

# Foundation Law: Free Online Learning

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Now, perhaps more than ever, there's a need for more people in the philanthropy sector to learn the ins and outs of the law of nonprofit organizations.

For example, funders want and need to know how they can participate in the social movements sweeping the nation. New and existing 501(c)(3)s are eager to understand what they can and cannot do in terms of advocacy along with how foundation funders can lawfully help them.

According to Philip Rojc and David Callahan, writing for *Inside Philanthropy*: "There's been a lot of change in philanthropy lately." In *Rules of the Road: Why Foundation and Nonprofit Law Is Getting New Attention*, they explain: "Major new funders are entering the scene on a regular basis, regional and local giving is on the rise, and fallout from the 2016 election has led to important changes in how some funders operate."

Of course, many foundations have "historically been skittish about engaging too deeply in public policy and electoral politics." They have questions and concerns about what 501(c)(3) institutions, and foundations in particular, must do to comply with the law. As anyone reading this blog can attest, "what the law really says ... can be hard to figure out."

## "Learn Foundation Law" Courses

Back in 2010, well before the current tumultuous political climate, the legal staff at four major American foundations (including the Bill & Melinda Gates Foundation) saw a need for "easily digestible" and widely available training resources for funders and grantees alike.

They joined together to create a "free first-of-its-kind resource for private foundations (and others who are interested), with e-trainings and tools related to the basic legal rules for private foundations." What emerged from this collaboration is "Learn Foundation Law," a comprehensive online training program about legal issues in grantmaking, designed to supplement existing in-person

training courses.

The courses are intended for “new entrants to grantmaking, whether they’re greenhorn funders themselves or newly hired foundation staff.” The sessions are about one hour long, and “cover all the basics, from how foundations should interact with government officials to expenditure responsibility and prohibitions on electioneering. There’s even a course on the rules surrounding program-related investments.”

Each course “features a program officer named Maya who leads participants through the training.” The students can continue to take advantage of the program by way of a refresher attendance at courses they have already completed.

Recently, the website was redesigned and relaunched to add more materials and update the trainings to reflect current developments in law and the changes in the political landscape.

### *New Course for Grantees*

A new offering on the redesigned website is a course for grantees, not funders. It explains the rules for public charities seeking foundation funding for advocacy work. The Learn Foundation Law team “saw the need for an advocacy course for grantees – to help organizations navigate the rules around advocacy and lobbying, and to explain how private foundations can fund public policy work.”

### *Conclusion*

“The resource is no doubt welcome, especially as nonprofits cry out for the general support that’ll help them build movements and break through political deadlock,” according to the authors of *Rules of the Road: Why Foundation and Nonprofit Law Is Getting New Attention*.

In the same article, though, Rojc and Callahan raise – at length – some of their serious philosophical concerns about expanded involvement of private foundations in the advocacy work of public charities.

First, they present “the larger question”; that is, “whether foundations should be so close to the levers of policy in the first place.” Second, they voice their own “deep” concerns as well as others’ “about the state of American democracy” and whether “philanthropy can fix the potential erosion of American civic institutions.” They also worry that philanthropy is “contributing to that erosion by distorting the power balance of civil society in favor of the rich. And by bankrolling so many fiercely ideological voices.”

— *Linda J. Rosenthal, J.D., FPLG Information & Research Director*