

**PERCEPTIONS OF STATE LEGISLATORS  
AND HIGHER EDUCATION ADMINISTRATORS  
REGARDING GOVERNMENT RELATIONS EFFORTS  
BY LAND-GRANT, RESEARCH-EXTENSIVE, AND  
MAJOR UNIVERSITY SYSTEMS**

A Dissertation

by

RICHARD OWEN AVERY

Submitted to the Office of Graduate Studies of  
Texas A&M University  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2012

Major Subject: Educational Administration

Perceptions of State Legislators and Higher Education Administrators  
Regarding Government Relations Efforts by  
Land-Grant, Research-Extensive, and Major University Systems

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May 2012

Major Subject: Educational Administration

## **ABSTRACT**

Perceptions of State Legislators and Higher Education Administrators

Regarding Governmental Relations Efforts

by Land-Grant, Research-Extensive and Major University Systems. (May 2012)

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Public university systems and institutions actively engage in legislative relations efforts with elected representatives who comprise state legislative bodies. Historically, the primary impetus for fostering legislative relations was to leverage appropriations. Funding issues remain an important component of higher education's interactions with legislators, in addition to the higher education policy decisions emanating from state capitols.

This dissertation examines perceptions of state legislators and higher education administrators regarding government relations efforts by land-grant, research-extensive and major university systems. By utilizing semi-structured interviews with select state legislators and university administrators, this study explores the current state of practices utilized in legislative relations and summarizes "best practices" administrators may use in their efforts to maximize their work in the legislative process as it relates to higher education.

Interviewing state legislators and university administrators falls into a category referred to as elite interviews. Such interviews are considered specialized in that they involve influential or prominent individuals and require carefully thought out approaches to arranging, conducting and recording the interview meetings. Qualitative interviewing techniques were utilized to explore the realm of higher education's government relations efforts.

Three major implications emerged in this study. First, the practice of legislative relations by university systems is as much art as science. No approach guarantees success, and the measurement of success is relative to the cultural, historical, political, and economic environment of a particular state. Second, state legislators' strongly encourage higher education to take a holistic view and moving beyond the traditional approach of each system or institution working solely in its own best interest. A third implication is that the structural rigidity and level of coordination in a system's government relations operation are reflective of the extent a system's goals supersede those of individual member institutions.

**DEDICATION**

To

My Wife

Marcie D. Avery

Who stood with me through this journey

And

My Parents

Richard Day Avery (deceased) and Mary Sue Avery

Who stressed the importance of educational pursuits

## **ACKNOWLEDGMENTS**

Much credit for this dissertation goes to my committee, Drs. Davis, Lincoln, Walker and Welch. Very special thanks goes to Dr. Lincoln for the expertise she provided on qualitative research, her insights into higher education administration and the patience she exhibited in working with me through this study. Also, great thanks go to Dr. Davis for sharing his experience and wisdom regarding higher education's legislative relations efforts and to Drs. Walker and Welch for their ongoing encouragement and support. The tremendous help and assistance these four individuals provided greatly enhanced this study. In addition to my committee, I wish to express my gratitude to Joyce Nelson in the departmental advisor's office. Joyce experience and enthusiasm helped usher me through the doctoral process.

This dissertation would not have been possible had it not been for the individuals that gave of their time to be interviewed. The participants all hold important positions of public trust and their contributions to this study are greatly appreciated. In additions to the participants, I offer my sincere thanks to their schedulers who worked with me to help find time for the interviews to take place. Their professionalism and courtesy are to be commended.

Much thanks goes to my family. My deepest gratitude goes to my wife Marcie for the patience and support she provided me during my doctoral program and the writing of this dissertation. I could not have completed this study if it were not for her unending encouragement and love. I also wish to thank my parents, Richard Day Avery

and Mary Sue Avery. The strong belief in education they espoused throughout their lives has been a part of me throughout mine.



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## CHAPTER I

### INTRODUCTION

The financial support provided by the states to public universities has played a critical role in the growth and success of higher education in the United States. The commitment of resources to the higher education enterprise, particularly over the past one hundred years, helped create, expand, and maintain publically funded universities in this country that are admired globally. One need only examine enrollment data to gain an appreciation of the broad appeal American institutions of higher education have to students from around the world.

Today, public institutions of higher education continue to rely, to varying degrees, upon state appropriations to fund their teaching and research efforts. While financing university operations has evolved into a complex system of funding mechanisms, state assistance remains a very important component of the higher education enterprise. Because of the continued reliance on public funds, university systems actively engage in legislative relations efforts with elected representatives who comprise state legislative bodies for the purpose of maintaining this funding.

Funding issues remain an important component of higher education's interactions with legislatures, as institutions strive to protect their share of state allocations. In addition to funding concerns, policy decisions in the legislative arena related to higher

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This dissertation follows the style of *Journal of Higher Education*.

education are also of great importance to higher education administrators and are included in university system's legislative relations purview.

This study examines the legislative efforts in which university systems engage to protect their appropriations and to weigh in on higher education policy matters before state legislatures. Specifically, the perceived effectiveness of these efforts by key legislative leaders and higher education administrators will be studied, as well as to what extent university systems' legislative efforts influence the legislative process. The end result should shed light on how university systems might focus their external relations efforts to have a greater impact in influencing policy and funding matters related to higher education.

## **STATE FUNDING OF HIGHER EDUCATION**

The manner in which universities are funded by states has evolved over time and can vary greatly depending on factors such as the type of revenue system and the political culture that exists within a particular state. These differences make each state unique and can influence funding levels, as well as the way institutions interact with state policy makers. While the mechanisms states employ to fund higher education differ greatly, funding systems based primarily on formulae are a prevalent means used to determine the dollar allocations to individual institutions of higher learning, particularly in states with multiple universities and systems.

Regardless of the means utilized for the distribution of state appropriations to universities, states' funding of higher education has remained relatively stagnant in recent years and has actually decreased due to the strain placed on state government by

current economic conditions and the resultant decrease in state revenues. In an effort to secure additional resources for the institution, universities have increased their efforts to generate revenues through congressional earmarks, sponsored projects, capital campaigns, corporate support, and tuition and fees increases. As a result, the states' contribution as a percentage of the overall higher education enterprise has declined over time. This phenomenon has moved universities from what can be called state supported to merely state-assisted, or further, merely state-located.

### **LEGISLATIVE INFLUENCE**

The act of working to influence government is commonly known as lobbying. This term has been defined in slightly different ways. Baumgartner and Leech (1998) define lobbying as an effort to influence the policy process while Mack (1989) refers to it as the process of influencing public and governmental policy. Nownes (2006) defines it simply as an effort designed to affect what the government does. However defined, groups and individuals engage in legislative relations in order to influence the actions governmental bodies take, or do not take, which might affect those involved in the act of lobbying.

Many types of organized interest groups engage in lobbying - including universities and colleges. The term "lobby" has typically been used to refer to non-governmental entities that seek to influence the legislative process. At the federal level, however, colleges and universities are included in statutes governing lobbying activities (Honest Leadership and Open Government Act of 2007) and the literature on higher education legislative relations commonly refers to such efforts as lobbying. As state

entities, public universities rely heavily upon government appropriations for a significant portion of their funding and, thus, are very interested in government decisions that impact their budgets. Many major universities and colleges have full-time lobbyists on staff, and many smaller institutions hire lobbyists as well (Nownes, 2006).

Like other state institutions, public colleges and universities try to maximize resources and minimize the external controls imposed on them. At the state level, however, public institutions of higher learning are normally not allowed to lobby, per se. Existing state constitutions and statutes expressly forbid state entities, including universities and university systems, from working to influence the policy process. Public institutions of higher education are called upon to provide information to legislators to utilize in the policy making process, but not actually to lobby. This distinction may seem somewhat nuanced but higher education entities typically endeavor not to cross this legal boundary.

## **EXAMINING HIGHER EDUCATION'S EFFORTS**

Historically, the primary impetus for fostering legislative relations was to leverage appropriations for the university. The methods by which funds are distributed to institutions, coupled with a relatively stagnant base funding, has helped define the political landscape in which university administrators operate as they interact with legislatures. Much of the scholarly work examining the interaction between universities and legislatures, however, was conducted in the 1980s and 1990s. As a result, our understanding of higher education's legislative relations efforts is now outdated. St. John

and Parsons (2004) concluded that the politics of higher education policy analysis have been under-theorized, especially when compared to other disciplines and fields.

Given the fact that universities and university systems continue to commit resources toward their legislative efforts, institutions apparently perceive a need to maintain good relations with legislators. The question arises, however, as to how university administrators and legislators perceive the current state of university/legislative relations and, are universities and legislatures interacting effectively in the current political environment?

Gaining an understanding of the needs and interests of legislators and administrators helps to create an understanding of how legislative efforts may be approached more efficiently and effectively. Needs and interests are sometimes the same and sometimes different and competing, or, as the old political maxim dictates, “Where you stand on an issue depends upon where you sit.” These needs may relate to power, control or pecuniary interests and include: the expectation of stakeholders such as tax payer/voters, parents, students, and faculty; budgetary interests, where universities try to maximize appropriations and legislators are faced with splitting the budgetary pie while balancing the budget; and, constraints based on the amount of time legislators can spend studying higher education and working with university administrators and government relations professionals.

It is critical that an understanding be developed of what is trying to be achieved legislatively by higher education and how university administrators may be effective in their government relations efforts. Given the relative dearth of information, however,

there has been limited published research on the subject in the past decade. More scholarly work is needed to fill the gaps that currently exist in the literature regarding universities' legislative efforts.

## **STATEMENT OF THE PROBLEM**

Over the past two decades, the states' support for higher education has continued to decline as a percentage of total costs. Major factors for this trend can be attributed to increasing competition for state resources, combined with an understanding that higher education has the capacity to generate revenue from other sources. In addition, economic downturns resulting in decreased revenues collected by state governments effectively shrink the overall budget. Hence, even when higher education maintains its portion of the overall budget, actual dollars appropriated may be less than the previous year or years.

Beyond funding decisions, state legislatures are also important contributors to higher education policy, especially as it relates to tuition, admissions and diversity policies. Higher education administrators are continually under pressure by state decision makers and stakeholders to limit the growth in tuition and fees, be inclusive in admissions, and foster a welcoming environment to students and faculty.

For these reasons, the principal actors in higher education must be able to effectively communicate and convey their value to policy makers to, at the least, maintain funding levels, or, better, stimulate a greater share of resources to be expended on their behalf. Specific research needs to identify the best practices higher education institutions can utilize to influence and persuade public policy makers in an ever-



changing political and economic environment that impacts higher education funding and policy.

### **PURPOSE OF THE STUDY**

The purpose of this study is to identify the perceptions of state legislators and higher education administrators regarding government relations efforts by land-grant, research-extensive and major university systems. Of particular interest is how effective higher education is perceived in their efforts to maintain and increase funding, as well as how effectively administrators work with key legislative leaders to shape higher education policy. Utilizing semi-structured interviews with select state legislators and university administrators, this study determined current “best practices” administrators may utilize in their efforts to maximize their work in the legislative process as it relates to higher education funding and policy decisions that emanate from state legislatures in the United States.

### **RESEARCH QUESTIONS**

The study was guided by the following research questions:

1. What practices are university systems currently utilizing in their government relations efforts to influence the budgetary and policy process of state legislatures?
2. How do institutions of higher learning measure “success” in their legislative relations?
3. To what extent does higher education’s government relations efforts impact the legislative process as reported by state legislators?

4. Do differences exist between the perceptions of legislators, university and university system heads, and higher education government relations professionals regarding the effectiveness of higher education's legislative efforts?

## **SIGNIFICANCE OF THE STUDY**

Public universities and university systems spend significant resources in pursuit of their legislative goals, namely maintaining or increasing funding from their respective states, and influencing higher education policy. Studies are needed to help identify the current issues related to higher education's efforts in working with state legislatures and to identify practices administrators may adopt to be more effective in working with elected policy makers. There has been limited published research on the subject in the past decade and more scholarly work is needed to fill the gaps that currently exist in the literature regarding universities' governmental affairs efforts. By identifying the best practices higher education institutions can utilize to influence and persuade public policy makers in an ever-changing political and economic environment that impacts higher education, this study will add to the scholarly literature in higher education administration and political science.

## **ORGANIZATION OF THE STUDY**

This study follows the traditional dissertation style of five chapters followed by references utilized for the study. Chapter I provides an introduction, a statement of the problem, the purpose of the study, research questions which guided the study, and the significance of the study. Key components influencing higher education funding and policy making are highlighted in this section. Chapter II provides a review of the

literature related to the states' role in higher education, the funding of universities, the act of influencing the legislative process and university systems efforts in that arena.

Chapter III explains the methodology utilized in the study. This includes the theoretical paradigm, an overview of the participants and research strategy utilized, and an explanation of how data was collected and analyzed. Chapter IV reports on the findings of the study. In Chapter V, major findings are reviewed, implications of the findings are outlined, and recommendations are made for further research.

## **CHAPTER II**

### **REVIEW OF LITERATURE**

The relationship between states and higher education has evolved over time. A variety of shifts in the nature of state legislatures, increasing public interest in higher education, and the billions of dollars appropriated by states to the higher education enterprise are but a few of the factors that make the interrelationships between higher education institutions and state legislatures critically important. Despite the significance of such relationships there is relatively little scholarly focus on the ways in which state governments and public higher education sectors interact (Lane, 2007).

The politics of higher education policy analysis have been under-theorized, especially when compared to other disciplines and fields (St. John and Parsons, 2004). Attempting to build a better understanding of the theory of policy development and the practice of lobbying for higher education, while examining the ways policy research can inform political decisions about higher education policy, St. John and Parsons raise three overarching questions: 1) how do theories of the policy process inform research on higher education policy and political advocacy for higher education?; 2) how have shifts in political ideologies over the past two decades, along with the incremental privatization of public higher education, influenced the rationales higher education advocates use to lobby for public support?, and 3) how can researchers interested in higher education policy engage in research that can better inform policy development?

To examine the existing literature related to higher education's efforts to influence state legislatures, a survey that spans academic disciplines and subject matter is necessary to gain an understanding of research that has been conducted in this area. The disciplines of political science and education provide pertinent research that informs an understanding of how colleges and universities approach legislative relations. A comprehensive review of the literature in this area should include: 1) perceptions of higher education's role in society; 2) an overview of higher education funding by the states; 3) an examination of interest group lobbying and; 4) the approaches higher education has undertaken to influence state legislatures. The following review will examine each of these areas that helps create an understanding of higher education's governmental relations efforts.

## **HIGHER EDUCATION'S ROLE IN SOCIETY**

While higher education institutions have long been considered stewards of the public trust, the view of colleges and universities providing a social good has changed in the last few decades. Higher education has increasingly become seen as a private consumer good rather than a social good whose benefits are publicly shared. The view that higher education is the gateway to employment has become so prominent that the idea of its contributing to the public good has atrophied (Cohen and Kisker, 2010). It is informative to understand that it is through this lens that many legislative leaders view higher education.

Older claims about higher education's contribution to economic productivity and public investment are no longer convincing arguments for most state legislators. Instead,

arguments about privatization, reductions in tax support, merit aid, and accountability for public dollars influence state and federal policy. Thus, colleges and universities in both the public and private sectors of higher education are faced with the challenge of developing new rationales that captivate both the public and policymakers sufficiently to provoke thoughtful reinvestment in higher education (St. John, 2004).

In recent years attention has focused not only on what colleges and universities do, but also on how well they do it and what resources they use. Because the funding of higher education is increasingly seen as a discretionary portion of state budgets, colleges and universities are expected to justify their receipt of state funds. This expectation has come from, among others, legislators, governors, and coordinating boards responsible for allocating state budget expenditures to the institutions. Legislators who continue to argue that universities have not done enough to control their costs or to plan for more efficient use of their resources may see higher education as a resource they can siphon when needed (Heller, 2001; Weerts & Ronca, 2006; and Tandberg, 2010).

Despite apparent changes in perception, higher education continues to make its case that it plays a critical role in society. Without higher education's status as a social good, universities and colleges become just one of many special interest groups, both public and private, seeking government appropriations for its endeavors. These interest groups include other state supported entities that take a share of the state budget pie. This presents a challenge to higher education institutions because most of the major state budgetary claimants have a mandatory or near-mandatory character (Parsons, 2004). Higher education, on the other hand, is seen as discretionary in that its "caseloads"

(enrollments) can be reduced or its planned growth postponed - or students can be asked to pay more - to help balance the state's budget in times of need or when other fields have higher policy priority (Zumeta, 2004).

While higher education will continue to face budgetary challenges, as well as calls for accountability, arguments for the ongoing importance of higher education in society, particularly as it relates to upward mobility, continue to be put forward. Cohen and Kisker (2010) conclude that the place of colleges and universities as institutions essential to American society is secure, regardless of variations in the economy, because of what higher education institutions mean to individuals seeking to step up in social or economic status. Or, as Goldin and Katz (2008, p. 325) note, “The marginal individual today who does not graduate high school, who does not continue to college, and who does not complete college, is leaving large amounts of money in the street.” Beyond the benefits to the individual, colleges and universities contribute to society in other ways, including the ways institutions associate with government and the private sector to conduct research, train workers, and invent products, as well as less quantifiable social and cultural benefits (Cohen and Kisker, 2010).

Ultimately, however, individual institutions operate within the context of societal decisions concerning what is spent on higher education. There is constant interplay between societal influences and institutional influences in determining total expenditures for higher education. Ultimately, broad societal influences are predominant and institutions must accept the parameters laid down by society (Bowen, 1980).

However it is viewed in modern society, the indisputable fact is that higher education will continue to be a major enterprise into the foreseeable future. The level of support states provide to public colleges and universities in the coming years may be the best indicator of how higher education is viewed by society as a whole. The next section will examine this funding.

