

**ALA Executive Board
Fall Board Meeting: 1999**

Topic: Who Speaks for ALA? - Issues document

Action Requested: Information Item - No Action Required

Action Requested By: Mary W. Ghikas, Senior Associate Executive Director - for
Robert Newlen, Executive Board Member

Date: 1 November 1999

Background:

In response to various issues surrounding communication, a subcommittee of the ALA Executive Board (R. Newlen, J. Cummins, S. Reed, L. Bishoff) has reviewed policy and past practice. The attached document is presented as a basis for discussion.

The attached document will also form a basis for discussion with ALA staff with liason responsibility to round tables and committees, at an orientation for staff (including Washington Office staff) regarding liason roles on November 17, 1999.

WHO SPEAKS FOR ALA?: Policy, Practice and Concerns

Three bodies - the ALA membership (as a voting body), ALA Council, and divisions (within their respective areas of responsibility) - have the authority to determine and act for ALA in matters of policy. In addition, the ALA Executive Board is authorized to speak for the Association within “established policies...” Round Tables are not authorized to speak for the Association. Recommendations of Round Tables regarding policy are forwarded to one of the bodies above. Likewise, committees are not authorized to speak for the Association. This is repeatedly made clear in ALA’s Constitution, Bylaws and Policy Manual:

ALA Constitution, Article VI

Sec.1 (a) The Council of the American Library Association shall be the governing body of the Association. The Council shall delegate to the several divisions of the Association authority to plan and carry out programs and activities within assigned fields of responsibility and in accord with general Council policy.

Sec.1 (b) The Council shall determine all policies of the Association, and its decisions shall be binding upon the Association, except as provided in Sec. 4(c) of this Article.

Sec.4 (c) Any Action of the Council may be set aside by a three-fourths vote at any membership meeting of the Association, or by a majority vote by mail in which one-fourth of the members of the Association have voted. Such vote by mail shall be help upon petition of one percent of the personal members as certified by the Executive Director of the Association.

ALA Constitution, Article VII

Sec.3 The Executive Board shall report on its activities not later than the next meeting of the Council. The Executive Board shall act for the Council in the administration of established policies and programs. The Executive Board shall be the body which manages within this context the affairs of the Association, but shall delegate management of the day-to-day operation to the Association’s Executive Director. The Executive Board shall make recommendations to Council with respect to policy.

ALA Bylaws, Article VI

Sec.2 (b) A division shall have authority to act for the ALA as a whole on any matter determined by Council to be the responsibility of the division.

ALA Bylaws, Article VII

Sec.2 No round table shall incur expense on behalf of the Association except as authorized, nor shall any round table commit the Association by declaration of policy.

ALA Bylaws, Article VIII

Sec.9 No committee shall incur expense on behalf of the Association except as authorized, nor shall any committee commit the Association by any declaration of policy.

ALA Policy Manual - 6.3 Round Tables of ALA: Role and Function

2) Policy Functions. As noted in the ALA Constitution, Article VI, and the Bylaws, Article VII, three bodies - Council, the divisions, and the membership - have authority to determine and act for ALA in matters of policy. Recommendations of Round Tables regarding a lack of policy, a new policy, or changes in policy shall be forwarded to the appropriate body for action.

ALA Policy Manual - 9.1 The Use of ALA’s Name and Joint Relationships

The American Library Association is a nonprofit organization operated in the interests of libraries and to promote library service and membership.

ALA units are responsible to Council which determines policies. Council’s actions, however, may be overset by membership. Therefore, primarily and ultimately the responsibility for the use of the American Library Association name rests with the aggregate membership.

The Association is governed by Council and administered by the Executive Board, which in its role as central management board, appoints the executive director, who is in charge of headquarters and personnel.

The executive director delegates authority within ALA headquarters to ALA's department heads, how, in carrying out their assigned duties, are called upon to use ALA's name and, in that name, to commit the Association to programs, activities, and binding agreements.

