

**Advocacy on the Agenda:  
Preparing voluntary boards  
for public policy participation**

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## Making the case for public policy involvement

*“Nothing could be worse than the fear that one has given up too soon and left one effort unexpended which might have saved the world.”*

Jane Addam

*“Charity is a matter of personal attribute, justice a matter of public policy. Never can the first be a substitute for the second.”*

Reverend William Sloan Coffin,  
long-time chaplain at Yale University

To have a voice at the table, to share in decision making, to play a part in affecting change is not some idealistic fantasy, it actually is a daily affair. Some call it “lobbying,” “educating the public” or “advocacy” and some people are paid to do it while others do it as volunteers. Whether you meet with the Deputy Minister’s office or get 10 000 people to join you in the street—it’s all part of the endeavor to participate in the public policy making process. Advocates for better social policies can be found anywhere: in public agencies and private; in clinical settings and direct service projects; among volunteers and professionals; on the boards of community agencies and business roundtables; voted into office or just plain voting.

Advocacy is at the heart of all non-profit and charity organizations—incorporated into their mission statements—as they act as advocates for the clients they serve. Advocacy naturally becomes part of an organization’s strategic planning since it advances the dissemination of the mission and educates the public. Some organizations invest most of their resources, financial and human, in advocacy. Others focus on service delivery and, being bogged down with the nitty-gritty of charitable work, there is little space to devote to complex policy processes. Yet the basic premise of the battle is still centred on advocacy.

Public policy participation, more often than not, is born out of a defensive position especially when direct support for an organization’s constituency or purpose is at stake. To allow for proactive policy engagement, it is important that voluntary boards approach public policy involvement as an ongoing responsibility that is solidly built into the organization. Boards need to avoid joining in late in the game when some policy decision has put the organization or part of its programming in jeopardy. There is a trend to enhance the engagement of board members and move them beyond the mere task of sanctioning management proposals. By actively involving the board in public policy discussions, the board becomes an integral component of building a stronger foundation for the organization, its clients and the community.

The circumstances under which to get involved have undergone a remarkable change since the International Year of Volunteers 2001. The Federal government has gone beyond the mere acknowledgment of the incredible contributions of the voluntary sector to the fabric of Canadian society. The government has been actively communicating with the voluntary sector resulting in policy input from the sector through working groups and joint table initiatives. The government has acknowledged that the sector hasn't been receiving the development support it warrants as a "vital pillar of Canadian society"<sup>1</sup> and has, as a result, committed a substantial investment into capacity building programs and resources.

Thus, the effect on the specific content for board involvement on public policy has been twofold:

1. The door to access to input has just been opened wider than ever before; and
2. Tools are being made available to develop skills to effectively participate in the public policy making process.

This manual will give the reader an overview of the public policy process with the intention of demystifying what can be an intimidating endeavour to undertake. The section entitled "The boards' role in advocacy and policy making" will provide information that enables the board to make an informed decision about actively pursuing public policy involvement. "The steps to getting involved" is a "how to" guide to ease into the arena of advocacy. There are numerous extensive resources and tools available—covering almost every aspect of policy involvement and advocacy—that delve into the subject beyond what is possible within the format of this manual (see the extensive Resource section).

Advocacy is as much a frame of mind as it is a set of skills or knowledge. It is important to remember that advocacy requires an organization's attention not only to the delivery of services and programs but also to the environment in which these services are delivered. The organization's ability to influence the external factors of service delivery directly affects advocacy.

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<sup>1</sup> Joint Tables, *Working Together* (Ottawa: Voluntary Sector Initiative, 1999) p. 15.

## The boards' role in advocacy and policy making

It is clearly the responsibility of the board to ensure that the vision and values of the organization are relevant and that the programs and services delivered by the organization are in harmony with its mission. The role of the board to champion the mission corresponds with the role and responsibilities it takes on as advocates for both the organization as a whole, as well as its services and programs. The board of directors is the “thought leader” or steward of the organization. The board frames the mission, develops policies that are compatible with the mission and provides oversight to program and financial activities undertaken by the organization. While these might not normally be considered “advocacy activities” the communication of these by the board through its organization actually form the foundation of advocacy work.

For a board to decide to become actively involved in public policy development, proper orientation and capacity building is essential. Effective advocacy requires long-term commitment, substantial planning and the tenacity of a bulldog. It cannot be based on rash action—or reaction as the case may be—but rather on a determined, thoughtful and goal oriented process that requires many steps with measurable outcomes. Advocates need to take into account that they have to sustain activity over months, even years, before they can claim actual change in public policy. This doesn't mean that it can't be a fast-paced, adrenaline pumping experience at times.

Connecting public policy development to governance accomplishes several goals. The most obvious is a practical one; it provides the guidelines to all reoccurring questions in regard to the internal and external aspects of the process. As the organization gains more experience, these internal policies need to be revisited and refreshed to maintain vitality. More importantly, establishing policy around the issue of advocacy demonstrates that the board does not see its involvement as a one-time deal on a particularly pressing issue but part of the board's philosophy and long-term commitment of building a culture of participating in the public process.





## Benefits to society and the organization

Public policy, laws and budgets affect all of our lives and the lives of our communities in countless ways every day. They determine the long-term direction a society is taking as a whole. Public policies affect whether communities are more divided or more united. The Canadian political system allows for broader involvement of the public in the decision making process than just through elected officials. It would be a missed opportunity for voluntary sector boards to not participate—especially since decisions will be made regardless of who participates in the decision making process. Public policies are a direct reflection of those who choose to get involved.

### **Civic participation**

The voluntary sector can be seen as a link that supports direct citizen involvement. Gathering groups of people and their expertise under the umbrella of an organization and then turning that knowledge over to the public policy process is part of the role voluntary organizations play in the social network. Access to civic participation in a particular issue is facilitated through voluntary organizations, especially for members of society whose voices would otherwise not be heard.

### **Capacity building**

For the voluntary board, public policy involvement takes board members to a whole different level of commitment. It allows the board to step away from management issues and introduces a framework for the strategic engagement of board members that lets them use and develop their individual skills and apply them for the greater good of the organization and its constituents.

### **Mission**

Pursuing public policy involvement forces the organization to focus on its mission and analyze how it fits into the bigger, socially relevant picture. That refreshed understanding lends credibility to the organization's objectives and aids in positioning the issue in the public domain. Furthermore, the wider public education associated with the advocacy process aids in disseminating the mission.



## Challenges

There is no doubt that stepping into the arena of public policy participation needs to take a number of issues into account that will affect the day-to-day operations of a voluntary organization. Often it takes a great degree of creative thinking and doing to get around some of the barriers while other perceived hurdles turn out to be just that—perceived—once given closer examination.

### **Resource allocation—human and financial**

Never mind the limitations dictated by law for charitable organizations (see a more in-depth description in the following section) that states that an organization cannot use more than ten percent of its resources for advocacy purposes, many organizations feel they don't even have a fraction of that nor the human resources to pursue the responsibility for public policy input. However, there are ways to reduce the impact on resources such as by joining a coalition, integrating a few key strategies into business as usual (e.g. adding material to an annual report mailing) or establishing an advocacy committee of volunteers.

### **Public Positioning**

There is a fear that entering the public stage tarnishes the image of an organization, presenting it in an adversarial role. The danger exists to be branded a “special interest” group. It is important to remember that the public policy process is not an antagonistic one since it is based on information exchange. It can trigger healthy debate because that is part of any serious dialogue. Professional status can lend credibility as providing expertise on an issue rather than representing a “special interest.”