## **FUNDING OF HIGHER EDUCATION**

States prioritize higher education differently. As such, funding decisions are not made in a uniform manner across the country. Regardless of the differences, maintaining or increasing funding is the primary interest colleges and universities have in developing positive legislative relationships. The existing literature on higher education includes an abundance of research that chronicles the funding of public colleges and universities by the states. While a comprehensive review of this literature will not be included in this study, it is instructive to briefly examine a sampling of the literature related to states' funding of colleges and universities.

How much funding is needed for higher education? From the individual institution's perspective, universities will always make the case for more resources (Bowen, 1980, pp. 19-20). In his "Laws" of higher education costs, Bowen describes the incentives and the behavior of higher education institutions as they conduct their activities from year to year. These "Laws" are: 1) the dominant goals of institutions are educational excellence, prestige, and influence; 2) in quest of excellence, prestige, and influence, there is virtually no limit to the amount of money an institution could spend for seemingly fruitful educational ends; 3) Each institution raises all the money it can; 4)



each institution spends all it raises and; 5) the cumulative effect of the preceding four laws is toward ever-increasing expenditure. It is helpful to keep Bowen's thesis in mind when examining higher education's effort to maintain and increase funding through legislative relations efforts.

For most of the United States' history, virtually all state funds for higher education were allocated to public institutions for the purpose of maintaining low or no tuition for students. While the total amount of state contributions to higher education was very limited in the nineteenth century, state governments began providing basic funding for state colleges and universities by the early 1900s. Historically, allocations to higher education institutions were politically based decisions but by the late 1950s, most states made the determination that distributing state resources simply on the basis of political strength was neither efficient nor good public policy. This change of mind-set resulted in a shift from a politically-based distribution of funds to allocations for recurrent expenses based on the number of enrollments. This change took place in part due to a need for more systematic funding mechanisms in the wake of rapid population growth after World War II and a corresponding growth in college participation (Hauptman, 2001; Thelin, 2004).

A more systematic approach to coordination at the state level was accelerated through a directive in the Higher Education Act of 1965, which required each state to establish a coordinating agency for higher education. In order to comply with Section 1202 of the Act, states created commissions composed of members from all the sectors identified as part of higher education in each state. One major effect of the 1202

commissions was that most states developed comprehensive plans or studies of education and financial needs for higher education. The 1202 commissions were not legislative bodies, however, so any change in funding and control still had to work its way through the legislature or each institution's governing body (Cohen & Kisker, 2010). Still, the commissions were able to study and make recommendations regarding higher education policy and began a coordinating role that morphed into today's higher education coordinating boards in most states.

By the late 1960s, state governments tied their support of institutions overwhelmingly to formulas in which enrollment was the principal factor. This was an outcome of a major shift of emphasis toward the goal of student access where in Congress elected to concentrate its support for higher education on financial aid to students and to leave institutional support largely to the states and to private donors. Thus, the American higher educational system became almost wholly reliant on enrollments for its support. There was a massive shift of power to students who carried with them, directly or indirectly, the bulk of the revenues for higher education (Bowen, 1980).

Higher education funding policies over the last quarter of the twentieth century incorporated various state financing mechanisms. As a result, the naturally intense politics of state support for higher education were tempered by greater reliance on the principles of policy and systems analysis. The 1970s witnessed a shift from formulas based only on enrollments to those also taking into account the use of resources, or inputs, in the form of costs per student. This occurred principally because formulas

based solely on enrollments failed to recognize the varied structures and histories of individual institutions and neglected differences in efficiency and quality (Cohen & Kisker, 2010). The inclusion of other factors in funding formulas was not without its critics. “But the more formulas attempt to account for complex goals and conditions, the more they become unwieldy, incomprehensible, and mistrusted” (Lingenfelter, 2008, p. 660).

Beginning in the late 1980s, some states began to allocate a portion of their funding on the basis of performance measures. By the 1990s, the pattern of state policies for allocating funds to institutions was mixed. A number of states adopted funding formulas based on enrollments, costs, or some combination of the two. Other states rejected the use of formulas and adopted policies largely based on historical allocation, with adjustments for inflation and enrollment shifts.

Regardless of the funding mechanisms utilized, by the end of the twentieth century states provided \$50 billion to higher education, representing over 10% of state budgets and about a quarter of total revenues for all institutions, public and private (Hauptman, 2001). The total amount increased to approximately \$72 billion by the 2006-2007 fiscal year (Lane, 2007).

While state allocations are substantial, state funding of higher education has been constrained for a couple of decades. In terms of real dollars, states began reducing higher education appropriations in the 1990s (Robst, 2001; Zumeta, 2004). Adjusted to account for inflation, state appropriations for higher education declined 40% from 1978 to 2004, and by 2004, state investment effort per personal income dropped \$32.1 billion below

that of 1980 (Mortenson as cited in Weerts & Ronca, 2006). As a percentage of overall budgets, the share of higher education revenue provided by the states has been declining for many years: 61 percent in 1976; 46 percent in 1981; 36 percent in 1994; and 27 percent in 2005. State support for some flagship universities has fallen to as little as 10-15 percent of total revenue (Cohen & Kisker, 2010).

While cuts in appropriations for higher education during the past three decades can be viewed as evidence that the state-university relationship has eroded, overall economic conditions may have played a role in this decline. An important link exists between the economy, state finances, and higher education appropriations. Some scholars have argued that general state fiscal conditions are the most important determinant of state support for higher education and, as such, the recessions in FY1980–83 and FY1990–94 contributed heavily to the slide in support for higher education (Gold, 1990; Weerts and Ronca, 2006). Others, however, have concluded that tradition and past appropriation levels are among the most compelling predictors of future support for higher education in a particular state (Layzell and Lyddon, 1990). Tandberg (2010), however, rejected the claims that higher education appropriations are almost solely the result of economic and demographic factors, and that politics matters little, if at all. To the contrary, he found that politics does appear to have an impact in determining the share of state expenditures that are devoted to higher education, regardless of other budgetary forces.

While the extent to which variables such as economic conditions, tradition and politics impacts higher education funding is debated, the reality institutions face is that

of shrinking resources from the states. In the contemporary era of higher education, institutions continued to seek extra-mural funding to replace that which had been provided in earlier eras by federal and state governments (Cohen and Kisker, 2010). This includes some states giving universities the authority to set their own tuition rates to make up for reduced appropriations from the state.

As state support declines, major public research universities are increasingly positioning themselves as private, or quasi-private, institutions (Parsons, 2004; Weerts & Ronca, 2006). Rising tuition and private support continue to help offset budget shortfalls. Fundraising, especially, has emerged as a high priority for colleges and universities. This shift toward an increasingly “private” public research university has been accompanied by an increasing tension between higher education administrators and state legislators (Weerts & Ronca, p. 936). This tension continues today as the impact of the most recent economic recession is only now being fully felt in higher education.

## **LOBBYING**

Before an examination of higher education’s efforts to influence state legislatures are explored, it is helpful to briefly examine interest group advocacy as a means to influence government. The concepts brought forth here help inform an understanding of higher education’s governmental relations efforts.

In the United States, individuals and groups have long attempted to influence the workings of government. The right to engage in such actions has its underpinnings in the first amendment to the federal constitution which states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or

abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances” (Cornell University Law School, 2012). The prohibition against laws which would limit the ability “to petition the government for a redress of grievances” has been interpreted to guarantee a right to attempt to lawfully influence the government. While James Madison in Federalist Paper No. 10 pointed to the potential problems resulting from the propensity of small numbers of citizens with similar interests to form factional groupings in pursuit of their own special interests (Wiggins, Hamm & Bell, 1992), groups and individuals have sought to influence all levels of government throughout the history of the republic.

Lobbying has been defined in different ways: an effort to influence the policy process (Baumgartner and Leech, 1998); the process of influencing public and governmental policy (Mack, 1989); and, an effort designed to affect what the government does (Nownes, 2006). An individual who lobbies on behalf of an organized interest, or numerous organized interests, is a lobbyist (Thomas, 2004; Nownes, 2006).

While definitions vary, in practice lobbying involves the advocacy, either by individuals or by groups, of a point of view - the expression of an interest that is affected, actually or potentially, by the affairs of government (Mack, 1989). “Lobbying is a complex and heterogeneous phenomenon. Understanding lobbying requires understanding the varying behavior of a plethora of individual lobbyists; working at different levels of government, for several different types of organizations, on a

seemingly endless variety of issues; using a wide array of techniques; and achieving various levels of success (Nownes, 2006, p. 3).”

In pursuit of their goals, legislative lobbyists utilize techniques that include: 1) testifying at legislative hearings; 2) meeting personally with legislators and/or their aides; and 3) doing favors and/or providing gifts to legislators. While it is difficult to determine which lobbying techniques are most effective, lobbyists indicate that meeting personally with government officials is by far the most effective way to influence government decisions (in the case of legislators, this also includes their aides). This method of contact is important for two reasons. First, face-to-face meetings allow lobbyists to forge personal relationships with government decision makers. Second, personal meetings with government decision makers give public policy lobbyists the opportunity to listen as well as to talk (Nownes, 2006).

As noted, lobbying occurs at national, state and local levels of government. For the purposes of this study, lobbying in the states is of primary interest. In their study of how interest groups operate at the state level, Nownes and Freeman (1998) examined the use of different lobbying techniques by individuals and organizations. Utilizing data from a survey of 595 state lobbyists and 301 state organizations, they found that state group politics--even in small, relatively unprofessional state capitals--is similar to Washington group politics. Rosenthal (1993) points out that anyone who pays attention to policy making in the states will acknowledge that lobbyists are integral to the legislative process. They are involved at just about every stage of nearly every issue addressed by the legislature.

While similar techniques may be employed by lobbyists at the state level as those employed at the national level, those working with state legislatures, such as colleges and universities, must be mindful of the role various political actors play in the legislative process. An example is provided by Wiggins et al. (1992) who examined the involvement and success of interest groups in relation to party-oriented influence agents in the legislative public policy-making process. They concluded that two influential agents within government, the governor and the legislative majority party leadership, can effectively offset the lobbying efforts of interest groups. This is a conclusion that lobbyists, including those in higher education, should keep in mind as they pursue their legislative agendas.

## **HIGHER EDUCATION AND GOVERNMENTAL RELATIONS**

Government relations has been defined as the application of one or more communications techniques by individuals or institutions to affect the decisions of government - at the local, state, national, or international levels, or some combination of them (Mack, 1989). While Mack's study focused on government relations activities of private-sector interests, his definition may also be applied to the legislative efforts universities are engaged in.

Many types of organized interests engage in government relations, or lobbying, - including universities and colleges. The term "lobby" is typically applied to non-governmental entities seeking to influence the legislative process. At the federal level, however, colleges and universities are included and regulated by statutes governing lobbying activities (Honest Leadership and Open Government Act of 2007; Byrd



Amendment in 1989) and the literature on higher education legislative relations commonly refers to such efforts as lobbying. Resources committed to such efforts at the federal level are substantial. Records indicate that in 2005 alone, colleges and universities, higher education associations, accrediting groups, and lenders spent \$94.6 million to lobby Congress and executive branch officials on higher education related matters (Lederman, 2006).

At the state level, public institutions of higher learning are normally not allowed to lobby, *per se*. Existing state constitutions and statutes expressly forbid state entities, including universities and university systems, from working to influence the policy process. Public institutions of higher education are called upon to provide information to legislators to utilize in the policy making process, but not actually to lobby. This distinction may seem somewhat nuanced but higher education entities typically endeavor to not cross this legal boundary. The research literature on higher education's legislative interactions, however, is replete with references to these activities as lobbying. Continuing in that tradition, this study also employs the term to refer to universities' governmental relations activities.

Universities' government relations efforts are often part of broader external relations activities. Acting as a type of interest group, universities have either an in-house lobbyist or an outside contract lobbyist, and all public institutions, large and small, engage in some form of lobbying (Nownes, 2006). In his examination of higher education relations with state government, Tandberg (2010) pointed out that most large public universities have an office of government affairs that lobby at the state and

federal level. At the state level, one of the primary purposes to lobby is to leverage more state funding and work strategically in the institution's interest. Tandberg points to evidence of the significant impact of this interest group activity had on state fiscal policy in regard to higher education. He also noted that as the number of higher education interest groups in a state increases relative to the total number of interest groups, state support for higher education increases.

Like other state institutions, public colleges and universities try to maximize resources and minimize the external controls imposed on them. And, like other political actors, higher education institutions attempt to develop strong clientele, such as alumni associations, to help mobilize political support. Institutions also try to build support among legislators from their communities and regions (Goodall, 1987). University lobbying has been described as an organized effort both to better understand what the state thinks about higher education and to explain more effectively academe's contribution to the polity. Those in higher education believe fervently in its crucial role in human development and it is, some argue, their obligation to employ the most effective techniques to explain its importance to everyone in a democratic society (Jones, 1987). At times when state appropriations are fluctuating and the general public is demanding more accountability for the use of resources, it is imperative that institutions build relationships with representatives in state government (Lasher, Grigsby, and Sullivan 1999).

While various actors and stakeholders involved in higher education are engaged in lobbying efforts, the university president is often looked to as the central figure in

these efforts. Certain skills, knowledge areas, attributes, and practices employed by presidents are critical to improving relationships between universities and the state. Among the things presidents should do is: 1) consciously accept their important political role and be the chief spokesman for their institution; 2) know and depend on their district legislators to the greatest extent possible; 3) make every effort to increase communications with legislators, especially through personal visits; 4) work closely with legislators who are alumni of their respective universities; 5) include legislators in as many campus activities as practical and; 6) cultivate friends of their universities who are also friends of legislators (Leese, 1983, pp. 118-119). Adding to this, Hicks (1987, p. 101) suggests that the president, in the role of lobbyist, should, “develop a personal style and stick to it, avoid overexposure, and present an aura of integrity and sincerity—in fact, appear a bit larger than life. Presidents should never engage in half-truths or name calling. Legislators would like them to wear a halo. They should try with all their might to do so.”

Individuals involved in the lobbying activities on behalf of institutions of higher learning go beyond university presidents. Chief administrative officers and trustees are typically engaged in these efforts. Their participation involves knowledge of the legislative decision process, familiarity with the players and detailed knowledge of the issues (Angel, 1987). Other university officials, such as the chief financial officer, are also highly involved in the lobbying effort. While such endeavors may not constitute the majority of these individuals’ work effort, they play an important role in developing

legislative strategies and providing information to the government relations team that are then provided to the legislature itself (Lasher et al., 1999).

Universities also employ in-house lobbyists to spearhead government relations efforts. In-house lobbyists differ from outside lobbyists in several ways: they are paid a salary, rather than a contracted fee; have only one client and; usually have some input in defining their institution's goals and their own tasks. These individuals possess a plethora of job titles within the university that include: Assistant to the President for Government Relations; Associate Vice President for Government Relations; Director, Government and Community Relations; Director, Government Relations; Director of State Relations; Executive Director for Government Affairs; Special Assistant to the President; Vice President for Government Relations; Vice President for Governmental Affairs; Vice President for Public Affairs and; Vice President for University Relations (Ferrin, 2003).

Using interviews of in-house lobbyists and university presidents, Ferrin (2003) described the backgrounds of in-house lobbyists in higher education and explored the perceptions of in-house lobbyists and presidents on the attributes necessary for success as an in-house lobbyist. He found a divergence in the perceptions of the background necessary to be successful in such positions that fell into three categories: 1) no particular background needed; 2) political experience required; and 3) intimate knowledge of the institution required. Regardless of the perceived required background necessary for success as an in-house lobbyist, a significant number of these individuals

had educational backgrounds in political science and law and previous work experience as a politician, on a political staff, or in law.

Judging the effectiveness of in-house lobbyists is somewhat problematic. On what basis can top management evaluate the performance of its state governmental relations staff? Ultimately, the success of in-house lobbyists is likely to hinge on their client's identity and standing (Rosenthal, 1993). In other words, legislators' general perceptions of a university impact the institution's success with specific lobbying efforts.

Higher education institutions also utilize alumni in their lobbying efforts. In their study of political advocacy by public university alumni, Weerts, Cabrera, and Sanford (2009) point out that while university leaders have paid an enormous level of attention to charitable giving by alumni, this emphasis has blinded scholars and practitioners to understanding the important non-monetary support roles played by college alumni; political advocacy. Observing that alumni reported being active in lobbying on behalf of universities outside of the formal network designed to promote these activities, they suggested that it would be prudent for alumni association officers to investigate whether there is alignment between state relations messages articulated by the institution and those of alumni. Alumni relations professionals have historically categorized supportive alumni as either "donors" and /or "volunteers." Their research suggests that a third category, "political advocates" must be added and treated as a distinct, but interrelated support role.

## **KEY APPROACHES TO EFFECT LEGISLATIVE RELATIONS**

“No single approach to lobbying can guarantee success for all time for all people” (Hicks, p. 100), especially since higher education governance structures differ across states. While this may be true, researchers have proffered guiding principles for higher education to keep in mind while engaging in legislative relations. Two examples of these principles are examined here.

Hicks (1987, pp. 100-101) notes certain general principles higher education lobbyists should keep in mind to increase the probability of success:

1. lobbying is a pedestrian job that consists of day-to-day, year-to-year nurturing of attitudes with respect to higher education and institutions;
2. the governor, his or her fiscal staff, and a dozen key legislators make the basic decision as to how much will be appropriated to higher education, so lobbying efforts should be concentrated toward these individuals;
3. the way an institution serves is its greatest selling point;
4. integrity and accountability are essential;
5. legislators need a few key facts and catchwords to orient their thinking, not long involved treatises on higher education;
6. faculty members are usually ineffective lobbyists;
7. students can be useful by explaining to their own senators and representatives the importance to the student of a first class education at a reasonable price;
8. no public institution should ever become involved, as an institution, in any public-policy issue not directly related to higher education; and

9. the university president is a key figure in lobbying.

