

# **A Guide to Avoiding Ethical Pitfalls when Communicating with the Public about Cooperating Associations.**

## **I. Introduction**

National Park Service (NPS) employees routinely work with partners such as Cooperating Associations to serve the public and achieve the NPS mission. The public puts their trust in the NPS and Association staff who serve them to conduct themselves with the highest degree of integrity.

When employees work closely with non-federal entities, such as Cooperating Associations, many questions arise about whether certain practices are acceptable functions of official duties or prohibited by the Standards of Ethical Conduct regulations of 5 CFR § 2635. For example, a seemingly common misconception has arisen that official communications that identify, describe, or reference activities or functions undertaken by Cooperating Associations are considered prohibited endorsements. This is simply not the case.

In particular, the regulation on endorsements at 5 C.F.R. § 2635.702(c) has led to many questions from the field concerning the proper ways to communicate about Cooperating Associations through official channels, such as Park social media and web pages as well as verbal communications with the public. Specifically, the regulation states:

*“An employee shall not use or permit the use of her/his Government position or title or any authority associated with her/his public office to endorse any product, service, or enterprise...”*

It is important to clarify that this restriction is generally focused on the personal, unauthorized conduct of individual employees who abuse their position to make endorsements. The Office of Government Ethics (OGE) does not view its endorsement rule as applying to authorized agency actions.

The intent of this guide is to demonstrate that many practices are available to parks and NPS employees that can help the NPS continue to contribute to vibrant partnerships with Cooperating Associations and other authorized NPS partners.

## **II. Background on Cooperating Associations**

A Cooperating Association is a private nonprofit 501(c)(3) established under State Law, with which the NPS has a signed standard Cooperating Association Agreement (Agreement). For purposes of this document, the term Cooperating Association or Association includes only those functions that are consistent with the primary purposes

of Cooperating Associations and accomplished under a Standard Cooperating Association Agreement.

The primary purpose of the Cooperating Association is to support the educational, scientific, historical, and interpretation activities of the NPS. This is done primarily by providing educational products and services to national park visitors through retail sales. Proceeds from these sales are donated to the parks for interpretation, education, and scientific and historic research.

### **General Concepts for Communicating about Cooperating Associations “Ethically”**

One of our core responsibilities as NPS employees is to inform and educate visitors about the full scope of visitor services available to them, including those which support and complement the educational and interpretive activities of the park. However, it is not our role as public officials – nor can we use public resources - to actively and prominently market on behalf of, advertise for, or endorse nongovernmental products, services, or enterprises.

The ethics rules are nuanced and, in most cases, depend on the totality of circumstances in a given scenario. While there is no way to conceive of every scenario that could arise, the general concepts that follow are intended to highlight best practices and principles that will help park managers and employees, acting in good faith, construct meaningful and factual communications that are informative while remaining in-line with the core intent of the Standards of Ethical Conduct.

1. **Official communications should be clearly presented as informational and factual.** Communications should never take on a tone that suggests or appears to be a direct inducement, coercion, or encouragement to patronize a particular enterprise, make a purchase, or join an organization.
2. **Park interpretive themes & educational mission should be forefront in official communications.** Keep in mind, when a visitor seeks out NPS they expect to find factual information about their National Parks and the National Park Service. Information from and about Cooperating Associations should be complementary to the park’s educational and visitor service objectives.
3. **Communications should primarily focus on informing the public about how the Cooperating Association complements the education, scientific, historical, and interpretation activities of the Park.** The focus should not be on simply generating business for its own sake. The primary focus and purpose of Cooperating Associations should remain supporting the education, scientific, historical, and interpretation activities of NPS by providing a wide range of education and interpretation products and services to national park visitors through retail sales. Generating revenue through retail sales is secondary to the Association’s core

purpose. Our official public communications about Cooperating Associations or the services they provide should reflect that hierarchy.

