THE ROLE OF STATE HIGHER EDUCATION GOVERNANCE STRUCTURES IN STATE-LEVEL HIGHER EDUCATION LOBBYING

A Dissertation in
Higher Education

by

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ABSTRACT

Lobbying and lobbyists are integral components of federal and state public policymaking for higher education at the federal and state levels. While the actions and goals of lobbyists appear to be straightforward, the lobbying tactics selected by lobbyists vary for different situations and in different contexts (Browne, 1985; Cook, 1998; Gladieux & Wolanin, 1974; Milbrath, 1960; Rosenthal, 1993). One specific aspect of the state higher education context which has become more important for states in the management and performance of state higher education is its governance structure—a formal organizational structure that provides oversight over public postsecondary education sectors and institutions (Hearn & Griswold, 1997; Richardson, Reeves Bracco, Callan, & Finney, 1998, 1999). Additionally, there is some historical evidence that higher education governance structures may have an influence on lobbying (Hearn and Griswold, 1997).

This study explores the role that state higher education governance structures have on contemporary state-level higher education lobbying. Using a multiple case study research design, interviews with state legislators, public higher education institution lobbyists, and education association lobbyists provide insight into which lobbying tactics are used under what conditions, including differences in state higher education governance structures (e.g., governing board, coordinating board, or planning board). The research methodology also included a comparative lobbying pathway analysis whereby lobbying tactics were pattern coded, mapped, and counted to compare the frequency of lobbying tactics selected under different conditions and to understand why
tactics were selected and how state governance structures may have influenced the selection of tactics. The issue of teacher preparation was initially selected as a higher education issue about which lobbying examples were provided by interviewees; however, most lobbying activity concerned appropriations and other institutional operational issues.

The findings indicate that there are more similarities in state higher education lobbying than there are differences among the three states included in the dissertation. For all three states, most lobbying tactics decisions appear to be characterized by the following model: lobbyists (who implements) present policy arguments/institution’s position (what lobbying action) via a face-to-face meeting (how implemented) with state legislators (whom to lobby). Members of the state higher education governance boards, whether it is a governing board, coordinating board or planning board, are rarely lobbied. The higher education issue of most concern is the level of state appropriations. This is followed in importance by policies that impact the operation of public higher education institutions, like any other public entity. Lobbying for K–12 teacher preparation is not done regularly.

The findings support both Milbrath’s (1960, 1963) communication model of lobbying and Browne’s (1985) roles model. Aligned with Milbrath’s (1960, 1963) communication model, the most prevalent higher education lobbying activities involved communicating with lobbyees. Maintaining positive relationships with lobbyees is a critically important goal of lobbying for state higher education lobbyists, often taking precedence over successfully advancing the higher education institution’s policy position. The finding that contextual factors played a role in lobbying tactic selection decisions
supports Browne’s (1985) roles model. The most important contextual factors included whether the state legislature or an entity within the state higher education governance structure had authority to determine the level of state appropriations, and the official position of the lobbyee. Suggestions for future research include expanding the study by employing a research design and data collection and analysis techniques to include all 50 states, including lobbying conducted by private higher education institutions, and examining differences in how state executive personnel are lobbied when compared to state legislators.
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1 PROBLEM STATEMENT

Lobbying and lobbyists are an integral component of the governmental policymaking process. Lobbying is Washington, D.C.’s biggest business according to Zorack (1990), “involving billions of dollars and impacting almost every aspect of our lives—the air we breathe, the food we eat, the energy we use, our transportation, insurance, banking, mail, and money” (p. i). In 2000, over 19,000 registered national-level lobbyists worked for about 4000 lobbying-related employers (Mahood, 2000).

The considerable role of lobbying in government extends to state-level policy making. Rosenthal (1993) cites a 1990 Associated Press survey showing that more than 42,500 lobbyists were registered at the state level and were growing in numbers. Some, including former speaker of the California assembly, Jesse Unruh, say lobbyists comprise the “third house” of legislative government at the national and state levels (the Senate and House of Representatives being the other two houses) because of their level of influence and involvement in the policymaking process (Rosenthal, 1993).

The prevalence of lobbyists in the national and state political scenes and their influence on policy making is not seen as a completely positive phenomenon by the American public. National news polls by USA Today (August 1990) and CBS NEWS/The New York Times (October 1990) indicate that public opinion regarding federal lobbying is negative: over two-thirds of respondents believe
special interests have too much influence on policy making, to the detriment of public interests, thereby threatening the democratic process (Rosenthal, 1993). Negative public opinion about lobbying extends to the states. A September 1989 *Associated Press/Media General* poll showed that over half of all Americans felt lobbyists have too much influence in state policy making, and only 17% felt state lobbyists behaved ethically (Rosenthal, 1993).

Despite the negative public opinion about lobbying and lobbyists, the enterprise of lobbying continues to be an integral part of the legislative process. It consumes substantial resources, is deeply entrenched within federal and state policy making, and, ironically, affects almost every aspect of daily life for the very Americans who feel threatened by it.

Generally, lobbyists’ actions include two aspects: 1) creating and nurturing relationships with key policymaking personnel (policymakers, staff members, governmental agency personnel, and administration officials) and 2) providing these people with resources (information, draft legislation, persuasive arguments, personnel, and financing) (Berry, 1977; Cook, 1998; Mahood, 2000; Rosenthal, 1993; Zorack, 1990). Lobbyists seek to persuade these key policymaking personnel to support policy positions favorable to a certain constituency (Mahood, 2000). Specific actions taken by lobbyists to create relationships with policymaking personnel and provide them with resources in an effort to persuade them to support a policy position are called lobbying tactics (Berry, 1977; Milbrath, 1960, 1963; Zorack, 1990).
While the actions and goals of lobbyists appear to be straightforward, Browne (1985) contends that lobbying is done differently in different contexts. At the federal level, Gladieux and Wolanin (1974) provide some evidence for this idea in their descriptive account of the legislative and lobbying process surrounding the 1972 reauthorization of the Higher Education Act (HEA). For example, the K–12 school busing desegregation issue of 1971–72 became the primary education issue on the public and Congressional agendas during the 1972 reauthorization process. Despite their lack of relevance to higher education, school busing amendments were opportunistically added to HEA reauthorization legislation because it was the education bill most immediately before Congress during the summer of 1972 that was most likely to pass at the time. For some members of Congress, passage of HEA became tied to the busing amendments more than to any of the higher education provisions. As Congressional attention turned toward busing and away from higher education, federal higher education lobbyists needed to shift their focus to the busing issue as well.

Cook’s (1998) interviews with federal higher education lobbyists and those they lobbied support this notion: she argues that the group (e.g., political party) in control of the legislative process was a key contextual factor influencing lobbying. Specifically, Cook found that when the Republican Party reclaimed a majority of seats in the U.S. House of Representatives during the 1994 mid-term elections, federal higher education lobbyists were required to establish new relationships with Republican Members of Congress, relationships that had lapsed
for 40 years while the Democratic Party had held a majority in the U.S. House of Representatives since the 1954 election.

At the state level, Rosenthal (1993) reports on interviews with lobbyists who claim a variety of contextual factors influence how lobbying is done, including the issue involved, the legislative process, and who is lobbied. For example, during the 1960s and 1970s state legislatures became more professional, more specialized, and more demographically inclusive. Being a state legislator increasingly went from part-time to full-time work, legislatures met in session more often and longer, legislative salaries increased, skilled experts were hired to support legislators and committees, and women and minorities were more involved as elected officials and hired staff. Because of the growth in size and complexity of state legislatures, the increased political aspirations of state legislators, and the increased number and breadth of issues covered in the states, lobbying in the states changed. State-level lobbyists increased in number, became more in tune with the political aspects of the policy process, and adapted and developed new lobbying tactics. Rosenthal’s (1993) study, however, included interviews with lobbyists only, did not deal with higher education issues, and did not explain why context is important to state-level lobbying.

Higher education governance structures—formal organizational structures that provide oversight over public postsecondary education sectors and institutions—may be an important contextual element for lobbying about higher education in the states due to the attention states pay to their design, their relationship to higher education performance, and the historical connection
between high education governance structures and lobbying (Hearn & Griswold, 1997; Mingle, 1988; Richardson, Reeves Bracco, Callan, & Finney, 1998, 1999).

First, since the early history of higher education in the United States, higher education governance structures have changed over time, particularly as new institutions were opened to meet changing demand (Mingle, 1997). From the 1950s into the 1980s, a number of factors were influential in many states making fundamental changes to their higher education governance structures, including: increased demand for higher education generated by the 1944 GI Bill and post-World War II Baby Boom, growth in size and increased complexity of state government in the 1950s and 1960s, and increased influence of the federal government in higher education through federal legislation in the 1970s (McConnell, 1962; Millard, 1980; Mingle, 1997; Mortimer & McConnell, 1982).

Despite a slower pace of higher education governance change experienced in the late 1980s and early 1990s, a number of states have more recently changed or are considering changing how they organize higher education (Hearn & Griswold, 1997; Richardson, Reeves Bracco, Callan, & Finney, 1998, 1999). Since 1997 eight states, including Illinois, Florida, and Texas, have substantially changed their state higher education governance structures by eliminating, establishing, or otherwise changing the authority of boards (Richardson, Reeves Bracco, Callan, & Finney, 1998, 1999). Florida, for example, made wholesale changes in its state higher education governance structure in 2001 by eliminating one board and creating a single governing board responsible for all public
education (K–graduate school) in the state, and has since made additional changes.

