

MEMORANDUM

To: NAA Board of Governors

From: Special Committee on Academy Visibility,
David Vaughn, Chair

Subject: Report of the Committee

Date: May 12, 2010

In 2009, President Holley created the Special Committee on Academy Visibility, which he tasked to review and recommend to the Board of Governors ways in which the Academy might increase its visibility. This is the Special Committee's Report and Recommendations.

Premises and Assumptions

The premise implicit in the assignment is that the Academy has not been sufficiently visible and that the Academy can, by identifying specific target groups and take specific actions developing mechanisms to increase its visibility and thereby advance its interests and mission.¹

The Special Committee built on the work of previous Academy efforts, notably the Strategic Planning Committee ("SPC"), and

¹The Academy's purposes, as set forth in Article 2 of its By-Laws, are: to establish and foster the highest standards of integrity, competence, honor, and character among those engaged in the arbitration of labor-management disputes on a professional basis; to secure the acceptance of an adherence to the Code of Professional Responsibility prepared by the National Academy of Arbitrators, American Arbitration Association, Federal Mediation & Conciliation Service, National Mediation Board; to promote the study and understanding of the arbitration of labor-management and employment disputes; to encourage friendly association among the members of the profession, to cooperate with other organizations, institutions and learned societies interested in labor-management and employment relations, and to do any and all things which shall be appropriate in the furtherance of these purposes (<http://www.naarb.org>).

minimized reconsideration of conclusions previously reached and recommendations previously made.²

SPC concluded that the visibility of the Academy is minimal and that misconceptions about the Academy, and arbitration in general, abound. Shoddy practices, and shoddy practitioners, contribute to those perceptions. That Committee recognized that the Academy is no longer widely known as the premier organization of labor relations neutrals, even among many labor practitioners. It concluded that Academy visibility needs to be increased and improved. Efforts to improve the visibility of the Academy must be directed to promote its mission.³

The Special Committee believes that it is important to the future of dispute resolution in the workplace that neutrals, participants, parties, courts and policy-makers be aware of the importance of ethical behavior in arbitration, be aware of the importance of competence, experience and professionalism in selecting and using neutrals and be aware of the scholarly and practical contributions made by the Academy and its members to further those goals and improve the profession. The Special Committee believes that an increase in the Academy's visibility beyond our own members to the larger dispute resolution community is desirable and, indeed, critical to our ability to carry out the Academy's mission now and in the future.

²The Special Committee recognizes that the SPC's report and recommendations have yet to be adopted by the BOG and do not yet represent Academy policy.

³See fn 1, above.

It is also essential that actions the Academy might take to increase its visibility not be inconsistent with the requirements of the Code of Professional Responsibility and with Federal Trade Commission Consent Decree. Thus, the Committee's recommendations focus on the Academy as an institution and its mission and not on advancing the business interests of Academy Members, either as a group or individually.

The Committee identified major areas of potential benefit in increasing Academy visibility and the audience toward which visibility efforts might be directed and then carried out its work primarily through subcommittees. The subcommittee assignments have been as follows:

Speakers Bureau/Media Monitoring:	Roberta Golick, Margo Newman;
Annual Meeting:	Richard Brown;
Website:	Jim Dworkin, Andrew Strongin;
Individual Member Support:	Andrew Strongin, Hez Brown;
Coalition Building/Co-Sponsorship:	Sara Adler, Steve Hayford, Nancy Peace
Brochure/EBrochure:	Sharon Imes
Alternate Approach/"Market Segments":	Lloyd Byars.

The Committee's Report has been built on the Subcommittee reports, which were compiled and circulated for comment and feedback and revised to take the comments into account. There has

been no formal, final vote. The conclusions in the Report are, therefore, the responsibility of the Chair. Indeed, questions have been raised within the Committee concerning both the general premise that additional visibility is beneficial to the Academy the appropriateness of a number of the mechanisms described in the Report by which increased visibility might be achieved.

The Special Committee worked from the premise that improvements in Academy visibility need to be accomplished using existing resources and people to the maximum extent possible, minimizing additional costs and commitments. Indeed, with the exceptions noted below, the Special Committee is not persuaded that significant additional resources will materially enhance visibility in constructive ways. What will be required, if the Academy wishes to increase its visibility in the manner and for the purpose described herein, is that Academy leadership will need to make increasing visibility an official policy and instruct its officers and committees to direct their efforts toward that end. Increasing visibility is not a single set of actions to be taken at a particular point in time and then dropped. The effort must be coordinated and ongoing and will require continual organizational commitment. If adopted, the recommendations would require a significant refocus by the organization.

The Committee believes, in particular, that the standing committees with jurisdiction over particular areas have the expertise, as well as ongoing oversight responsibilities in their respective areas, to increase Academy visibility in the most efficient and appropriate ways. Our recommendations should not be taken as intruding on the prerogatives of those committees. Those

committees may not have received specific direction from the BOG to make increased visibility a focus and priority. Individual Academy Members have not been asked to work to increase Academy visibility, although they are the primary direct contact with the labor-management community. A "Top Down" commitment is necessary, but not sufficient in all areas. A "Bottom Up" approach involving individual Academy Members and Regions can contribute to visibility efforts at a local, party-specific level. The Report addresses ways to increase those different aspects of Member involvement.