In examining how one land-grant university approached legislative relations, with the goal of improving the commitment of state resources to the institution, Krepel and Grady (1989, p. 18) found that effective and efficient planning for state legislative relations should include:

1. the incorporation of a continuous environmental scanning process to determine changes in issues, participants, and attitudes, both external and internal to the institution;
2. assessment, evaluation and feedback components to assure institutional goal attainment; and
3. development of a continuous year-round process to assure the political viability of institutional decision-making.

Whatever techniques are utilized and whoever is involved in the governmental relations process, it is clear that it is highly desirable for institutions of higher learning to engage in lobbying efforts in order to maintain or increase funding. The measure of success of such efforts is difficult to gauge but not engaging in the process does not seem to be an option for most institutions. Some institutions that have avoided engaging directly in the political process might reconsider that decision; others that have limited their efforts may want to intensify their actions. "Institutional leaders and lobbyists should acquaint themselves with their state's political institutions and ideology so they understand these areas' impact and can develop their institutional strategy accordingly. Having an intimate knowledge of the process and the factors possibly influencing the

process will help advocates plan accordingly” (Tandberg, 2010, p. 442). Tandberg further observed that, “Because higher education appears to be susceptible to political influences, institutional leaders must take the time to understand the political system and be engaged in the political process if they wish to adequately compete for state resources” (Tandberg, 2010, p. 442).

## **SUMMARY OF LITERATURE REVIEW**

Many components and motivations contribute to universities’ efforts to influence higher education policy at the state level. While the preceding review of literature included an examination of higher education funding in the states, financial resources provided to higher education institutions are not the only interest academe has in working with legislatures. It is, however, the one that receives the most attention.

The emphasis of this review was on how higher education goes about the business of attempting to influence state legislatures. The literature reviewed was primarily drawn from the academic disciplines of political science and education and consisted of the following sections: 1) the role of higher education in society; 2) higher education funding; 3) a general examination of lobbying and interest group politics; and 4) government relations efforts by higher education institutions.



### **CHAPTER III**

### **METHODOLOGY**

The research methodology for this study will be described in this chapter.

Sections include: the theoretical paradigm utilized for this study; the research strategies employed by the researcher; a description of the study's participants; and an overview of how data were collected and analyzed.

#### **THEORETICAL PARADIGM**

The researcher investigated the following questions:

1. What practices are university systems currently utilizing in their government relations efforts to influence the budgetary and policy process of state legislatures?
2. How do institutions of higher learning measure "success" in their legislative relations?
3. To what extent does higher education's government relations efforts impact the legislative process as reported by state legislators?
4. Do differences exist between the perceptions of legislators, university and university system heads, and higher education government relations professionals regarding the effectiveness of higher education's legislative efforts?

Exploration of these questions required the researcher to make a determination as to the appropriate research methodology for this study. Two research paradigms were considered; a positivist approach and a constructivist paradigm and methodology.

The positivist approach to research, characterized by a realist ontology which posits that reality exists independently of the observer, utilizes quantitative data to measure and analyze causal relationships between variables (Denzin and Lincoln, 2003). This approach to discovery has proven to be an effective method of inquiry in the evolution of modern medicine, and what has been referred to as the hard sciences. Positivist methodology has also been utilized by researchers in the social sciences. Earlier studies of the dynamics of legislative relations between higher education and legislative leaders utilized quantitative evidence obtained through survey instruments designed to collect data from the respondents for the purpose of generalization. The researcher in this study determined the type of empirical data typically utilized by the positivist researcher does not lend itself to the collection of rich description needed to make the study meaningful. As a result, a constructivist approach to research was utilized.

Constructivism falls within the broad realm of a qualitative approach to discovery. Qualitative research is a situated activity that locates the observer in the world and consists of a set of interpretive, material practices that make the world visible. Studying things in their natural settings, the researcher uses an interpretive approach to the world and attempts to make sense of phenomena in terms of the meanings people bring to them. This involves the studied use and collection of a variety of empirical materials that describe moments and meanings in individuals' lives including: case study; personal experience; introspection; life story; interview; artifacts; cultural texts

and productions; observational, historical, interactional, and visual texts. (Denzin and Lincoln, 2003).

The constructivist paradigm assumes that multiple realities exist that are constructed by the knower and the respondent (Denzin and Lincoln, 2005). In other words, human beings do not find or discover knowledge so much as construct or make it. Individuals invent concepts, models, and schemes to make sense of experience, and continually test and modify these constructions in the light of new experience (Schwandt, 2001). While both researchers collecting qualitative evidence and those collecting quantitative data are interested in an individual's point of view, qualitative researchers believe they can get closer to participants' perspectives through detailed interviewing and observation. Quantitative researchers attempt to measure causal relationships between variables but this approach often fails to capture the rich information that can be gleaned through interviews with individuals intimately involved in the matter being examined.

The desire of the researcher to gain an understanding of participants' perspectives led to the decision to follow a qualitative approach to research. Utilization of the constructivist paradigm is appropriate for this study as it was anticipated that behavior models would be created by state legislators and university administrators as they convey their experiences in the legislative arena through interviews with the researcher. These models may be utilized by higher education institutions as they engage in the practice of government relations with state legislatures.

## RESEARCH STRATEGIES

Lincoln and Guba (1985) outlined the steps in carrying out qualitative interviews. While not necessarily occurring in a linear fashion, each of these steps must be accounted for at some point in the process: 1) deciding on whom to interview; 2) preparing for the interview; 3) initial moves; 4) pacing the interview and keeping it productive; and 5) terminating the interview and gaining closure. Interviews conducted by the researcher to explore the realm of higher education's government relations efforts included these steps.

Interviewing state legislators and university administrators falls into the category of what is referred to as elite interviews. Such interviews are considered specialized in that they involve influential or prominent individuals who might require carefully thought out approaches to arranging, conducting and recording the interview meetings. In elite interviews, "the investigator is willing, and often eager to let the interviewee teach him what the problem, the question, the situation, is—to the limits, of course, of the interviewer's ability to perceive relationships to his basic problems, whatever these may be" (Dexter, 1970, pp. 5-6). This differs from standard interviewing in which the researcher defines the question and the problem and is only looking for answers within the bounds set by presuppositions.

Adopting approaches that allow elites to be "teachers" about a problem or situation is borne partly out of necessity. Dexter (1970) explains that many influential people are unwilling to accept the assumptions with which the investigator starts and insist on explaining how they see the situation and what the real problems are, as they

see the matter. Also, when faced with prestigious and prominent individuals, the interviewer may not feel in a position to insist on a standard line of discussion.

Another characteristic about elite interviewing is that in a typical survey, a deviation is ordinarily handled statistically. In an elite interview, Dexter (p. 6) notes, “an exception, a deviation, an unusual interpretation may suggest a revision, a reinterpretation, an extension, a new approach. In an elite interview it cannot all be assumed—as it is in a typical survey—that persons or categories of persons are equally important.” Specifically referring to research conducted with members of state legislatures, Dexter points out that legislators may give a variety of answers to questions but that only certain members give truly insightful answers because they are the ones who both know and can articulate how things are actually done. Concentrating on a few key informants may help the researcher acquire a better picture of the attitudes and expectations of a particular group than could be obtained from conducting a greater number of less intensive -- or less informed -- interviews.

In the course of conducting research the investigator utilized the steps to interviewing outlined by Lincoln and Guba (1985). This helped provide a framework within which the interviews were conducted. Insight provided by Dexter (1970) helped focus the approaches taken in interacting with elites, specifically as it relates to allowing respondents to be “teachers” and that some interviewees are truly key informants.

## **POPULATION**

Participants fell into one of three distinct categories: 1) state legislators with oversight of higher education policy and/or funding, including chairs and members of

appropriations committees and subcommittees and committees with higher education oversight; 2) chancellors and presidents at the head of university systems and flagship universities within a university system; and 3) government relations professionals involved in legislative affairs, external relations, and budgetary matters of higher education systems or flagship institutions within a system.

Interviews were conducted at state capitols, university system offices, flagship university campuses, and the home towns of legislators in Louisiana and Texas. Both states host university systems with multiple institutions. Some systems' headquarters are located in their state's capital city while the other systems' headquarters are located in a non-capital city. Each system examined in the study had multiple member institutions.

## **DATA COLLECTION AND ANALYSIS**

An interview protocol for the study of human subjects was approved by the Institutional Review Board (IRB) at Texas A&M University. The protocol contained three sets of questions that were used in the interviews with the three subgroups. Interview questions varied depending on a particular subgroup's role in the legislative process. Prepared questions were asked to all participants as well as follow-up questions. Consistent with practices involved in conducting semi-structured interviews, the additional questions were formulated by the researcher during interviews in order to allow participants to expand on emerging issues, furnish examples, and/or provide clarity to a particular answer.

Participants were recruited through email messages from the researcher explaining the purpose of the study. Follow-up calls were made to potential participants

to discuss the feasibility of conducting an interview. Appointments were made with individuals who agreed to participate in the study. Interviews with sixteen participants took place over a three month period in Fall 2010. Based on the richness of the data and emerging issues brought forth during the interviews, the researcher determined that an adequate number of interviews had taken place.

All interviews conducted took place in person. Upon arrival at the designated time and location the researcher briefly explained the purpose of the study, reviewed the consent form with the participant and obtained their signed consent. The average length of the interviews was just under one hour; with the shortest lasting twenty minutes and the longest having a duration of seventy minutes. All interviews were recorded using a digital audio recorder. The researcher then transcribed all interviews using voice recognition software. Corrections and edits were made to ensure the accuracy of all comments. Interview recordings and electronic and paper transcripts were kept in a secure location at all times.

Content analysis was utilized to analyze the interview data. As Schwandt (2001) notes, in analyzing content, the inquirer employs a variety of analytic strategies that involve sorting, organizing, and reducing the data to something manageable and then exploring ways to reassemble the data to interpret them. This involves the researcher taking stand-alone data from the research content, in this case the interviews with respondents, and sorting the data into categories for the purpose of interpretation.

For the purpose of this study, interview transcripts were broken down into small units of stand-alone data which were then coded in order to determine the source, page

and paragraph of the information. Once unitized and coded, the researcher sorted and organized the data into categories of common themes. These categories created the basis and structure of the findings chapter of the study. Coding of direct quotes remained in the study for audit purposes.



## **CHAPTER IV**

### **DATA ANALYSIS AND FINDINGS**

The purpose of this study was to examine the perceptions of state legislators and higher education administrators regarding the government relations efforts of university systems. Of particular interest is how effective higher education is perceived in its efforts to maintain and increase funding, as well as how effectively administrators work with key legislative leaders to shape higher education policy.

To obtain insight critical to this study, the researcher conducted semi-structured interviews in Fall 2010 with select state legislators and university administrators. This study identified “best practices” administrators utilize to maximize their work in the legislative process as it relates to higher education funding and the policy decisions that emanate from state legislatures in the United States. Specifically, the researcher investigated the following questions:

1. What practices are university systems currently utilizing in their government relations efforts to influence the budgetary and policy process of state legislatures?
2. How do institutions of higher learning measure “success” in their legislative relations?
3. To what extent does higher education’s government relations efforts impact the legislative process as reported by state legislators?

4. Do differences exist between the perceptions of legislators, university and university system heads, and higher education government relations professionals regarding the effectiveness of higher education's legislative efforts?

Three sub-groups of principal actors in the legislative funding and policymaking arena of higher education served as participants in the study. The first group is comprised of the heads of university systems and flagship institutions within university systems. Each of these individuals carried the title of chancellor or president of an institution in Louisiana or Texas. These two states utilize interchangeable titles for the top official at the system and university levels. In Louisiana, the top system-level administrator carries the title of president, while university heads are referred to as chancellors. Conversely, system heads in Texas carry the title of chancellor, while the leaders of universities are presidents. For the purpose of this study, individual respondents will be referred to as either system heads or leaders, or university heads or leaders, thus avoiding potential confusion presented by interchangeable titles.

The second participant group was those individuals charged with the day-to-day task of running the governmental relations operations for university systems or flagship universities. Various titles exist for these individuals but they are referred to in this study simply as government relations professionals (GRPs).

The final participant group was key legislative leaders in Louisiana and Texas. Each of the legislators interviewed either chaired or served on a committee charged with higher education oversight and policy-making or a committee through which higher education is funded.

Similarities existed between the sets of questions prepared for each subgroup; however, variances were designed to reflect the inherent differences in the roles played by each subgroup in the higher education legislative process. This chapter reports the responses of each subgroup that provide information pertinent to the study's research questions. At the conclusion of each subgroup's section, the researcher's key findings will be presented.

## **UNIVERSITY SYSTEM AND FLAGSHIP UNIVERSITY LEADERS**

### **Role in the Legislative Process**

Heads of university systems and flagship universities play a unique role in the legislative efforts of higher education institutions. As the top leader in complex organizations with multi-faceted operations, vast and sometimes competing interests, and diverse stakeholder groups, it is the job of chancellors and presidents to provide vision and direction for legislative efforts and serve as chief spokesperson.

The amount of time spent on direct relations efforts as reported by respondents varied greatly. As one system head noted:

“Everything is, at least tangentially, related to the legislature. So I would say that during the legislative session, probably 75% of my time is spent in worrying about, or responding to, or talking to the legislature. That doesn't mean I spend 75% of my time in Austin, thank goodness.” (1-2e)

Other system and university heads predicted that for the next session of the legislature, the amount of time they would spend on legislative matters ranged from one day a week, to about half their time, to, “Whatever it takes.” (2-1d) Those respondents who anticipated spending relatively less time mentioned their reliance on their entity's

government relations professionals (GRPs) to keep track of day-to-day legislative developments and keep them informed.

A common theme that emerged in interviews with chancellors and presidents was the perceived need to share with legislators the story of higher education's role within their respective states. This narrative often includes economic impacts resulting from higher education, as noted by one system head:

The one thing we do above anyone else, of any agency, we turn out people that are going to create jobs, that pay taxes, that are economic development people, that are entrepreneurs, that are teachers, that give to society, they are not a drain on society. So we're educating people that are a gift to society, that inspire society, that give money to society, rather than being a drain. (13-3b)

In other words, the argument being made is that a healthy higher education system benefits the state as a whole, thus the need for continued state support is critical in order for universities to advance the well-being of the state. Putting forward a similar narrative, one university head in Texas noted the benefits of higher education's impact is not difficult to sell but must be continuously repeated:

I do think there's a lot of goodwill out there for higher education. I mean, I think people understand in general it's a good thing. But my job is to make it personal, and make it crystal clear how good it is. And you can't just do it one time, you have to keep doing it over and over again. The educational process never stops because memories fade, people change, you've got to keep doing it all the time. So keeping up the message that this place is extraordinary in so many ways -- it provides leadership for Texas in terms of our graduates, it provides good citizens for Texas, the research it does builds intellectual capital that helps Texas attract economic development. You go down the list of things we do that aren't always obvious, and then you say that over and over again, because you've got to. (5-8b)

An administrator from Louisiana echoed the sentiment about a continuous effort to educate legislators about the role higher education plays in the state:

There's a fairly well-known leader of one of the major committees who last year, when we went over our budget plan, said, "Well, we don't have a (system institution name) in his district." That he had roads. We tried to have him understand that he did have (system institution name) in his district, even while the physical presence wasn't there, the influence was there. Here's a guy who's a fairly powerful legislator saying this. And we are asking, "Where did we miss the boat with these people? We have been here one hundred and fifty years. Where did we go wrong in not having them better understand that?" If you don't have the economy we help create, there's no point in having roads. There's nothing to transport on... There are people who we don't think quite get it. And people who we think get it, and don't. (8-7b)

Taking a more specific look at their role in the legislative process, system heads and university leaders provided slightly different answers. While both groups spoke about providing vision and strategy for the legislative effort, system heads additionally noted that much of their time is focused on coordinating the effort across entities under their domain, including universities, state agencies, and health science centers.

Coordination includes working with each system component to determine what its wants and needs are, prioritizing potential requests in conjunction with the system's governing body, and coordinating the system's presentation of budget requests for all its components. One system head spoke to the difficulty in setting legislative priorities:

Well, unfortunately, the system office has to prioritize what each of the components wants. So, if one of our schools expresses a need for X, and another of our schools has a pressing need for Y, when we go to the Legislature we would have to prioritize Y over X, or X over Y. We will go through each of the requests of each of the component institutions and decide the priority ranking for which we will seek support from the Legislature. (2-1b)

In addition to coordination within systems, several respondents reported cooperation between university systems. Some of this cooperation and coordination is formalized but much of it is informal. The common theme is a sense that there is little variance in the legislative goals of each system. The fact that state funding to universities

is primarily allocated through formulae makes gaining financial advantage a difficult endeavor. Discussing the possibility of trying to gain an advantage, one system head noted:

I can't even imagine any circumstance under which one university system would be interested in doing that to another, just because the goals, there's no variance in goals...I just think it's important that higher education administrators realize that we are all in this together. What benefits one benefits the other, and that there is no fire that can be set to burn them to warm us. (2-6d&g)

As part of their leadership, university heads interact with legislative members, committees, and staff during and between legislative sessions to press their agenda. To develop a successful legislative strategy, one university leader spoke about understanding the environment in which requests are being made:

You've got to look at what the university needs to be successful from the state of Texas, in both a financial and also a policy arena. And you've got to understand it in the context of the particular time you are at. So right now, for example, with the current economic situation in Texas, you really can't afford to be too expansive about what you want to look at in appropriations because it's just not going to happen. So why ask for it if you know you can't get it? So you have to push a little bit, but you really want to scale what you really want to happen based on the context you're in. If we were in a different economic climate, we would probably have different kinds of requests. (5-1a)

In discussing his role in the legislative process, another university head noted three areas that he is active in: 1) working with others within the university to agree on a common strategy, objectives, and identify desired outcomes; 2) participate with fellow university heads and the system leadership on those issues that transcend the individual campus to plot a collective strategy and; 3) interact directly with legislators and other policymakers to represent his campus, in particular, in the legislative relations process.