Second, Richardson, Reeves Bracco, Callan, and Finney (1998, 1999) suggest that a combination of the state higher education governance structure and the policy environment influences state higher education performance. Speaking about changes in state higher education governance restructuring during the 1980s and 1990s, Richardson, Reeves Bracco, Callan, and Finney (1999) stated:

“Restructuring illustrates the increasingly sophisticated search for designs [governance structures] that alter the balance of influences in the policy environment while remaining sensitive to the importance of institutional vitality and professional leadership. Policy environments and structures are important because they contain incentives and disincentives for performance ... All states will need to balance their systems and the forces acting on them in ways that are responsive to their own needs in the twenty-first century.” (p. 10)

Academic, market, public, and political forces often compete and produce policies aimed at balancing these different priorities within each state (Richardson, Reeves Bracco, Callan, & Finney, 1998, 1999). Moreover, all states have some formal structural mechanism—a state higher education governance structure—to regulate, coordinate, or fund public higher education institutions within this policy environment (e.g., Berdahl, 1971; Hearn & Griswold, 1997; Jones & Ewell, 1997; Millett, 1984; Mingle, 1997). While similar structural
components and educational goals exist among states, each state’s higher
education governance structure is unique and interacts with its state policy
environment to influence the performance of state higher education institutions.

Third, state higher education governance structures and policy
environments have interacted in the past to influence state-level lobbying for
higher education-related issues (Hearn and Griswold, 1997). Examining past
governance restructuring efforts, Hearn and Griswold connect governance and
lobbying when they state that “the growing size and complexity of public higher
education caused increased political infighting [among higher education
institutions] for resources and increased lobbying by institutions. In response
legislators demanded expert, neutral evaluation of institutional needs” (1997, p.
421). Historically, the competitive higher education political and policy
environment and concomitant increased lobbying activity were important factors
that stimulated state higher education governance restructuring. For state
legislatures, one purpose for changing state higher education governance
structures was to change state higher education lobbying (Hearn and Griswold,
1997).

1.1 RESEARCH QUESTION

Browne (1985) provided a theoretical framework for contextual influences
on lobbying. Others have documented instances where lobbying was conducted
differently in different contexts at the federal level for higher education issues
(Cook, 1998; Gladieux & Wolanin, 1974) and at the state level for non-higher
education issues (Rosenthal, 1993). Further, some have argued that state higher education governance structures influence higher education policy and performance (Hearn & Griswold, 1997; Richardson, Reeves Bracco, Callan, and Finney (1998, 1999). For example, Hearn and Griswold’s 1993 study on the influences of state higher education governance structures on education policy suggests that some types of governance structures are positively associated with education policies related to undergraduate assessment and testing teaching assistance more so than other governance types. To date, however, no study analyzes how or why context, particularly differences in state higher education governance structures, plays a role in determining lobbying tactics for higher education issues at the state level. This dissertation explores the role that state higher education governance structures have in the selection of lobbying tactics used by higher education institutions and lobbying associations on state higher education policymaking entities. The primary research question is:

*How do state higher education governance structures influence state-level lobbying about higher education issues?*

To examine this issue, additional aspects of state-level lobbying were investigated, including:

- What are the lobbyist-lobbyee connections/relationships at the state level for three states selected for their different higher education governance structures?
- What are the lobbying tactics used in each selected state?
• How, if at all, do the lobbying tactics differ in these states?
• What effect do differences in state higher education governance structures have on any differences in lobbying tactics used?

Additionally, one higher education issue—teacher preparation and certification—was selected to serve as a focusing mechanism so that information on lobbying tactics concerned the same non-appropriation issue for all three states. The federal No Child Left Behind Act of 2001 stipulated that K–12 teachers must be highly qualified in their primary teaching subject area by the 2005–06 academic year (U.S. Department of Education, 2002). The legislation stipulated that all states must at least examine their teacher quality certification processes, and many states created new policies to ensure teacher quality. Consequently, it was expected that lobbying activity on teacher preparation and certification would occur during the subsequent immediate time period. Because K–12 teacher preparation is an educational issue that lies within both the K–12 and higher education domains, policies that change teacher qualifications will shape higher education teacher preparation curricula (American Council on Education (ACE), 1999).

1.2 SIGNIFICANCE OF STUDY

Three factors related to lobbying for higher education point to the need for this investigation. First, the U.S. Constitution identifies education as a state, not a federal, responsibility (Richardson et al., 1999). Given the states’ responsibility for educating the citizenry, the federal government’s role in education has been
chiefly to support individual citizens in their pursuit of educational opportunities and to provide funding for university-based research and capital improvement projects. Despite the Constitution-based parameters on where the responsibility for education rests, most higher education research on lobbying focuses on federal-level higher education activities. Research on state-level higher education lobbying is scarce.

Second, consistent with the U.S. Constitution leaving states the authority and responsibility for education, state governments have increasingly become the prominent actors in establishing state policy and in influencing federal policy (Rosenthal, 1993). The expansion of state government, stimulated by an increase in the number of policy issues handled by states, national deregulation of industries, decrease in federal funding, and the professionalization of state legislatures, has increased the relative importance of the states in making and influencing policy, including higher education policy. Research on states is warranted due to their increasingly dominant policy-forming role for education.

Third, understanding how context influences state-level lobbying is lacking within higher education lobbying literature. Most higher education literature about lobbying focuses on the federal level and is typified by descriptive accounts of the federal higher education lobbying scene and lobbying tactics. With one notable exception (Cook, 1998), federal higher education lobbying literature does not address the issue of contextual influences on lobbying strategy or tactics. While two recent doctoral dissertations systematically explore state-level higher education lobbying, one describes lobbying in only one state
(Knorowski, 2000), while the other seeks to identify the most effective lobbying tactics only from the perspective of those doing the lobbying (Murphy, 2001). To date, no state-based comparative work regarding state-level higher education lobbying has been done. While higher education research on federal lobbying shows that lobbying tactics are sensitive to contextual elements (Cook, 1998; Gladieux & Wolanin, 1974), and work by Rosenthal (1993) indicates that state lobbyists vary their use of lobbying tactics, existing research on state-level higher education lobbying has not yet explored what influences variability in lobbying tactics. As higher education governance restructuring continues in states, a better understanding of the relationship between governance structures and lobbying can more accurately predict the most likely lobbying tactics used in these different policy contexts.

1.3 CONTRIBUTIONS OF STUDY

The proposed research will contribute to higher education theory and research and lobbying policy and practice in a number of ways. Three contributions relate to higher education theory and research: identifying factors influencing the relationship of state higher education governance models to lobbying, furthering our understanding of lobbying theory, and developing testable propositions about state-level lobbying.

First, the influences of higher education governance models on the selection of lobbying strategies and tactics will be identified. By doing so, our understanding of lobbying for higher education in general, and state-level higher education lobbying specifically, will be broadened by including the higher education governance structure as
a contextual element to the process of lobbying. By examining the process of higher education lobbying in more than one state and with more than one governance structure, this dissertation will build upon the work of Knorowski (2000), who studied the process of higher education lobbying in a single state. Similarly, this dissertation will expand upon the work of Murphy (2001), who examined state-level higher education lobbying effectiveness from lobbyists’ perspectives, by including the perspectives of those who are lobbied as well as those of lobbyists.

Second, the findings will enhance understanding of lobbying theory. To study Milbrath’s (1960) communication model, this dissertation will identify what types of communication forms are selected for the different types of people who are lobbied. Additionally, Browne’s (1985) roles model, with its argument that context affects selection of lobbying tactics, will be tested. This dissertation will elaborate on whether context affects selection of lobbying tactics.

Third, working propositions regarding the relationships between state higher education governance structures and the selection of state-level lobbying strategies and tactics will be developed. These working propositions can then be used in future research to understand the process of state-level lobbying.

This study will contribute to lobbying policy and practice in two ways: developing lobbying models for application in the states and applying the lobbying models to states undergoing state higher education governance change. First, the multiple case studies research design used in this dissertation compares higher education lobbying in three different states to determine models for understanding the role state higher education governance structures may have on state-level lobbying for higher
education. Models identified can be applied and adapted to the practice of higher education lobbying in the other 47 states. Second, this dissertation will inform the practice of lobbying and therefore be applicable to lobbyists, lobbying organizations, higher education institutions (including those that are not experienced in lobbying), and states considering changes in their higher education governance structures. These individuals and organizations can use the information about the conditions under which lobbying tactics are selected to inform their own lobbying tactic selection and to understand how their organizational structure influences the practice of lobbying.
2 LITERATURE REVIEW

While research on state-level lobbying for higher education is scarce, a number of sources provide an intellectual foundation for this dissertation. First, research literature on lobbying theory and practice from political science and writings on lobbying strategies and tactics establish an initial understanding of lobbying outside of the higher education domain. Subsequently, the research literature about lobbying within the higher education policy domain places lobbying within the state higher education context at the federal and state levels. Finally, categorizations of state higher education governance structures establish a framework within which state higher education lobbying can be examined.

2.1 POLITICAL SCIENCE LOBBYING LITERATURE

Mahood (2000) describes the role of lobbying within American politics and places it within a context of constitutionally protected freedoms, including the rights of speech, of association, and “to petition the government for redress of grievances.” While the public has a generally negative impression of the amount of influence lobbyists have on the formation of policy, lobbying remains a Constitutional right and is entrenched as an integral component of our democratic culture and governmental processes (Mahood, 2000; Rosenthal 1993). Mahood (2000) writes:
An enduring feature of our democratic society is the existence and interplay of many and various citizen interests. Freedom to organize and act on behalf of aggregations of citizens goes hand in hand with an open, democratic system of government. These numerous and varied institutions are mainly interested in determining the content and impact of various governmental policy decisions. (p. 1)

The goals of lobbying groups are fairly direct, uncomplicated, and limited. In fact, there seem to be only two broad lobbying goals: access and influence (Berry, 1977; Cook, 1998; Mahood, 2000; Rosenthal, 1993; Zorack, 1990). According to Zorack (1990), lobbyists with larger working and social networks among key policymakers are more likely than lobbyists with smaller networks to have access to the appropriate policymakers when needed. Zorack (1990) states that “the lobbyist who has the access has the best opportunity to wield the most influence” (p. 111). In order to maintain access, lobbyists desire to create and nurture positive working relationships with key policymakers personnel (Mahood, 2000; Rosenthal, 1993).