Target Audiences

The Special Committee has been mindful that the special nature of our work makes it unlikely that the Academy will ever become a household word, nor should it aspire to be so. Instead, the Committee has identified a number of specific audiences to whom our efforts can profitably be directed in furtherance of our mission:

- A. Academy members, applicants or potential applicants for Academy membership;
- B. Non-Academy neutrals;
- C. Parties to and participants in, arbitration proceedings, including grievants;
- D. Labor and employment lawyers, non-lawyer labor relations officials and specialists, ADR practitioners;
- E. Courts, government administrative agencies, Congress, state and local legislative bodies;
- F. Other ADR and related organizations;
- G. The media; and,
- H. The general public.

Clearly, not all mechanisms available to the Academy to increase its visibility will be appropriate for all of the groups. The

"messages" which the Academy should seek to communicate may likewise differ from group to group.

The Academy's Messages

The messages need to be honed to meet the Academy's needs and to ensure that each effort undertaken by the different Academy offices and committees is consistent and effective. The Committee believes that the content of the Academy's message(s) are matters left first to the Academy leadership and then to the offices and committees which have jurisdiction and expertise, as opposed to any temporary organization such as this Special Committee.

Our conclusion in this regard notwithstanding, several members of the Committee have articulated potential "messages" which might be used in raising the visibility of the Academy as an institution. A synopsis of those suggestions will be made available on request as examples of messages the Academy might use.

Advantages and Disadvantages of Increased Visibility

The Academy's mission and the values which the Academy and its Members espouse cannot be effectively advanced unless relevant audiences are aware of who we are and what we stand for. As indicated, the institution of arbitration as well as some arbitrators, parties and practices have been subject to criticism as lacking neutrality, competence and/or ethics. These perceived deficiencies threaten the institution of arbitration and risk tarring all arbitrators and providers of arbitration services with the same brush. The existence and content of the Code, the

importance of training, professionalism and experience in arbitration and the role of the Academy and its members in advancing those values are messages which merit the ongoing attention of our target audiences.

The Committee looked to specific areas in which the Academy might increase its visibility and specific actions it might take with respect to each area. As indicated, the discussion proceeds in the belief that promotion of the Academy's Website is in the Academy's interest. The discussion assumes that the implementation of any of the ideas discussed herein would be done in a manner consistent with the requirements of the FTC Consent Decree and the Code provision regarding advertising.

The specific areas of potential Academy activity reflect the Committee's approximation of the relative importance and urgency of the different activities; however, not all areas need be pursued and not all activities within an area need be pursued. Some areas may be more important with respect to particular target audiences.

Increasing Academy Visibility Through the Use of its Website

The most effective way to increase the Academy's visibility is through the ongoing development of its Website, www.naarb.org. The Academy's Website is its primary public presence, in terms of the size of the potential audiences and the ease and economy with which those audiences can access Academy information. It is the medium of the future. Both academic and practical research are now conducted primarily on the internet. Other ways of "getting the word out" and having people find us pale by comparison, even among

the Academy's target audiences, and particularly among newer/younger practitioners, party representatives and dispute resolution professionals.

The Academy has recognized these truths in recent years and has provided resources and encouragement to develop the Website. Able leadership on the Technology Committee has steadily improved the Website to ensure, among other things, that the Website clearly identifies the NAA mission, its high standards for admission, commitment to ethics and commitment to the arbitral process and the profession.

As noted, the Website is a medium, not a message. The Academy must determine on an ongoing basis the audiences it wishes to reach and tailor its messages, and the content through which the messages are conveyed, to reach them. We note that the Website is accessible to and for the benefit of both Academy Members and non-members and provides different levels of access, and different content, to those different groups. The inclusion of the Proceedings and Dispute Resolution in the Workplace database are specific, recent examples of the Academy's intention to provide content for the benefit of members and non-members alike.

The Academy should continue to recognize the Website's utility as an important tool to advance our mission, and to maximize that opportunity in a manner consistent with its aims and ethical requirements. Efforts which describe the Academy and its mission (rather than promoting arbitrators or groups of arbitrators, i.e., Academy Members) may run afoul of neither the Code provisions on advertising nor the FTC Consent Decree.

The Committee notes that almost all of the areas addressed in our Report (e.g. a brochure describing the Academy) can either be reduced to content and displayed on the Website or can be publicized on the Website (e.g. the Annual Meeting or other activities which the Academy might co-sponsor). Synergistic use of content from other activities, such as the Annual Meeting, on the Website can benefit both those activities and the Academy's visibility and mission (e.g., placing on the Website selected video presentations from the Annual Meeting). The strategic use of links between the Academy Website and the sites of other, kindred organizations can further amplify our visibility.

An ongoing, interactive dialog between Academy leadership and the Technology Committee is essential to the continued effective development and use of the website to enhance Academy visibility. Those who are technological Neanderthals but who would nevertheless seek to increase the Academy's visibility must understand that the Website is *the* primary way forward.

The Committee notes the developing role being played by so-called "social networking" sites, such as Facebook and Twitter, in even serious business and professional communications. Many of our members participate in those sites at least on a personal basis. The use of social networks to increase Academy visibility should also be explored, building from but not constrained by, the Website.