## **Current Legislative Practices Reported by Chancellors and Presidents**

Understanding the machinery of the legislature, the legislative process that takes place within it, and the personalities of those who drive it all play a critical role in higher education's legislative efforts. While both Louisiana and Texas ask higher education systems and/or institutions to submit budget requests as part of the appropriations process, it is the direct interaction with legislators that occupies much of the time that system and university leaders devote to the legislative process. This section highlights some of the related practices participants reported engaging in.

### Interacting with Legislators

As previously noted, pressing the higher education case to the legislature is an ongoing effort. As one administrator said, it is "Year-round. It never stops. In fact, 'session only' just doesn't work." (2-5b) The goal, as reported by the same system head, is to, "tell the story of what we are doing, and why we're doing it. And if some legislation is helpful or harmful, informing the key legislators or the affected legislators why it's helpful or harmful." (2-2e) Striking a similar chord, a university head explained his interactions with legislators:

We do a lot of one-on-one, two-on-one conversations with legislators. Just right now, just this last week, we've had lunch with two. And more than anything else, to get to continue to send our message, but to read the tea leaves with them about what's likely to be on their agenda in the larger way when the Legislature comes in session.... I have concluded that one of the best ways to have access to legislators, and the governor, and others, is to find some things that they care about that we can do for them. So that when we ask them to do something for us, they care about it as well. (8-1b)

Most interactions with legislators during the legislative session take place at the state capitol. While not in session, however, a premium is placed on having legislators

visit system components to gain an appreciation of what is taking place there. Such visits run the gamut from a single member to hosting a hearing for a committee with higher education oversight. According to one explanation:

A very important thing we do is we make an effort to bring key members here, have them visit the campus. That does a lot. It gives them a personal view of who we are, a visual reference, if you will. It's not just paper anymore, or people, it's now a place. While they are here we try to make sure, depending on their particular background or their role in the legislature, that they see certain things here...I think connecting a member to students from their district is always a valuable thing to do...you try to make it relevant to them, the university itself. And that's not hard to do. That's an easy thing to do because it's true. It's nothing you make up about this. You just work to go out and find the right people and the right things to be able to put in front of these people. (5-5b). So, I try to spend time with individuals on campus as part of their visit. That's the time that you can build up trust and build up relationships, basically, and then I speak to them briefly during football games when they're on campus here, just to kind of keep that connection. (5-11c)

Regarding one-on-one interaction, such interactions take place in legislator's offices, over lunch and dinner, at sporting events, at political functions, and at fundraising events, such as golf tournaments. One system head explained what is trying to be accomplished when interacting with legislators:

Most of the legislators want to do good. None of them want to do bad stuff. You just have to talk to them, help show them what impact it has on their constituents. That's always best. If you show them what impact it has on chancellors, presidents and faculty, you're wasting your time. They don't care. Now, if you can show them what impact it has on students, or on moms and dads that are paying the way, that makes a difference to them. (1-6a)

Higher education's legislative efforts often take place in reactive mode; that is, reacting and responding to issues that emerge and legislation that affects higher education policy, and responding to ongoing requests for information by individual legislators and legislative committees. One system leader noted that being in a position



to be reactive requires being omnipresent. “You’ve got to keep up with what’s going on every single day, especially when they are in session.” (1-5d). Reflecting on the most recent legislative session, one university head recalled:

We were down there at almost every turn to try to make sure our interests were represented, and that we did so in such a way that it came across, not as either whining or browbeating, but much more from our assessment, “If you want to advance higher education, here’s how you do it, and this institution will certainly benefit in that regard.” At the same time, we had plenty of damage control issues to deal with as well, and unfortunately sometimes damage control issues are so immediate that you have to drop the momentum on the proactive stuff to take up the damage control. (8-2c)

### Legislative Requests

Being able to provide timely, accurate information to legislators is also a high priority. Respondents spoke of the critical need to respond promptly to legislators requests. “Being able to respond promptly is very critical because the longer you wait, things fade and they won’t get nearly the sense of gratitude for you in their minds if you take a week than if you take two hours,” said one university leader. (5-9d)

Pending legislation or budgetary requests are not the only issues that system and university heads are asked about. Respondents reported answering other wide-ranging inquiries from legislators such as:

- Why a constituent’s child or grandchild was denied admission to the university.
- A constituent in a legislator’s district has a particular problem or an issue involving their business. Who at the university can help?
- Questions about athletic conference alignment.

### Preparing for Legislative Sessions

To prepare for a legislative session, respondents noted the importance of laying the groundwork in advance. This includes what several participants referred to as “doing your homework” and visiting with the appropriate legislative leaders. Sufficient lead time to prepare for a legislative push is critically important if the effort is to have any chance of success, as reported by one system head:

If there is anything you're wanting to do that is proactive, if there is legislation you want passed, or changes you want made, you better start six months or more before the session because if you don't, you will never get it done. It will be well past you. (1-5d)

### Involving Legislative Staff

Making sure to work with legislative staff is a point several respondents noted. While the importance of developing working relationships with legislative members is of paramount importance, the importance of working with their staffs should not be overlooked, said one university head:

Key staffers are important too. You need to pay attention to the fact that they do a lot of things behind the scenes that are very, very important. And they can also influence their member quite a bit so it's important for them (staffers) to know you as well and to have that same degree of trust and faith that their member might have. (5-7a)

### Location of the System Office

The university systems studied by the researcher included systems headquartered in the same city as the state capitol, as well as those headquartered outside the capitol area. Participants were asked if they believed being headquartered in the capital city was an advantage or disadvantage. Respondents officed in capital cities believed it was very

advantageous and cited the convenience of proximity to the capitol building, access to legislators who routinely come to town, and the state aircraft pool being close by.

Conversely, higher education administrators in other areas of the state conceded the advantages that might be realized if their office was in the capital city but did not believe they were at much of a disadvantage. One advantage of distance from the capitol was noted by two respondents – having some travel time that serves as a cooling-down period when summoned by an upset legislator or legislators.

One university leader who had experience being officed both in and away from capital cities addressed whether it was an advantage to be nearer:

Oh, I absolutely think so. There are some negatives, and I've been in both...and of those, I do believe there are some advantages. Now the downside is you can be called on the carpet and be expected to be there in 20 minutes. The upside is you can get to them in 20 minutes if you need to. And you can do it both formally and informally, so your reaction time is much greater. I was at \_\_\_\_\_ University and we had to fly an hour and a half on a plane to get to the Legislature. Otherwise it is a 5 hour drive. So if a committee decided to hold a hearing we had not anticipated, it got very fatiguing. Here, at least, (my GR person) can call me at 9:00 and say it would be helpful if you could be here at 9:30, and I do it. So from a convenience standpoint I believe it is a benefit. (8-2b)

### Coordination of Message

University systems differ in the amount of coordination that takes place in the legislative affairs realm. The structure of the system government affairs offices and the level of coordination they provide will be addressed in more detail in a later section of this chapter. Government relations professionals provided a more detailed overview of this area and their responses will be reported. System and university leaders did provide some insight as to the staffing and philosophy of these offices, however. It is instructive to point out two competing viewpoints regarding the freedom of individuals at an

institution to contact legislators directly. One system head was quite open to the idea of individuals in the university system visiting with legislators:

If you are talking to (a lower-level administrator) it is the same as talking to me. He doesn't have to have my permission to talk to them. And that's one of the things I think you will find in your research, that's more of a personality driven thing. I'm perfectly comfortable with people who know more, and maybe that's a low threshold, mind you, but I'm perfectly comfortable with people who know more than I do. And I'm perfectly comfortable with people talking to the legislators, the governor, or the board members, or whoever they want to talk to. And they don't have to have my permission to do it. They don't even really have to tell me what they're doing. I'd like to know when they get through, I kind of like to know what's going on. But if they don't tell me, I don't get mad, that doesn't hurt my feelings. It's them doing their job. So I think you'll find that that's not the case in a number of places. In fact, I'm positive that if you find that it is the case anywhere in Texas, I'd be glad to have another interview with you and tell you where it's not because I know it's not the case in some places. (1-4a)

A second viewpoint, also expressed by a system head, stressed the need for message coordination through the government affairs office:

We discourage anyone from ever contacting any member of the Legislature or Congress without going through our government relations first. That way we all stay on the same page. We don't bug the people to death. They don't want everybody showing up every day telling them some story. (13-1c)

The differing views expressed by the two system heads may be attributed to several influences, including: state culture, history, politics, level of engagement of the governing body, and the desired level of control by the system head. The practical implications of these competing views is that member institutions have more flexibility to independently pursue their legislative goals in a system that does not place great emphasis on coordinating and controlling the legislative message. Conversely, in systems where the message is more tightly controlled, there is less institutional autonomy to interact with the legislature to pursue legislative goals.

### Testifying Before the Legislature

During the course of the interviews, several participants spoke of the testimony they provide to the legislature as a matter of course. Much of this testimony surrounds the budget requests of university systems and each of their components. Chancellors and presidents also testify regularly at committee hearings related to higher education policy. One university leader touched upon an issue surrounding these hearings that is noteworthy in that it echoed comments by legislative leaders that will be examined in a latter section. The issue surrounds the number of university leaders who attend the committee hearings. The university head quoted here speaks of the costs on being on site for the hearings:

And their (legislators) time is very precious, so you've got to really accept the fact. I mean, I've sat there all day long. I've sat there with 36 other presidents all day long for five minutes (speaking time). Now think of the cost of that to the state of Texas. Here we have some fairly highly compensated people who were all sitting there all day long, and I can do some business from the capitol with my iPhone but I mean I can't get my full job done so it is costing the state of Texas something, a fair amount of something when we are summoned to Austin for a series of hearings. But that's the way life is; I accept that, I'm not going to fuss about it, that's just the way it is. And they're not paid much but they have extraordinary capability to help you get your job done too. And never forget that. (5-9b)

This expression of a lack of efficiency in how time is spent by university leaders participating in this one aspect of the legislative process was echoed by at least one legislator in this study. However, despite the agreement that the process can be very inefficient, a common view is shared that administrators cannot afford to not be present at the time of legislative hearings because of the budgetary and policy stakes involved. Indeed, administrators view it as their job to be on hand for all such hearings.

### Political Activities

Several respondents mentioned some political involvement or participation in the course of interviews with the researcher. These activities included political contributions, political meetings, and fundraising events. An administrator described his involvement in some of these activities:

Well, we do a lot of things. We attend political meetings of one form or another. We, for instance, a perfect example here locally, the capital area legislative delegation gathers, it's bipartisan, for various events. And frequently solicit invitations where we show up to visit with them. Then they have a fund-raising golf tournament which I will go to, and make sure, even if I'm playing well that day to not beat any of the really good legislators. And participate in that. (8-1b)

A system administrator spoke of how he and others make personal political contributions, while the system cannot contribute to political campaigns:

And another thing that we do, not as a system, but different people within the system, presidents, and some of the faculty - some of the board members, and former board members individually are politically active. I mean, I give money to politicians, my own money...whoever is best for (university system) is who I would be supportive of. (1-5c)

### **Legislative Success**

How do universities and university systems make a determination as to whether or not they were successful in their overall legislative efforts? Additionally, by what means do systems and individual institutions report the successes and failures of their efforts to the system's governing body? Chancellors' and presidents' responses to these questions will be addressed in this section while responses of government relations professionals will be addressed later in the chapter.

When asked about the effectiveness of a system's or institution's efforts during the legislative session prior to Fall 2010, answers varied greatly. "Ineffective,

ineffective,” (2-3c) said one participant who believed previous actions had fractured legislative relationships that proved detrimental to his system’s efforts. “I don’t think that we have been as effective in the past as we needed to be,” (13-3c) said another, whose view was based on a belief that an acceptable level of legislative success had not been achieved by his system. A third higher education leader believed his system was “Very effective” (1-6b) because his system had achieved most of its stated goals.

Two of the respondents who gave answers somewhat critical of the efforts were not in their current positions when the legislative session in question took place. One system head who believed his system was very successful explained his view on how that success came about:

It came from doing our homework, being available, supplying them with information and, again, just personal relationships. We were treated fairly in the funding and we got the things we needed to effectively run the system. Did we get everything we wanted? No. Everything we needed? Probably. (1-6b)

None of the respondents reported receiving everything that had been requested.

### Measuring Success

Success, generally, was determined by overall funding, ability to gain funds for additional items above the formula, flexibility in setting tuition, and the outcome of bills affecting higher education policy. When asked about specific failures, typical responses included the failure to gain legislative support for exceptional items requested by individual institutions. Most respondents indicated they felt they were successful maintaining a certain level of overall funding given the budgetary challenges faced by their respective state governments. In addition, several respondents reported success in

terms of bills failing to pass that, they believed, would add burdens to higher education operations.

When asked to be more specific about how legislative success is measured, respondents' answers revealed vast differences in approaches. Below is a sampling of responses:

- I measure success on how we were perceived and received by the members. I think you cannot measure just on money. I think you have to measure on more than that. I just think that it's important that you have a good image, that you work with members of the legislature; you tell them what your problems are and let them make the policy decision. (13-2d)
- I don't know if we have a real scorecard. I think we do start out the year saying here is sort of the minimum acceptable expectation of what we can get out of the Legislature. We kind of treat that as a C, and work above that... So we kind of set those minimum standards subjectively, as well as objectively, and then at the end we kind of informally determine how close we came to hitting them, given the reality of the state budget, and the politics going on, the tea party movement, a variety of other crazy things, oil spills, and all kinds of other things. I think we had a solid B this year, which I think, given the circumstances, was a pretty damn good grade. (8-3c)
- After the session, the (government relations professional) provides a report card and it's a public document that you can get a copy if you want, that shows that here's what we tried to do in the legislature and here's what was accomplished. (5-4b)

As one can determine from these responses, there is clearly no standard by which all systems measure success. Different systems, and different system heads, use different criteria, all of which depend on the political and economic environment at the time.

#### Reporting to the Governing Body

Differences exist in how systems measure success. Likewise, the way systems and institutions report legislative successes and failures to their governing bodies runs on a spectrum from informal to rigid. Several respondents indicated that reporting to the



governing body is an ongoing process that occurs through written reports, email, phone calls and oral reports during quarterly meetings. System heads indicated that, post-session, they informed the board about what happened on the funding formula, how well the system did, and any special items that might have been achieved above the formula. However, one system head seemed reluctant to share legislative success with his governing body. When asked how he reported, he explained, “You know, I think that's hard to do. It forces you to start bragging about things that may be a kind of good, instead of real good. And so, I don't have a checkout system on that.” (13-2f)

One administrator spoke to the informal process of reporting to governing body members. Noting that all institution heads make a report to the governing body, much of the communication takes place informally:

I think our (board members) are divided into three groups. There's about a third, who have accepted the responsibility, who have accepted the appointment, because it's honorific, and they're the governor's friend, and this is a payoff, and you feel good because you get to say you're a (board member). There is about a third that really want to govern, that really take the governance process seriously. And there's about a third who want good sports tickets. The middle third we communicate with, often times, one-on-one, phone conversations, informally, e-mails etc. So we inform the core leadership group in a much more informal fashion, which I think is actually the most effective in some respects because you can have much more candid conversations with a subset of the board who actually want to have the conversations and have taken the time to understand the issues. So the formal mechanism is through various reports and requirements that we have to turn in, which go into some enormous file, that's kept somewhere in secret, by some secret minions of the system. We make public presentations to the board during their regular meeting. We make informal presentations. But mostly I think our most effective mechanisms are strictly a few phone calls between me and four or five of the folks, that are not subject to open meeting laws, for which there is no track record that the (news)paper can get through a request for public documents, but for which you can have a candid conversation. (8-4c)

At the other end of the spectrum, one system head reported a highly structured process of reporting to the governing body:

We do a report card to the board. And we tell them up front, “These are the things we're working on.” And then we will do a postmortem. After they *sine die*, and the governor signs or doesn't sign whatever, they will be given a report on what we worked on and what we're successful at, or what we were partially successful at, what we were unsuccessful at, and what we are going to pick up next year. (1-8c)

Regardless of the degree of formality, higher education administrators work to communicate legislative activities to members of their governing bodies. How and what they report depends on the board member, as well as the culture and history of the system.