### **Capacity**

The most common point of resistance when it comes to getting the board involved in advocacy is the impression that there isn't enough expertise to take on a public position. There are good reasons why board members took on leadership positions and they may need to be reminded of the spectrum of skills and experiences they each bring to the organization. In addition are the connections everybody brings with them. Therefore, boards are quite perfectly positioned to lead the organization into the realm of public policy making. Resources to further develop advocacy skills are plenty and readily available.

### **Funding considerations**

“Don't bite the hand that feeds you” is an expression of truth. Since many voluntary organizations receive government funds, the possibility of conflict should be recognized. Therefore, it is important to be upfront with the funder and inform them that it is the nature of the organization, in addition to service delivery, to participate in public policy discussion. To avoid conflict it is advisable to use funds specifically raised and designated for advocacy efforts.

## **Internal positioning**

In organizations that focus on service delivery it can be difficult to round up the necessary support. Therefore, it is essential to make board members understand that there is a root problem to the cause they are serving which cannot be resolved internally. The board needs to strike a balance between providing a service in response to circumstances and being proactive in its approach to change the circumstances in the bigger picture (i.e. advocacy). Apprehension because of lack of experience in the public policy environment can be reduced or eliminated by recruiting members with advocacy experience to the board.

## A lesson in policy making

### Policy:<sup>2</sup>

**a:** 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

**b:** a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body

Looking at public policy making in its entirety, it appears to be a rather confusing web of input and output, debates, consultations and evaluations stretching over a seemingly endless period of time. The process can have an intimidating edge but once more familiar with its workings, participating—be it on the municipal, provincial or federal level—can be absolutely fascinating. When it comes down to it, public policy making is simply a “set of processes, including at least (1) the setting of an agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice among those specified alternatives [...] and (4) the implementation of a decision.”<sup>3</sup>

### In a nutshell

Canada’s political system is comprised of different branches: the Legislative, the Executive and the Judicial. In other words, “politics governed by the rule of law” is an organized system in which different bodies adopt, implement and interpret laws. These bodies can be identified as follows:

1. Legislative branch includes Parliament, provincial Legislatures and municipal councils
2. Executive (or Administrative) branch includes the public service
3. Judicial branch includes the Courts such as the Supreme Court of Canada and other federal and provincial Courts

Laws and policies are the result of political and administrative processes that determine the way we are governed. Policy making or policy development is a dual process in which legislators and administrators have a significant role in developing the policies and programs that are designed to serve the public. Citizens and advocacy groups can also have a role in policy circles by understanding how these different processes work. Strategies for citizen and voluntary organization involvement will differ depending on whether action is aimed at the legislative or the administrative process of policy making.

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<sup>2</sup>Definition Merriam Webster's Online Dictionary

<sup>3</sup>John W. Kingdon, *Agendas, alternatives and public policies* (Boston: Little,Brown, 1984) p. 3.

### **Federal reality—the legislative level**

Policy making at the legislative level primarily involves Parliament where established procedures and rules determine the process of passing legislation. These laws act as the framework from which rules and policies are proposed, developed and implemented. Legislation must be approved by Parliament that is made up of two Houses: the House of Commons and the Senate. Proposed legislation is first introduced in either House, then studied by members sitting on committees and finally adopted or rejected by members of that House before undergoing the same process in the other House.

Parliamentary committees are comprised of individual members of either House who have different political allegiances. They are smaller and more focused groups often chaired by a member of the governing party. (The different types of parliamentary committees are listed in the section entitled “Taking it to the right places”.)

### **Federal reality—the executive level**

The Executive Branch is mainly comprised of the public service that is responsible for implementing laws and policies made by the legislative body. It is important to note that the public service, sometimes designated as the bureaucracy, is usually organized in hierarchical fashion. This means that lower levels of the hierarchy answer to the higher levels. The Prime Minister is at the head of the Public Service. In practical terms, an immense amount of power is vested in the Prime Minister. The Prime Minister has political aids (i.e. the Prime Minister’s Office or PMO) and administrative staff (i.e. the Privy Council Office or PCO).

The Prime Minister appoints the members of Cabinet who are each responsible for portfolios or departments. In larger portfolios, Parliamentary Secretaries or Secretaries of State can also assist Ministers. Ministers or Parliamentary Secretaries are elected members of the governing party.<sup>4</sup>

The bulk of the Executive Branch is comprised of public service employees who work within different departments. These employees ultimately answer to the Deputy Minister, the administrative head of the department. Policy making at the departmental level is generally informed by the department’s mission or by governmental priorities. The process here is somewhat less politicized than in the legislative milieu and therefore voluntary organizations often choose to concentrate efforts here.

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<sup>4</sup>the Prime Minister also has the powers to name a Senator as a cabinet minister or could even name Members of Parliament of opposition parties, as would be the case in a coalition government

Public Policy development or program management at the departmental level is a cyclical administrative process that can be broken down into four stages:<sup>5</sup>

1. initial policy design stage—issue identification, policy research, options building, deciding on preferred option
2. program design and policy approval stage—program design and administrative approval (Treasury Board)
3. program implementation and monitoring stage—implementation of policy, program delivery, program monitoring, reporting
4. evaluation stage—auditing of policy, evaluation and adjustments (for a new or modified policy)

### Federal reality—the big picture

Although there is clear distinction between the Legislative and the Executive, the policy making processes are clearly interrelated. Considering Legislative, Executive and public involvement, the process could be summarized as follows:<sup>6</sup>

1. **problem identification**—this initial stage of the process serves to identify, define, and frame a policy issue
2. **priority-setting**—policy issues are most often in competition with one another for public attention, to be atop the political agenda or to emerge as an administrative priority
3. **policy formulation and design**—once an issue has garnered sufficient support, it is further developed by formulating specific goals, by developing different policy options and by deciding on a particular design to address the issue
4. **passage of policy instruments**—at this stage of policy making, political institutions approve or amend a policy and the appropriate regulations; they also designate the necessary funding needed to carry out such policy
5. **implementation**—this is the stage when the policy is delivered to the public in the form of programs or services
6. **evaluation**—policies will periodically be reviewed to assess the manner in which they achieve their goals; these internal or external evaluations are intended to measure the financial implications (audits) as well as the quality of the services offered to the public in order to recommend adjustments, which will in turn feed into a new policy cycle

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<sup>5</sup>Clerk of the Privy Council, *Delivering Federal Policies in the Regions: Partnerships in Action* (Ottawa: Government of Canada, 2002), p. 14.

<sup>6</sup>Susan D. Philips with Michael Orsini “Mapping the Links: Citizen Involvement in Policy Process,” *Canadian Policy Research Networks*, CPRN Discussion Paper (2002), pp 14-15.

### **Provincial/territorial reality**

Policy making in Canada also happens at the provincial level where laws and policies are enacted, executed and interpreted. The aforementioned principles and processes apply to provincial legislatures and public service as well. However, certain distinctions exist. Generally—but this also depends on the demographic and political importance of the province—provincial policy making involves less political and administrative machinery. For instance, provinces rely on legislative committees but do not have to pass legislation in another House, such as the Senate. As well, considering that most provinces have localized jurisdictions or spheres of activities, policies tend to be more localized. Policies drawn up and implemented are nonetheless important in the ways they affect the public. Citizen involvement in provincial policy making can also be understood as public participation in legislative and administrative policy making. Since many issues that advocacy groups want to address are local or regional in nature, influencing provincial policy making is an important route.

### **Municipal reality**

Policies at municipal level apply to limited populations, issues or locales and municipal policy making relies less on an executive and legislative processes than the other levels of government. Municipal government in bigger cities involve advisory committees and boards to ensure city councils make informed decisions. While policy making largely relies on the actions and interests of elected officials (councillors), advocacy at the municipal level is usually more focused on elected representatives and less on formalized procedures (i.e. bureaucracy). Hence, an advocacy strategy aimed at this level should invariably target political officials directly.