The Committee recommends that Academy leadership, in conjunction with the Technology Committee, explore the following specific areas with respect to the Website and related matters:

I. Links and Exchanges

A. Link Exchanges

- Code Partners, i.e., AAA, FMCS, NMB
- Labor-Related Professional Associations, e.g., LERA, SFLRP
- Other Labor-Related Professional Associations, e.g., Railroad Referees, College of Employment and Labor Lawyers
- Private Arbitrator Sites
- Publishing Companies, e.g., BNA, CCH, LRP
- Bar Associations and Sections
- Other Labor-Related Websites, e.g., Martindale Hubble, Findlaw, Cornell, LawMemo.com

A.1 Place ads listing the Website on Labor-Related Sites: same as above, but splashier graphic ad, with enhanced placement

A.2 Same as above, focusing on link to Proceedings database (which should itself remain prominent on our home page, and have an optimized splash page).

* The foregoing options can be enhanced with the use of what's known as a Tell-A-Friend Script.

B. Other Publicity

1. Place ads, just like JAMS and AAA do. The focus should be on the high standards for membership, e.g., Trade Group

advertising—milk, meat, etc. This could be done in bar journals, etc. Additional costs would be incurred.

2. Conduct Literature Drops advertising the Website and the Academy at Conferences (develop appropriate materials, including the brochure described below).
3. Individual Member Efforts, e.g., note Academy membership and Academy's URL on business cards, letterhead, etc. See, Memorandum Re: Individual Member Efforts.
4. Consider placement on websites of Unions and Employers, including prominent associations, e.g., AFL-CIO LCC.
5. Market website heavily at NAA national and regional meetings, and encourage regions to have more local programming.
6. NAA could promote site through YouTube videos. Videotaped sessions of Annual Meeting, Fireside Chats, etc., could be used to drive traffic to the site.
7. Develop a custom screen saver for branding purposes, downloadable from our site.
8. Press Releases on the Website.
9. Explore the use of Facebook, Twitter and similar sites as vehicles to disseminate the Academy's message and increase its visibility.

II. Optimize site for Search Engine Prominence:

A. Enhance Website Content in Order to Optimize search engine prominence):

- Put non-confidential parts of the Chronicle Online;
- Consider adding blog;
- Consider adding summaries of Maillist discussions (this suggestion would amend a fundamental premise of the Maillist and would require considerable thought and, clearly, the permission of the discussants.);
- Consider use of invited papers by both members and non-members;
- Consider adding videos of meeting sessions and/or fireside chats;
- Experiment with using online forums and message boards;
- Include or link to eArticles or eBooks written by or of interest to our members and/or the labor-management community;
- Create an eJournal of our own, and solicit contributions from members and practitioners.
- Obviously, convert the Academy's brochure to e-format and make it downloadable.

B. Make sure our page has proper HTML tags.

C. If not already done, the Academy needs to see that sites like Google, Yahoo, etc. can bring traffic to the NAA website. Search engine spiders need to be able to read our pages. And if not already done, the Academy needs to submit our site to Yahoo, Google and Live, etc.

- D. Build/add/broaden Website content on an ongoing basis. If site is updated more frequently with fresh content, we may want to consider what is referred to as an autoresponder to people visiting our site.

- E. Coordinate Website format, content and message with outgoing communications, utilizing data bank of email addresses, as well as mailings.

- F. Explore ways in which the Academy can develop and utilize social networking sites to promulgate its mission and activities.

The Committee acknowledges that, by commenting on the Website, it is intruding on the role of the Technology Committee, contrary to a basic premise of the Committee that the implementation of visibility issues is appropriately left to the Standing Committees. A certain amount of overlap is inevitable; however, the focus of the Special Committee's recommendations is the possible use of the Website as it is updated and made more visible, not actually devising the tasks needed to do so. Those are the province of the Technology Committee.

The underlying importance of the Website to our mission cannot be overemphasized because few of the ideas considered by the Committee to help make the NAA more visible (e.g. speaker's bureau, annual meetings, member support, response to legislative and legal issues and/or coalitions with other groups, etc.) can be fully

effectuated until the ongoing improvements to the Website are able to accommodate those activities.⁴

As the Website is the "go to" site for information about the NAA and will be the main engine for increasing visibility, anything the Academy might do to become more visible (which may involve as little as a media sound bite) must include a reference to our Website for more information about any given topic. Unless that information is on the site and readily available, user-friendly and easily accessible, the initiatives proposed cannot be fully effectuated. The Committee understands that the Website is ready to accommodate and satisfy the increased role it will play.

Enhancing the Academy's Visibility Through the Effective Use of Blast Email

The Website is used to provide information about the Academy and its mission to people who contact us. An equally important part of the internet is the ability to send out communications on a mass basis, essentially instantly and essentially free. The Committee suggests the development of a data bank of email addresses of people involved in labour⁵ arbitration. The address list would include counsel on both sides, union representatives, human resources personnel and arbitrators who are not Academy members, as well as our Members. Our Members can be a significant resource in providing such contacts. However, new ways to encourage their participation may be needed.

⁴The Committee understands that the latest improvements have been completed; however, the nature of the Website and the purposes for which the Academy may use it make development an ongoing process.

⁵This suggestion originated in Canada, which dictates the spelling.

Those who planned the highly successful Annual Meeting in Ottawa (see the discussion which follows) originated, or at least systematized, the idea for Academy use of such a list or lists. While the use of the Ottawa list was to advertise the Meeting, such a data base could be a highly effective tool to enhance our visibility on a broader basis.

