THE EVOLVING NEED FOR A STRONG FIREWALL

Ross Papish, Ph.D; Senior Fundraising Consultant, The Ostroff Group

Protecting the Mission of Public Broadcasting

Even before the Public Broadcasting Act of 1967 became law, discussion and debate ensued about the need for a firewall between sources of funding and potential influence over decision making, independence and integrity for public media. It has become the rule, not the exception, that every station employ policies, procedures, and safeguards against public, political, corporate, financial, and other sources of influence and power. Although theoretical in nature, the firewall manifests in very tangible ways through written policy, leadership and editorial oversight, written agreements with those who provide funding, and other tangible strategies.

The firewall serves as a "universal" mechanism of protection from undue influence. It is universal because the role of the firewall remains the same even though the nature of the influence may change. **The Public Broadcasting Act of 1967 was amended** to create CPB as the firewall to "afford maximum protection from extraneous interference and control." For the first few decades, the efforts to exert influence and weaken the firewall have typically come from external institutions in the forms of legislation, lawsuits, investigations, or appointments/authorizations for oversight. The firewall in these cases was also protected by institutions (CPB, NPR, Congress).

Public Broadcasting Brand/Reach meet Corporate Dollars

Public Broadcasting has been successful at refining successful revenue generating methods, including building a membership program that has become the model for non-profits. In the 70s and 80s, public radio and television solidified as trusted brands with talented leadership and quality programming. Public broadcasting was now a nationally recognized news, entertainment, education, and information source with national reach and large audience. Relaxed FCC regulations allowed public broadcasting to capitalize on its reputation, purposeful programming, and national reach to garner foundation and corporate support for programming and for strategic initiatives to advance service to the community.

These strategies initiated relationships that appeared to blur the lines between "support" and "influence" or between "advertising" and "underwriting." The FCC and Public Broadcasting developed guidelines, policies**, disclosure rules**, and oversight strategies to maintain the firewall and to protect the image and brand of public broadcasting as one of integrity, independence and objectivity. These relationships between the funders and recipients were very limited in scope, driven by commercial models of financial return-on-investment, and conformed to strict business transactions.

Local Relevance, Community Engagement, and Donor Investment

Over the past two decades, increasing costs of operation have out-paced the growth of revenue at the local level. Stations continued to refine existing strategies, but it became clear that the national landscape had become too competitive for sustainable funding. This began the shift to philanthropic strategies such as capital campaigns, planned giving, and major giving as means to assure the long term sustainability of public broadcasting. While massive conglomerate media entities began to disappear, public broadcasting retained its value to national and local audiences due to its unique mission and services. Four decades of service has positioned local public radio and television stations to deepen their commitment, investment, and service to the local community.

Beyond quality programming the public has come to expect, public broadcasting became a voice for the under-represented, a reliable educator, an access point for civic engagement, a convener of community partners, an employer, and many other roles that could never have been predicted. This is as well-rounded a case for support as any non-profit serving the local community. To generate investment from local businesses and donors, we can no longer ask for transactional gifts that help to pay for the current needs of the station.

The station and its leadership will need to engage the community in new and different ways, demonstrating their local presence and service. Relationships must be fostered personally, over time with community partners and prospective donors. To make major gifts as an investment in the community, donors will want to be engaged with the station, to understand its mission, and to see its value as a service to the community. Once a personal relationship has been established, trust built, responsible stewardship demonstrated, and value to the community understood, then, and only then will they make the types of investments that will be transformative for the community and the station.

Deeper Engagement, Larger Gifts, Stronger Firewall

The engagements required to cultivate new partnerships and prospective donors are numerous, interactive, personal, meaningful, and place community needs at the heart of our mission. Board members, current donors, and prospective donors will have a stronger physical presence at the station, they will, at a minimum, observe many of the staff as they go about their business, some will get to know staff personally. They will review documents, observe service, attend events, and ask questions. They may even make suggestions, be invited to participate in a strategy session, or engage at a level that brings them face to face with the protectors of the firewall, the creators of content, and the vision and decision makers. The traditional firewall mechanisms will likely need some updating and reinforcement to assure that deeper engagement and greater investment does not equate to greater influence. Steps must be taken to articulate, demonstrate, and provide oversight for the funding firewall for the protection of the station, the donor, and the service to the community.

A Delicate Balancing Act: Access and Influence

Implementation of a major giving program makes it necessary to have in place mechanisms that make it crystal clear to the public, community partners, and potential donors that an investment in the station in service to the community does not provide influence. There is a distinction to be made between increased "access" to events, decision makers, the production and programming process/personnel, and the inside workings of the station -- and increased "influence" over the planning of events, decisions made, setting the vision for program creation, and input on the daily operations. The increased contact and access are part of the process of making the case for support, demonstrating the full view of the programming, partnerships, and services that are functions of the station.