As critical as access to policymakers is for lobbyists, it is simply a means to an end in the lobbying process. Ultimately, lobbyists want to be able to use their access to policymakers to influence policy outcomes (Berry, 1977; Rosenthal, 1993; Zorack, 1990). Lobbyists are hired by constituent groups to persuade key policymaking personnel to support the constituents’ policy positions.
on specific policy activities (Mahood, 2000; Zorack, 1990). Mahood (2000) states, “the main objective, of course, behind all this group formation and political activism is political access” (p. 22).

The process by which individuals and groups gain access to decision makers in order to influence favorable policy outcomes is known as lobbying. Milbrath (1963), a communications theorist, defines lobbying as “the stimulation and transmission of a communication, by someone other than a citizen acting on his own behalf, directed at a governmental decision-maker with the hope of influencing his decision” (p. 8). According to Rosenthal (1993), “lobbying is simply the practice of attempting to influence the decisions of government” (p. 1), while Berry (1977) says, “the act of lobbying is, in general terms, an act of representation” (p. 5). While only Milbrath (1960, 1963) explicitly specifies how lobbying is performed, all of these lobbying definitions include influencing policy as an important component.

Milbrath’s (1960, 1963) communication model of lobbying was derived from interviews of a sample of 101 national lobbyists. He asked questions regarding the lobbyists’ experiences, job satisfaction, their political backgrounds, the lobbying strategies and tactics used, and their preferred method of communicating with policymakers. From analysis of the interviews, Milbrath concluded that lobbyists thought of their job as one of communication, and lobbying tactics could be placed into three categories: tactics for direct personal communication with policymakers (e.g., personal presentation of arguments), tactics for indirect communication with policymakers through intermediaries
(e.g., contact by constituents), and tactics for keeping communication channels open (e.g., entertaining). Because lobbying can be categorized as different forms of communication, it is essentially an act of communication.

Milbrath’s (1960, 1963) communication model argues that decision-making theory can be applied to examine how policymakers make policy decisions. A central concept of decision-making theory is that decision makers must have access to information for it to be a key factor in their decision: inaccessible information cannot influence policymaking. Additionally, everyone filters the information they receive through a unique set of predispositions that arise from their specific historical background. For example, every reader of this dissertation understands, or filters, what they are reading based on their own unique, personal history. As such, communicating information to a policymaker is a necessary, but insufficient, condition of a lobbying tactic. The lobbying tactic must also ensure that what is communicated will be received by the policymaker. How the communication occurs is important. Therefore, a lobbyist’s two objectives are to ensure communication access to policymakers and to communicate information in a way that will ensure its receipt by the policymaker.¹

While the roles of communication and access to policymakers are fundamental conditions of lobbying in some cases, Milbrath’s communication

¹ Milbrath (1960) formulates his communication model while (tacitly) understanding that other factors may influence lobbying strategy. For example, he disaggregates his interview data by lobbying organization type (e.g. big labor, big farm, foreign government). In essence, however, Milbrath argues that all possible lobbying tactics are forms of communication meant to send a message (information, argument, power) to the intended target.
model of lobbying does not adequately explain all lobbying behavior. A lobbyist having communication with and access to policymakers is not necessarily an integral component of all kinds of lobbying. For example, lobbying that involves the use of a public relations campaign involving mass media to raise awareness of an issue has communication with the public as a key goal, not necessarily communication with a policymaker. Additionally, a lobbying tactic that seeks to remove a specific policymaker from their political office does so without the inherent need to communicate with or have access to the policymaker. This study addresses this limitation of Milbrath’s communication model by recognizing that access to and communication with policymakers may not be the ultimate goal of lobbying for some state higher education lobbyists, and by exploring how the context within which lobbying takes place, particularly the state higher education governance structure may influence lobbying tactics.

Although Milbrath (1960, 1963) established communication access as a key tenet of interest group theory, Browne (1985) broadened the definition of lobbying and introduced another lobbying model. He argued that not all lobbyists, particularly state-level lobbyists, have access to policymakers as a primary lobbying goal. Rather, access to policymakers is a secondary consideration; other lobbying strategies and tactics are considered in the pursuit of the primary lobbying goal— Influencing policy. In examining how state-level lobbying about aging issues was conducted in four states, Browne (1985) interviewed state-level aging organization lobbyists about how they lobby their legislatures. He found that the lobbyists in each state placed varying importance
on the role of access to state legislators and legislative staff. As a result, the tactics used to lobby their state legislatures varied. For example, while lobbyists in Michigan employed a wide array of lobbying tactics to ensure access to policymakers, lobbyists in New Jersey felt state legislators were inept and corrupt. Consequently, New Jersey lobbyists were not interested in gaining access to state legislators. Rather, they used lobbying tactics that were confrontational toward state legislators in an effort to raise public support for their policy position.

From this analysis, Browne’s (1985) roles model posits that different contextual factors, such as environmental conditions and institutional arrangements (e.g., history of lobbying partnerships, public awareness of an issue, financial resources available for lobbying, lobbying experience, use of constituents for indirect lobbying), lead to the use of different lobbying tactics. Therefore, the choice of appropriate lobbying tactics involves recognition that some tactics may be more appropriate than others in certain contexts. While Browne advances our understanding of lobbying by identifying factors other than communication and access as influential in the selection of lobbying tactics, Browne’s role model does not explain how or why context affects lobbying activity. This study addressed this limitation of Browne’s roles model by asking lobbyists why they use specific lobbying activities, taking into account contextual factors. Specifically, it explored different higher education governance structures as institutional arrangements that may influence the selection of different lobbying tactics, and analysis was based on Milbrath’s communication model and Browne’s roles model (Milbrath, 1960, 1963; Browne, 1985). A revised state
higher lobbying tactic selection model that accounts for state higher education governance structures was developed based on the information gleaned through this study.

2.2 HIGHER EDUCATION LOBBYING LITERATURE

From the mid-1970s to 1990, higher education scholars described lobbying tactics or offered tips for lobbying by those involved in federal lobbying activities (e.g., Andringa, 1975; Angel, 1980; Armstrong, 1990; Bloland, 1985; Clarke, 1981; DiBiaggio, 1990; Ford, 1990; Goodall, 1987; Sanford, 1990). The value of this early research into higher education lobbying was in identifying lobbying techniques used mainly at the federal level and in describing the federal higher education lobbying environment. However, this research is anecdotal in nature and covers state-level higher education lobbying only minimally.

More recently, Cook (1998) studied how the national higher education lobby changed its use of lobbying strategies and tactics because of changes in external political power. After the 1992 mid-term elections, the Republican Party became the majority party in control of the U.S. House of Representatives after more than 40 years of Democratic Party control. Consequently, federal higher education lobbyists felt it necessary to change their lobbying strategies and tactics by lobbying both political parties, including university leaders in lobbying more often, and developing ad hoc lobbying coalitions more often.

Cook (1998) administered a national survey to higher education institution leaders soliciting their perspectives about the work done by the national higher
education lobbying organizations and their own institutions’ governmental affairs staff. Specifically, she investigated how effective the national higher education lobbying organizations were in advancing their members’ policy positions. The survey data were supplemented through interviews conducted with higher education institution leaders, national higher education lobbying organizations’ staff, Congressional members and their staff, and federal education agency personnel.

Cook’s (1998) analysis demonstrated that the six most influential higher education lobbying groups adapted their lobbying strategies and tactics as identified above in response to the change in Congressional leadership. This indicated that lobbying strategies and tactics can be adapted to meet changing contextual conditions. However, Cook did not provide a theoretical explanation for why changes in party political control of the U.S. House of Representatives led to changes in how lobbying was done by the federal higher education lobby.

Knorowski (2000) and Murphy (2001) investigated state-level higher education lobbying, and each provided theoretical models for examining the process of lobbying for higher education issues at the state level. Knorowski focused on lobbying processes within a single state while Murphy investigated lobbyists’ perceptions of lobbying effectiveness across several states.

Using descriptive statistics and interviews, Knorowski (2000) described the lobbying efforts in Illinois in relation to annual budget appropriations and a modest change in the state higher education governance structure. Her research borrowed heavily from Cook’s 1998 mixed method research design and was
grounded in two political engagement theories, specifically hollow core theory (Heniz et al., 1993) and cooperative pluralism (McFarland, 1993). While Knorowski determined that each theory was most explanatory under certain conditions, her study does not illuminate why some lobbying tactics were selected and others excluded. For example, lobbying on routine and relatively non-contentious issues was characterized by cooperative pluralism as higher education institutions acted together out of mutual interest. However, when the issue was of more importance, and particularly when it was contentious, higher education institutions acted in their own self-interest. Additionally, while Knorowski places her study within the important context of change in the state higher education governance structure, and Browne’s (1985) role model would indicate lobbying activity selection would be influenced, the role of contextual effects on lobbying activity selection is not pursued.

Murphy (2001) examined the efficacy of selected higher education lobbying tactics as perceived by those conducting the lobbying activities, specifically governmental affairs staff of state higher education institutions. Her work was also heavily influenced by Cook (1998), particularly in terms of survey design. Murphy surveyed 147 higher education institutional governmental affairs staff from 36 states. Descriptive and inferential statistical analyses indicated that the two lobbying tactics deemed most successful by higher education lobbyists were personally presenting arguments to policymakers and having influential constituents contact the policymaker.
Murphy (2001) also described four models that may explain the relationship between lobbyists, government officials, and client organizations: Milbrath’s (1960) communications model, Browne’s (1985) roles model, and a business model and an ethical model, both introduced by Keffer and Hill (1997). While Milbrath’s and Browne’s models have been described previously, a brief description of the business model and ethical model is warranted.