An email distribution list - or several lists to reach smaller, more specific audiences - would be a very low cost way of delivering a variety of Academy communications to people involved in arbitration, both large - as might be the case with respect to promulgating the Proceedings or on-line newsletters - and more focused, as advertising annual meetings. If the Academy builds on what we already have, the list, or lists, can be ready by the time the content is ready. Such an effort will cost some money and administrative time to build and maintain, but also offers a significant "bang for the buck". Again, an email data base is a medium, not a message. It will take time to develop such a tool and to develop a format and content to make effective use of the medium.

Enhancing Academy Visibility via the Annual Meeting

The Annual Meeting is a major, recurring event in the life of the NAA. Publicity about that meeting does much to enhance our visibility, not only by increasing attendance, but also by giving a higher profile to the issues to be addressed in the program and, eventually, in the published Proceedings, even among people who do not attend.

The use of the Annual Meeting to build visibility for the Academy and its mission is, to a considerable extent, program, arrangements and location-specific.

The use of the handbooks and updates passed down to each program and Arrangements Committee help institutionalize successful techniques and preserve lessons learned. Recent Meetings have included increased focus on raising the Academy's profile and attracting registrants from both within and beyond the Academy's membership. Programs more focused on parties' interests and advocate training are two examples of such a focus. Two recent meetings deserve special mention.

First, the Committee believes that the Program and Arrangements Committees in Philadelphia has focused on ways to make the Meeting more valuable and interesting to the parties who use our services, as well as to non-Academy neutrals. In increasing Academy visibility to these key groups in a time of economic distress and tight budgets, there will be lessons to be learned from the Philadelphia experience.

Some lessons about how to publicize the Annual Meeting can also be gleaned from the Ottawa experience in 2008. The non-member attendance there was the highest in almost two decades, even though the event was held in a smaller city north of the border. Again, email proved to be the most cost effective tool for attracting people to the Ottawa meeting. Those responsible for the Meeting

sent emails to 18,000 people in the Canadian labour relations community.⁶

Those responsible for the Ottawa Meeting also enlisted the assistance of one contact person in each of a host of organizations to distribute an initial email to colleagues with a personal commendation.⁷ As indicated above, an alternative, or additional, approach would be for the NAA to construct its own list for email distribution. Regular mail was also used for the Ottawa meeting.⁸

Finally, those responsible for the Ottawa Meeting also set up publicity displays in two major arbitrations centers located in Toronto and Ottawa. They included a description of the meeting and program along with registration forms. In hindsight, those responsible for the meeting indicated that it would have been a

⁶The addressees were on a mailing list compiled by Lancaster House, the country's leading publisher of labour law materials. Lancaster disseminated the emails, at no cost, but they were formatted to appear to recipients to have been sent by Michel Picher, someone whose name most recipients would have recognized when sorting through their "inbox." The first Lancaster email, distributed in the early fall of 2007, named the speakers for plenary sessions and suggested recipients hold the meeting date. Attached to this email was the article on the upcoming meeting that had appeared in the Chronicle.

Lancaster distributed another round of emails in February of 2008, this time directing recipients to the NAA website to register for the meeting or read the full program. The February email was distributed in other ways as well. Two national associations of lawyers, one for the union-side bar and the other for the management-side, sent this email to their members. Provincial associations of arbitrators did the same.

⁷The list of such organizations included law firms in Ottawa and Toronto, the biggest employers in Ottawa, the largest unions in Ontario, several employer associations and agencies of the provincial and federal governments. Michel Picher characterized this approach to generating publicity as "piggy-back email" because it utilized existing mailing lists held by publishers and other organizations.

⁸The Meeting planners borrowed Lancaster's mailing list, but targeted only central Canada, culling the list down to about 3,000 people. A mailing house utilized by Lancaster did the work and the Committee supplied the envelopes, stamps and registration forms.

good idea to send out a post-meeting email to those who received the earlier communications announcing the publication of the proceedings.

Clearly, this is an area where the function (the Annual Meeting) and the Academy Website can each be used to cross-publicize the other. As indicated in the previous section, the use of targeted blast emails used in connection with the Ottawa meeting can also be used to get other Academy messages out to other groups. Indeed, as indicated, the messages increase the Academy's visibility, even among recipients who do not attend the meeting.

To the extent that Academy leadership has not explicitly mandated a focus on using the Annual Meeting to increase visibility, that instruction needs to be given to future Arrangements and Program Committees. The Committee also notes the efforts of the Special Committee on Meeting Attendance and defers to that Committee for more specific recommendations in this area.

Speaker's Bureau/Media Monitoring

An additional means to increase Academy visibility would be through the establishment of an Academy Speaker's Bureau (SB) and more active monitoring of and responses to the media in areas of interest to the Academy. Following sections discuss of selection of speakers and guidelines for the content of authorized statements.

A Speaker's Bureau would further Academy goals of promoting integrity and competency of the arbitration process, of

contributing to the study and understanding of the arbitration process, and of publicizing the collective expertise of our members. The Committee envisions the SB as a proactive measure designed to create a ready source of expertise that can be drawn upon with minimal notice to articulate the neutral arbitrator's view of issues in labor arbitration as they appear in the press, and to respond to general questions concerning the arbitration process. Academy speakers would be instrumental in correcting incomplete and inaccurate reporting and in clarifying misunderstandings and misinformation about our field.