## **Impacting the Process**

### Importance of Developing Relationships

A key to legislative success, as reported by chancellors and presidents, is the ability to develop personal relationships with legislators and staff members. Initial responses to the question: “How important is it to develop personal relationships with key legislators and staff?” included, “It’s everything,” (2-4c) “I think it’s critical,” (13-3a) “That’s the way you get things done,” (1-9c) and “I think it’s absolutely essential in this day. It’s important everywhere. I think it’s absolutely essential here.” (8-5b)

Establishing effective relationships is an ongoing process. One participant noted, “Relationships are built ahead of session.” (2-4c) Expounding on the time it takes to establish relationships, as well as the fact that such relationships are built on trust and not by the nature of one’s position, a system leader explained:

So it's all about personal relationships and trust. So I think that...you don't establish that overnight, you don't just establish that by being in a position. This may come out wrong but there are some chancellors, and I don't know if it's plural or singular, who just by being Chancellor doesn't make you right and doesn't make you, even if you are right, doesn't help you pass the bill. It takes a while for the legislators, the key legislators, to trust you. Even if you're completely trustworthy, it still takes a while for them to trust you. (1-9c)

Discussing the reasons they believe developing personal relationships is important, respondents noted the access it gives them once the legislative session is underway, particularly toward the end of the session when the pace rapidly increases and the ability for legislators to meet one-on-one is severely limited. Another reason mentioned is that good relationships lead to more frequent contacts, thus more opportunities to tell the system or university's side of the story, or what the institution is doing, or justifying the money that is being voted on for the institution. The head of one university spoke to legislative success being tied directly to having previously established a relationship:

If you want them to say yes to you when you come asking for something as the University, you are the face of the University to them often times, so your ability to get success out of this relationship may be tied to how well they know you. I try my best to get acquainted with especially key members of the legislature and to maintain those relationships as well. (5-6b)

Having effective working relationships with legislators can also serve as an important source of information gathering on behalf of the higher education institutions. As one university leader explained:

I think it gives you a couple things. It gives you entree. It also gives you access for feedback. The most important is the feedback loop, because when you have a personal relationship with a major legislator that you come to know, they will call you up and say there's going to be a hearing. You're going to have to testify. I would say this, if I were you. I will try to throw you a hanging curveball at

some point in time, if you say this. So I think an awful lot that personal relationships are essential. (8-5B)

State entities, such as higher education institutions, are forbidden by statute from lobbying. In other words, public funds and resources may not be used to support or oppose specific legislation. Higher education administrators are called upon to provide information about the impact legislation might have on the higher education enterprise but must be cautious to not publicly take a position on pending legislation. Participants in this study noted the fine line that must be walked when they might have definite views about a bill but cannot publicly express their support or opposition to it. As one system head commented about such bills and not crossing the lobbying prohibition, “You have to be vigilant about complying with that particular...you talk to them and you can oppose principles but you can’t oppose specific legislation. That is, in fact, a distinction with a difference.” (1-6a)

### Questions for Legislators

The researcher in this study asked participants what question they would like to have legislators answer. This question was an opportunity for administrators to potentially have a question put forward that would help them gain insight into legislators’ perspectives on higher education’s actions. An interesting twist to asking such a question is that at least half of the chancellors and presidents interviewed were former legislators themselves. Consequently, they had already formed perspectives of higher education from the legislative side of the equation.

One former legislator who is now a system head wanted to ask legislators what university administrators do that is ineffective. Citing examples that he was aware of, he

answered his own question by stating, “Legislators expect administrators to know what their needs are, to quantify those needs, and to justify them.” (2-6f) Another system head wanted to ask legislators why higher education is asked to take a higher percentage of cuts in budget compared to other state agencies. Curious about the issue of trust, one university head responded:

Well, I think the question to ask them, one way or the other, is, “how much trust do you have in a university president or a chancellor or staff person?” But that's a good question to ask them. That's the endgame. The endgame is building trust in you, the only measure I think that makes sense here. And you can measure legislative scorecard, but over time, their trust in you is the most valuable thing there is... that to me is the fundamental question to ask, one way or the other. Because if the answer is no, or I'm not sure, WOW! We fail, we have failed miserably. If the answer is, “Sure”, then you have succeeded. That's about as simple as I can make it for you. (5-10a)

Another university leader posed a more philosophical question. He was interested in legislators' viewpoints about higher education as a state entity and its role in society:

The question I would like, to really plumb the depths of their emotions and knowledge, is, “What do they really believe we all are?” There are some people down at the legislature I think, sense that we are just another state agency like all others, whether it's Corrections or the Motor Vehicle, and treat us as such. From some of the key legislators, I would like to see if they can explain what they see as our larger social, economic, cultural function and how they value us, because one of the things we're trying to do is to create a recognition that higher education is fundamentally different from others. It's unlike many other functions they govern. It's a really major investment into the future, not simply a reaction to the present. I'm not sure that a number of them understand that. And so that's a question I would like to hear from a few of them on. (8-7a)

Given the nature of these questions it appears higher education administrators have an interest in gleaning legislative leaders' thoughts about how administrators might be more effective in working with the legislature. The different foci of the questions posed reveals what different administrators view as important in being effective. Some

chancellors and presidents were more interested in relational aspects while others focused on the mind-set legislators have as they work through higher education budget and policy matters. In a later section of this chapter, legislators address some of the questions just mentioned, either through direct questions or in the course of answering other questions.

### **Best Practices**

Interviews with university and university system heads concluded with a summary question about the best practices institutions may utilize to be effective in their legislative efforts. Common themes emerged in the answers. Broadly, themes that emerged included preparation, honesty, openness, and involving others stakeholders in the process.

Discussing the work that goes in to having successful legislative relations and being successful during legislative sessions, chancellors and presidents spoke to the importance of preparation. This included developing relationships with legislators and their staffs, mapping out a legislative strategy well in advance of the legislative session, and doing homework related to all issues being brought forward. One system head noted relationship building goes beyond the state capitol. When asked about best practices he responded, “Develop deep personal relationships with key policymakers, and I’m not just speaking in Austin, the city, the county, Austin and Washington, because policymakers at every level affect, can affect the university.” (2-5c)

Involving and trusting government relations professionals also emerged as a necessity in preparation, as well as an ongoing role in helping administrators navigate

the political process. Speaking to the importance he placed on his government relations professionals, one university head stated:

First of all, find a (name of his GR profession) and empower him to do his job, and trust him when he does. The vast majority of us who get to these roles get here because we have an academic record that impresses but not necessarily a political one. And so we all understand our shortcomings; the fact that you can be a hell of an anthropologist, or even a hell of a political scientist in the classroom, doesn't necessarily make you a political scientist downtown at the state legislature or in the Congress. So the fact that you carried an important title, and have been able to aggrandize your resume as an academic, doesn't necessarily make you effective in this role. So my first advice to everybody is find someone that you trust and who you have confidence in and allow them to do their job on your behalf. That's number one. (8-5c)

Chancellors and presidents repeatedly mentioned the requirement that administrators need to be open, honest, and transparent with legislators in order to gain and maintain trust. Noted one administrator, "Our word is the most important thing we have. We have to work closely with members of the legislature in maintaining credibility. I think the credibility you have is the most important thing." (13-3d) Being open and honest extends to addressing problems in higher education. As another administrator commented, "In meeting with key policymakers, don't just tell the good, but tell the bad and the ugly as well." (2-5c) Doing so helps to build the credibility necessary to maintain good relations with legislators.

Involving all stakeholders in the process is a major "best practice" that emerged. This theme involves informing the public about the benefits universities provide to citizens, involving students, parents, and other supporters in the legislative process, and coordinating efforts with other university systems in order to gain support for legislative action. Referring to the need to inform the public about higher education's efforts, one

system head made the argument for why such an endeavor is important, “I think focusing on things that actually matter to people outside the university is probably the most important; economic development, the economic impact of the higher education.” (1-9d)

Speaking to the importance of involving other stakeholders, a university head said:

I think too often we forget that legislators and others are much more inclined to listen to a student, a parent, a citizen, or a supporter than they are to us who are paid to do these jobs. So don't hesitate to engage those folks in the process... We get some students more formally involved in the process. It sends a message to the legislature about what this is really about. There is a very profound message in having students down there representing the institution because that is, in the end, what they know it's about. (8-5c, 8-6b)

Working with other university systems in the legislative process is a necessity noted by several participants. Common comments sounded the same theme, such as, “we help the others with their issues, and they help us.” (2-6c) Having more systems supporting an issue also helps build political support by having a greater reach into legislative districts around the state. As one system head explained, “So the more things that we have in common, the more things that we do together, the better the legislature likes it and the more likely we are to get things done.” (1-9d)

### **Key Findings from Chancellors and Presidents**

Interviews conducted by the researcher with higher education chancellors and presidents yielded the following key findings.

- Chancellors and presidents provide vision and direction for the legislative efforts of higher education systems and universities. As chief spokesperson before the



legislature, administrators placed great emphasis on explaining higher education's role in society at large; advancing the argument that a healthy higher education system benefits the state as a whole. This message often focuses on the economic impact resulting from higher education.

- Variance in the legislative goals of systems is minimal. While each system devotes resources to its own government relations efforts, administrators report that higher education budget and policy decisions tend to have proportional impact on all systems. As such, a certain amount of coordination and cooperation exists between systems. Coordinating efforts helps build political support by having a greater reach into legislative districts around the state.
- Understanding the economic, political, and cultural environment of a state is critical to operating successfully in the legislative process. Success in government relations efforts is measured within the context of these environmental factors.
- Building trusting relationships with legislators and staff is of paramount importance in the legislative arena. Fostering such relationships: 1) helps administrators gain access to legislators, particularly at critical times such as near the end of a legislative session; 2) provides more opportunities for administrators to tell higher education's story; and 3) provides a continuous feedback loop of how higher education's actions are viewed.

- Involving varied stakeholder groups as part of the government relations efforts was identified as a best practice. Stakeholder groups include regents, faculty, students, parents, and local officials.
- Chancellors' and presidents' rating of their respective entity's recent legislative effort ranged from "ineffective" to "very effective." Those administrators giving lower marks had not been as closely involved in the prior legislative effort as those who gave high marks to their entity's efforts.
- No single standard is used by all systems in measuring legislative success. Likewise, the manner in which systems report their successes and failures to their governing bodies varies greatly.

## **GOVERNMENT RELATIONS PROFESSIONALS**

### **Role in the Legislative Process**

Whereas chancellors and presidents provide the overall vision and direction of universities and university systems, and represent them before the legislature, government relations professionals (GRPs) are tasked with the day-to-day work of a governmental affairs operation. Many systems and flagship institutions employ individuals full-time to staff a government relations office. Regional institutions, on the other hand, typically designate one or more administrators to oversee legislative matters. Most of these individuals have other responsibilities and do not work full time on legislative matters. Rather, they serve as a liaison with the system's legislative office and point person for staying abreast of legislative matters for their institution.

Government relations professionals taking part in this study represented a mix of system level GRPs and those representing the flagship university within a system. While both groups engaged in similar day-to-day activities, system level GRPs spend a significant amount of their time working to coordinate the legislative efforts of all system members, whereas flagship GRPs almost exclusively concentrated their efforts on representing their institution.

The level of coordination between member institutions and the system level government affairs office varies by system. Some systems are tightly configured and aligned in their efforts, with member institutions working closely with the system office of government relations. Other systems are not as coordinated in their efforts, with the system office serving more as a collection point for legislative information as reported by member institutions. One participant whose system fell in the latter category described it as a “confederation system” rather than a “tightly bound system” (9-1a) that he had observed elsewhere. One system-level GRP’s description of his office’s role was fairly typical across both loosely and tightly coordinated operations:

We see ourselves as coordinating the higher-level overall messages and educational efforts that are common to all of our institutions, to some extent seeking to coordinate and at times referee competing positions of our institutions. And in working with our campuses, most of whom have somebody who does what we do for the campus, for the president, at their level. Some of those are dedicated staffs...Our job at the system is to try to ride herd, herd cats, although we all work very well together. Part of our job is to also coordinate with the other systems. (4-1a, b)

Describing his position at a flagship institution, another GRP spoke to the role he plays in the legislative relations of the university:

What I represent is the liaison with the state legislature and the governor's office, with the university. Primarily, what I will get is, I would say, smaller questions. And by smaller questions I mean people will go to the chief executive of the institution if they really want a firm commitment immediately. But for all issues, which are 99% of everything else, they will come to me because I can get them answered pretty quickly. It mostly deals with not locking down into commitments. (9-2b)

His statement echoes responses of all other GRPs interviewed; theirs is primarily a position of being a liaison and information source to legislators and legislative staff rather than the spokesperson before the legislature.

Individuals staffing university system and university government relations offices come from various educational and professional backgrounds. Some GRPs spent their career in higher education, rising in administrative responsibility and ultimately overseeing the government relations efforts of their system or institution. Other individuals in these positions are veterans of the legislative process, having extensive experience working in the legislature and state government. As reported by participants in this study, both backgrounds provide advantages to overseeing the legislative effort of higher education, as explained by one GRP:

Government relations people like myself, I think, tend to be on a spectrum. And the spectrum tends to be those who have deep expertise in university matters, and those who are great political operatives that may care less about the institution itself; consider it more of a client. There is that spectrum. I am of the University. I believe in the product. I think that I fall more on the expertise because I did not grow up in politics. I find that some people who are hired, such as former legislators, liked the game, they love the game, and they are good at the game. And you need that too. Depending on the personality of the president, and their feedback loops, you probably should choose a government relations person based on that spectrum. And both bring great value but I tend to think they fall on the spectrum. (9-13b)

In other words, the pairing of individuals with different strengths, institutional knowledge and legislative experience, is viewed as a potential positive in higher education's legislative relations efforts.

A common theme that emerged in the interviews with GRPs was their desire to maintain low visibility in the legislative process and to direct credit for any legislative action to other players in the political process, particularly legislators. As one system-level GRP put it:

We want the attention to go where it belongs. The attention and the credit needs to go to the (legislative) members, to the (governing) board, the chancellor and the president. We do not wish to have credit or attention on us; most of us, those who are successful at it. (3-6b)

While this sentiment was expressed by most GRPs regarding legislative successes, a couple of respondents also pointed out that anonymity is particularly important if their activities might have caused a legislator's legislation to fail. Because of the potential political fallout, and the risk of retribution by an individual legislator, no GRP, or institution, wants their name associated with any action that might have caused a piece of legislation to not pass.

### **Current Legislative Practices Reported by Government Relations Professionals**

#### **Information Providers**

State law in Louisiana and Texas forbids public institutions of higher education, as state entities, from lobbying. GRP respondents in this study repeatedly made the point that they do not engage in lobbying in the legal sense. However, higher education has an interest in funding and emerging policy issues and clearly has an interest in the outcome of legislative budget and policy decisions. GRPs noted that they cannot ask legislators to

vote for or against a bill. Rather, GRPs view their role as information providers, explaining to legislators and staff the implications for higher education overall that will result from legislative decisions.

The difference between what is considered lobbying and simply providing information may seem quite nuanced. One system-level GRP best described the fine line often walked by higher education in its legislative relations efforts:

Our role specifically is one of education and information. You (the researcher) use the word lobbying. We don't lobby. We are statutorily prohibited from lobbying. My friends, when I describe what I do, however, will say that sounds a lot like being a lobbyist. And I say, well no that's not what we do, we educate and inform. We are there to make sure members and staffs know the impact of the appropriations process and proposed legislative ideas on universities. We will, at times, share with them those matters that are of concern to us in higher education...that could be addressed through legislation. If they wish to choose to pursue that, we would assist them if they so chose. But we try being more in an educational, informative, responsive relationship, is what we try to do. (4-1a)

Both states examined in this study have part-time legislatures. The Louisiana legislature meets each year and produces an annual budget for the state. The Texas legislature meets every other year and produces a biennial budget. Despite the part-time nature of these legislative bodies, GRPs were quick to point out that their work never stops because of the ongoing budget preparation and request process, as well as regularly scheduled committee meetings and interim studies between legislative sessions. This ongoing legislative process requires higher education to remain diligent in its efforts to provide information and interact with legislators. As one GRP put it, "We always, always have to be on the offensive in explaining to legislators what is going on...what we do is we provide them information and analysis so that they can speak intelligently about higher education." (9-3a & 2c) Additionally, as another GRP stated about moving

higher education issues forward, “Almost everything you do during a session is predicated on what you did before.” (3-1b)

Providing timely, accurate information to a legislator can present its own challenges. Most higher education government relations offices are not very large and often rely on other components within the system or university to provide answers to legislative requests. The GRP is often the intermediary who works to obtain accurate information and provide it back to legislators in a timely manner. One university level GRP explained the challenge this presents:

I find a classic clash of cultures, by and large, between the university and the legislature. Universities are very thoughtful enterprises and they like to think about their response. They'll have to mull it over and get some feedback. Legislators and government officials are about responsiveness, which means speed. So you become a negotiator within the university to get a faster response. You get a response and you become the interpreter of what that response is. (9-4b)

Speaking of the need to provide accurate information, be responsive, and foster a trusting relationship, one GRP noted:

A member is not going to have time to go search the quality of the information that you gave him or her. They will take the information and use it and believe it depending upon if they think you are trustworthy. But the confidence in you will be the authority for the information, not the objective quality of the information. (3-7b)

In summary, GRPs described their role as educators and information sources who work as a liaison between the legislature and the university or university system to provide timely, accurate information. Interviews with participants across all sub-groups, however, reinforce the idea that to be effective university representatives are more than providers of accurate information, they must also be trusted. This strikes at the heart of

need to build positive relationships. If a GRP has developed trusting relationships with legislators, confidence in the information provided will have been enhanced long before it was actually delivered.

### Stakeholder Involvement

Coordinating the involvement of stakeholders in the legislative process is a practice that GRPs reported spending part of their time on. Their responsibility includes working with members of university and system governing bodies, alumni, and students who can help advance the higher education message. Participants in this study spoke about the ways they utilize these stakeholders groups.

While those employed by higher education institutions are not allowed to lobby legislators, members of higher education governing bodies are private citizens and do not have the same restrictions. Board members can support higher education and their institutions by various means, such as contacting legislators directly and testifying before the legislature.

Enlisting members of the governing body in the legislative effort can help produce a desired result. However, certain members may have viewpoints or allegiances that limit the desirability of their speaking on behalf of the university. One GRP described the relative absence of governing body members during the budget process of the most recent legislative session:

I would say among the leadership within the system, there has been some frustration that the board has not participated in the political activities that they should...it seems as though they may have been a bit absent when it comes to the budget fight. I think that that stems from the fact that they are appointed by the governor, confirmed by the Senate, and that makes them all governor's appointees. And I think that there is some allegiance to the governor and (they)



want to follow his plan. So they will deviate from the plan where they think that they might. But I don't think they're going to deviate from the overall plan because they are of like mind with the governor...so I would say that the board has not participated like we had hoped. (9-8b)

GRPs also reported involving alumni in legislative relations. Echoing statements made by chancellors and presidents, GRPs noted the access and impact alumni can have when visiting directly with their own representatives. One GRP has noticed increased involvement by alumni at his institution and speculates this activity springs from alumni's fear that the institution is being threatened by budget reductions.