As outlined by Murphy (2001), Keffer and Hill’s (1997) business model of lobbying focuses on the development of relationships between a client organization, a lobbyist, and a policymaker. The goal of lobbying from the client organization’s perspective is to increase the flow of information about specific business-related policies. Lobbying is a means for the client organization to have input into policy formation that has direct impact on their business activities and for the client organization to incorporate anticipated policies into their business planning. The Keffer and Hill ethical model of lobbying is based on their own business model and identifies the same goals and participants (Murphy, 2001). However, the ethical model extends the business model by recognizing that others not directly involved in the lobbying activities are nevertheless affected by the lobbied policy outcomes. For example, while most college students are not directly involved in the federal financial aid policy making process, a process that is heavily lobbied, almost all students (and their families) are affected by the policy outcomes.

While Murphy (2001) identified these four theoretical models which one can use to analyze the selection and perceived efficacy of lobbying strategies, her
analyses did not appear to be based upon the theoretical models she described. Additionally, her data came from lobbyists only, and did not include the perspectives of those who were lobbied. Because legislators and legislative staff members, for example, are lobbied, they are in unique positions to indicate how or why the lobbying effort had an influence on them.

This review of the relevant higher education lobbying literature indicates two areas where research on higher education lobbying can be extended. First, with two notable exceptions (Knorowski, 2000; Murphy, 2001), the context of lobbying at the state level has received little attention in the higher education literature. Most research on higher education lobbying has been conducted at the federal level. Second, while Cook’s (1998) seminal examination of federal lobbying and Knorowski’s (2000) and Murphy’s (2001) dissertations on state-level lobbying provide strong evidence that context plays a role in the selection of lobbying strategies and tactics, we still do not have a thorough understanding of how contextual factors affect lobbying tactics, and, more importantly, why.

2.3 LITERATURE ON LOBBYING STRATEGIES AND TACTICS

Lobbyists attempt to influence government decisions using various lobbying behaviors (Berry, 1977; Mahood, 2000; Rosenthal, 1993; Zorack, 1990). Various categorizations of lobbying behaviors have been created within the political science literature.

Based on ideas introduced by Milbrath (1963), Zorack (1990) separates lobbying behavior, or actions, into strategies and tactics. Lobbying strategies can
be thought of as broad approaches to lobbying. They involve decisions about specific goals of the lobbying behavior, resource identification and allocation, and timing of lobbying tactic implementation. Comparing lobbying strategies to military strategies, Zorack identifies nine lobbying strategic components: identify a lobbying objective, take the lobbying initiative, concentrate lobbying resources, minimize non-urgent needs, be flexible to change as contexts change, identify one chief lobbyist for each objective, maintain secrecy of plans, and have a simple plan. Zorack (1990, p. 113–116) elaborates:

1) **Objective:** every lobbying operation should be directed toward a clearly defined and attainable objective (e.g., passage of a bill)

2) **Offensive:** seize, retain and exploit the initiative (e.g., choose the parliamentary strategy)

3) **Mass:** concentrate lobbying power at the optimum place and time (e.g., lobby one governmental branch, not all three)

4) **Economy of force:** allocate minimum essential lobbying effort to secondary legislative objectives (e.g., lobby for the most important client objectives)

5) **Maneuver:** place the adversary organization in a poor position by the flexible application of lobbying pressure (e.g., have flexibility to change strategy to changing contexts)

6) **Unity of command:** for every lobbying objective, there should be unity of effort under one lobbyist

7) **Security:** never permit an adversary to acquire an unexpected advantage
8) **Surprise:** strike the adversary at a time and place and in a manner for which he is unprepared

9) **Simplicity:** prepare a simple lobbying plan and clear, concise documents to ensure a thorough understanding of the legislative issue.

According to Zorack (1990), lobbying tactics are specific actions taken to advance a specific lobbying objective, and are narrower in scope than strategies. Examples of lobbying tactics provided by Zorack (1990) include: congressional fund-raising, political action contributions, influencing political and congressional appointments, helping congressional and government officials, proposing drafts of legislation, coalition-building, testifying at congressional hearings, generating constituent support, use of the press and media, and information sharing and presenting arguments to policymakers (p. 119–121).

Based on Zorack’s classification, two characteristics distinguish lobbying strategies from lobbying tactics: the orientation of strategies versus tactics and the relative level of flexibility of strategies and tactics. Strategies appear to be internally oriented—they are rules that assist the lobbying organization in successfully developing and selecting lobbying tactics. From this perspective, lobbying strategies are static, represent an institution’s lobbying principles, and may be applied to all lobbying situations. Changes in external context would have little or no effect on lobbying strategies. Lobbying tactics, however, are externally oriented—they are the outwardly recognizable lobbying behaviors
directed at policymaking personnel. Lobbying tactics need to be adaptable to reflect changes in context.

The distinction between lobbying strategies and tactics as described by Milbrath (1963) and Zorack (1990) is not universally employed. For example, Mahood (2000), Cook (1998), Knorowski (2000), and Murphy (2001) seem to combine strategies and tactics and call both concepts “strategies.” This dissertation is primarily interested in the selection of lobbying tactics, and not lobbying strategies as discussed by Zorack. Consequently, Zorack’s distinction between strategies and tactics has been implemented in this dissertation.

Berry (1977) identifies a lobbying tactic typology and describes three categories of lobbying actions (Table 2.1). One category of lobbying actions involves direct communication between the lobbyist and the lobbyee (e.g., the policymaker, board member, or staff member who is the target of the lobbying activity) and includes lobbying actions such as private face-to-face exchanges of oral and written information, private oral communication via a phone call, private written communication via e-mail or postal mail, and public written and oral testimony in a hearing. The second set of lobbying actions uses many of the same tactics, but communication does not include the lobbyists; rather, communication is between a constituent and the lobbyee. The lobbyist’s role is to facilitate access for, and information to, the constituent, who then may privately visit, call, e-mail, or write letters to policymakers or participate in a public demonstration. The third category of lobbying actions includes contributing resources to political campaigns, publishing voting records, and public relations campaigns. This
group of tactics seeks to influence public opinion generally, and political
campaign outcomes specifically.

Table 2.1
Lobbying Tactic Categories and Lobbying Tactics

<table>
<thead>
<tr>
<th>Direct Communication</th>
<th>Indirect Communication</th>
<th>Political Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Testify at hearings</td>
<td>Testify at hearings</td>
<td>Build coalitions</td>
</tr>
<tr>
<td>Present research</td>
<td>Present research results</td>
<td>Publish voting records</td>
</tr>
<tr>
<td>results</td>
<td></td>
<td>Run advertisements in the media</td>
</tr>
<tr>
<td>Provide political analysis</td>
<td>Provide political analysis</td>
<td>Endorse a specific candidate</td>
</tr>
<tr>
<td>Entertain lobbyist</td>
<td>Entertain lobbyist</td>
<td>Engage in protests</td>
</tr>
<tr>
<td>Offer personal</td>
<td>Offer personal</td>
<td>Seek removal of office holder</td>
</tr>
<tr>
<td>favors and assistance</td>
<td>favors and assistance</td>
<td></td>
</tr>
<tr>
<td>Present organizational opinion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present policy</td>
<td></td>
<td>Bribery</td>
</tr>
<tr>
<td>outcome</td>
<td></td>
<td></td>
</tr>
<tr>
<td>possibilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspire letter writing campaign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shape policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan legislative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Help draft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribute work to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>campaign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribute</td>
<td></td>
<td></td>
</tr>
<tr>
<td>personnel to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>campaign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribute</td>
<td></td>
<td></td>
</tr>
<tr>
<td>financially to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>campaign</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Berry, 1977.
Schlozman and Tierney (1986) identify a three-pronged typology of lobbying tactics similar to that described by Berry. Note that the lobbying tactics within the Indirect Communication tactic category are also found within the Direct Communication tactic category; the difference is in who implements the lobbying action.

Mahood (2000) identifies two separate approaches to lobbying: direct lobbying and indirect lobbying. Direct lobbying is characterized by personal contact between a lobbyist and someone within the policy making arena. Some examples of direct lobbying include: a lobbyist personally meeting with a legislator or legislative staff member, a lobbyist testifying before a policymaking body, and a lobbyist providing a legislative committee with proposed draft legislation. Indirect lobbying would not involve this kind of direct contact between a lobbyist and policymaker. Instead, examples of indirect (or grassroots) lobbying include mailing newsletters to constituents in a legislator’s district asking for them to indicate their support on a specific policy position and publishing a legislator’s voting record on a series of specific policies. While Mahood’s (2000) classification of lobbying techniques is simplistic, based solely on the determination of whether the lobbyist has contact with policymaking personnel or not, it does indicate an important distinction—who does the lobbying action. Like Berry (1977), Mahood (2000) suggests the act of lobbying can be done by lobbyists or others (particularly constituents) acting on behalf of lobbyists.
All of the authors presented in this discussion on lobbying strategies and tactics maintain that lobbying tactics can change based on who (or what) is to be lobbied—the lobbyee (Berry, 1977; Mahood, 2000; Rosenthal, 1993; Zorack, 1990). For example, if a policy is in the process of being introduced in Congress, legislators and their staffs are lobbied. Lobbying tactics selected will be dependent on the processes of legislative procedures. On the other hand, if the policy is already a law and being argued in the judicial system, officials within the judicial system are lobbied. Lobbying tactics used will be dependent on the process of the judicial system. The same considerations are made for lobbying the executive branch. Additionally, within a governmental branch, lobbying tactics may change based on who the specific individual is to be lobbied.

The same lobbying action can be implemented by different people—lobbyists or constituents (Berry, 1977; Mahood, 2000). Additionally, the same lobbying action can be implemented in different ways (Berry, 1977). For example, a lobbyist using the action of providing information to a policymaker can choose to do so via a face-to-face conversation, a telephone call, e-mail, or postal mail. The what aspect, or action of the lobbying tactic in the form of providing information is constant, but the how aspect, the implementation, of the lobbying tactic can change. Finally, whom is to be lobbied can affect the lobbying tactic used (Berry, 1977; Mahood, 2000; Rosenthal, 1993; Zorack, 2000). Taken together, the lobbying strategy and tactics literature as presented indicates that the selection of a lobbying tactic is comprised of who implements the tactic, what tactic to use, how that tactic is to be implemented, and whom to lobby.