1. Size & Composition (geographic coverage) of SB

The Committee recommends that the Academy Leadership designate named individuals and/or prior or current organizational positions (e.g. past presidents, etc.) who consent in advance to serve as contact people for a designated period of time. These speakers should have expertise in either, or both, labor and employment arbitration (and a working knowledge of the differences), be familiar with Academy policy, be easily accessible and represent different geographic areas. Regions can be asked for input as to who is known by the press and well-respected in the subject area locally as well as names of local reporters who can be contacted (perhaps personally if there is a personal acquaintance) as warranted or as newsworthy events occur. Each geographic area should have a back-up Speaker in the event of unavailability of the primary Speaker. Speaker names would be circulated to all papers and wire services both proactively and reactively as a contact person to go to with expertise in the area.

2. Purpose of a Speaker's Bureau

The purpose of SB would be to increase the visibility of the NAA and associate it with professionals with appropriate expertise as well as to publicize the link to our Website as the source of more information. While what the Academy might say is important and must be consistent with our mission and with the Code, the fact that it is an NAA member who would be making statements is an important aspect for purposes of visibility. The SB is not intended to speak for the Academy, but, rather, to speak with its force.

The primary function of the SB is educational. The Committee envisions that speakers would be available to speak both at planned events and on an impromptu basis, such as for timely responses to the media. Planned events could include attendance at conferences, addressing audiences or groups or legislatures, etc., where there is sufficient time to prepare for the topic and message. In this regard, the SB can be used to target the audiences of labor relations/employment law professionals, management-only and union-only groups and/or individual companies and unions who need to be reminded about our existence and what we do. This can be accomplished by associating the speaker with the NAA and its mission and including in the presentation a brief introductory description of what the NAA is (and use of any literature deemed appropriate).

The use of the SB when an immediate response required may occur during the research phase of a news item or article being prepared on a particular subject matter within our expertise (there are subscription services that can alert us to stories being worked

on by the press), or, more likely, as a response to an article already published. The Academy message in this context is more directed at the public in general (or labor relations /employment professionals reading the news item) to correct misconceptions about arbitration and to get the name of the Academy out there as the association with expertise in this area. A speaker must be prepared to provide short quotable information in response to questions or when given the opportunity to comment about a particular item or subject matter.

To be effective and workable, and to alleviate concerns some members might have in permitting what they may fear would be open-ended commentary from others identified with the Academy, a subject matter index of "Qs & As" would be devised and given to the Speakers so that they are able to respond immediately and appropriately to matters within our general area of concern, e.g. process matters, arbitration vs. mediation, labor v. employment law, etc., with appropriate short sound bites that would be quotable, would not unnecessarily expand the area of comment, and would be consistent. Speakers would also be given information about Academy policy in the areas most likely to be covered in their comments. Funding might be set aside to provide short training of "dos and don'ts" for Speakers on the SB.

As noted above, the names of reporters in each geographic area who write about labor and employment law related matter would be compiled (with help from the regions) and the Speakers or someone with a working relationship would proactively make contact giving them the names of the Speakers in their area who would be available to comment on these matters in the future, with understanding that

their association with the NAA (and a brief description and link to our website) would be used to describe the person being quoted.

3. Media Monitoring

Critical to making the function of the SB successful is media monitoring, which must be accomplished in order to provide a timely response to media coverage, or - better yet - to media interest prior to publication or broadcast. For example, an email with contact information can be sent to a reporter immediately for possible follow-up info setting the record straight. Having input on the "front end" of a story may be more effective than following up after the story has appeared and the reporter has moved on.

Some such media monitoring occurs on the NAA mail list, but it is, at best, sporadic and after the fact. More importantly, there is no Academy mechanism to follow up on publications or broadcasts brought to the Academy's attention through the Mail List. The Committee recommends that the Executive Committee consider and determine the best method to accomplish this monitoring function, including free Google searches for key words and monitoring by arbitrators, staff, or outside resources (e.g. ProfNet subscription to learn of stories in the works; constant email reading and sorting through what needs a response; use of outside PR firm/resource, etc.).

4. Ad Hoc Speakers

Finally, separate from the formal Speaker's Bureau issue, the Committee believes that Academy Members who are called upon to be

ad hoc speakers on panels at various conferences should be reminded to include their Academy membership in their biographies, as well as descriptively after their names on the program. A link to the Website can also be included after the affiliation in their bios. Speakers should be encouraged to include, where appropriate, in their presentations information about the Academy and its mission.

The Committee also notes that obtaining newsworthy speakers to attend and speak at our Annual Meetings will bring increased media coverage to our meetings and a better understanding of who we are and what we do.

5. Timing

As indicated, the Visibility Committee believes that, prior to launching a Speaker's Bureau, the NAA must have its Website fully updated and easily accessible, with appropriate links, etc. ensuring search engine optimization (appropriate usage of words that will get us to the top of the Google hit list for labor arbitration, employment arbitration, etc.).

Increasing Academy Visibility Through Coalitions With Related Organizations

The Academy has long seen itself as operating in relative isolation from other organizations dealing with labor and employment relations and from other neutral organizations, some of which have been more forward-looking than the Academy. The

Committee believes that NAA can further our mission and increase our visibility by selectively forming coalitions with other groups.