Involving students in the process can also help yield desired results. As previously reported, both administrators and GRPs noted the importance of couching discussions about higher education in terms of budgetary and policy impacts on students. One GRP put it this way:

I do try to provide information to help people understand what implications there are for budget cuts, in particular for the student...every situation has to be described as it affects the students because, frankly, they don't care about me, or the Chancellor, or about your administrators who come up there, or about your faculty members. They just don't care as much as they do about the student. And the student generally comes from their district, and they are concerned about their constituent. So if you can put everything into the crystal of the student perspective, then you will be successful most of the time. So basically I am an interpreter in the way things affect students. (9-2b)

Several GRPs agreed that utilizing students to articulate how legislative decisions will impact them personally, whether communicated one-on-one or in front of a legislative committee, is a powerful way to convey the message.

#### Testifying Before the Legislature

Most higher education testimony to the legislature is given by chancellors and presidents. GRPs occasionally testify but usually attend hearings only to support the

university and system head. Several GRPs said their own chancellor or president is effective at providing testimony but observed by comparison that some administrators are better at this function than others.

Noting the challenges of testifying, one GRP suggested that a review of archived committee hearings would reveal, “just what kind of harassment goes on...of higher education officials in some of these committees. It’s just amazing.” (7-1a) His view was that higher education leaders occupy positions that have a certain amount of status and that some legislators do not recognize such status and treat chancellors and presidents in an unprofessional manner during public hearings.

A couple of GRPs also commented that faculty members are typically not very good at providing testimony. When asked by the researcher about whether it is a good idea to have faculty testify on behalf of higher education, one GRP stated, “Good Lord no! I always frown on professors going to speak.” (9-14b) This sentiment reflects a view by GRPs that faculty tend to believe logical, fact-based arguments are reason enough to pass or defeat legislation, while failing to appreciate political forces that might affect the fate of legislative decisions.

### **Legislative Success**

The researcher asked chancellors and presidents about legislative success, how success is measured, and how systems and universities report success or failure to their governing body. GRPs were asked similar questions. The section below outlines the respondents’ answers.

When asked how successful a GRP's institution or system was during the past legislative session, answers varied. One GRP stated, "Of course, I would give it an A.... I think we did a damn good job, considering the environment." (9-5b) Other respondents were more circumspect, noting that success is relative and that no entity ever gets everything it wants. Reflecting on past legislative sessions during his tenure, another GRP stated:

Every session, but one, we've come out better. I don't think that's all due to us by any means. Did we have a little hand in it? Yes. But it's effective in reporting to the board. I wouldn't like it near as much if we ended up way behind, truthfully. But I would still report it. We have to have a measure of success. We have to have that. (3-3c)

### Measuring Success

Most GRPs said that success is hard to measure. Reflecting the sentiments of their chancellors and presidents, GRPs generally agreed that legislative success is usually measured in terms of overall funding. How higher education fared relative to the overall state budget and how an institution fared by comparison to its peer institutions are both measures taken into account. As a university GRP put it, "I would say 95% of the success rating of a session would have to be the budget." (9-6b) Another GRP said, "It depends on the general environment. In this session we measured success by not having been disbanded and by not having been cut into oblivion...I mean, the budget is always a measure of success." (7-7d)

The budget is not the only measure of success, however. GRPs also reflected on assessing success or failure on the policy side of the legislative process. As a GRP stated:

You have to look at policy, because in a lot of instances it is not just the budget, it's these crazy policies that they put in that don't necessarily do so much damage to you budgetarily but can kill you with restrictions, and limitations, and requirements that take up your time, and take up your money, and put you behind your peers in terms of your ability to have the flexibility you need to operate. (7-7d)

The types of policies this GRP was referring to include: reporting requirements; having to justify new positions; purchasing restrictions, and; bureaucratic red tape in order to receive approval to construct new facilities. In the same vein, another GRP spoke of the importance of bills that did not make it through the legislative process, "Bills that got killed can be much more important than bills that got passed. And bills that got killed, we never want credit for. They just die. Or fade away, or whatever." (3-5a)

#### Reporting to the Governing Body

Most GRPs interviewed for this study play a role in reporting legislative success to their governing body. As noted in the chancellors and presidents section of this chapter, legislative success is reported in different ways, as will be described below. Regardless of how success is measured, GRPs report that the budget is the primary interest of board members. "When you're talking to the board, the measure they care about is, did we get the same, at least the same level of appropriations, as any other systems institutions got? Preferably more," (3-1a) according to one GRP, who added, "It's a one-pager. That's the bottom line, that's the one-pager, that's the dashboard measure the board cares about. All this other subtle stuff we are talking about, is to them inside baseball. They don't care. It's relevant to me but to them it's like, "Do your job. Do your job and tell me if something is going wrong." (3-3b)

When reporting to the board, a couple of GRPs noted the importance of not bragging or taking credit for anything. Credit for accomplishments should be given to the legislature. One GRP put it this way:

The way in which it (legislative success) is stated is very, very important because it implies credit and one of the cardinal rules of this business is you give the credit to the legislature. You give the credit to the elected officials, particularly the leadership, because nothing happens without their approval and everything we do is secondary, tertiary to what they do. (3-1b)

The manner in which GRPs report legislative outcomes to governing bodies varied somewhat but generally fell within two approaches. One system, as described by a GRP, takes an empirical approach. At the end of the legislative session, the GRP presents a report that includes a schedule showing the overall change in general revenue, the change in general revenue appropriations and how the system fared compared to the rest of higher education. The report also scores specific areas in which the system was successful, where it was partially successful, and where it was unsuccessful. The GRP noted that his board and system head are very explicit about wanting measures, not opinions.

In a different system, on the other hand, the GRP provides the board with more of a narrative. This report also occurs at the board meeting following the conclusion of the legislative session. According to one GRP,

It's a narrative presentation. Just an account of what transpired. More in the general context than, we want to see this done, check! We want to see this done, and it didn't happen. It's less of a report card, less than a check list, just simply, here's what transpired. (4-4b)

As the GRPs explained, these approaches to reporting primarily reflect the expectations of the board and the system head in how legislative activity is to be reported.

## **Impacting the Process**

### Understanding the Environment

Operating successfully within the legislative realm requires GRPs to understand a plethora of variables constituting the political environment. These variables include, but are not limited to: the economic conditions that affect state budgets; the political party in control of the legislature and state government; the culture of the state; differences in regional interests within the state; public perceptions of higher education within the state; legislators' views of higher education; and the interests of key legislators who oversee higher education budgets and policy making. Interviews with GRPs revealed their insights into some of the nuanced elements at play in state politics.

Several GRPs believed that understanding the culture of a state is critical to success in the political arena. One Texas GRP explained how cultural biases within a state inform those in the political process on how to approach legislative relations. Comparing Texas with California, this GRP noted that Texas has a cultural bias against government intrusion, employs a part-time legislature, and has a political process designed to “grind up bills” (3-5b) and make it very difficult for legislation to be enacted. Conversely, the GRP noted that California’s culture has an eagerness for government to address issues. The state employs a full-time legislature to take action and has a political process conducive to passing many laws. Understanding these differences is critical in determining the approach GRPs should take to navigate politics within a state. The Texas GRP concluded his comparison of the two states this way:

Cultural difference, same country. But those things, too, matter a lot. I think this is going to be the most challenging part of your study because...success is a

function of the environment in which you find yourself, and the way in which you adapt your issues to that environment, and to the legislative process, and to the members, and the priorities of the members, so that your interests fits theirs. And it stays within the cultural boundaries of what's important in this state. (3-6a)

Another GRP discussed the role he plays in helping his university head understand and navigate the politics within his state. Describing how GRPs often have long tenures working within the state legislative arena, he noted that GRPs already have relationships with legislators, already understand the culture and the social institutions and networks that go with it, and are not going to “trip over the same land mines.” (9-11a) This often is not true for administrators who have not spent time working within the political arena of the state, even if those administrators might be from the state, or spent significant time within the state inside academia. Several GRPs viewed it as one of their primary responsibilities to help guide university CEOs through the legislative process by lending their understanding of the political culture.

#### Importance of Relationships

GRPs were asked to discuss the importance of building and maintaining relationships with legislators. Respondents echoed thoughts brought forward by chancellors and presidents. Namely, such relationships are essential to success in the legislative arena, relationships are built primarily on trust, and building relationships with staff is of critical importance. GRPs responses are examined more closely below.

While GRPs agreed to the basic importance of developing positive working relationships, several pointed to the nuances that exist regarding the nature of and

approach to such interaction. One GRP noted the differentiation between chancellors, presidents, and GRPs and their respective relationships with legislators and staff:

It's essential. Now, that said, like everything, there's a place for everything and everything in its place. Chancellors don't need to (have a) working relationship with staff. That compromises their stature. They need to have it with the members, the elected officials. We GR people need it with both. But we need a close working relationship, built on trust, built upon familiarity and predictability of our behavior and their behavior. Knowing them well enough to know how they think and what they care about and what they value, with staff not so, with chancellors or presidents, except the local members that the president deals with. (3-4a)

Other GRPs believe relationships are important but clarified the extent to which those relationships should exist. Agreeing that personal relationships are important, one Texas GRP distinguished between the approaches taken now, as opposed to a common, if outdated, view of lobbyist:

As somebody pointed out to me when I came over here, it's not called the office of governmental relations by accident. It does have a lot to do with relationships, although not in the way that I think of the stereotypical lobbyist relationship. Again, I think we try to be at the highest level of professionalism... it's not the stereotypical backslapping, taking people out to play golf. In fact, I think across the board those days are a generation ago, the 20-year-old picture of what lobbying in general is like in Texas. It's much more professional oriented today, and maybe it wasn't at one point. (4-4c)

Chancellors and presidents having the respect of legislators and maintaining their status as higher education leaders was on the mind of another GRP. Expressing mixed feelings about system and university heads developing personal relationships with legislators, he explained:

Higher education administrators need to be respected for the role that they play in an important aspect of state service, and for the difficult job that they have and for the experience and background that they bring to the job...while I think that they need to know legislators and to have casual contact with them, I think it is much better that they are respected by the legislators and not seen as chums and



buddies and people that you can be too informal with. I think there is a value to having these people remain to be seen as people who have a tough job, that have great credentials, and that can execute in a variety of environments. (7-10b)

Building trust with legislators and staff was a common theme that GRPs expressed about maintaining positive relationships. Several GRPs said trust builds as the GRP becomes viewed as a credible source and is counted on for accurate information. According to one GRP, “50% of the argument that you want to make is based on the credibility of the person delivering the argument.” (9-9b) He said that he has witnessed legislators totally discount correct arguments that were presented by someone who lacked credibility. A GRP from Texas explained that one “mess-up” can destroy years of carefully developed credibility, “...so we are very, very cautious about (not) furnishing information until it’s complete and accurate and double checked.”

The capitol is like a little bitty town....word of mouth is faster than e-mail in that building. There are 181 members and their staff and they all talk. So, one screw-up will be known all over the capitol within an hour, especially if it is juicy, if someone really got upset with you, reamed you out in a committee meeting. (3-7b)

GRPs concluded that relationships, built on trust, and within the appropriate context, are vital to effective legislative relations efforts.

### **Best Practices**

Interviews with university and university system GRPs concluded with a summary question about the best practices that institutions may utilize to be effective in their legislative efforts. Common themes emerged in answer to this question, as they did in the answers from chancellors and presidents. Overlapping themes included: the importance of building relationships; involving other stakeholders in the process; and

being open, honest, and transparent. The GRPs offered more perspective on the subtlety involved in government relations; the need to align higher education's interests with those of legislators; the requirement of providing accurate, candid information; the need for higher education administrators to maintain their status in the eyes of legislators; and importance of feedback loops.

All GRPs discussed their role in providing information to legislators and legislative committees. The need for information to be accurate and speedy is a challenge GRPs constantly face, particularly while legislatures are in session. The role of information provider figured prominently in respondents' answers. One system-level GRP summed up his answer to the "best-practices" question this way:

It's the admixture of knowledge and information, timely provided, crafted in terms that relate to the interests of the members, selectively tailored in terms of emphasis, what parts to emphasize with whom, and utilize, in deference to the process of the legislature...but these are not practices, other than principles and guidelines, I would say. (3-5b)

The same GRP went on to note that there are subtleties to being a practitioner of government relations that make it difficult to identify best practices. Rather, he added, it might be more useful to find out about the "don't, do not under any circumstance" and gain insight on those. Explaining the subtle nature of operating within the legislative arena, the GRP gave this illustration:

If you are obsequious to a member, that's gratuitous, that's condescending in a reverse way. And yet you can't be anything but deferential. So the difference between being obsequious and being deferential is the issue. That's the skill. (3-7b)

Explaining the consequences of potential legislative action is vitally important, reported another GRP. When asked about best practices, his response in part was:

Marshaling the data, marshaling the facts, to get to the legislators about issues of concern about the budget process...we need to, in a very objective, clinical manner, let the decision-makers know, because there will be considerable consequences to those cuts. And they need to understand what those consequences are. We do not want to be engaged in hyperbole, just sort of, “just the facts ma’am,” sort of the dragnet approach. That's what I really think our job is, for the most part, across the board. (4-4d)

Adding to this sentiment, another GRP noted the need for candor in working with legislators and making sure they understand the consequences of legislative action:

So, if there's a recommendation it's for you to be brutally candid with your legislative leadership, with your legislative committees, and with the gubernatorial administration, to the point of saying exactly what the consequences are of proposed legislation, what needs to be done in terms of drafting legislation, exactly what the situation is on your campuses and the issues you should confront...as much candor as you can stand is the best way to proceed with legislators. Because then it's there. Then the question is, “what do you want to do, legislator? What do you want to do? What do you want to cut out?” (6-8a)

GRPs also spoke to the role of chancellors and presidents in the legislative process. One GRP, with extensive prior experience working in the legislature, considered it a best practice for higher education officials to maintain their stature in the eyes of legislators and “keep that level of respect for what they say by not letting ourselves become like the common lobbyists.” (7-11a)

Another GRP cited maintaining a continuous feedback loop as a best practice, for keeping university leaders informed of issues on the minds of legislators and the constituent groups that have the ear of policy makers:

Feedback loops are absolutely, absolutely critical...As a government relations official it is my job, I feel, in the feedback loop to survey all of those people and then to go directly to legislators and try to get as much information (as possible). It is imperative that the leader of the institution take that information and consider it before they go out and talk, or begin to negotiate... I find the best

leaders in higher education to be chancellors who use their government relations person as the feedback loop quite aggressively. (9-12c)

Finally, related to how higher education in general, and GRPs specifically, go about making arguments—one GRP spoke about framing arguments in a narrative that better illustrates higher education's interests:

What I find here in at (institution name) is that we are too dependent on empirical facts and do not make strong enough rhetorical arguments. We have the facts, we don't use them well. So that is something that I have been trying to work on for quite some time. I laugh because now we try to speak in parables. Jesus, right? I think that helps a lot of legislators understand where they don't understand the numbers or the action. (9-13b)

Concluding his thoughts on best practices, another GRP echoed the notion that facts alone do not make the argument:

I will say in dealing with the process, deftness is much more important than documentation. You can have the best documented information available; it can meet the most rigorous professorial standards for documentation, and validation, up down and cross ways. But if it's not presented in the right way, to the right person, with the clarity and deftness, it won't matter. It will be discounted. It won't have the impact you want. There is the science and art to this, and both of them have to go together. (3-5a)

### **Key Findings from Government Relations Professionals**

Interviews with government relations professionals revealed key findings similar to those found with chancellors and presidents. However, certain findings reflected their disparate areas of responsibility. Key findings included:

- GRPs' responsibilities vary, depending on whether they work at the system level or the university level. Nevertheless, they engage in similar day-to-day activities, including helping to guide the system or university head through the political process. At the system level, GRPs spend a significant amount of time working

to coordinate the legislative efforts of all system members. Flagship GRPs almost exclusively concentrate their efforts on representing their particular institution.

- The level of coordination between member institutions and the system government affairs office varies. Some systems are tightly configured and aligned in their efforts, with member institutions working closely with the system office of government relations. Other systems are not as coordinated in their efforts, with the system office serving more as a collection point for legislative information as reported by member institutions.
- Public higher education systems and universities are not allowed to lobby. GRPs view their role as information providers, not lobbyists, explaining to legislators and staff the implications for higher education overall that will result from legislative decisions. The difference between what is considered lobbying and what is simply providing information may seem nuanced. GRPs endeavor to maintain low visibility and avoid the appearance of engaging in lobbying activities.
- Coordinating the involvement of stakeholders in the legislative process is a responsibility of GRPs. This activity involves working with members of university system governing bodies, alumni, and students to move forward the message that higher education institutions' wish to impart to state policy makers.
- Legislative success is relative and is measured in terms of overall funding. GRPs reported that no entity ever receives everything it asked for. Approaches to reporting legislative success to governing bodies varies greatly.

- Operating successfully within the political realm requires an understanding by GRPs of many variables and subtleties constituting the political environment. These variables include: the economic conditions that affect state budgets; the political party in control of the legislature and state government; the culture of the state; differences in regional interests within the state; public perceptions of higher education within the state; legislators' view of higher education; and the interests of key legislators who oversee higher education budgets and policy making.
- GRPs echoed chancellors and presidents in the view that establishing relationships based on trust with legislators and staff is critical to legislative success. Administrators should work to maintain their status as higher education leaders.

### **LEGISLATIVE LEADERS IN HIGHER EDUCATION**

Each of the legislators interviewed for this study either chaired or served on a committee charged with higher education oversight and policy-making or a committee through which higher education is funded. Prepared interview questions differed slightly from those asked to higher education administrators and government relations professionals, as appropriate to the role legislators play. As with the other subgroups, interviews were semi-structured, allowing the researcher to ask follow-up questions and seek points of clarification.