2.4 LITERATURE ON STATE HIGHER EDUCATION GOVERNANCE STRUCTURES

A number of researchers have identified, described, and developed categorization schemas of state higher education governance structures (e.g., Dressel, 1980; Hearn & Griswold, 1997; Millard, 1980; Millett, 1975; Mortimer & McConnell, 1982). According to Hearn and Griswold (1997), Aims McGuinness developed one of the better governance structure categorizations because it was influenced by the close work with state boards conducted by the Education Commission of the States and is more recent than many of the other categorizations. Aims McGuinness (1988; 1997, 2003) delineates three major categories of state higher education governance structures based on the role a central higher education board plays in relation to setting state higher education policy (Table 2.2).
### Table 2.2
Categorization of State Higher Education Governance Structures

<table>
<thead>
<tr>
<th>Higher Education Governance Structure Category</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Governing Board</strong></td>
<td></td>
</tr>
<tr>
<td>▪ Combined Mixed</td>
<td>KS, VT</td>
</tr>
<tr>
<td>▪ Separate Governing Boards 1</td>
<td>AK, DC, HI, ID, MT, NV, ND, PR, RI, UT</td>
</tr>
<tr>
<td>▪ Consolidated Governing Board</td>
<td>GA, WI</td>
</tr>
<tr>
<td>▪ Separate Governing Boards 2</td>
<td>ME, NH, NC</td>
</tr>
<tr>
<td>▪ Separate Governing Boards 3</td>
<td>AZ, IA, MS, OR, SD, WY</td>
</tr>
<tr>
<td>▪ Separate Governing &amp; Coordinating. Boards</td>
<td></td>
</tr>
<tr>
<td><strong>2. Coordinating Board</strong></td>
<td></td>
</tr>
<tr>
<td>▪ State Coordinating/Separate Governing Boards 1</td>
<td>FL, MA</td>
</tr>
<tr>
<td>▪ Combined Mixed</td>
<td>NY</td>
</tr>
<tr>
<td>▪ Agency Coordinating Board/Separate Governing Boards</td>
<td>TN, KY, VA, WA</td>
</tr>
<tr>
<td>▪ State Coordinating/Separate Governing Boards 2</td>
<td>CA, CT, LA, NE</td>
</tr>
<tr>
<td>▪ State Coordinating/Mixed Institutional Boards</td>
<td>AR, NM, OH, OK, WV</td>
</tr>
<tr>
<td>▪ State Coordinating/Separate Governing Boards 3</td>
<td>MD, MO, NJ</td>
</tr>
<tr>
<td>▪ State Coordinating/ Institutional Board 1</td>
<td>AL, CO, IL, IN, SC, TX</td>
</tr>
<tr>
<td>▪ State Coordinating/ Institutional Board 2</td>
<td></td>
</tr>
<tr>
<td>▪ State Coordinating/ Institutional Board 3</td>
<td></td>
</tr>
<tr>
<td><strong>3. Planning/Regulatory/Service Board</strong></td>
<td></td>
</tr>
<tr>
<td>▪ Separate Governing/No-Authority Planning Board 1</td>
<td>DE, MI</td>
</tr>
<tr>
<td>▪ Planning Board/Governing Board for Community Colleges/Separate Governing Board for Universities</td>
<td>MN</td>
</tr>
<tr>
<td>▪ Separate Governing/No-Authority Planning Board 2</td>
<td>PA</td>
</tr>
<tr>
<td>▪ Multiple</td>
<td></td>
</tr>
</tbody>
</table>

The three major types of higher education boards are 1) a governing board, which has authority to establish and enforce state higher education policy; 2) a coordinating board, which has authority to coordinate financial and human resources and curriculum distribution; 3) a planning board, which establishes plans and goals for state higher education, but has less authority or power to enforce their recommendations or plans.

According to this typology, there are 21 governing board states, 25 coordinating board states, and 4 planning/regulatory/service board states. Each category includes states that vary on a number of factors (e.g., population and geographic distribution). For example, governing board states include Rhode Island (a small, ethnically homogeneous New England state) and Arizona (a medium, ethnically heterogeneous Southwestern state). Connecticut (a small, ethnically homogeneous New England state) and Florida (a large, ethnically heterogeneous Southeastern state) are coordinating board states. The four planning/regulatory/service board states, Delaware, Michigan, Minnesota, and Pennsylvania, are also diverse in terms of their population and geographic distribution.

The three types of boards can be seen to occupy different positions on a policy authority continuum where governing boards and planning boards are on opposite ends and coordinating boards in the middle. While governing boards are often vested with considerable authority to create state higher education policy, including hiring decisions and establishing policies for individual state higher
education institutions, planning boards do not have such a broad policymaking mandate nor do they have authority over any specific state higher education institution. In planning board states, state legislatures take on more of the policymaking responsibility. Coordinating boards, in the middle of the policy authority continuum, do not have authority for specific state higher education institutions, but do have authority for higher education policy for the state postsecondary education system as a whole.

From the 1960s to 1990s, state higher education governance systems have become more important for states to manage state higher education (Richardson et al., 1999). Over that time, increased demand for higher education, increased state bureaucracy, passage of the Higher Education Act in 1972, and the increased role of the state in determining higher education policy all led to the establishment of, and in many cases an increased reliance upon, state higher education governance systems. While most states developed and adapted higher education governance structures over the last half of 20th century, they all fell into general organizational models as identified by McGuinness (2003, 1997).

Additionally, Richardson and colleagues (1999) argue that the performance of state higher education governance structures is shaped by policy environments, the organizational design of the system, and leadership. They define a state system of higher education as “all the public and private postsecondary institutions within a state as well as the arrangements for regulating, coordinating, and funding them” (p. viii). Through this model of state higher education governance performance, they argue that differences in how the
state higher education governance system is designed affect the performance of
the governance system within a policy environment despite the leaders who may
be operating within the governance system. Richardson et al. (1999) clarify the
importance of state higher education systems when they ask the question, “Does it
really matter how a state structures its system of higher education?” (p. 17). They
answer their own question by stating:

Those who have studied this question, while rejecting the notion that any
one arrangement is best under all circumstances, nonetheless agree that
governance is important. … Even good leaders should not be expected to achieve
consistent results in the presence of a system design that inhibits institutional
collaboration and system synergy. Leadership can make a system perform better
or worse than its structural design, but it cannot compensate for badly designed
systems or mismatched policy environments. (Richardson et al. 1999, p. 17)

2.5 CONCEPTUAL FRAMEWORK

The conceptual model for this dissertation is based on Browne’s (1985) roles
model and posits that a lobbying decision is influenced by factors within five categories:
external, political environment factors; the issue; the lobbying organization; the state
higher education governance structure; and the lobbyist (Figure 2.1).
Figure 2.1
Conceptual Framework for Lobbying Tactic Decision

**Issue**
- Nature of Issue
- Public awareness

**Governance Structure**
- Identification of lobbyee
- Authority

**Lobbying Organization**
- Lobbying history
- Structure
- Resources
- Relationship with other organizations

**Lobbyist**
- Experience
- Relationship with lobbyee
- Probability of success

**Political Environment**
- Agenda/priority
- Election cycle
- Economy
- Legal Restrictions

**Lobbying Tactic Decision**
- Who
- What
- How
- Whom
According to this model, the lobbyist, as the principal actor in making decisions about lobbying tactics, must take into account the other contextual factors when determining which lobbying tactics are best suited to meet their lobbying goals within each specific lobbying context. For example, as the nature of the issue changes, the lobbyist must take into account the new issue in determining the most appropriate lobbying tactic. The description of the conceptual framework will begin with the dependant variable in the model, the Lobbying Decision. This will be followed by a discussion of external factors, the Issue and the Political Environment, followed in turn by the influences of the Lobbying Organization, the state higher education Governance Structure, and the Lobbyist.

2.5.1 Lobbying Decision

At the heart of the lobbying decision lies a determination of who will do the lobbying, what lobbying action to use, how to implement that action, and whom to lobby (Table 2.3).
### Table 2.3
Lobbying Tactics—Decision Points for Higher Education Lobbying Tactic Selection