## Charities and advocacy and the law

Great confusion exists when it comes to the issue of charitable organizations and advocacy—or any political activity for that matter. More often than not, organizations end up putting their participation in public policy development on the eternal “back burner,” because they fear that they might make a mistake interpreting the charity law and have to face charitable status scrutiny.

There is ongoing debate about the fairness, functionality and constitutionality of charity laws as they apply to advocacy—a public policy issue all by itself. Nevertheless, the current laws bind organizations with charitable status. The sources of these laws are the common law, the Income Tax Act and Canada Customs and Revenue Agency’s (CCRA) administrative policies.

Common law defines what a charity is and the Tax Act limits a charitable organization’s spending to a maximum 10% of its budget on “political activities” that “do not include the direct or indirect support of, or opposition to, any political party or candidate for public office.” It is CCRA, administering Canada’s charity laws, that ensures through its policies and the monitoring of yearly reporting (T3010) that charities spend within the mandate of charitable organizations.

Though not law per se, these policies interpret the law to the end that CCRA staff can make a determination of what is admissible “political activity”.

Although activities designed to persuade government to adopt a particular viewpoint can be considered political the department views:

- (a) oral and written representations to the relevant elected representatives (e.g. Members of Parliament, Members of Legislative Assembly, Municipal Councillors, the involved Minister of the Crown) or a public servant to present the charity’s views or to provide factual information;
- (b) oral and written presentations or briefs containing factual information and recommendations to the relevant government bodies, commissions or committees; and
- (c) the provision of information and the expression of non-partisan views to the media, to fall within the general gambit of charitable activities as long as the devotion of resources to such activity is reasonable in the circumstances.<sup>7</sup>

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<sup>7</sup>CCRA, *Registered Charities – Ancillary and Incidental Political Activities Information Circular 87-1* (Ottawa: Government of Canada)

Examples of other allowable expenditures/activities are:

- (a) publications, conferences, workshops and other forms of communication which are produced, published, presented or distributed by a charity primarily in order to sway public opinion on political issues and matters of public policy;
- (b) advertisements in newspapers, magazines or on television or radio to the extent that they are designed to attract interest in, or gain support for, a charity's position on political issues and matters of public policy;
- (c) public meetings or lawful demonstrations that are organized to publicize and gain support for a charity's point of view on matters of public policy and political issues; and
- (d) mail campaign—a request by a charity to its members or the public to forward letters or other written communications to the media and government expressing support for the charity's views on political issues and matters of public policy.<sup>8</sup>

In an attempt to bring some clarification to the issue, the Voluntary Sector Initiative (VSI) Report of the Joint Tables states that “[g]enerally, the rules may be summarized as follows:

- education must not amount to promotion of a particular point of view or political orientation, or to persuasion, indoctrination or propaganda; and
- a charity cannot have political purposes; but
- it may devote some of its resources to political activities as long as:
  - they are non-partisan; they remain “incidental and ancillary” to the charity's purposes; and
  - substantially all (“90 percent”) of the charity's resources are devoted to charitable activities.”

It is advisable for any charitable organization to consult with its lawyers and to keep them informed throughout the process of public policy involvement to protect the charity from any danger of losing charitable status.

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<sup>8</sup>R. Bridge, *The law of advocacy by charitable organizations*.

## A lesson in advocacy

In “Working Together,” a report of the Government of Canada/Voluntary Sector Joint Initiative, advocacy is defined as follows:

Advocacy, in general terms, can be defined as the act of speaking or of disseminating information intended to influence individual behaviour or opinion, corporate conduct, or public policy and law. Advocacy often occurs in the context of activities intended to educate and inform, while at other times it could be described as a political activity. There is a widely shared view that the act of advocacy, as a form of free speech, is an essential part of democracy.<sup>9</sup>

In determining public policy participation it is helpful to follow a sequence of steps:<sup>10</sup>

### Identify the issue

The first step is to identify the issue the organization needs to address. While an antipoverty organization, such as a food bank, may be concerned about the effects of economic globalization on the world's most vulnerable people, it may be more effective to choose a specific campaign (for example, easing the economic hardship of senior citizens in inner cities through tax policy changes). Identifying an issue must be done in consultation with the organization's stakeholders to ensure that the board clearly understands the issue including potential risks involved in its resolution. (See checklist Appendix 1.)

### Analyze

Once the issue has been identified, it is necessary to develop a clear analysis. Conducting an environmental scan and researching existing laws and policies should be done first. Do new policies need to be developed or do they already exist and need to be enforced or adjusted? Where are opportunities for remedies? Only after generating a comprehensive analysis is it possible to gain the necessary understanding, credibility and support within the organization and the public to pursue change to public policy.

### Strategize

Strategizing involves considering short-, medium- and long-term goals and ways to achieve them. It also involves possibly choosing campaign partners and developing a time frame. Decisions need to be made about how the issue will be communicated and to whom this communication needs to be directed.

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<sup>9</sup>Joint Tables, “Supplementary Paper A: Education, Advocacy and Political Activity,” *Working Together: A Government of Canada/Voluntary Sector Joint Initiative: Report of the Joint Tables* (August 1999)

<sup>10</sup>adapted from Human Rights Network Uganda (HURINET) *Human Rights Advocacy in Uganda: A Toolkit for Human Rights Promoters*.

## **Mobilize**

Mobilizing support for the undertaking marks the transition from idea to action. Mobilizing involves soliciting clear commitments of human and financial resources from all partner organizations and people involved. This takes a clear organizing effort and it is advisable to get all “logistics” in place before proceeding with the campaign. The scale of mobilization will depend on the strategy chosen.

## **Organize**

Assuming the education campaign proves effective, the people directly responsible for public policy development will have knowledge of not only the issue, but also the organization sponsoring it. At this point direct contact with community and government leaders needs to be made to find out their openness to the call for change. Meeting with government likely means meeting both with elected representatives as well as government bureaucrats who will actually implement any change in legislation. It is important to keep in mind the necessity to maintain the advocacy process from both the bottom and the top and to get all levels “on board”.

## **Educate**

Every advocacy initiative is an opportunity to reach out to new people and get them involved. Utilizing a variety of strategies from direct one-on-one discussions all the way through to dissemination of information through the media and new technologies, lays the groundwork to broader understanding of a particular issue. Take, for example, the change of attitude towards the environmental movement over the last three decades—from “treehuggers” all the way to the Kyoto Accord—and one can appreciate the power of public education.

## **Evaluate**

It is important to step back at regular intervals to assess the impact of the advocacy strategy that has been chosen. How do the results compare with the initially set out objectives? The evaluation process needs to include measuring success both in terms of actual legislated changes as well as in public awareness of the issue and keeping track of things done well (and what could have been done better). It is also important to take note of the condition of the advocacy team; is the level of motivation high or is burn out right around the corner. Taking a “time out” is essential to continue steering the process in a constructive manner and keeping the issue alive and relevant. (For a guide to an evaluation plan see Appendix 1.)

## Moving ahead

Having a better idea of the public policy process and having weighed the impact for the board and the organization of entering into public policy participation, there are just two more questions that need to be asked:

1. Is the public policy participation necessary to achieve the organization's mission?
2. Does the organization realistically have any chance of influencing public policy?

If the answers are “yes” then it is time for the board to establish a public policy committee that can begin with the initial steps of building the proper organizational infrastructure for the endeavour.

### The steps to getting involved

#### Assessing readiness

Taking stock of the resources available, human and financial, is necessary before proceeding with any other steps.

- What applicable skills are represented on the board?
- Is there a possibility of staff support?
- What financial resources are available?
- Are there any gaps?
- How can the situation be remedied?