Interviews began with legislators describing their role in higher education funding and policy-making and how they interact with administrators and GRPs as part

of the legislative process. Participants were then asked questions about the extent to which higher education representatives impact the legislative process and the effectiveness of higher education's government relations efforts. Finally, legislators were asked how representatives of systems and universities might be more effective in their legislative efforts.

### **Legislators' Views of Higher Education**

During the interviews, legislators made numerous comments that are instructive about their viewpoints as they go about their task of making funding and policy decisions for higher education in their respective states. Understanding that the researcher would conduct interviews with legislators, participants from other subgroups in this study repeatedly expressed interest in what the researcher might discover. This section will examine the responses legislators provided regarding their views of higher education and those who speak on its behalf.

All legislators spoke of the importance of higher education in their state. These comments generally addressed the economic impact universities have in terms of producing graduates who become higher wage earners, as well as the economic impact on the local economies that host these institutions. One Louisiana legislator noted that economic impact is a reason higher education is such a high priority of the legislature:

Naturally, without post-secondary education I don't believe there would be economic development in Louisiana, or any state. I think they are probably the largest engine of economic development in any state...without post-secondary education I can assure you there is no state that could have a great economic development future. (15-5b)

While expressing support for universities, legislators spoke of the frustrations they have with their ongoing interactions with higher education. Areas of concern expressed by legislators included: a lack of communication between the legislature and post-secondary education; a perceived lack of openness and transparency; not enough emphasis being placed on students; disagreement about staff decisions made by chancellors and presidents; a sense of arrogance emanating from higher education representatives; and actually lobbying while proclaiming they are simply information providers. One legislator spoke of the tension that exists between higher education and the legislature but concluded that this concern is ultimately overcome by the desire of legislators to be successful in supporting universities, particularly when it benefits an institution in their district:

There is kind of a love/hate relationship over there. I think higher education is generally frustrated with the legislature because they feel like we just don't understand and basically, and I'm talking about we as a legislature, may not be the brightest bulb on the block. And there is a resentment coming back in the legislature toward higher education because we know what their arrogance is, what their attitude is. And we say, "Yeah, but you know, we know what the people want. And you are pretty out of touch." And so there's a tension there. But the tension is offset by a desire by the legislators to bring home the bacon and gain credit for their legislative skill. (12-2d)

Not all perceived problems come from higher education representatives, according to two respondents. One legislator expressed concern about the citizens of his state lacking an understanding about the importance of post-secondary education, while another legislator said, "I believe very strongly that in Texas there is an anti-intellectual mood that often prevails. And I believe that higher education is perceived wrongly as the fat cat." (16-4c)



Regarding government relations professionals, one legislator spoke of the stakes and complexities involved in higher education funding and the role the GRP plays:

The trophy on the wall is always some component of higher education funding. It serves many of the political purposes that highway funding does on the federal level. So, it's a very highly politicized game that involves billions of dollars. At the end of the day, it is a very important function of state government, but there are many, many facets to it. The good governmental affairs person understands them all. (12-3a)

A couple of legislators noted the trend of university systems hiring former legislators to serve as system heads. These legislators said they could see definite advantages in hiring such individuals into these positions because of existing relationships between former colleagues. One legislator said:

So the trend toward having former legislators in key leadership positions is one that is a fascinating study, to see if that elevates the status and gets the attention of legislators who know this person. And it's not something that is happening in a smoke-filled backroom, this is just because we have a good relationship and I've known you for 10 years. "Hey, come on down, glad to talk to you." It's just human nature in a way. (14-7b)

### **Interactions with Higher Education Representatives**

A portion of the interviews with legislators focused on the interactions they have with higher education representatives. Participants offered differing views on the amount and type of interaction they need to have with chancellors, presidents, and GRPs. Some of the variance in responses seemed attributable to the particular legislator's role in the legislature, namely, serving on an appropriating committee or a higher education policy committee. Two responses illustrate differing viewpoints. One member who served on a committee with policy oversight expressed a desire to hear from higher education representatives about their priorities during the upcoming legislative session this way, "I

don't want to micromanage their internal issues. I want them to come to us with their priorities and especially this next session when we are talking about having to cut programs.” (14-9a) Conversely, an appropriator discussed a willingness to listen to all institutions requests but noted the limited benefits of trying to take in huge amounts of information:

After a while it just becomes a big blur. It's, “we do a wonderful job for (the state)...but we really need some more money.” Occasionally there will be some insight or some comment that affects our decisions, but not usually. (12-3d)

The same legislator noted, “Our decisions are constrained much more (by) how much money do I have to spend, and how do I dole it out to get the votes to get this out of committee.” (12-3d)

Legislators spoke of the ongoing interaction they have with higher education, both during and between legislative sessions, when many visit universities around their state. Respondents spoke of the need to maintain good communications between higher education and the legislature. Most spoke of positive lines of communications existing between the two. However, one legislative leader stated:

I think the legislature is reaching out, trying to embrace post-secondary education and understand it better. And certainly I would hope that post-secondary education in (the state) embraces that willingness of the legislature. (10-7C)

Based on previous experiences that he did not elaborate on, this legislator believed there had been lack of communication between the legislature and higher education.

In discussing their interactions with administrators and GRPs, legislators with less seniority tended to speak more about the lines of communication they have with

GRPs, while more tenured members spoke of their working relationships with chancellors and presidents. One more junior member said:

On the question of the government relations people, I think the most important thing about their role is that they are very accessible to us. The university presidents and chancellors certainly are as well, but they have very busy schedules, and I respect that and sometimes it's more efficient just to talk to the government relations person and get a quick answer to something that the president doesn't need to be bothered. (14-5b)

This viewpoint is in sharp contrast to the statement of a senior legislative leader regarding the role of GRPs:

They want me to talk to them...it doesn't happen in my office. I speak to the president, I speak to the chancellor, I speak to the regents. They are my friends...We need a direct relationship, and that's key...(16-5c)

Part of the difference in attitude is perhaps best explained by another senior member:

The one advantage that I have, my relationship with government affairs officials has changed over the years. My dependence on them was much greater in my early career because: a) I didn't know; and b) I didn't have the power to do whatever I wanted to do. But now, I just want them to be honest with me. And let me know if there is anything I'm doing that's causing some unintended consequence that I don't know about. (12-5c)

Responding to a question on how higher education representatives can be successful in their government relations, a legislator answered:

Certainly, on the negative end, you want to make sure that nothing is done that creates some barrier with a legislator. I think having the relationship that you know you have an open door with a legislator, that they are receptive to you, make sure that either they or their staff are willing to hear the information, and take the information that you want them to have. (15-4b)

### **Impacting the Process**

The researcher visited with legislators about the efforts of higher education to impact the legislative process and whether such activities had an effect. All respondents

agreed that higher education's government relations efforts did impact the process. One legislator noted higher education's broad geographic constituency as a source of their effectiveness:

I think it's a huge impact. I think they probably have, I guess, the largest lobbying force in this state. I mean, if you think about that, you see each region of our state is certainly represented well by post-secondary education of some type. So I feel like they have a huge impact on the legislature. (10-3C)

Another legislator noted that a good GRP can play an important role related to funding:

The governmental affairs guys, besides providing the eyes and ears for the board and the leadership, can affect several millions of dollars' worth of funding if they are just in the right place at the right time. And that's why they get paid so well. (12-2c)

Several legislators discussed the efforts put forth by the university systems in their respective states, noting the largest system tends to drive the higher education debate and is more proactive than the other systems. One legislator said this when asked about how active systems are in the process:

Well, it depends, it depends on the school. Most(ly) reactive, with the exception of the (state's largest system). (They are) usually proactive, and though they will deny it, usually they're running a fairly ambitious legislative program. There is not a more powerful political entity in the entire state...than the (largest system). They have played the game for a long time. They have played it very well. Generally the legislature does whatever they want...they are significantly different than everybody else. Everybody else is a lot more passive, a lot more reactive. They are very aggressive, very proactive. (12-2a, 12-2b)

Another legislator echoed these sentiments:

The (largest system is) always at the forefront of legislative issues...so I believe that in the higher education community it's the (largest system) that is the leader in terms of influencing the legislature, and in terms of government relations efforts. (16-3b)

Legislators also mentioned that university systems help build their government relations offices by hiring talented staff members away from the legislature.

### **Effectiveness**

Beyond asking if higher education impacts the legislative process, the researcher explored members' views on the effectiveness of higher education representatives' actions to influence the process and how systems might measure their effectiveness. Responders believed higher education's efforts are effective overall but noted that the most effective thing is to do a good job of performing their educational mission. Most also agreed that it is difficult to measure overall effectiveness because success is relative.

When asked about measuring success, one legislator noted:

It's a real intangible out there. It's very hard to do an accounting equation on it and say, "Here are the debits, here are the credits, and here's the equity." It's so much more subtle than that. The only thing you can say for sure is that higher education funding would probably look a lot different if they weren't over there. They do move this effort in directions that generally favor their schools over what, if the legislature left to their own devices, would do if you just locked us in a room and said, "Go write a budget for higher education." I don't know if you could put a reliable number on it...it's hard to do. It's like a lot of things; you know it when you see it. In a legislative session, results are always relativistic. (12-3b,12-4c)

Legislators noted appropriations are the most important measurement of success. As one legislator responded when asked how systems might measure success, "Funding, funding, funding. It's all about funding." (16-4c)

Responses specifically related to the effectiveness of administrators and GRPs reflected on the individual's credibility, likeability, trustworthiness, and ability to get a message across. One legislator noted the importance that relationships play in the process:

Some presidents are more effective than others. Some chancellors are more effective than others, and same thing for regents. And it's not only a difference in how effective they are but also in their personalities and how likable they are. And there are many who are very well respected and very well-liked and they develop friendships and there are others who are more arms distance and don't get involved. (16-2d)

Another legislator offered this view about other important components of effectiveness:

The biggest thing really is credibility and trust, and making sure that I'm not steered. If someone steered me in a direction that doesn't turn out to be what they expressed that it was, I would have a hard time having any trust with that person and doing anything they suggested in the future. That's just a no-brainer. And to make sure the information I need is given to me in a way that I know it's going to be accurate and that I am not going down some rabbit hole and get caught up in a corner (because I) had been given something that's not really supposed to be. That's the best way I can say that. (15-4b)

### **Improving Effectiveness**

At the end of each interview, legislators were asked how university administrators might be more effective in working with members and staff of the legislature. Responses to this question fell into three basic categories: 1) activities and practices administrators should utilize; 2) areas in which administrators should do a better job, and; 3) actions administrators should not engage in. This section will provide a summation of each of these categories.

#### **Suggested Activities and Practices**

Legislators expressed strong desire for administrators to speak with one voice about the needs of higher education statewide and avoid concentrating their arguments on what might be best for their particular institution or system. Legislators expressed an understanding that it is the job of administrators and GRPs to represent their university or system but, as one legislator indicated, higher education has been encouraged to take

a holistic view of what is best for students statewide, as opposed to a particular university setting. However, he noted the challenge involved:

That's quite a shift from the protectionism that we've all seen through the years, and I understand that. I do not blame anyone for that but I think it's had a negative impact on the state as a whole. (10-6b)

Another legislator articulated this viewpoint about what is a very effective approach for higher education officials:

I think what is valuable to me is when an administrator sees the big picture, and recognizes all the different ways that we're coming to the table here, and tries to provide the necessary information that will help us in working with all those different folks, rather than thinking that everybody is to look at it the same way, or falling back on just saying what a great investment it is, because I know that, you don't have to tell me that. Helping to frame it in such a way that allows us to really demonstrate things that shows we really need to stay invested here, that is willing to be proactive about what their relationship is with government and not being in position of always just coming as if you're asking for something. But rather, "this is what we are doing, and this is how we want to work together, and this is what we are going to do to make that happen," as opposed to just asking us to do it. (15-6b)

Being more specific about how the head of university should spend time in order to be most effective and efficient, one legislative leader related the advice he had shared with a new university president about spending time at the state capitol, being concise in legislative requests, and using GRPs:

I said, "Look, you are a brand new president. You have a lot to do. I tell you what; I need to see you twice. Don't be over there (the capitol) all the time. I will see you early in the session and you tell me what you need and then come over the end of the session and I'm going to tell you what you are going to get. Now, the rest of the time just get over there and run your school." That's pretty blunt, and that may not be all true. But, it's also true that a president that spends too much time in (the capital city) and too little time back running their school is not probably using their time effectively. There is an art to it. More face time is not necessarily better face time...the way presidents can be more effective, is to be able to focus the legislator's mind on what is really critically important and do it in such a way that it is easy to remember...where the government affairs officer

comes in, I think if they really got their head to the ground, they will know when it's time to bring in basically the big guns and when it's not. And coming over there too much is counterproductive. Being over there in the legislature for 141 days is like drinking water out of a firehouse. The last thing you need is another meeting. (12-6c)

Legislators also reported benefitting from being invited to visit campuses and see firsthand what universities are trying to accomplish. Involving students during these visits, as well as involving them generally was reported as being very effective. As one legislator suggested:

They should expose them to the students, because students are our greatest asset in higher education. Let the students speak out and speak effectively to their respective members in the Legislature. (16-5a)

One legislative leader spoke about the type of individual that systems should place in GRP positions:

I believe that university systems should, first and foremost, hire charming, underscore charming, well educated, well informed, and persuasive persons. They need to hire the very best persons who can go out and represent their universities and their university systems well. They need to understand everything about that university and about the university systems and be able to sell it, be able to close the deal. And they need to understand finance issues. They need to understand how the budget works, and to be able to discuss it intelligently. (16-5c)

### Areas to Improve

Several legislative leaders discussed areas in which higher education administrators could improve their government relations efforts. These suggestions included: being more aware and in sync with what their legislators are trying to do; being assertive about bringing forward recommendations rather than waiting for the legislators to ask them to do it; concentrating more on what is best for the student; and



staying in close contact with legislators so that they are kept in the loop about higher education's concerns.

A perceived need for improved effectiveness by higher education officials was not unanimous among legislators. When asked how university administrators might be more effective in their legislative relations efforts, one legislative leader said:

Well, I don't know. They are already pretty effective so I don't know about how to get more effective. I don't like to see them a lot. I feel an obligation to see them but I don't need them over there holding my hand or hounding me to death. I just need to know what it is you need and then I'll try to figure out how to get it.  
(12-6c)

This legislator went on to explain that he was more dependent on GRPs for information earlier in his legislative career but was less so after spending a number of years inside the legislative process. Other legislators echoed the view that newer legislators depend on GRPs to provide information while the legislators are trying to gain an understanding of all of the issues they are required to consider in the legislative arena.

#### Actions and Activities to Avoid

Legislators were specifically asked what actions or activities they have observed higher education officials engaging in that should be avoided in the future. Responses ran the gamut and a few are highlighted below.

Not telling the whole truth or telling only part of the facts was a concern expressed by several legislators. One legislator spoke of the need to look for information beyond what was being presented by higher education officials for fear that he is being told only the part officials wanted him to know:

I think that's why I am so careful. I meet with various factions of post-secondary education so that I understand the whole issue. And sometimes governmental

relations people are representing only one faction of the total post-secondary education unit in (state name) (10-6d)

Another legislator put it somewhat less delicately. When asked what higher education representatives do that lessens their effectiveness, he responded, “Well, to me it's simple. Bullshit me. I think if someone is lying to me, or won't shoot straight with me, then I will be polite, but you know, they're done!” (12-5c)

Putting one's institution or system in front of others was another action legislators mentioned as a practice to avoid. Legislative leaders in higher education express their responsibility in terms of providing oversight, and making decisions based on the needs of the entire higher education landscape. Several legislators shared the view that administrators only looking out for their own institution were counterproductive to improving higher education as a whole. One legislative leader described how certain institutions have a “crabs in the barrel” mentality of “let me get what I'm supposed to get, and more, and I'll give you the crumbs, I'll give you whatever is left.” He illustrated the approach this way:

When you're crabs in a barrel, one crab climbs up to the top and another one just grabs on, pulls you back down. And we see that a lot across the board in our universities. They don't want anyone else to get ahead of the others. (11-5b)

Another area of concern expressed by a legislator involved the role of GRPs. The legislator noted that GRPs should avoid trying to be viewed as the spokesperson or the conduit through which all communications take place:

There are many government relations persons who want to be the sole spokespersons...there are other government relations persons, who advise, especially their new presidents, their new chancellors, their new regents, to work through them. That's not the best system. We need a direct relationship (with

chancellors and presidents), and that's key, and I hope those people are in your study. (16-5c)

Engaging in actions that disturb legislators can adversely impact a university or system, although such an effect is usually subtle and not a direct retaliatory act. One legislator explained it this way:

Because of the political sensitivity about punishing a university for some sort of government affairs transgression, it's pretty hard for them to do something that would make us punish the school deliberately. Now I have seen it a couple times...But most of the time, unless it's pretty egregious behavior, you can't take out your dislike or frustration on an institution because you don't like the government affairs. (12-5b)

### **Key Findings from Legislative Leaders**

Interviews conducted by the researcher with legislators yielded several key findings. These findings include:

- Higher education is an important enterprise that states need to support.

Legislators spoke of the economic impact universities have in terms of producing graduates who are high-end wage earners, as well as the impact they have on the local economies where institutions are located.

- Areas of concern expressed by legislators about higher education's actions included: a lack of communication between the legislature and post-secondary education; a perceived lack of openness and transparency; not enough emphasis being placed on students; disagreement about staff decisions made by chancellors and presidents; a sense of arrogance emanating from higher education representatives; and actually lobbying while proclaiming they are simply information providers.