<table>
<thead>
<tr>
<th>Tactical Decision Points</th>
<th>Tactics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who Implements</strong></td>
<td>Lobbyist, Constituent</td>
</tr>
<tr>
<td><strong>What Action</strong></td>
<td>Provide Information</td>
</tr>
<tr>
<td></td>
<td>• Testify at hearings</td>
</tr>
<tr>
<td></td>
<td>• Present research results</td>
</tr>
<tr>
<td></td>
<td>Provide Arguments</td>
</tr>
<tr>
<td></td>
<td>• Present organizational opinion</td>
</tr>
<tr>
<td></td>
<td>• Present policy outcome possibilities</td>
</tr>
<tr>
<td></td>
<td>• Inspire letter writing campaign</td>
</tr>
<tr>
<td></td>
<td>• Provide political analysis</td>
</tr>
<tr>
<td></td>
<td>Provide Services</td>
</tr>
<tr>
<td></td>
<td>• Shape policy implementation</td>
</tr>
<tr>
<td></td>
<td>• Plan legislative strategy</td>
</tr>
<tr>
<td></td>
<td>• Help draft legislation</td>
</tr>
<tr>
<td></td>
<td>• Entertain lobbyee</td>
</tr>
<tr>
<td></td>
<td>• Offer personal favors and assistance</td>
</tr>
<tr>
<td></td>
<td>Provide Resources</td>
</tr>
<tr>
<td></td>
<td>• Contribute work to campaign</td>
</tr>
<tr>
<td></td>
<td>• Contribute personnel to campaign</td>
</tr>
<tr>
<td></td>
<td>• Contribute financially to campaign</td>
</tr>
<tr>
<td></td>
<td>Political Activity</td>
</tr>
<tr>
<td></td>
<td>• Build coalitions</td>
</tr>
<tr>
<td></td>
<td>• Publish voting records</td>
</tr>
<tr>
<td></td>
<td>• Run advertisements in the media</td>
</tr>
<tr>
<td></td>
<td>• Endorse a specific candidate</td>
</tr>
<tr>
<td></td>
<td>• Secure endorsements for specific candidates</td>
</tr>
<tr>
<td></td>
<td>• Engage in protests</td>
</tr>
<tr>
<td></td>
<td>• Seek removal of office holder</td>
</tr>
<tr>
<td></td>
<td>• Bribery</td>
</tr>
<tr>
<td><strong>How Implemented</strong></td>
<td>Face-to-face</td>
</tr>
<tr>
<td></td>
<td>Phone</td>
</tr>
<tr>
<td></td>
<td>E-mail</td>
</tr>
<tr>
<td></td>
<td>Postal Mail</td>
</tr>
<tr>
<td><strong>Whom to Lobby</strong></td>
<td>Legislature</td>
</tr>
<tr>
<td></td>
<td>• Legislator and legislative staff members</td>
</tr>
<tr>
<td></td>
<td>Higher Education Board</td>
</tr>
<tr>
<td></td>
<td>• Board Member and board staff members</td>
</tr>
</tbody>
</table>

Sources: Berry, J. (1977); Murphy (2001); Schlozman & Tierney (1986); Zorack (1990)
Schlozman and Tierney (1986) provide a list of lobbying tactics that includes various means of providing information, nurturing relationships with lobbyees, and other explicitly political activities (see Table 2.3). These highlight differences in who to lobby, what lobbying tactic to choose and how to implement that tactic, and whom will implement that tactic. A lobbying tactic must have all four components: *who*, *what*, *how*, and *whom*. Examples of lobbying tactics that incorporate these four components include:

- a university governmental affairs staff member (*who*) presenting an argument (*what*) to a higher education governance board member (*whom*) via phone (*how*)
- a state system officer (*who*) presenting information (*what*) to a legislative staff member (*whom*) via e-mail (*how*)
- an expert witness hired by a lobbyist (*who*) testifying (*what*) to legislative committee members (*whom*) at a legislative hearing (*how*)
- a college president (*who*) presenting an argument (*what*) to a coordinating board (*whom*) via meeting (*how*)
- a lobbying organization (*who*) contributing financial or human (*how*) resources (*what*) to a legislative campaign (*whom*).

Differences in state higher education governance structures occur because governance structures can determine who has the most authority for establishing higher education policy within the state, and the relationships lobbyists have with potential lobbyees are likely to influence decisions about who are the most appropriate people to be lobbied in the states.
2.5.2 Issue

The nature of the issue to be lobbied will influence the lobbying decision, particularly as it relates to the level of public awareness about the issue. Issues with higher public awareness may lead to selection of lobbying strategies that seek to utilize constituent advocacy, such as a write-in campaign. Conversely, issues that are not well known or are of low interest to the general public would not be amenable to being lobbied in the same way. Additionally, some higher education issues are overshadowed by other issues, higher education or otherwise, and influence the lobbying decision. The lobbying decision then takes into account the “larger” issue as the lobbyists try to lobby for the higher education issue. As discussed earlier, Gladieux & Wolanin (1974) provide an example in their description of the school desegregation busing issue that overshadowed any of the higher education-specific issues during the 1972 federal reauthorization of the Higher Education Act.

For this dissertation, the higher education issue being lobbied was the same for all three states. Selection of one higher education issue serves as a focusing mechanism, and therefore will not be an area of variance examined. The education issue selected for this dissertation was K–12 teacher preparation. Interview questions were based on the lobbying tactics being conducted in relation to state-level teacher preparation policies.

Teacher preparation was selected as a focusing policy issue for two reasons. First, the federal No Child Left Behind Act of 2001 stipulates that K–12 teachers must be highly qualified in their primary teaching subject area by the 2005–06 academic year (U.S. Department of Education, 2002). The No Child Left Behind Act defines the
qualifications teachers need and requires states to develop plans for certifying that their teachers meet these qualifications. By federal statute, all states must at least examine their teacher quality certification processes, while many states have to create new policies to ensure teacher quality. Additionally, Title II of the federal Higher Education Act (HEA) was recreated during the 1998 reauthorization process to focus on teacher preparation and professional development (Earley, 2001). HEA’s new Title II, entitled Teacher Quality, established accountability requirements for states and institutions with teacher preparation programs, including performance reporting requirements, and created grant programs for states to create K–12 school and higher education institution partnerships for the purpose of improving teacher quality. Additionally, because NCLB became law in 2001 with an implementation and accountability deadline of the 2005–06 academic year, it was expected that lobbying on teacher preparation and certification would have been conducted in the recent past or contemporaneous to data collection.

Second, K–12 teacher preparation is an educational issue that lies within both the K–12 and higher education domains (American Council on Education (ACE), 1999). K–12 teachers are first trained within higher education institutions, and often will enroll in higher education on a part-time basis during their careers to maintain teacher certification. Therefore, policies that change teacher qualifications will shape higher education teacher preparation curricula.
2.5.3 Political Environment

The national and state economies, political election cycles, and the priority of the issue in the political agenda all play a role in the lobbying decision. When the economy is in a downturn, lobbying for increases in financial expenditures to higher education would be helped by the backing of strong constituent support. This would show the lobbyee that the increases are supported by their constituents and not just the lobbyists, the lobbying community, or the higher education establishment.

The election cycle may also influence the lobbying decision, particularly regarding who is to be lobbied. Policymakers facing reelection are more likely to want to demonstrate to their constituents the work done on their behalf, and therefore may be more receptive to information supporting constituents’ views or to lobbying information that comes from their constituents.

The place of higher education on the political agenda affects the lobbying decision. In the case of the state legislature, the importance a policymaker’s constituents place on higher education generally, and in relation to the higher education issue to be lobbied specifically, will influence the degree to which that particular lobbyee may be receptive to the lobbying efforts. For example, a state legislator whose constituents are concerned about articulation agreements between a community college in their district and a four-year institution within the state will be more interested in receiving information from and will listen to arguments by lobbyists than state legislators that do not have community colleges in their districts.
2.5.4 Lobbying Organization

Each lobbying organization has a percentage of a fixed budget to allocate to lobbying activities, an established lobbying history, a specific organizational structure that defines work roles and access to others within the organization, and established relationships with other lobbying organizations. These elements are likely to play a role in a lobbyist’s decisions on whom, what, and how to lobby. Some lobbying strategies, like public relations campaigns involving mass media outlets, are more costly than other strategies, such as sending information via e-mail to lobbyees. As a result, lobbying organizations with limited financial and human resources may have fewer choices about how to lobby for a particular issue than those organizations with more resources. An organization’s lobbying history may shape the types of lobbying tactics used historically and the general issues that have been lobbied for. Changing the ways in which lobbying has been done by the organization involves expertise and resources that an organization may not have. Changing tactics may also influence the way the organization is seen by the lobbyees. This was the case with the federal higher education lobby from the 1960s through the 1980s. Many higher education administrators and association personnel felt higher education institutions as a group should not become too actively involved in lobbying in order to maintain a nonpolitical appearance (Cook, 1998).

The relationships lobbying organizations have with each other may influence the lobbying decision as well. If the issue is such that it affects many organizations’ constituents, an opportunity to partner in lobbying activities is possible. However, if the lobbying organization’s history is characterized as not being involved in joint lobbying
efforts, a lobbying tactic decision that involves partnering with other organizations may be resisted by other lobbying organizations.

2.5.5 Governance Structure

Aims McGuinness (1997) describes three major categories of state higher education governance structures based on the role a central higher education board plays in relation to setting state higher education policy. The three major higher education boards are 1) a governing board, which has authority to establish and enforce state higher education policy; 2) a coordinating board, which has authority to coordinate financial and human resources and curriculum distribution; 3) a planning board, which establishes plans and goals for state higher education, but has less authority or powers to enforce their recommendations or plans than governing or coordinating boards. The three boards can be seen to be on a policy authority continuum, where governing boards and planning boards are on opposite ends and coordinating boards are in the middle. Governing boards are often vested with considerable authority to create state higher education policy. Planning boards do not have such a broad policymaking mandate and state legislatures take on more of this responsibility. This dissertation’s conceptual framework suggests that, in states with a higher education governing board, higher education lobbyists are likely to lobby the governing board members to a greater extent than they lobby the state legislature. Conversely, in states with planning boards, lobbyists are likely to lobby the state legislature to a greater extent than members of a planning board because the locus of state higher education policy making rests with the legislature. In states where
coordinating boards share higher education policy making with state legislatures, lobbyists are likely to be similarly involved in lobbying the coordinating board and the state legislature.

The location of the lobbyee within the state higher education governance structure may allow the lobbyist to identify the possible categories of appropriate individuals to lobby. For example, in a governing board state, all board members would be potential lobbyees rather than individual legislators within the state legislature. In a planning board state, however, members of the state legislature would be more likely to be lobbyees than members of the planning board. Different state higher education governance structures could also influence the selection of lobbying actions used and how they are implemented. For example, in states with planning boards, where higher education policy authority lies in the state legislatures, lobbyists would be more likely to provide resources to state legislators or engage in political activity than in states with a governing board.

2.5.6 Lobbyist

The characteristics of the individual lobbyist will also influence decisions about lobbying tactics, including level of lobbying experience, the nature of their relationship with the lobbyee, and their own estimations of the probability of success of potential lobbying strategies.