#### Deciding on the issue

Making a decision on the issue to be pursued sounds easier than it actually ends up being. Once a committee sits down to identify the key problem, chances are that more than one can be named that affect the organization and its constituents. For organizations that don't have advocacy as a focus it is important to limit issues to one or two so scarce resources and energy aren't spread any thinner than they already are.

#### Deciding on strategy

Strategies of public policy participation are plentiful and come in a wide range: from petitions, letter-writing campaigns or mass mobilizations to one-on-one meetings. Regardless of what form advocacy will take, it has to be clear to the board if the approach to policy change is to come from working within the system or influencing it from the outside. It is possible to do both at the same time but the chances of comprising either position are great.

## **Public education strategies**

There is great power in hosting information sessions, panel discussions or workshops. Though time consuming and not as effective in regards to reaching large numbers of people, the intimacy provided by such events—and the learning being tied to an experience—contributes a great deal to people actually retaining a significant amount of the information provided.

Publications such as brochures and newsletters can be much more far reaching, provided proper distribution is in place (e.g. mailing list, fax list, e-mailing list).

Public Education Campaigns can be launched using print, television, radio and the Internet, which are far-reaching and very effective although cost becomes a significant factor here.

## **The media**

Whether an issue gets the attention of politicians may depend on whether it has the attention of the media. Public officials pay attention to the media plus media can be used to reach the public. Misinformation that appears in the media needs to be challenged.

### **The media include:**

1. newspapers, magazines, newsletters (including those put out by your faith community, professional association or any other groups board members belong to)
2. television (Public Service Announcements (PSAs), news, features and cable access)
3. radio stations (especially news, features, talk shows and PSAs)
4. websites (your own, or the links you provide on your website to advocacy groups you trust)

Links to local media can be found at <http://www.journalismnet.com>

Effective media work does require serious effort and, as in any relationship building, a long-term approach to maintaining that relationship is needed. It is preferable to assign a person permanently to the job of media liaison (or “spokesperson” as some might want to call the position).

The following are a few of the skills necessary to work well with the media:

- writing press releases
- making calls directly to news organizations
- establishing a relationship with reporters who tend to cover related issues
- hosting, or co-sponsoring, a media event (e.g., holding a press conference)

- observing deadlines and giving everybody plenty of lead time for a complicated story (e.g., do not call a TV station at 4:00 p.m. for the 6:00 p.m. news or do not call radio reporters just before airtime)
- considering the media's needs (e.g., TV needs something to film, radio needs something with good sound while newspapers are more likely to use tables or charts and do interviews by phone)
- recognizing media's limitations (e.g., TV news is now primarily a headline service for stories that can be told in 60 to 75 seconds; they do not do well with complicated or subtle issues so for that you need to approach newspapers or radio)
- being accurate and providing the producers with solid background information
- never saying anything to a member of the working press that you would not want to see or have attributed to you in the news the next day

The advocacy community itself is a good resource when it comes to working with the media. Some have publications to help members present particular issues to the media and many put on workshops on how to deal with the media. For resources on working with the media visit <http://www.impacs.org>.

It is vital to maintain a close media watch because once a story is "let loose" it is somewhat out of the control of the organization. So it becomes imperative to react to and rectify a misrepresentation as soon as possible to avoid any further misunderstandings.





## Utilizing the Internet

The Internet offers a tremendous opportunity to democratize communication although access is still not necessarily universal. However, the federal government was able to facilitate connecting 10,000 nonprofit groups to the Internet between 1998 and 2002 through the Voluntary Sector Network Support Program (a Connecting Canadians strategy initiative).

The Nonprofit's Policy and Technology Project<sup>11</sup> identified nine areas of activity in public policy participation in which the voluntary sector can, and is, utilizing the Internet:

1. public education
2. research
3. sharing research and information
4. administrative advocacy
5. judicial advocacy
6. legislative advocacy
7. organizing and mobilizing
8. public/private collaborations
9. citizen education and participation

While there are entire organizations built around contributing to just one of these activities, it is timesaving and worthwhile to take advantage of the fact that others have built an infrastructure on the Internet to allow any organization to join in at any time—be it for pure research or the sharing of information.

The following quickly outlines the basic communication approaches of Internet use, as they are relevant for the advocacy process:<sup>12</sup>

### E-mail

- one-to-one communication
- the most basic technique for electronic advocacy
- generally easy to use

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<sup>11</sup>OMB Watch, *Democracy at Work, Nonprofit Use of Internet Technology for Public Purposes*.

<sup>12</sup>adapted from The New England Network for Child, Youth and Family Services *Electronic Advocacy*, 1998.

### **Distribution lists**

- one-to-many communication
- read only
- messages passed from list manager to list subscribers
- messages are delivered to the subscriber's individual mailbox
- no interactions between participants
- content of all postings controlled by list managers
- frequency of postings regulated by manager
- newsletters, action alerts, press releases, invitations to events

### **Bulletin boards**

- two-way communication
- users compose messages which are sent to a stationary server
- all messages are posted by the server
- users dial into the server and read the messages
- anyone can access the board
- advice for problem-solving
- research topics
- gathering information quickly

### **Website**

- collection of pages compiled by an individual group
- requires regular maintenance
- passive form of communication—must initiate contact
- opportunity to make a great deal of material accessible to the public
- establishing a presence on the Internet
- sharing agency activities and priorities with people outside of one's immediate locale

Some basic pointers for developing an electronic strategy include:

- collecting e-mail addresses and URLs at the same time as addresses and phone numbers
- adding e-mail and URLs to the database
- creating distinct topic/subscriber e-mail lists to facilitate communication with constituents
- opening discussion lists for ongoing communication with collaborators
- creating a website to aid in the distribution of issues and activities

While developing an Internet approach it helps to keep in mind that electronic strategies work best in conjunction with “traditional” methods.

For in-depth Internet training download “The Virtual Activist 2.0” at <http://www.netaction.org/training/>



## Choosing the avenues of public policy input

Part of the research performed by the board's Public Policy Committee is to establish which jurisdiction is responsible for developing public policy on the issue(s) for which the organization is advocating. Two levels of government often share different aspects of that responsibility so it becomes critical to be fully informed before approaching any of the principal players in the matter. Timing is important to maximize the influence of your presentation. Finally, finding out names of the actual people that need to be contacted takes any communication to the personal level and that is so important.

Today, all levels of government have websites with information about elected representatives, government departments and their staff, committees and committee members, schedules of all meetings, hearings and consultations as well as minutes of previous sessions.

For links to municipal websites visit the Federation of Canadian Municipalities at <http://www.fcm.ca> and choose "members" from the menu.

To access provincial/territorial governments go to [http://www.canada.gc.ca/othergov/prov\\_e.html](http://www.canada.gc.ca/othergov/prov_e.html).

The federal government's website is <http://www.canada.gc.ca>.

### Taking it to the right places

The next step, after establishing which level of government to approach, is to find the right persons to talk to. The criteria for the search are:

- Who represents board members' ridings?
- Which government committee deals with the issue and who are the members?
- Which government department administers current policy on the issue—who are the ministers and administrative staff?
- Who are the opposition critics on the issue?

Contacts from all four of these groups provide the basic structure from which to build a more sophisticated network over time.

### Direct representatives

It is the responsibility, and in the interest of the Councillor, MLA, MPP or MP to represent their constituents to the best of their ability regardless of party politics. It is important for elected officials to see that they can further the well-being of their

community and that they can make a difference. Of course, it is desirable that the representative is a member of cabinet or chair of a municipal committee; however, even a backbencher can be helpful by raising questions in the House or influencing private member bills.