- The type and amount of interaction desired by legislators varied. Some of this variance is attributable to the particular legislator's role in the legislature, namely, serving on an appropriating committee or a higher education policy committee. Those serving on policy committees express a greater need for interaction. Seniority also had an impact, with newer members having a greater need for the information supplied by government relations professionals than those who had a longer tenure in the legislature.
- Higher education's government relations efforts have an impact on the legislative process. Higher education's broad constituency and its omnipresence provide advantages that influence funding and policy decisions.
- The largest university systems tend to be the most proactive in their legislative efforts and drive the higher education discussion before the legislature.
- Higher education representatives are viewed as effective in the role they play in the legislative process, although legislators noted universities can be most effective by doing a good job of fulfilling their educational mission. Key characteristics to being an effective higher education representative include credibility, likeability, trustworthiness, and the ability to get the message across.
- Administrators should speak with one voice about the needs of higher education statewide and avoid concentrating their arguments on what might be best for their particular institution or system.
- Areas in which administrators could improve their effectiveness include: being more aware and in sync with what legislators are trying to accomplish; being

assertive about bringing forward recommendations rather than waiting for the legislators to ask for it; concentrating more on what is best for the student; and staying in close contact with legislators so that they are kept in the loop about higher education's actions and concerns.

- Actions to avoid include: not telling the whole truth or providing only part of the facts; placing one's institution's or system's interests first at the expense of others; and GRP's trying to be viewed as the spokesperson for their system or institution.

## **CHAPTER V**

### **CONCLUSIONS**

Despite the significance of the relationship between higher education and state legislatures, there is relatively little scholarly focus on the ways in which these two sectors interact (Lane, 2007). Compared to other disciplines and fields, the politics of higher education policy analysis have been under-theorized (St. John and Parsons, 2004). The current study seeks to add to the existing body of research in this area.

An examination of the state of legislative relations as viewed through current theory, expounded upon through the qualitative research conducted, yielded findings which have implications for higher education's legislative relations efforts. In this concluding chapter: major findings are reviewed; implications of the findings are outlined, and recommendations for further study are proffered.

#### **REVIEW OF MAJOR FINDINGS**

Four research questions guided this study. The following section presents major findings in answer to each question, as well as findings beyond the scope of the initial questions.

##### **Research Question 1**

What practices are university systems currently utilizing in their government relations efforts to influence the budgetary and policy process of state legislatures?

In the practice of government relations, three major areas of emphasis emerged: 1) the leadership of system and university heads, 2) coordination of the legislative effort,

and 3) ongoing efforts by individuals in the legislative arena to build and maintain positive working relationships. Findings in each of these areas are examined respectively.

### Leading the Legislative Effort

The heads of higher education systems and individual universities play a critical part in their respective entity's government relations efforts. Their role involves serving as the chief spokesperson, working effectively with legislators through good communications, and hosting campus visits (Leese, 1983). In addition, Hicks (1987) suggests that, to present an aura of integrity and sincerity, university heads should avoid overexposure and never engage in half-truths or name calling. Several findings add emphasis to the role that chancellors and presidents play.

Chancellors and presidents provide vision and direction for the legislative efforts of higher education systems and universities. As chief spokesperson before the legislature, administrators place great emphasis on explaining higher education's role in society at large—advancing the argument that a healthy higher education system benefits the state as a whole. This message often focuses on the economic impact resulting from higher education. One of the main functions of government relations professionals (GRP) is to help guide the system or university head through the political process. While participating in the process, GRPs noted the importance of administrators working to maintain their status as higher education leaders.

### Coordinating the Effort

Coordination of legislative efforts within institutions, between systems, and with stakeholders, is a practice that higher education administrators engage in. The level of coordination between member institutions and the system's government affairs office varies. Some systems are tightly coupled and aligned in their efforts, with member institutions working closely with the system office of government relations. Other systems are not as coordinated in their efforts, with the system office serving more as a collection point for legislative information as reported by member institutions. At the system level, GRPs spend a significant amount of time working to coordinate the legislative efforts of all system members. Flagship university GRPs almost exclusively concentrate their efforts on representing their particular institution.

Involving varied stakeholder groups such as regents, faculty, students, parents, and local officials in government relations efforts was identified by chancellors and presidents as a best practice. Coordinating stakeholder involvement is primarily the responsibility of GRPs. This activity involves working with members of university system governing bodies, alumni, faculty, and students to move forward the message that higher education institutions' wish to impart to state policy makers.

While the largest university systems tend to be the most proactive in their legislative efforts, driving discussions about higher education before the legislature, variance in the legislative goals of different systems is minimal. While each system devotes resources to its own government relations efforts, administrators report that higher education budget and policy decisions tend to have proportional impact on all



systems. As such, a certain amount of coordination and cooperation exists between systems and helps build political support by having a greater reach into legislative districts around the state. Legislators expressed a desire for administrators to speak with one voice about the needs of higher education statewide and avoid concentrating their arguments on what might be best for their particular institution or system.

### Building Relationships

In their examination of higher education's government relations, Lasher, Grigsby, and Sullivan (1999) viewed building relationships with representatives in state government as imperative, particularly at times when state appropriations are fluctuating and the general public is demanding more accountability for the use of resources. Building trusting relationships with legislators and staff was identified by chancellors, presidents, and GRPs as being of paramount importance. Respondents said fostering such relationships: 1) helps administrators gain access to legislators, particularly at critical times, such as near the end of a legislative session; 2) provides more opportunities for administrators to tell higher education's story; and 3) provides a continuous feedback loop of how higher education's actions are viewed.

Public higher education systems and universities are not allowed to lobby. In their ongoing relationships with legislators, GRPs view their role as information providers, not lobbyists, explaining to legislators and staff the implications for higher education overall that will result from legislative decisions. The difference between what is considered lobbying and what is simply providing information is nuanced and GRPs

endeavor to maintain low visibility and avoid the appearance of engaging in lobbying activities.

The type and amount of interaction desired by legislators varied. Some of this variance is attributable to the particular legislator's role in the legislature, namely, whether he or she serves on an appropriating committee or a higher education policy committee, with those serving on policy committees expressing a greater need for interaction. Seniority also has an influence, with newer members having a greater need for the information supplied by government relations professionals than those who have a longer tenure in the legislature.

In their relationships with higher education, legislators noted areas in which administrators could improve their effectiveness, including: 1) being more aware and in sync with what legislators are trying to accomplish, 2) being assertive about bringing forward recommendations rather than waiting for legislators to ask for it, 3) concentrating more on what is best for the student, and 4) staying in close contact with legislators to keep them in the loop about higher education's actions and concerns.

## **Research Question 2**

How do institutions of higher learning measure "success" in their legislative relations?

The term "measure" typically infers an accounting of something; in this case, the something is success in legislative efforts. Responses varied widely to questions about how systems measure success, with most respondents alluding to what it takes to be successful and that success is contextual and relative.

Operating successfully within the political realm requires an understanding of many variables and subtleties constituting the political environment. These variables include the economic conditions that affect state budgets, the political party in control of the legislature and state government, the culture of the state, differences in regional interests within the state, public perceptions of higher education within the state, legislators' view of higher education, and the interests of key legislators who oversee higher education budgets and policy making. Success in government relations efforts is measured within the context of these environmental factors.

Approaches to reporting legislative success to system governing bodies varies greatly, with no single standard used by university systems. Some systems have a scorecard by which they measure and report their efforts, while others have a less formal process of measuring achievement and provide a legislative overview to their governing body in narrative form.

### **Research Question 3**

To what extent does higher education's government relations efforts impact the legislative process as reported by state legislators?

Most large public universities have an office of government affairs that operates at the state and federal level. At the state level, one of the primary aims is to leverage more funding and work strategically in the institution's interest. Tandberg (2010) points to evidence of the significant impact this interest group activity had on state fiscal policy in regard to higher education; legislators in this study confirmed that higher education's efforts significantly impact the legislative process.

Examining lobbying at the state level, Rosenthal (1993) concluded that, ultimately, the success of legislative efforts is likely to hinge on an organization's identity and standing. Legislators spoke of the generally positive standing higher education has in the eyes of citizens. Viewed as an important enterprise that states need to support, legislative leaders wish to be seen as being helpful to higher education. Economic impact, along with a generally supportive stance toward higher education, creates the opportunity to greatly affect the legislative process. Higher education capitalizes on this in the political process, as well as the support of its broad constituency, to influence funding and policy decisions. As one respondent noted, "The only thing you can say for sure is that higher education funding would probably look a lot different if they weren't over there. They do move this effort in directions that generally favor their schools over what, if the legislature left to their own devices, would do if you just locked us in a room and said, "Go write a budget for higher education." (12-3b).

#### **Research Question 4**

Do differences exist between the perceptions of legislators, university and university system heads, and higher education government relations professionals, regarding the effectiveness of higher education's legislative efforts?

Findings varied between subgroups in this study. Chancellors' and presidents' ratings of their respective entity's recent legislative efforts ranged from "ineffective" to "very effective." Those administrators giving lower marks had not been as closely involved in the prior legislative effort as those who gave high marks to their entity's

efforts. Responses from GRPs varied as well. Noting that success is relative and no entity ever gets everything it wants, some GRPs felt that, given the current economic and political environment, their respective system or institution fared well during the most recent legislative session. No GRP gave the legislative relations efforts negative marks.

Legislators viewed higher education representatives as effective in the role they play in the legislative process. Respondents noted that universities are most effective when they do a good job of fulfilling their educational mission. Key characteristics identified of an effective higher education representative included: credibility, likeability, trustworthiness, and ability to effectively communicate the institution's message.

### **Additional Findings**

Issues beyond the scope of the research questions emerged from the current study. One of the most critical in legislators' minds was a strong desire for academic leaders to speak with one voice about the needs of higher education statewide and avoid concentrating their arguments on what might be best for a particular institution or system. Understanding it is the job of administrators and GRPs to represent their respective university or system, legislators encourage higher education leaders to take a holistic view of what is best for students statewide, as opposed to a particular university setting.

Legislators expressed ongoing concerns about certain issues related to higher education, including: 1) a lack of communication between the legislature and post-

secondary education, 2) a perceived lack of openness and transparency, 3) not enough emphasis placed on students, 4) disagreement about staff decisions made by chancellors and presidents, 5) a sense of arrogance emanating from higher education representatives, and 6) higher education representatives actually lobbying while proclaiming they are simply providing information. Legislators also pointed to specific actions administrators and GRPs should avoid. These include: 1) not telling the whole truth or providing only part of the facts, 2) placing one's institution's or system's interests first at the expense of others, and 3) GRPs trying to be viewed as the spokesperson for their system or institution, instead of the chancellor or president.

## **IMPLICATIONS OF THE STUDY**

Maximizing state funding continues to be a primary objective of higher education's legislative relations. The idea that universities will always make the case for more resources in the pursuit of educational excellence, prestige, and influence, is as relevant today as it was when Bowen (1980) proffered this thesis three decades ago. While maximizing state resources is critically important, current budgetary constraints due to economic conditions and the political environment in which policy decisions are made require higher education leaders to understand the limitations they face when trying to increase support. However, maintaining funding or at the least minimizing reductions, coupled with the policy decisions made by legislative bodies, create a need for higher education to remain actively engaged in the political and policy process.

This study identified government relations principles and practices that previous studies deemed necessary for successful lobbying (Leese, 1983; Hicks, 1987; Goodall,

1987; Krepel and Grady; 1989; Lasher, Grigsby, and Sullivan, 1999; and Tandberg, 2010). Beyond principles and practices identified, several issues emerged that have implications for current theory.

### **Implication One**

**The practice of legislative relations by university systems is as much art as science. No approach guarantees success, and the measurement of success is relative to the cultural, historical, political, and economic environment of a particular state.**

The subtleness and complexity of government relations were described by one participant when discussing best practices, “It's the admixture of knowledge and information, timely provided, crafted in terms that relate to the interests of the members, selectively tailored in terms of emphasis, what parts to emphasize with whom, and utilize, in deference to the process of the legislature...but these are not practices, other than principles and guidelines, I would say (3-5b).” This quote encapsulates the approach taken by higher education systems in their efforts to impact the legislative process. The gathering and dissemination of information, coupled with an understanding of the needs of legislators developed through research and fostered relationships, position higher education leaders to have the opportunity to influence the process. There is no magic formula for being successful in legislative relations, however, and this study confirms Hicks’ finding that, “No single approach to lobbying can guarantee success for all time for all people” (Hicks, 1987, p. 100), especially since higher education governance structures differ across states.

While success cannot be guaranteed, administrators follow certain practices to have the opportunity for success, namely: staying as informed as possible about the machinations of the political process, developing positive working relationships, and being responsive to legislative leaders. In addition to the culture of a state, the historical funding levels for institutions and the economic climate all affect higher education funding. Understanding politics and the political process still play an important role and administrators should continue to place emphasis in this area. As Tandberg (2010) noted, “Institutional leaders and lobbyists should acquaint themselves with their state's political institutions and ideology so they understand these areas' impact and can develop their institutional strategy accordingly. Having an intimate knowledge of the process and the factors possibly influencing the process will help advocates plan accordingly” (p. 442).

### **Implication Two**

**Higher education administrators may be more effective by heeding legislators' strong desire for higher education to take a holistic view and moving beyond the traditional approach of each system or institution working solely in its own best interest.**

Understanding that it is the job of administrators and GRPs to represent their university or system, and that each institution and system has its own unique identity, legislators nevertheless expressed a strong desire for administrators to speak with one voice about the needs of higher education statewide and avoid concentrating on what might be best for their particular institution or system. In pursuit of this goal, higher education leaders are encouraged to work together to coordinate the message between



systems and institutions and shift away from, as one legislator said, “the protectionism that we’ve all seen through the years.” (10-6b)

The researcher found evidence of increased levels of coordination. Challenges to increased cooperation and message coordination exist, however. As mentioned previously, history and culture, as well as geography, may serve as impediments to speaking with one voice. Additionally, each system reports to a different governing body and this creates challenges to putting forth similar priorities. In the end, higher education personnel within a state should seek out opportunities where they might cooperate, understanding that their respective institutions will continue to have unique needs and priorities.

### **Implication Three**

**The structural rigidity and level of coordination in a system’s government relations operation are reflective of the extent to which system goals supersede those of member institutions.**

The level of coordination between member institutions and the system level government affairs office varies greatly. Some systems have a legislative relations operation that is tightly structured, where planning is centralized, objectives are closely aligned, efforts are highly coordinated, and member institutions’ government relations professionals work closely with the system office. A looser structure is in place at other systems. In these instances, planning is less centralized, objectives are determined by each institution, and legislative efforts are loosely coordinated, with the system office serving more as a collector and disseminator of legislative information to and from

member institutions. One participant whose system fell in the latter category described it as a “confederation system” rather than a “tightly bound system” that he had observed elsewhere (9-1a). System-level oversight extends to determinations about which individuals, in what situations, may be in contact with legislators. Some systems are open to the idea of individuals in the university system visiting with legislators, while other systems stress the need for message coordination through the government affairs office.

The way in which a system is structured is a by-product of several influences, namely: state culture, historical governance, stature of the flagship institution, level of engagement of the governing body, and the exercise of control by the system head. Where systems were tightly coordinated, member institutions make determinations about what they would like to see pursued legislatively, but the system office, typically with input from the governing body, prioritizes what will be brought forth to the legislature. Conversely, in loosely configured systems, member institutions more freely pursue their agenda before the legislature, with the system office serving more as coordinator of information. Put simply, tightly bound equates to less institutional autonomy to pursue legislative action; loosely bound equates to more autonomy. In both types of systems, flagship universities tend to play a prominent role in the legislative process. As a result, the flagships tend to be a high priority for the system. Less clear, however, is how the system structure impacts the legislative priorities of other system components, such as regional universities and agencies.

## **RECOMMENDATIONS FOR FURTHER RESEARCH**

### **Recommendation One**

This study concentrated on the direct relationship between higher education administrators and legislative leaders. While engaging other stakeholders, such as faculty, students, and alumni, in the policy process was mentioned by several participants, it would be informative to further investigate these stakeholders' involvement. In particular, it is recommended that alumni participation in the legislative process be examined. Higher education institutions utilize alumni in their lobbying efforts but, as Weerts, Cabrera, and Sanford (2009) point out, the enormous level of attention paid to charitable giving by alumni has blinded scholars and practitioners to understanding the important non-monetary support roles played by college alumni, namely political advocacy. Many alumni inject themselves into the process but the level to which systems coordinate such efforts should be studied further.

### **Recommendation Two**

The concept of university heads being "academic nomads," willing to move freely to more prestigious destinations, emerged in this study. Both university heads and government relations professionals (GRPs) spoke of the dependence university leaders have on GRPs helping to navigate the political process when an administrator is new to an institution and/or state. It is recommended that further study take place to examine whether or not a lack of cultural and historical understanding of the institution or state is detrimental to an institution's legislative efforts.

**Recommendation Three**

The use of technology in legislative relations fell beyond the scope of the current study. Technology is utilized by lobbyist for communications, as well as contact and information management. This study's participants made only passing references to the use of email and texts as communication tools, and no references to social media. Likewise, contact and information management software common to the government relations world received no mention. Yet, higher education uses all of these tools to further its legislative efforts. It is recommended that the scope, impact, evolution, and implications of technology as a tool in higher education government relations be examined further.

**Recommendation Four**

A fairly recent trend has occurred in the hiring of system heads. Governing bodies have increasingly turned to former legislators to lead university systems with the idea that their legislative background, knowledge of the political process, and capitol contacts give them an advantage in navigating the budgetary and policy process that higher education has a significant interest in. This trend contrasts with the way university heads are typically hired, where a career in higher education, academic achievement, and administrative experience are still considered the prerequisites to ascension. Examining the performance of former legislators as system heads is an area ripe for further study.

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