit, many organizations had to shift their strategies from in-person to virtual organizing and from seeking new funding to defending against cuts. Increasing flexibility also includes removing from grant agreements any unnecessary prohibitions against lobbying.²¹

4. Use program investments to inform policy. One of the “six practices of high-impact nonprofits” also applies here: “Advocate and serve.”²² Effective nonprofits use program data and user experiences to make better policies. What works for whom, under what conditions and at what cost are all critical pieces of information for policymakers.

5. Bring together different perspectives. Winning over a range of policymakers to achieve major victories often requires bringing together allies from different positions to find common ground.

6. Use all your assets, including social capital. Funders themselves can take action to call attention to an issue and bring people to the table to find solutions.

7. Build core grantee/partner capacity for advocacy. Help grantees/partners build their capacity to advance a long-term agenda. All [Piper Fund](#) activities “include a field-building component to bolster the capacity of local advocates to achieve, implement and protect policies that ensure a healthy democracy.”²³

8. Recognize that it’s not over when the ayes exceed the nays. Policy enactment is only the tip of the iceberg, so it’s important to continue to provide support throughout the subsequent process of writing regulations, enacting policies, providing funding, tracking outcomes and making adjustments.

9. Partner with other funders to develop a pooled fund or a menu of actions so that funders with a variety of interests can target the actions they prefer. Effective advocacy requires substantial, coordinated funding to support a variety of interlocking strategies, so there is great advantage to creating a shared fund. Alternatively, funders can choose the pieces of the coordinated strategy that best suit them. Funder collaboratives can also make it easier to use specific project grants.

10. Consider different organizational structures to increase flexibility. As the Center for Effective

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Foundations can ensure that good data and lived experiences contribute to policy decisions.

Philanthropy notes, “Newer philanthropists such as Sean Parker, Laura and John Arnold, and Priscilla Chan and Mark Zuckerberg have established LLCs as the primary home for their philanthropies — a legal structure that can support a greater range of political and policy activities than private foundations. Philanthropists are also increasingly partnering with 501(c)(3) and (c)(4) fiscal sponsorship intermediaries capable of deploying capital for lobbying and political activity in ways that private foundations cannot.”²⁴

11. Support smart evaluations. The William Penn Foundation supported an evaluation that yielded important lessons based on two large education advocacy campaigns in Pennsylvania.²⁵ It’s also important to look for contribution, not attribution, in evaluation. No policy change is the result of one organization or actor, and it’s often very hard (and counterproductive) to attribute victory to any single factor.

12. Invest for the long term. Winning policy victories takes time. Building on decades of advocacy by many people, the [Civil Marriage Collaborative](#) invested \$153 million over 11 years to change public opinion and ultimately public policy on marriage equality.²⁶ It’s also important to learn and adapt, as was the case with the [Gill Foundation’s](#) sustained support for the same issue.²⁷

Conclusion

Changing population outcomes requires smart public policies and investments. Foundations can ensure that good data *and* lived experiences contribute to policy decisions. It takes time, persistence, savvy and boldness. But there are as many ways to engage as there are foundations interested in finding the right fit for them. Funders can combine the models and strategies discussed in this *Bainum Brief* to find the path that works for them.

Acknowledgments

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