The Academy's interests in forming coalitions fall essentially into two categories: First, to enhance and protect workplace arbitration, working jointly on matters relevant to the arbitration profession, such as ethical standards, legislation, development of new arbitrators and so forth; and, Second, to encourage preference for skilled, experienced and ethical arbitrators, educating those who are in a position to select arbitrators about the Academy and its standards for admission and practice.

1. Enhancement and protection of workplace arbitration.

The NAA has in place a mechanism for joint work through the Sister Organizations Group (SOG). The SOG has discussed a number of ideas over the years which may increase Academy visibility, but there has been little follow through. The SOG might consider whether there are other organizations to which NAA might reach out. This is important, as SOG organizations constitute obvious vehicles for the second area of NAA interest: encouraging a preference for skilled, experienced and ethical arbitrators.

Organizations currently participating in the SOG are the American Bar Association, the Association for Conflict Resolution, the Association of Labor Relations Agencies, the College of Labor and Employment Lawyers, the College of Commercial Arbitrators, the International Society for Labor and Social Security Law, the Labor and Employment Relations Association (LERA), the National

Association of Railroad Referees, the Society of Federal Labor and Employment Relations Professionals and the Ontario Labour-Management Arbitrators Association. The Federal Labor Relations Authority has recently indicated interest in skills enhancement for arbitrators in the Federal Sector and is working with the Academy. With Academy leadership, the SOG could and should spearhead an effort, in conjunction with other NAA committees such as the Technology Committee, the Program Committees and others as appropriate, to have links on our Website to theirs on a reciprocal basis (as described, above), SOG could plan programs, either incorporating some branded pieces from these organizations on a reciprocal basis, developing joint programs around a theme and/or conjunctive programming such as LERA has done in recent years.

An additional manner in which the Academy might increase its visibility and further its mission would be to co-sponsor training and educational activities with other organizations on reciprocal bases or otherwise. Such coordination might take place either at the national or regional basis, depending on the scope of and audience for the program. Some such co-sponsorship takes place now, but it appears to be limited and ad hoc. A more active and coordinated program in this regard should be considered.

2. Developing and Including Skilled, Experienced and Ethical Arbitrators.

Unskilled, inexperienced and/or unethical arbitrators invite suspicion and criticism of the process and. Working in coalition with other organizations, the Academy could and should strive to educate parties selecting arbitrators how to best evaluate and

select arbitrators. The primary focus of this effort should be national, specialized and local bar associations, including the American Bar Association's Labor and Employment Section, the National Bar Association, and the National Employment Lawyers Association (NELA); as well as the Society of Human Resource Managers (SHRM).

There are, of course, many arbitrators who are not Academy Members who are skilled, experienced and ethical. The Academy's visibility efforts should also be directed to arbitrators entering the profession to improve their skills and educate them as to their ethical obligations. Outreach to these arbitrators is an important part of the Academy's mission to improve the process, as well as to bring such arbitrators into the Academy.

Vehicles for educating members of these organizations⁹ include preparing, and encouraging the preparation and publication of Articles in other organizations' journals, magazines and newsletters; "branded" programming offered by NAA members at conferences of those organizations; branded training programs for labor and/or management groups that focus on grievance/complaint processing and arbitration. Those initiatives will benefit from central preparation of materials and from coordination.

The Committee also urges that the Designating Agency Liaison Committee ("DALC") pro-actively communicate to the designating

⁹Clearly, this would not be a one-way street. The Academy can also learn from those organizations. Indeed, any ongoing effort to increase Academy visibility should explore the experience of other similar organizations in increasing visibility.

organizations that NAA wants to be involved in all levels of efforts to create rules, develop ethics standards, train developing arbitrators and the like. The Academy should consider developing and offering branded programs for use by the designating agencies, either in co-sponsorship with or participation in their programs, e.g. the bi-annual FMCS conference. It must be prepared to provide people and resources in furtherance of those efforts at such times as our participation is accepted.

The Committee does not see the Academy engaging in traditional marketing efforts on its own behalf (such as purchasing and staffing booths or tables at conferences) but the Academy should certainly develop a brochure (see below) which could be available for our Members to distribute, or leave for distribution, at conferences and meetings.

Because most NAA Members belong to multiple professional organizations, Members have many opportunities to inform and educate members of these organizations about the Academy and its mission. The challenge will be to persuade NAA members of the usefulness of noting their Academy membership in their biographies when giving presentations or publishing articles and of offering to present programs at bar association and other conferences that focus on arbitration and include descriptions of NAA and its mission. Such efforts should inform audiences how to learn more about the Academy.

Successful involvement of members in increasing visibility will require the Academy to persuade its Members that visibility is important and that they should engage in the activities suggested

above for the good of the organization, profession and process. Many Members are likely to see increased Academy visibility as a low priority; some may be opposed. The fact that the BOG established the Visibility Committee and will presumably inform members of the Committee's recommendations adopted will be a start, but that is unlikely to be sufficient to bring about a sustained effort. Academy leadership must make clear to Members that increased visibility is acceptable and important and reinforce that message regularly and consistently. The Academy must monitor such efforts and measure them against our goals. If the goal is a sustained effort, the organization needs to know whether and how it is making any progress and, if not, why not.

The Committee notes that, despite the relaxed rules with respect to advertising, the culture of the Academy is still appropriately resistant to activities which may be perceived to be self-promotion. There is, of course, a difference between promoting the business of the Academy and its mission, on the one hand, and promoting individual Members on the other hand. Many members engage in education and training activities on behalf of the profession and the Academy. These may be the best avenues for using Members to help increase NAA visibility.