Experienced lobbyists are likely to have a broader repertoire of lobbying tools in their toolbox than novices. Additionally, more experienced lobbyists will have a greater
understanding of how to use those tools than less experienced lobbyists. More experienced lobbyists may be more likely than novices to know with whom specific lobbying tactics would have higher probabilities of success.

Milbrath (1960) asserts that lobbying is primarily a communication activity involving the development and nurturance of lines of communication. Therefore, it can be argued that lobbyists who have developed and nurtured relationships with specific policymakers may have greater access to those policymakers than lobbyists who have not developed similar relationships.

Some lobbyists will also be able to predict more accurately the probability of success of a particular lobbying tactic given the other factors involved. This could come about through innate skill, lobbying experience, or intuition.
3 METHODOLOGY

3.1 DESIGN, SAMPLE, AND DATA COLLECTION

3.1.1 Design

Because the research question focused on differences in state lobbying, this study uses a multiple case study approach. This approach was selected as the most suitable design approach as it satisfies three conditions stipulated by Yin (2003). First, case study is an appropriate research method when the type of research question and primary focus of the investigation concerns how and why a specific phenomenon occurred. For this study, the focus is on how higher education lobbying was conducted at the state level and how and why external conditions, specifically state-level higher education governance structures, influenced state-level higher education lobbying. Second, Yin argues that case studies are a more appropriate research method than others when inclusion of contextual conditions is important to the phenomena under study. Yin (2003) stated:

You would use the case study method because you deliberately wanted to cover contextual conditions—believing that they might be highly pertinent to your phenomenon of study … An experiment, for instance, deliberately divorces a phenomenon from its context, so that attention can be focused on only a few variables. A history, by comparison, does deal with the entangled situation between phenomenon and context, but usually with
noncontemporary events. Finally, surveys can try to deal with phenomenon and context, but the ability to investigate the context is extremely limited. (p. 13)

The proposed research question explores the contextual conditions that affected the process of lobbying. Third, one characteristic that distinguishes case studies from histories as research methods is the temporal relationship between the researcher and the event studied. While case studies, like histories, are appropriate research methods for studying past events, case studies are more appropriate for examination of contemporaneous phenomena (Maxwell, 1996; Yin, 2003). This study explores the process of lobbying about state-level teacher preparation policies as it occurred.

The use of case studies for this line of inquiry is further supported by Eisenhardt (1989), who argues that case study research is suitable for research on new topic areas. Moreover, case study research is primed for the development of testable, relevant, and valid theory, which is a stated outcome of this dissertation.

3.1.2 Sample

The study research question and design necessitated two sample selection frames: selection of states and selection of interviewees within the states.
3.1.2.1 State Selection

One state was selected from each of the three higher education governance structure categories identified by McGuinness (1997, 2003): governing boards, coordinating boards, and planning boards (see Table 2.2). Criteria used to select the study states were designed to minimize differences among a variety of state education characteristics. These characteristics included state population, proportion of public/private four-year non-profit institutions in the state, state spending on higher education per capita, and mean level of education achieved by the state’s population. Additionally, states were selected to maximize higher education governance structure differences to enhance the probability that observable differences in outcomes could be related to variations in structure.

3.1.2.1 Interviewee Selection

Within each state, individuals were selected to participate in a single interview about their experiences as a lobbyist or as someone who is the target of lobbying activities (a “lobbyee”). Individuals were selected within each state from four categories: lobbyists from public four-year higher education institutions; lobbyists from state-level higher education associations (if applicable to the state); policymakers and staff members from the state legislative committee with jurisdiction over higher education-related issues; and policymakers and staff members from the state higher education governing, coordinating, or planning/advisory board (Table 3.1).
Table 3.1  
Interviewee Categories

<table>
<thead>
<tr>
<th>Lobbying Role</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobbyists</td>
<td>public four-year higher education institutions from state-level higher education associations</td>
</tr>
<tr>
<td>Lobbyees</td>
<td>state legislative committees with jurisdiction over higher education-related issues state higher education governing, coordinating, or planning/advisory board</td>
</tr>
</tbody>
</table>

Selection of interviewees was done via purposive sampling of all possible individuals from within each of the four category types for each state. Purposive sampling was selected because it allowed for in-depth investigation of phenomenon from information-rich sources (Patton, 2002). Purposive sampling was also particularly well-suited for a case study research design, as it is not designed to generalize from a sample to a population. For this dissertation, purposive sampling targeted:

1. **lobbyists from public four-year higher education institutions**
   a. chief lobbyists at the states’ flagship institutions
   b. chief lobbyists at the states’ other largest higher education institutions
   c. institutional government affairs directors

2. **lobbyists from state-level higher education associations**
   a. chief lobbyists at the states’ largest higher education associations
   b. organizational government affairs directors
3. **policymakers or staff members from the state legislative committee with jurisdiction over higher education-related issues**
   a. education committee chairs and ranking minority member in both chambers
   b. chief committee staff members for legislative education committees (e.g., committee directors)

4. **policymakers or staff members from the state higher education governing, coordinating, or planning/advisory board**
   a. board chairs
   b. board executive directors
   c. senior board staff members

It is important to note that policymakers on a state legislative appropriation committee were not selected for inclusion in the interview sample, unless they also held committee membership on a non-appropriations education policymaking committee. While the appropriations process is arguably part of the policy making process in that it provides financial resources for the authorized legislative policy initiatives, the focus of this study was on authorized education policies and not on education appropriations. As such, appropriations-related lobbying activities were not considered.

Potential state legislator interviewees were identified from webpage directories of relevant state legislative education policy committees. Potential interviewees with state higher education governance board members, state higher education institution lobbyists, and statewide higher education associations were identified using the *Chronicle of*

3.1.3 Data Collection

Using document analysis and interviews with state-level higher education organization personnel, state-level policymakers and their staff, higher education institution government relations staff, and state education agency staff, case studies were developed that identify the lobbying strategies used and factors influencing strategy selection.

3.1.3.1 Document Analysis

State, institution, and individual documents were collected and document analysis described the state higher education governance structure for each state. Documents collected for this analysis include organizational charts (legislature, state higher education governance system, higher education institution, and higher education association), résumés, legislative documents, state education master plans, and lists of state higher education institutions and state higher education associations (Table 3.2). Legislative documents and newspaper coverage pertaining to policies about teacher preparation were collected to establish each states “baseline” policy environment for teacher preparation. Résumés of interviewees were collected to corroborate experiential
information obtained in the interviews. State education master plans were used to identify the state-sanctioned higher education system and to gain a general understanding of state educational priorities. State legislative committee documents, state higher education board documents, and lists of higher education institutions and associations were collected and used to determine the individuals within the sanctioned higher education system eligible for inclusion in the interview pool.
Table 3.2
Documents Used for Document Analysis

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Document Location</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizational charts</td>
<td>Organization webpage</td>
<td>Size and scope of lobbying organization, lobbying unit; scope of higher education board authority; scope of legislative committee authority</td>
</tr>
<tr>
<td>Résumés</td>
<td>Interviewees</td>
<td>Experience of lobbyists, legislators, education board committee members</td>
</tr>
<tr>
<td>State statutes</td>
<td>State government websites; Newspaper database; Interviewees</td>
<td>Current status of state teacher preparation policy, current place of teacher preparation in political agenda</td>
</tr>
<tr>
<td>State legislative committee documents</td>
<td>State government websites</td>
<td>Identification of officially sanctioned state education system and to gain a general understanding of state educational priorities</td>
</tr>
<tr>
<td>State higher education board documents</td>
<td>State higher education board websites</td>
<td>Identification of germane policymakers and board jurisdiction</td>
</tr>
<tr>
<td>Lists of state higher education institutions and associations and their missions</td>
<td>State websites</td>
<td>Identification of four-year public higher education system and state higher education associations</td>
</tr>
</tbody>
</table>

The Concept Map identifies which concepts in the conceptual framework guiding the proposed dissertation were informed through data collection (see Appendix A).

Information gleaned through document analysis informed concepts including the nature of the issue, public awareness of the issue, the lobbyist’s experience, identification of the
lobbyee, authority within the governance structure, the structure and resources of the lobbying organization, the political agenda, and the political election cycle.

### 3.1.3.2 Participant Interviews

Each interview was semi-structured and followed a standard open-ended interview protocol (Patton, 2002; Seidman, 1998). A standard open-ended interview protocol is characterized by following an interview guide that contains all the interview questions in a prearranged order. Advantages of using this interview protocol include increasing the comparability of responses to interview questions between interviewees, ensuring all pertinent topics were covered in the interview, providing focus for the interview, and facilitating organization of collected data and data analysis.

For this dissertation, two interview guides were used: one for lobbyists and one for lobbyees (see Appendixes B and C, respectively). Interview questions for lobbyists collected information about the lobbyists and their lobbying activities, information about their lobbying organization, and information about why they selected specific lobbying tactics to lobby for teacher preparation issues (see Appendix B). Interview questions for lobbyees collected information about how they were lobbied for higher education and teacher preparation issues and whether or not those lobbying efforts were helpful for them and successful for the lobbyist (see Appendix C). Information gleaned through interviews informed all concepts identified in the conceptual map (see Appendix A).

While developed for increasing survey response rates, Dillman’s (1978, 2000) methods were applied as the approach to solicit potential interviewees for this study.
Dillman (1978, 2000) has experimentally identified and validated reliable methods of increasing survey response rates. A series of integrated but different means (e.g., letters, phone calls, post cards, e-mails) and discriminate instances of soliciting survey participation are the fundamental components of Dillman’s methods. Essentially, Dillman’s method suggests making successive attempts to solicit participation using different means at specific intervals over time in an effort to maximize response rates.