## Committees

Committees play a tremendous role in the policy making process. Here information is gathered and processed and recommendations are developed. All levels of governments have committees and while the municipal and provincial/territorial governments have a simple committee structure—usually standing committees—the federal system is somewhat more intricate.

There are several types of federal parliamentary committees that voluntary organizations may need to target:

1. **standing committees**—more or less permanent or ongoing committees of either the House of Commons or the Senate that consider a major area of government policy
2. **standing joint committees**—also consider major areas of policy but are made up of members from both the House of Commons and the Senate
3. **special committees**—are struck to study a specific policy issue and they are sometimes called "task forces"
4. **legislative committees**—as the title suggests, these committees are mandated to study a specific piece of legislation
5. **joint committees**—are comprised of both members from the House and Senate and these committees may consider legislation but usually deal with administrative or investigative matters
6. **committees of the whole**—include all the members of either the House of Commons or the Senate

## Government departments

It is here where the greatest level of power, as well as the highest degree of expertise, on the policy issue in question resides. While it is easier to access administrative staff, including the Deputy Minister, it doesn't mean that it is not as effective as meeting directly with the Minister. Although having direct contact with the Minister is invaluable—and it might take some ingenuity to make it happen—relationship-building with the public service is of the highest priority because they represent the pivot in information trading.

## **Opposition critics**

As part of covering all the bases, the relevant opposition critic should be kept “in the loop”, so to speak. Not only can that person raise the issue in question period and therefore bring it to the attention of the Minister and the media, but the opposition critic also has his or her own network of contacts that can prove helpful in policy change. Lastly, it’s important to remember that if the opposition becomes government, the critic usually becomes part of cabinet and may remember who took him or her seriously along the way.

## **How to get there—first contact**

When considering a presentation of the board’s position on a public policy issue, it is imperative to take into account that the same information needs to be presented to four different target audiences:

1. elected members representing a constituency
2. elected members representing the government (i.e. cabinet)
3. elected members representing the opposition (i.e. critics)
4. bureaucrats

All four groups have different, if at times overlapping, agendas and biases and it will prove beneficial in preparing communications to have a concise analysis of what those differences are. (For an in-depth investigation see: *The Exercise of Power: A Round Table Series on Accountability*, conducted by the Institute on Governance which provided a final report which is available for download in PDF format at [http://iog.ca/view\\_publication.asp](http://iog.ca/view_publication.asp))

Many of these people fulfill multiple functions and one is likely to come across them “wearing different hats”. In preparing for a presentation it is advisable to consider how the key issue fits into government objectives, developing clearly what you would like to see from government and what you might have to offer in return.

## **Writing a letter**

Politicians and other decision makers pay attention to their mail. Most offices keep a running tally of the regular mail coming in as part of their effort to maintain links to their constituents. Responding to concerned citizens is good politics and crucial to political survival.

The following points are guidelines to effective letter writing:

- ascertain with a quick phone call the preferred form of receiving mail (regular, fax or e-mail)<sup>13</sup>
- on average 10 to 15 letters will grab attention for a specific issue
- be concise, informed and professional
- be brief (1-2 pages, a few paragraphs)
- state purpose in the first paragraph
- include name of organization and full name of writer(s)
- if the letter is about a bill, budget item or specific policy cite the bill, policy or budget item (by name or number)
- if you plan to mention two issues or bills state that up front
- say whether you support or oppose it and briefly why
- be factual, communicate expertise
- a question posed in the letter will always solicit a response

Though there is a time and place for form letters to be sent to public officials, it is the “custom made” or personal approach that will generate a greater level of care and attention of the reviewer.

### **Making a phone call**

Calling politicians and decision makers can be a “hit and miss” approach. Most often the caller will end up leaving a message on voice mail (phone calls are regularly used as an informal polling tool of their constituents). Generally, the same etiquette applies here as with letter writing—let them know concisely who is calling, what the call is about and why this call is being made specifically to this official. It becomes a much more interesting way of contact when the call is actually answered by a real person—be it staff or the official themselves—which does happen so be prepared for that eventuality. Follow up any phone conversation with a note to establish a record of the exchange.

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<sup>13</sup>keeping in mind that e-mails often go directly to the official, rather than through an intermediary, as is the case with regular mail and faxes



## Getting a meeting

When talking about initial contact, “meeting” is a rather glorified description of what actually happens; it is really more like doing a pitch. As in the private sector, when approaching a potential investor or selling that great script to the Hollywood movie producer, one should be able to present the entire issue in the time it takes to shake hands and walk to the elevator—about 90 seconds. It might sound intimidating but having prepared such a condensed verbal presentation is rather empowering.

The “pitch” should include:

- naming the organization
- describing the organization—purpose, stakeholders and size
- name-dropping is not only helpful but it’s expected (“so-and-so suggested I talk to you...”)
- naming organizations in coalition
- stating the policy issue
- stating the impact the issue has on the organization
- indicating interest in more in-depth discussion with the office
- providing supporting information to hand over at the end

There might be additional time available, which makes it important to be clear beforehand on which points to expand. Meetings need to be followed up; a thank-you note goes a long way and so does a phone call to the assistant with an inquiry if the official needs any further information.

There are two important points to remember:

1. Never discuss policy in a private, personal setting—you can ask if it’s okay to make an appointment with the office; and
2. Be sensitive to someone not interested in talking to you after you tried to kindle their interest because you’re wasting time while you could be looking for a different contact and you don’t want to be remembered as “the stalker” when you might have to come back to that person on a different issue.

## How to stay there—nurturing long-term relationships

Having crossed the hurdle of first contact, maintaining a relationship to guarantee ongoing dialogue is the next step. What is most important in this process is establishing a level of trust that clearly indicates the organization shows continuity in its approach. This does not mean that one can’t be critical but that constructive criticism is the more effective way to stay in the policy making process.

Cultivating the direct relationship with a contact can include:

- invitations to the organization's events—be it a public information session or the summer barbecue
- contact outside of pressure situations that need immediate attention (e.g. passing along information, fact sheets, briefs)
- making a useful connection for the contact
- thanking your contact when accomplishments have been made that affect the organization

(For sample brief and open letter see Appendices.)

Another goal is to develop and maintain overall credibility and respect within policy making circles. Aside from disseminating reliable and trustworthy information, the organization needs to show its willingness to participate in actually getting the work done. This can be accomplished by joining advisory committees and boards that exist on all levels of government.

## The adventures of coalition building

Many organizations have public policy issues in common and in many cases it makes sense to form a coalition of organizations to pursue the common goal. A coalition represents the combined influence and support of multiple organizations and the most obvious reason for building a coalition is to increase numbers and clout. At the same time, coalitions pool resources and therefore are able to reduce the individual organization's financial and human resource liability. Coalitions are particularly well suited to advocacy strategies. They show a commitment to think ahead, anticipate alternatives and achieve political results.

### Weighing the options

The world has seen countless coalitions come and go. Some of them were extremely successful, some were not so successful in achieving a particular political goal but almost always coalitions bring a community closer together. Anybody with community-based involvement can tell a tale or two of the joys and woes of coalition building.

Definite benefits of working within a coalition are:

- pooling of resources
- offering a forum for deliberation about policy issues
- reducing competition for funding and volunteer time
- providing an efficient way to work with community organizations
- offering support and expertise to smaller groups

Despite the many benefits of working together in coalitions, some groups hesitate to join.