Academy Brochure/E-Brochure

Despite its long history and worthy mission, the Academy lacks any written document which describes its history, composition, operation and mission. Such a document, in brochure form, should be prepared and made available for distribution by the Academy

and/or its Members in response to any inquiry on the subject. The text of the brochure should be made available on the Academy's Website, downloadable as an e-brochure. The brochure could also be used in conjunction with other distributions (e.g., notices of Annual Meeting), distributed in media packets and at conferences. The brochure content and format could be used as a base for the development of other literature.

A four-color bi- or tri-fold brochure has been developed which has the Academy name and logo on the front and, inside, a statement of purpose such as that found on the Website homepage, information about membership standards, our Annual Meeting and a description of what is available on the Website including the available membership list, Code and Proceedings. A copy of that brochure, prepared by Committee Member Sharon Imes, is attached hereto. Editorial comments have been received. This likely is a job which could be done by the National Office working with the Executive Committee and using the same printing operation as now produces the ever more spectacular Chronicle. The brochure can be made downloadable and placed on the Website for use by interested parties as well as by Members to use on an as-needed basis.

Several questions follow that should be considered in drafting the final text.

What is the purpose for the brochure?

- To describe the Academy and what makes it different from other organizations

- To identify resources the Academy offers to participants in the labor and employment relations fields
- To promote the Academy as a primary force in shaping the role of labor relations

Who is the audience?

- Parties to and participants in arbitration proceedings
- Labor and employment advocates and ADR practitioners
- Scholars studying labor and employment relations issues
- Media
- General public

To whom should a brochure be distributed?

- Included in any non-member Academy correspondence
- Included in any mass mailings to non-Academy individuals
- Included in registration materials to non-Academy participants;
- Included in the registration packets of non-Academy participants;
- Available at the registration desks for the Academy's annual meeting and at regional meetings.

What should be included in the brochure?

- A description of the single most important reason to know about the Academy;
- A light but comprehensive description of competence; trustworthiness; experience, and leadership of the Academy and its Members;

- The Academy's commitment to ethics, including reference to the Code;
- The Academy's mission statement;
- The resources and educational benefits the Academy offers the labor and employment relations field;
- A statement as to what makes the Academy unique;
- A statement on how the Academy can be contacted;
- The address of the Academy's Website and a description of what is to be found there.

Increasing Academy Visibility Through Individual Member Efforts

The participation of Academy Members in both the Academy and in other professional organizations allows us to use our own Members to increase the Academy's visibility. As indicated, anecdotal information indicates that the Academy and its mission are not known or well-known to many labor practitioners, including those who practice before our Members. Indeed, many parties who practice before our Members may not know their affiliation or its significance. The Academy's visibility to the Parties who use arbitration services might be increased through the efforts of individual Academy Members. Any such efforts may implicate advertising to one degree or another, so Academy and arbitrator conduct must comply with the Code provision on advertising. In encouraging and implementing such efforts, the Academy and its Members must be mindful of the strictures of the FTC Consent Decree as well as the Code.

The following suggestions may be used both to increase the visibility of the Academy at the "retail level" and to identify the arbitrator as a Member through the Member's individual efforts.

Business Cards

Member business cards easily could include a notation of our membership in the Academy, as well as the Academy's URL. For example:

123-456-7890
fax 123-456-7890
MEMBER NAME
Arbitrator
Address
CITY, STATE, ZIP
member@name.com
Member, National
Academy of Arbitrators
www.naarb.org

Letterhead

As with business cards, a letterhead easily could be augmented to include Academy membership and/or a reference to the Academy's URL, in the same manner as bar memberships typically are included on a letterhead. For example:

OFFICE OF
MEMBER NAME
ARBITRATOR • MEDIATOR • ATTORNEY

street address
CITY, STATE ZIP
name@email.com
(123) 456-7890
FAX (123) 456-7890

Member, National Academy
of Arbitrators

State of Maryland Bar
District of Columbia Bar

Resumés/Curricula Vitae/Bios

Most members likely already include reference to their Academy membership in the résumés or c.v.'s, as well as in their listings on appointing agencies like the AAA, FMCS, and NMB. This should be continued and encouraged.

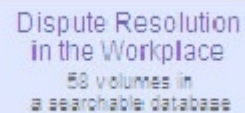
E-Mail

Electronic signatures easily can be added to outgoing email. A tagline might be appended to members' signature blocks to identify them as members of the Academy, and to include also the Academy's website address. For example:

Academy Member Name
Arbitrator
Street
City, State, Zip
Phone
Member, National Academy of Arbitrators
www.naarb.org

Member Websites

Links are easily and routinely included on websites, and those Members who maintain their own websites could include a link to the Academy's Website or to the Dispute Resolution in the Workplace database. For example, either of the following graphics from the Academy's Website could be used as a link to the Academy's Website. The Committee notes that links to member websites might also be included in the Academy's Website. However, such reciprocity raises a variety of policy and ethical questions which should be explored and cleared before establishing such a practice.



Appearances Before Outside Organizations

As indicated, many NAA members participate actively in the Labor-Management community, including joining and participating in LERA, Bar Associations, and other neutral and professional activities. Members should be encouraged to be more visible. The Academy should point out to Members the resources available to them through the Website to aid them in their professional activities. In the future, it may be appropriate to make available for such purposes material like those to be available to designated SB spokespersons.