4. **Connect the Association to the park's interpretation and education goals.** A Park's Foundation Document (and if applicable, Long Range Interpretation Plan) contain ready-made language and themes that specifically and comprehensively describe the interpretation and education objectives of the park. The Scope of Sales statement describes how the Cooperating Association's retail items directly support and complement those interpretation objectives. Use them. Wherever possible, make and highlight the direct connection between the function, service, activity, or resource the Association is providing to the Foundation Document or Scope of Sales objective that the activity supports. The more direct or specific the information about an Association activity, the more important it is to describe the *direct* ways in which it supports the park's mission.
5. **Include an explanation that the Association aids the Service by supporting park interpretation, education, historic, and science activities.** In all communications that identify or inform visitors about Cooperating Association sales outlets, whether they be physical spaces or virtual spaces, be sure to clearly identify the sales outlet as a non-profit activity of the Service-approved Association for the unit.
6. **Don't exceed our authorities.** Understand that while Associations are vital and official partners of NPS, they nonetheless remain private nonprofit corporations under State law. It is within their right, and in many cases a legal responsibility under State law, to perform functions and engage in activities which are not within the scope of the functions they provide in support of NPS through the Cooperating Association Agreement and DO-32, or other authorities. Do not describe the Association in such a way that could be reasonably construed to imply that the NPS is providing a wholesale endorsement of the organization and all of the activities or endeavors they may undertake. Our communications should focus on describing in an informational and factual way the functions they perform in direct support of NPS under the Agreement, DO-32, or other appropriate authorities.

### III. **Example Scenarios and Frequently Asked Questions:**

1. **The Cooperating Association is funding a new education program at the park. They have posted announcements and information on their social media accounts and webpage. Can we share, retweet or link to their announcements about this program?**

Yes, with proper introduction and context. Make sure to identify the Association as the authorized non-profit Association for the park. For example:

Thanks to [TAG PARTNER(S)] for helping us bring the [educational program] to [TAG PARK] [Include appropriate hashtags]. The association is the authorized non-profit education partner of [The Park]. The purpose of the Association is to support our educational programs through the provision of educational products and services through retail sales in the Park Store. For more information about this event or the educational products sold by the Association, visit the [partner website].

2. **The Cooperating Association is holding an offsite fundraiser and membership drive, the goal of which is to generate membership and revenue to cover operational costs. The organization, though the authorized Cooperating Association, is not otherwise authorized to fundraise on behalf of NPS through a separate legal instrument. Can we post an announcement about the event on our social media?**

No. NPS employees may not use official title, resources or official communications to promote or inform the public about such an event because it is an activity that falls outside the scope of the authorized NPS Cooperating Association function.

3. **Interpretive Park Rangers would like to post recommended reading lists of books available at the park store which are relevant to their area of expertise on our social media account. Can we do this?**

Yes, with proper introduction and context. When highlighting or identifying particular product categories or even specific books, it is important to present that information as supplemental and complementary to the Park's education mission and interpretation themes. Use the Interpretation Plan and Scope of Sales documents to inform the public about the particular interpretation theme which the Association's products complement. Reinforce what visitors can expect to learn about from a visit to the park. Explain how the books available for purchase in the Park Store will complement and expand upon these themes and education objectives. Identify that the store as a non-profit activity operated by the park's official non-profit Association.

4. **The Association is going through a difficult time due to low park visitation. We'd like to highlight that the online park store remains open. Can we make a post on our website or social media?**

Yes, with proper introduction and context. For example:

During this difficult time, we know many of you are yearning for that connection to your National Parks. We have great news! The park store, which is a non-profit activity operated by our official educational partner, has a wide range of educational books, activities, and resources available for retail sale. The products and resources

they provide support and compliment the interpretive and educational theme you will experience when visiting the park.

This post is appropriate because it highlights the retail sales primarily as a complimentary educational activity supporting the park's overall educational mission.

#### **IV. Examples of Inappropriate Statements: What to Never Say**

Lacking proper context, most short, declarative statements will often appear to be advertisements or improper endorsements. Inappropriate statements include those that do not provide the proper context, focus on sales for revenue sake, and lack a direct connection to the Park's educational mission. For example:

- Support the park - buy your park guide at the Park Store Today!
- The Park Store is the only place where you will find the books about the park in one place!
- The Association relies on your support to sustain the park – become a member today!
- The park does not receive adequate appropriated funds from Congress to provide the educational resources you enjoy, we rely on revenues from the Park Store to support our educational programs.

#### **V. Conclusion:**

Cooperating Associations are formal and official partners authorized by the National Park Service under statutory authority to perform specific functions in support of the educational, scientific, historical, and interpretive activities of the NPS. Highlight this truth in creative and informative ways. Focus on facts. Become informed about the true nature and full extent of the Association's partnership with your park. In doing so, you will be able to authoritatively and comprehensively communicate about the official functions performed by the Association in support of NPS. Associations represent a core component of the visitor experience within and in support of National Parks. It is important to convey that fact to the public.

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