Here are some of the challenges of coalition work:

- logistics are more complicated—convening meetings of thirty organizations can prove difficult
- getting agreement is harder (e.g., agreeing on who votes, who takes responsibility for what as well as matters of style)
- the organization might not receive the desired level of visibility—alternatively, negative behaviour of one group may tarnish everyone else in the coalition
- the fear that everyone in a coalition has to agree on every level with other members
- decision making must be shared and some organizations have by-laws or board structures that make it hard to submit to group decision making

However, there are some approaches that can ease coalition “anxiety”:

- responsibility for logistical support can rotate among groups
- key contact lists can identify decision makers from key groups who can speak for their members on short notice and can quickly disseminate information throughout their networks
- set up a time-limited, single-issue campaign rather than an ongoing, multi-issue coalition
- endorsements can be structured so that member groups can opt in or out provision-by-provision

### **Reaching out**

Once the board has chosen to pursue their public policy work within a coalition, there are three steps that will get the process started:

1. identify a convener and likely coalition members
2. select the appropriate issue
3. “test-drive” the coalition and its goals

### **Identify a convener and likely coalition members**

The board may want to be the convener or it might consider whether there are other groups with more experience, community standing or staff that would be better suited to the role.

The board committee should provide information to help decide who should convene the coalition and which groups are likely to be potential coalition members. It also helps to decide on basic principles that all coalition members must support. That way, organizations with wildly different goals or approaches will decline to join.

Once a list of all the likely allies is compiled, it might be helpful to think of some groups somewhat removed from the issue to send a political signal that the organization is truly reaching out and talking to more than those who already agree.

In considering who should approach each of the groups about joining the coalition, it is helpful to keep the peer-to-peer rule in mind because people respond most readily to those they regard as their peers. If you want to involve lawyers, it helps to have the lawyer in your core group make the approach to other lawyers. Want health professionals? Send in a health professional. Want to involve low-income parents? Ask a low-income parent in your group to do the recruiting. If your core group includes all the critical stakeholders you should have built-in peer recruiters.

### **Select the appropriate issue**

Some issues are too narrow (or too localized) to warrant a coalition. But anything that affects the community at large (e.g., environmental hazards, universal access to health care, affordable housing, support for an array of performing arts) might be a good issue for a coalition.

Together, as a coalition, an attainable goal should be set within the parameters of developing a relevant public policy initiative.

### **“Test-drive” the coalition and its goals**

Having a solidly defined issue and goal and running it by some key community players, by way of a brainstorming session, will quickly ascertain whether there is enough interest in the issue to warrant the efforts of a coalition.



## Assessing the outcome

Building evaluation into the time line and goal setting at regular intervals is essential to maintain direction and focus of the public policy effort. Strategies need to be assessed in regard to their effectiveness and, if necessary, changed. At the same time there is always space to optimize successful approaches.

There are outcomes that need to be considered other than actual policy change:

- Is the board's, or board committee's, policy skill level/ skill development keeping in step with the progressing project?
- Is relationship building with policymakers successful?
- Is the organization's network and access to policymakers growing?
- What is the level of public recognition of the issue?
- What is the level of the organization's credibility?

Considering that public policy development is an ongoing process, influenced by the fluctuations of social changes, goals and strategies need to be adjusted as well.





## Tools that can help

### Resources—hardcopy

#### Voluntary Sector Initiative publications

- The Public Policy Toolbox, a guide for the voluntary sector on successful involvement in the public policy dialogue in Canada—available in hardcopy and online Summer 2003

#### Policy guides

- Making Policy—A Guide to the Federal Government's Policy Process, Glen Milne, Ottawa (2002)

#### Internet

- The Nonprofit guide to the Internet. New York: Wiley, Zeff, R. (1996).

### Resources—online

#### Voluntary Sector Initiative publications

- A code of good practice on policy dialogue—  
[http://www.vsi-isbc.ca/eng/joint\\_tables/accord/codes.cfm](http://www.vsi-isbc.ca/eng/joint_tables/accord/codes.cfm)

#### Finding people

- On-line Contact Directory of Federal Civil Servants—  
<http://direct.srv.gc.ca/cgi-bin/direct500/HE>
- direct links to all Canadian political parties—<http://www.canadiansocialresearch.net>

#### Finding laws, bills, budgets and policies

- Canadian federal laws— <http://lois.justice.gc.ca/en/index.html>
- General information and links page for all draft laws (known as "bills") being considered by Parliament—<http://www.parl.gc.ca/common/bills.asp>
- Government of Canada bills—text and status in the House of Commons—  
[http://www.parl.gc.ca/common/Bills\\_House\\_Government.asp](http://www.parl.gc.ca/common/Bills_House_Government.asp)
- Government of Canada bills—text and status for bills introduced in the Senate of Canada—[http://www.parl.gc.ca/common/Bills\\_Senate\\_Government.asp](http://www.parl.gc.ca/common/Bills_Senate_Government.asp)

- Government of Canada bills—status of all bills in the Senate of Canada—  
<http://www.parl.gc.ca/37/2/parlbus/chambus/senate/deb-e/prog-e.htm>
- Canadian Federal, Provincial and Territorial laws—  
[http://www.acjnet.org/cdn\\_law/statutes.cfm](http://www.acjnet.org/cdn_law/statutes.cfm)
- Canadian Federal, Provincial and Territorial draft laws (i.e. bills) and related material—[http://www.acjnet.org/cdn\\_law/LegislativeMaterials.cfm](http://www.acjnet.org/cdn_law/LegislativeMaterials.cfm)
- Search for Canadian laws, bills etc. (via Access to Justice Network)—  
<http://www.acjnet.org/search.cfm>
- Laws, budgets, key libraries in Canada—<http://www.canadiansocialresearch.net>

### **How to...**

- write a press release—[http://www.ran.org/action/toolbox/media\\_pressrelease.html](http://www.ran.org/action/toolbox/media_pressrelease.html)
- handle the media—<http://www.cccabc.bc.ca/res/advocacy.html>
- download pdf of "How to create superior briefings" by Roderick G. Quiney at  
<http://collection.nlc-bnc.ca/cgi-bin/inet-loc/ltn=502/ENG/H/>
- write a Memorandum to Cabinet (MC)—[http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&Doc=mc/mc\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&Doc=mc/mc_e.htm)

### **Advocacy websites**

- Independent Sector homepage—<http://independentsector.org>
- Npaction—<http://www.npaction.org>
- Charity Lobbying in the Public Interest—<http://www.clpi.org>
- How to lobby without regrets—  
[http://www.communitychange.org/lobby\\_no\\_regrets.htm](http://www.communitychange.org/lobby_no_regrets.htm)

### **Useful portals to links**

- The Third Sector, links—<http://policy.queensu.ca/sps/ThirdSector/links.html>
- Vancouver Community Net, government links—  
<http://www.vcn.bc.ca/public/gov.html>

### **Organizations**

- IMPACS, Institute for Media, Policy and Civil Society—<http://www.impacs.org>
- Non-Profit & Voluntary Sector Network—<http://www.nvsn.org/english/index.htm>
- Canadian Centre for Philanthropy—<http://www.ccp.ca>
- Volunteer Canada—<http://www.volunteer.ca/volunteercanada>

## **Board support**

- United Way of Canada-Centraide Canada sponsored "Volunteer Leadership Development (VLD)" programs—<http://www.boarddevelopment.org>
- Institute on Governance—<http://www.iog.ca>
- Non-Profit Good Practice Guide—<http://www.nonprofitbasics.org>
- Board Source—<http://www.boardsource.org>
- Compasspoint Board Cafe—[http://www4.compasspoint.org/p.asp?WebPage\\_ID=652](http://www4.compasspoint.org/p.asp?WebPage_ID=652)