Divisions are empowered by ALA's bylaws "to act for the ALA as a whole on any matter determined by Council to be the responsibility of the division." Authority for acting on behalf of the division rests with that division's executive board.

Round tables, membership initiative groups, and committees, do not have this constitutional authority.

The American Library Association's Executive Board, divisions, executive director, and department heads (consisting of the associate executive directors for the Washington Office, Communications, Finance, Member Programs and Services, Publishing and Staff Support Services) who must use ALA's name in executing their responsibilities or in entering into joint relationships with other organizations abide by stated ALA policies and the following principles: [Principles for "joint relationships," endorsements or boycotts, and commendations follow.]

While ALA policy is clear on who may commit or speak for the Association, and within what limitations, it has been less clear on what constitutes "speaking for the Association." Both general practice within organizations and legal opinion indicate that units or individuals may reasonably be construed to be speaking for the Association when they do either of the following:

- Indicate in a verbal or written statement that they are expressing ALA policy or an ALA position, and/or
- Use ALA (including ALA division or ALA round table) letterhead to express a policy or position.

The question of who commits or speaks for the Association is a critical one to the Association

(1) It is our policy that "ALA speaks with one voice for the profession." [***ALA Policy Manual - 1.4 ALA Organizational Support Goals; ALA Policy Manual - 6.4 Divisions, II. Current Organizational Values of ALA.***]

(2) ALA is incorporated as a nonprofit organization under section 501(c)3 of the U.S. Internal Revenue code. This has significant advantages for the Association; it also limits the actions of the Association in certain arenas - e.g. the Association may not support any candidate for political office. ALA is one legal entity; therefore, any action by any unit of the Association may put at risk the entire Association.

(3) Most organizations with which ALA works on matters of public policy have strict policies on who can sign and transmit formal policy positions to Congress or to high-level officials. This is done for several reasons: to ensure accuracy of transmittal of positions, to emphasize the importance and high priority given to policy transmissions, and to maximize the impact by not sending too many such communications. Further, because policymakers and legislators receive so many communications and are under such time pressure, misunderstanding a letter from a part of an organization as coming from the whole can happen easily. Finally, such communication can be deliberately represented as coming from the parent body, either by a recipient or by another interested party who received a copy of or access to the communication.

(4) That ALA's aggregate membership recognizes the importance of "speaking for the Association may reasonably be inferred from the action of that membership in raising the quorum for a membership meeting to 1% of membership.

At the same time, the American Library Association also places a high value on both diversity and broad participation. (***ALA Policy Manual - 1.4 ALA Organizational Support Goals: "In order to address these priorities, ALA will use its resources wisely and maintain a flexible structure that promotes the diverse interests and broad participation of members and units."***) Members and units of the Association may introduce issues for Council discussion and action through their Council representative - or any Councilor. Procedures for raising issues are clearly articulated in Council practice. (***ALA Policy Manual- 5.3 Council Resolutions: Guidelines for Preparation of Resolutions to Council.***)

These two values - speaking with one voice and valuing diversity and participation - do, nevertheless, result in a continuing tension within the Association. In itself, such tension is neither unusual nor undesirable. There are, however, recurring questions and issues which are not necessarily simple to resolve.

- (1) What counsel and guidance is, or should be, provided to groups of members with interests in the abolition, creation or change of any Association policy in order to facilitate discussion and action within the constraints of ALA's Constitution, Bylaws and Policy Manual?
- (2) Given the rapid transition to an interactive, electronic environment, what ways may exist for direct membership participation in formation of policy positions and what impact might that have on the nature and structure of the Association?
- (3) What action can and should the ALA Executive Board, as the administrative body with legal responsibility for the Association, take when a member or unit of the Association commits or speaks for the Association without authorization as outlined in the ALA Constitution, Bylaws and Policy Manual?

These issues or questions are presently before the ALA Executive Board.

26 October 1999 mg/draft