Those members who participate as speakers in educational conferences should be encouraged to identify themselves as Members of the Academy and could bring Academy brochures (as described above) with them, to be made available at registration tables and/or during sessions when they speak. NAA Members who participate in community events should also be encouraged to list their NAA affiliation when appropriate.

Lapel Pins

The Academy makes available for purchase by Members a small lapel pin denominating membership, which may be worn to hearings and conferences. Such pins not only identify the arbitrator as an NAA Member, but make the Academy visible to parties.

Citations to the Proceedings

Members can cite the Proceedings in their Awards and note their availability on the Academy's Website, which would also serve to make parties aware of the resources available on the Website.

Word of Mouth

Our members can make a point of speaking positively of the Academy at hearings and other professional functions. This assumes that they feel positively about the Academy and are willing to so state.

The Committee also raises the issue whether NAA should consider announcing the induction of new members through its Website and consider sending a press release announcing such inductions to the Member's local newspaper, with pictures. These individual promotions may raise questions of ethics and good taste. Such announcements are, however, common in other professional organizations and should be considered.

Finally, the foregoing ideas involve graphic communication of the Academy's identity. The Academy's logo, which some have described as stodgy and uninspiring, could be updated. The Academy might engage a graphic designer to design a variety of simple yet elegant logos, to be distributed electronically to any member who would like to include it in their printed or electronic media as well as being used on the Academy's Website.

The Committee notes that the strength of the bond between the Academy and its different Members varies considerably. That bond may be strengthened, and the interest of Members in helping to increase the visibility of the Academy increased, as NAA becomes more proactive and as it is able to provide additional services to a broader group of its Members.

"Market Segment" Approach to Increasing Academy Visibility

As indicated at the outset, the Academy's need for visibility exists with respect to particular target audiences. A listing of possible target audiences appears at the beginning of the

Committee's Report. The recommendations made herein would assign responsibility for the various programs to different offices and committees, each working in their own areas of responsibility. A number of different committees might undertake initiatives which would be intended for different audiences and convey different messages. The Committee's recommendations assign responsibilities within the Academy's existing structure and resources. That focus may result in different target audiences receiving multiple communications, potentially duplicative or inconsistent, and may leave some target audiences with inadequate attention.

While coordination of the various Academy visibility efforts will be important as a general matter, it is particularly important that the Academy develop a mechanism to monitor whether and how our visibility efforts are reaching the different "market segments" we need to reach. The focus of such a mechanism would not be on particular areas of Academy activity, but on the identification of particular audiences (e.g., labor practitioners) and the identification of coordinated initiatives, both within and across activity lines, to reach them. Monitoring would help ensure that all desired audiences are reached, that proper levels of attention are paid and that the messages are appropriate and consistent.

The Committee does not view this approach as inconsistent with the other recommendations, which focus on particular areas of Academy activity. Indeed, such a mechanism would serve as a useful check on the effectiveness of Academy programs in reaching identified target audiences. It is important that a single officer or entity be designated by Academy leadership as responsible for

such monitoring and coordination, perhaps, by way of example, a designated Vice-President or a Standing Committee, either of which would report regularly to the Executive Committee and BOG. Such a committee might be comprised, in part, of chairs of other relevant committees (e.g., Technology).

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SPECIAL COMMITTEE ON ACADEMY VISIBILITY

RECOMMENDATIONS FOR ACTION

Ready to Implement

1. Declare that increasing visibility of the Academy in furtherance of its mission is official policy and instruct officers and committees to implement that policy in their existing programs and initiatives.
2. Instruct Officers and Committees to review their areas of jurisdiction and propose to the BOG initiatives by which the Academy can increase its visibility.
3. Instruct the Program and Arrangements Committees for each Annual Meeting to carry out their responsibilities in ways to increase Academy visibility, consistent with the Academy mission and the dignity of the profession.
4. Build a standing data base or bases of email addresses of members of target audiences. Use the data base to communicate Academy messages to those audiences in a coordinated manner.
5. Expand cooperation and coordination with other organizations in ways which further our message and increase visibility.
6. Encourage NAA Members to display their Academy Membership on cards, letterhead, communications and lapels, to identify themselves as Academy Members in their public, professional appearances and to educate parties and audiences about the Academy through use of the brochure and otherwise.

Awaiting Decision/Assignment

7. Establish a single source within the Academy (e.g., a designated Vice-President or standing committee) which will coordinate and evaluate Academy initiatives to reach specific identified audiences and recommend adjustments.
8. Instruct, in specific, the Technology Committee to continue to develop the Website format and content to maximize Academy visibility.

In Need of Further Development

9. Identify specific target audiences the Academy would hope to reach by adopting or adapting the list contained in the Report.
10. Develop standardized themes and messages around which Officers and Committees can construct their initiatives. These themes and messages must be consistent with the Academy's mission.
11. Develop an Academy Speakers Bureau to provide media access to Academy spokespersons.
12. Develop a program to monitor media on areas of concern to the Academy and integrate that monitoring with the Speakers Bureau and other Academy functions.
13. Develop and issue a brochure which will describe the Academy and its mission. Provide the brochures in connection with the activities of the Academy and provide brochures to individual Members for their use. Make the brochure downloadable from the Website.

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