## **Strategies and case studies**

- Coalition of Child Care Advocates, BC - letters and documents—  
<http://www.cccabc.bc.ca/forum/articles.html>
- Canadian Breastcancer Network, Advocacy: Perspectives and Strategies—  
<http://www.cbcn.ca/english/advocacy.php?browse&24>
- If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey's Bay Nickel Project—[http://www.swc-cfc.gc.ca/pubs/0662280024/index\\_e.html](http://www.swc-cfc.gc.ca/pubs/0662280024/index_e.html)
- Using evidence to inform health policy: case study—  
<http://bmj.com/cgi/reprint/322/7280/222>
- Case Studies in Tobacco Control Policy Development: Lessons Learned and More to Do—[http://apha.confex.com/apha/128am/techprogram/session\\_1443.htm](http://apha.confex.com/apha/128am/techprogram/session_1443.htm)



# Appendices

## Appendix 1

### Identifying the issue:

- does it affect the organization directly
- does it correspond with the mandate of the organization
- does it effect delivery of the mandate
- is it specific
- does it require long-term committment
- is it a one-time effort
- is there a serious chance at influencing policy

### Developing an evaluation plan:

- Clarify objectives and goals
  - what stakeholders want to know about the evaluation
  - what decisions stakeholders need to make
  - how stakeholders would use the data to inform decisions
- Develop evaluation questions
  - planning and implementation issues
  - assessing attainment of objectives
  - impact on organization
  - impact on the community
- Develop evaluation methods
  - process measures
  - outcome measures
  - observational system
  - member survey of goals
  - member survey of process
  - member survey of outcomes

- Set up a timeline for evaluation activities
  - outline questions for each stage of development of the initiative
  - complete a table listing: key evaluation questions, type of evaluation measures to be used to answer them, type of data collection, and experimental design
  - determine when you feel it's appropriate to provide feedback and reports
  - provide feedback and reports at the end of the evaluation
  - provide periodic feedback and reports throughout the duration of the initiative

## **Appendix 2**

### **Sample brief**

BRIEF TO THE STANDING COMMITTEE ON GENERAL

GOVERNMENT: BILL 132

#### **A. Preamble**

New degree programs offered by private institutions and by Ontario's Colleges of Applied Arts and Technology (CAATs) will require students to make a significant investment of time and money in their degree education. As consumers, students should be able to assume a reasonable level of quality for this investment regardless of whether the institution is public or private. For this reason, adequate consumer protection measures need to be part of the review of new degree programs by the Post-secondary Quality Assessment Board prior to programs and institutions being approved and students being enrolled. Taxpayers also need to be protected from the significant and potentially unnecessary additional costs associated with the creation of additional publicly funded universities and the subsidization of private universities using public funds. Amendments to the proposed legislation will help strengthen the underlying principles of consumer and taxpayer protection in Bill 132.

#### **B. Background—Minister's Consultations**

On May 29, 2000 COU representatives participated in the Minister's consultations and submitted a written brief regarding the consultation paper, Increasing Degree Opportunities for Ontarians (Attached). At that time, the COU paper stressed four principles:

- The quality reviews should be rigorous.

Quality reviews for degree programs offered by private institutions should be rigorous and maintain the current quality standards for Ontario.

- No public subsidies should be provided to private institutions.

COU underscores the importance of ensuring that public funds are not used to subsidize private institutions.

- The application for degree-granting status and the conduct of the reviews should be procedurally transparent.

All applications to the Post-secondary Quality Assessment Board should be made public and considered at a public hearing prior to approval. Results of the reviews and rationale for decisions should also be made public as the advice is offered to the Minister.

- The standards for college Applied Degrees should be different from those for university degrees.

No research role should be required of faculty in Applied Degree programs offered by Ontario's colleges, as is the case in Alberta. The following brief applies these four principles to suggested changes in the wording of Bill 132.

### **C. Specific Comments on Bill 132**

Since the introduction of Bill 132, the COU Standing Committee on College—University Relations has met to discuss specific issues related to the proposed legislation. In addition to the comments made in COU's earlier brief, the Committee has the following specific comments on the content of Bill 132.

#### **1. Consumer Protection Through Transparency of the Review Process**

The proposed legislation does not include a requirement for either the applications to, or the recommendations from, the Post-secondary Quality Assessment Board to be made public. Furthermore, while the Board could solicit views from the public as part of its deliberations, a requirement for public consultations has not been made explicit in the legislation. COU believes that a number of benefits can be gained from procedural transparency. An open and transparent review process will:

- (a) Provide the public with the opportunity to review new proposals and provide comments;
- (b) Provide the Board with a broader array of perspectives and more information to assess proposals thoroughly;
- (c) Strengthen the consumer protection principle in the legislation; and,
- (d) Ensure accountability to the taxpayer.

While the proposed legislation does make adequate provision for "suspending" or "revoking" a consent and providing "security", if a problem with a granted consent arises, the legislation does not adequately recognize that students will be making a significant investment of time and money in their degree education. For example, revoking a consent during a student's third year of a four-year program of study will not sufficiently compensate him or her for a "bad investment" of three years. Rather, putting in place adequate public review procedures and criteria before a program is approved is necessary.

Examples exist in legislation requiring advisory bodies to give notice of applications to the public and to solicit the views of the public (e.g. Liquor License Act and Nursing Home Act). Examples also exist in legislation requiring advisory bodies to make reasons for a decision more widely available (e.g. The Architects Act and Ontario Energy Board Act, 1998). (See Appendix 1 for example wording from these pieces of legislation).



### **Recommendation #1:**

Include a clause in the legislation requiring:

- public notice of applications be given;
- views be solicited from the public;
- Board recommendations be made public prior to decisions being taken by the Minister; and,
- rationale for Minister's decision be made public.

### **2. Consumer Protection Through Use of Expert Advice**

Specifying that representation on the Board include professional expertise in university education will help strengthen the consumer protection principle within the legislation. For example, The Professional Advisory Board under the Child and Family Service Act specifies a requirement for professional expertise of its members. (See Appendix 1)

#### **Recommendation #2 i:**

- i) Indicate in the legislation that "expert evaluators" should conduct the reviews and provide advice to the Board.

The use of "expert evaluators" to apply the review criteria established by the Board will also assist in strengthening the consumer protection principle within the legislation and ensure that all degree programs offered in Ontario will provide students with a quality education.

#### **Recommendation #2 ii:**

- ii) Add a clause to section 7 which states: "The Board shall include members who have special knowledge in university education"

### **3. Taxpayer Protection by Limiting Degree-Granting Authority for the CAATs to Applied Degrees**

The proposed legislation permits the Minister to give the CAATs a consent to grant degrees without limitation. In the past, both private and publicly funded Ontario institutions applying for university status were required to apply for a charter and therefore had to undergo the public scrutiny of the legislature. While it is our understanding that the proposed legislation includes a requirement for all applications requesting university status undergo Board review before a decision is taken by the Minister, COU wishes to underscore that this removal of public scrutiny in the creation of new publicly funded "universities" is a significant departure from past practice that should be considered carefully.

The creation of additional publicly funded "universities" would also require a significant additional investment of public money by Ontario's taxpayers. For example, to maintain the current standard of "university" degree education in Ontario, CAAT faculty credentials, library resources and laboratory space would require upgrading.

COU has the following additional concerns regarding Subsections 4(6) and (7) of Bill 132:

- (a) These sections of the bill go beyond the stated government policy regarding the limitation of 8 applied degree pilot projects per year for three years;
- (b) Expectations for all Ontario's CAATs to potentially become "universities" will be raised;
- (c) The incentive for Ontario's CAATs to work with Ontario universities to develop collaborative arrangements could be reduced; and,
- (d) The creation of additional publicly funded "universities" could duplicate the program offerings of the existing 17 universities.

**Recommendation #3:**

Remove Subsections 4(6) and (7) of Bill 132.