It is a welcome reality that donors with the capacity to make major gifts, will have an interest and investment in the station and what is happening lately. In fact, some donors will be asked for gifts that are specifically intended to advance a program, service, or initiative**. Project and Transformational Gifts** are the heart of major giving and often bring donors to the table to help identify strategy, partners, and other potential donors. This intimate level of involvement requires that there be policies, procedures, and written agreements in place to clearly define roles and expectations.

Developing Your Firewall Alarm System

So how do you know the difference between someone seeking access and someone seeking influence? Some donors are used to gaining influence by writing a check and may, unconsciously and with the best of intentions, offer a gift without realizing they have an expectation of some kind. This is why the GM and Development Team are trained to facilitate the **conversations with potential donors** to discern their motivation and intent.

Intent & Outcome Alarm Bells

Here are some concepts that you should be sensitive to which may distinguish the intent of the donor or desired outcome. The nature of the gift will typically belie any intent or agenda, but that is not always the case. For each instance below, a scenario can easily be imagined where each category is benevolent or risky, but, in general some are clearly less/more risky.

	Of Lesser Concern	**Of Greater Concern**
The donor seeks to…	Make an Investment	Achieve a specific outcome
The gift is made…	With a request	With a contingency
Use of the gift is…	Unrestricted	Restricted
The gift is for..	Programming	Reporting
The gift is intended for a program…	In Production	Not Yet Conceived
The gift results from…	Cultivation	Out of the Blue

The Public Media Firewall
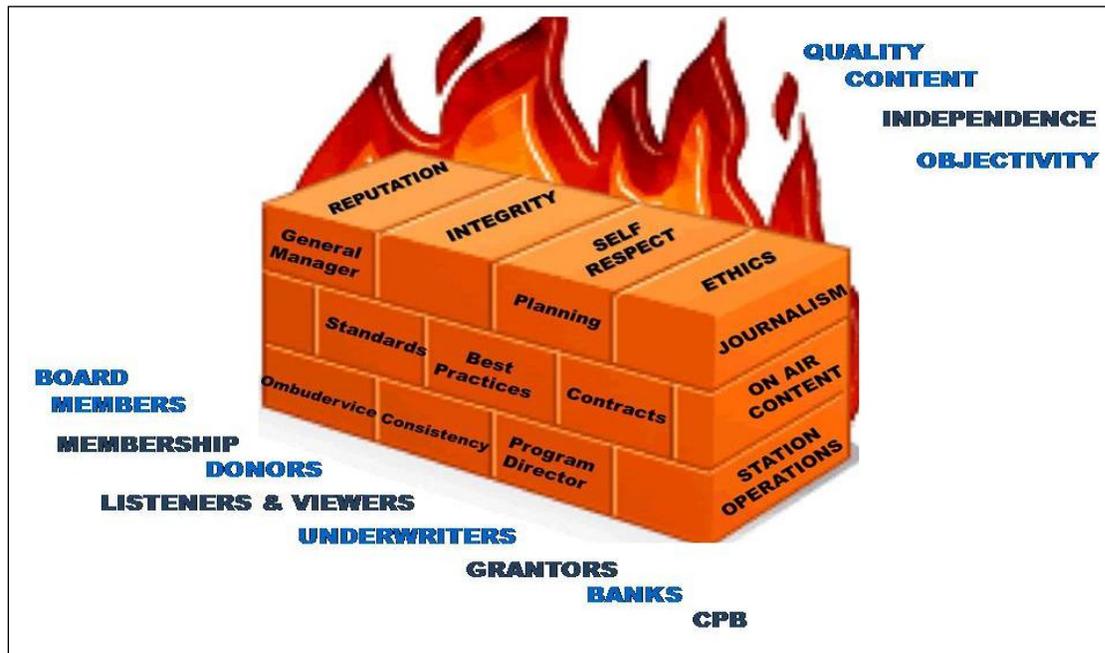
To strengthen the firewall, you must first have a firewall:

- Are there guidelines for ethical professional behavior for station personnel?
- Are there policies and procedures in place for the development team, board volunteers, underwriting staff, and others who generate revenue for the station?
- Is a firewall policy or set of guidelines specifically articulated in writing?
- Does the policy cover all vulnerable entities including journalists, producers, on-air talent, decision-makers?
- Do the guidelines address on-line content, advertising, acknowledgements, and other materials?
- Are there open conversations involving key stakeholders regarding potential gifts that directed toward a specific department, program, use, or outcome?

It is important to talk about the current state, confidence, and support for a funding firewall and to update any policies, procedures, training, or documentation. Clear communication and policies for donors will head off most potential problems and provide the vehicles for open discussion of any potential conflicts.