**4. Taxpayer Protection by Limiting Public Funding to Private Institutions**

Section 8 of the proposed legislation stipulates "the giving of a consent does not entitle the person whom the consent is given to any funding from the Government of Ontario". However, taxpayers will be subsidizing degree education provided by private institutions through OSAP, tax credits for tuition and the education tax credit. There is also the potential for private institutions to receive Ontario research grants and funding from other government programs. A change to the wording of Section 8 of the legislation can help strengthen the principle of protecting the taxpayer.

**Recommendation #4 i:**

- i) The term "entitle" should be altered to: "the person to whom a consent is given is not eligible for direct provincial government funding from any government program".

The Minister's April Consultation document states: "The maximum tuition fee that will be recognized for OSAP purposes at new degree-granting institutions will be \$4,500 for a normal academic year. This is the same maximum that applies to Additional Cost Recovery programs at publicly-supported institutions." In order to protect the taxpayer, the above Government statement restricting tuition fees recognized for OSAP purposes should be stipulated in the proposed legislation.

#### **Recommendation #4 ii:**

- ii) Tuition fee cap recognized for OSAP purposes for private degree-granting institutions should be stipulated in the legislation (the same rule that applies to publicly funded institutions).

#### **D. Summary**

The best consumer protection available to students is to ensure a high standard of quality in all degree programs before they are offered and students are enrolled. Transparency of the review process and the use of "expert advice" will help strengthen the principle of consumer protection for students. The best protection available to the taxpayer is to limit degree-granting authority for the CAATs to applied degrees and to limit public subsidies to private institutions. COU recommends the following adjustments to the legislation in the following four areas to enhance consumer and taxpayer protection in Bill 132:

##### **1. Consumer Protection Through Transparency of the Review Process**

Recommendation #1: Include a clause in the legislation requiring:

- public notice of applications be given;
- views be solicited from the public;
- Board recommendations be made public prior to decisions being taken by the Minister; and,
- rationale for Minister's decision be made public.

##### **2. Consumer Protection Through the Use of Expert Advice**

Recommendation #2:

- i) Add a clause to section 7 which states: " The Board shall include members who have special knowledge in university education".
- ii) Indicate in the legislation that "expert evaluators" should conduct the reviews and provide advice to the Board.

##### **3. Taxpayer Protection by Limiting Degree-Granting Authority for the CAATs to Applied Degrees**

Recommendation #3:

Remove Subsections 4(6) and (7) of Bill 132.

#### **4. Taxpayer Protection by Limiting Public Funding to Private Institutions**

Recommendation #4:

- i) The term "entitle" should be altered to: "the person to whom a consent is given is not eligible for direct provincial government funding from any government program".
- ii) Tuition fee cap recognized for OSAP purposes for private degree-granting institutions should be stipulated in the legislation (the same that applies to publicly funded institutions).

APPENDICES

## **Appendix 3**

### **Sample open letter**

May 21, 2003

The Honourable John Manley

Minister of Finance

Dear Mr. Manley:

Since the child care announcement in the February federal budget, there has been considerable discussion in our community about the budget announcement for child care. We are writing at this time to make you aware of our concerns about this.

We would first like to express our satisfaction that child care was recognized in the federal budget as a line item. This is an important advance, particularly since child care was viewed as a non-issue in the federal government for almost a decade. In this regard, we were pleased to hear your pre-budget comment that "child care is more than baby sitting", echoing, it would seem, not only the Throne Speech's commitment to "quality child care and early learning" but also our perspective that child care and early childhood education should be inseparable as they are in many other nations.

Second, we would like to express our support for the Multilateral Agreement of Early Learning and Care announced as a first step toward a national child care program by Minister Stewart in March. We very much supported your government's insistence that federal funds for child care to be transferred to provinces/territories must be spent only on regulated and monitored child care and that adequate public reporting will be required. We believe that these requirements are a minimum for the quality child care and early learning as well as the public accountability promised in the Throne Speech.

We have made our views on this clear to Minister Stewart and would expect that the child care community will have an opportunity for input into the policy processes as they develop. It is our view that while the Agreement is a welcome first step, much more developed policy and processes will be required for a national program of early childhood education and care.

That being said, however, we would like to express our profound disappointment with the financial side of this equation. As you may know, we had been looking for the federal budget to provide a large enough infusion of federal funds to provide both provincial enthusiasm for the architecture and momentum to take the policy into the future. We were most disappointed that the funds were so skewed to the latter part of the five year period. The \$25 million in the first year and \$75 in the second year scarcely reflect the importance of child care both for early learning and support for parents as highlighted in the Throne Speech and budget. While we urged the provinces to sign on to the intergovernmental agreement as it was under negotiation, we are dubious about

how the meager funds allocated in the first two years will benefit children and families "on the ground".

From a longer-term viewpoint, we are most concerned that the annual funds allocated over the five year span are inadequate to even begin to meet the needs of Canada's almost five million children (0-12 years) and their families. To put this in perspective, it is useful to reflect on the fact that the anticipated fifth year transfer to provinces/territories of \$350 million is approximately what your government was spending for child care through the Canada Assistance Plan when it was abolished in 1996 (\$320 million in 1996 dollars). Recognizing that the cost of a mature early childhood education and care system has been calculated at approximately \$10 billion annually (about 1% of GDP), we do not believe that the slow pace of public investment is adequate for this important social program. Our long term goal is high quality early childhood education and care that is inclusive of all children including those with disabilities in every region of Canada that will (to echo the commitment made by your government and provincial/territorial governments) enable each child to get the best possible start in life. With this in mind, we expect to revisit this allocation in future budget years.

We would be pleased to meet with you to discuss our concerns about how Canada will finance early learning and care in the future.

Yours truly,

Association of Early Childhood Educators Newfoundland - Labrador

Association of Early Childhood Educators, Ontario

Boys and Girls Clubs of Canada

Child Care Advocacy Forum, British Columbia

Campaign 2000

Campaign Against Child Poverty

Canadian Association for Community Living

Canadian Association of Food Banks

Canadian Association of Social Workers

Canadian Auto workers Union

Canadian Housing and Renewal Association

Canadian Labour Congress

Canadian Teachers' Federation

Canadian Union of Postal Workers

Canadian Union of Public Employees  
Charles Pascal, Atkinson Foundation  
Certification Council of Early Childhood Educators of Nova Scotia  
Childcare Resource and Research Unit, University of Toronto  
Child Care Advocacy Association of Canada  
Child Poverty Action Group  
Durham Child Poverty Task Force (Ontario)  
Family Service Association of Toronto  
First Call: Child and Youth Coalition (British Columbia)  
Jewish Women International of Canada  
Manitoba Child Care Association  
National Council of Women of Canada)  
Nellie's (Toronto)  
North End Community Health Centre (Halifax)  
Ontario Association of Social Workers  
Ontario Campaign 2000  
Ottawa - Carleton Child Poverty Action Group  
Ontario Coalition for Better Child Care  
Ontario Federation of Labour  
Ontario Secondary School Teachers Federation  
Peace and Justice Commission, Canadian Council of Churches  
PEI, Early Childhood Development Association  
Save the Children Canada  
Social Planning and Research Council of Hamilton - Wentworth (Ontario)  
Social Planning Council of Winnipeg  
Social Policy Research Unit, University of Regina  
Social Planning and Research Council (British Columbia)  
Specialink: The Child Care Inclusion Network

Toronto Coalition for Better Child Care

The Urban Core Support Network (New Brunswick)

Yukon Child Care Association

YWCA of/du Canada

YWCA Vancouver

cc. The Right Honourable Jean Chretien, Prime Minister of Canada

The Honourable Jane Stewart, Minister of Human Resources Development



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