For this dissertation, potential interviewees were contacted three separate times to solicit their participation in an interview, in accordance with Dillman’s methods. First, potential interviewees were sent a postal letter that explained the study, invited them to participate in an interview as a social exchange, identified why they were selected to participate, and provided information about the confidentiality of their participation. Second, an e-mail was sent to the publicly available e-mail address for each potential interviewee approximately one week after sending the postal letters. The e-mail notification provided the same information as the postal letter and also included e-mail attachments of the relevant interview protocol and the informed consent form. Third, a telephone call was placed approximately one week after the e-mail was sent to confirm receipt of the postal letter and e-mail, gauge interest in participating, answer any questions about the study, and to schedule an interview. The progression through these three separate contacts was conducted with each potential interviewee until a definitive response about his or her participation was secured.

In some cases, intermediaries with a previously established professional relationship were solicited to provide an introduction for the researcher to potential interviewees. In these cases, the intermediaries notified the potential interviewee with an
initial e-mail, telephone, or in-person introduction of the researcher, the study, and the invitation to participate. The researcher followed up the intermediaries’ initial contact with the same e-mail and phone recruitment efforts as previously identified.

Interview invitations were extended to 175 individuals (15 higher education institution lobbyists, 2 association lobbyists, 98 legislators, and 60 governance board members) using the postal letter-e-mail-phone method described above. Table 3.3 identifies when individuals were solicited for each interviewee category and state.²

Table 3.3
Number of individuals solicited to participate in an interview, by state, interviewee category, and year

<table>
<thead>
<tr>
<th>Interviewee Category</th>
<th>Pennsylvania</th>
<th>New Jersey</th>
<th>North Carolina</th>
</tr>
</thead>
<tbody>
<tr>
<td>lobbyists from four-year state higher education institutions</td>
<td>6 in 2005</td>
<td>2 in 2005</td>
<td>4 in 2008</td>
</tr>
<tr>
<td></td>
<td>2 in 2009</td>
<td>1 in 2007</td>
<td></td>
</tr>
<tr>
<td>lobbyists from state-level higher education associations</td>
<td>NA</td>
<td>2 in 2007</td>
<td>NA</td>
</tr>
<tr>
<td>members of state legislative committees with jurisdiction over higher education-related issues</td>
<td>12 in 2005</td>
<td>5 in 2005</td>
<td>14 in 2007</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 in 2007</td>
<td>8 in 2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16 in 2009</td>
<td>49 in 2009</td>
</tr>
<tr>
<td>members of the state higher education governing, coordinating, or planning/advisory board</td>
<td>4 in 2005</td>
<td>5 in 2005</td>
<td>2 in 2007</td>
</tr>
<tr>
<td></td>
<td>3 in 2007</td>
<td>4 in 2007</td>
<td>4 in 2008</td>
</tr>
<tr>
<td></td>
<td>7 in 2009</td>
<td>1 in 2008</td>
<td>32 in 2009</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 in 2009</td>
<td></td>
</tr>
</tbody>
</table>

Invitations were initiated in the spring of 2005, with subsequent attempts made in the fall of 2007, early 2008, and early 2009 to individuals who had not replied to previous

² The sum of the number of individuals solicited indicated in Table 3.3 is greater than 176 due to inclusion of the 25 individuals who were solicited more than once.
solicitation requests or had been newly elected or appointed in between solicitations. Each potential interview was contacted three times using Dillman’s postal letter-e-mail-phone solicitation method for each of the four years. Over the course of the interview solicitation period, 23 individuals were invited to participate twice using the Dillman methods as described above, meaning that these individuals were contacted six different times over two periods to participate in an interview. Two additional individuals were solicited using Dillman’s method on three occasions each between 2005 and 2009, meaning that these individuals were contacted nine different times over two periods to participate in an interview.

Three reasons were provided by potential interviewees for declining to participate in an interview. First, the topic of lobbying about higher education issues was not germane to their professional experiences. This reason was provided by members of state boards of higher education exclusively. Second, they were newly elected or appointed to their position and so they felt unable to provide an informed perspective on the matter under study. Third, other personal or professional time commitments were of higher priority, consequently precluding participation due to competing time demands.

All interviews were conducted either in person or via telephone. Interviews averaged approximately 45 minutes in length, although the range of interview length was 15 minutes to 1 hour and 15 minutes. Each interview was tape-recorded and subsequently transcribed.
3.1.4 Modes of Analysis

Analysis consisted of two elements. Data for the analyses came from documents and interviews. For the first analysis, lobbying tactics and reasons for the selection of lobbying tactics were identified for each state. This analysis responded to the supporting research questions:

- What are the lobbying tactics used in each selected state?
- How, if at all, do the lobbying tactics differ in these states?
- What effect do differences in state higher education governance structures have on any differences in lobbying tactics used?

Teacher preparation and certification was used as a focusing issue so that the examples about lobbying tactics were about the same non-appropriation issue for all three states. Policies that change teacher qualifications will shape higher education teacher preparation curricula because K–12 teacher preparation is an educational issue that lies within both the K–12 and higher education domains (American Council on Education (ACE), 1999). Passage of the federal No Child Left Behind Act of 2001 suggested that lobbying activity on teacher preparation and certification would have been a recent phenomenon (U.S. Department of Education, 2002).

To determine the level of public awareness teacher preparation enjoyed within the three study states, the total number of articles with teacher preparation or teacher certification as the lead topic that appeared in each state’s two highest circulation newspapers was counted over a span of 24 years. Using circulation data obtained
through the Audit Bureau of Circulations, a membership organization of more than 4000 newspaper and magazine publishers that maintains an electronic database of audited circulation information, the two most circulated state daily newspapers were identified for each of the three study states (BurrellesLuce, 2007). The NewsBank: America’s Newspapers database was used to count the number of articles on teacher preparation issues in each state’s two most circulated state dailies from the mid-1985 to 2008 (NewsBank, 2008).

Counting the number of bills presented in the three study states’ legislatures provided evidence of the importance of the issue within the overall political agenda. LexisNexis’ State Capital Bill Tracking database was used to count the total number of bills concerning teacher preparation or certification that were introduced in each study state’s legislature for the legislative sessions between 1998 and 2008 (LexisNexis, 2008).

Teacher preparation, however, was found to be an issue for which little to no lobbying activity occurred within all three states. Rather, the issues of state appropriations for higher education and policies that impact institutional operations (e.g., tax issues, procurement procedures, hazardous waste disposal) took priority over teacher preparation and certification issues. Because data analysis indicated that teacher certification was not germane to higher education lobbying, this dissertation’s analysis of lobbying tactics is based on the lobbying examples provided by interviewees on appropriations and institutional operations, not on the originally intended issue of teacher preparation.

For the second analysis, a comparison was made among the three states to discover lobbying pathways by identifying relationships between lobbyists from state
higher education institutions, lobbyists from state-level higher education associations, policymakers and staff members of the state legislative committee with jurisdiction over higher education-related issues, and policymakers or staff members from the state higher education governing, planning, or advisory board. Appendix D identifies the coding scheme used to develop the lobbying pathways analysis. This analysis responded to the supporting research question:

- What are the lobbyist-lobbyee connections at the state level for three states selected for their higher education governance structures?

In addition to mapping the relationships between individuals involved in the lobbying/policymaking process for each state, the lobbying pathways analysis mapped the lobbying tactics used and identified reasons those lobbying tactics were selected (see Appendix D). Consequently, this aspect of the lobbying pathways analysis incorporated data from the first analysis. The lobbying examples provided in the interviews were mapped and coded according to the four lobbying tactic components. Frequency counts for each of the mapped lobbying tactics were conducted out of a total of 120 possible lobbying pathways. Coding of the reasons the specific lobbying tactics were selected allowed for a comparative analysis of why lobbying tactics were used and how state higher governance structure played a role in their selection. The lobbying pathways analysis responded to the primary research question:

*How do state higher education governance structures influence state-level lobbying about higher education issues?*
Both sets of analyses were conducted in light of the Milbrath (1960, 1963) communication model and the Browne (1985) roles model, and based on recognized qualitative data analysis techniques (Miles & Huberman, 1994).

Following each interview, a contact summary sheet was created by the researcher to document an overall impression of the interview. Interviews were transcribed and then coded to define connected parts, or “chunks,” of interview data. Coding the interview data provides a way to organize the data based on different coding characterizations (Miles & Huberman, 1994). For this dissertation, coding identified the different lobbying tactics used (including all four lobbying tactic components), different specific aspects of context associated with the issue, the political environment, the lobbying organization, the lobbyist, and the state higher education structure. Interview data was also coded to identify emergent themes as to why lobbying tactics were selected, taking into account different contexts. Finally, case studies for each state studied were created to provide a comparative narrative that identified and explained state higher education lobbying and lobbying tactic selection given the unique contexts of each state, particularly the different state higher education governance structures.
4 ANALYSIS OF DATA

Chapter four presents the findings of the dissertation research in three comparative case studies, one for each of the three states selected with different higher education governance structures. The three states and their interview participants are identified to begin the chapter and then a case study is presented for each state.

In each case study, comparisons are made among the three states on each of the five factors influential to making lobbying decisions in the conceptual framework—the Issue, the Political Environment, Lobbying Organization, the Governance Structure, and the Lobbyist—beginning with the state higher education Governance Structure. Differences in state higher education governance structure can lead to differences in lobbying tactics used, specifically, in identifying whom to lobby and the policymaking authority of the governance board. Aspects of the lobbying organization—its lobbying history, organizational structure, resources, and relationships with other lobbying organizations—can also influence lobbying tactic decisions. Two constructs are relevant to the lobbying issue: the (political) nature of the issue and the level of public awareness surrounding the issue. Factors within the political environment that influence lobbying tactic decisions include the political agenda, the election cycle, the economy, and legal restrictions on lobbying. Finally, characteristics of the lobbyist can influence decisions about lobbying tactics, and include lobbying experience, relationships with lobbyees, and their estimation of the probability of success of potential lobbying strategies.
Findings from the pathways analysis are introduced to identify the lobbying tactics used in each state, the reasons for their selection, and the lobbyist-lobbyee connections in the three states.

4.1 SELECTED STATES AND INTERVIEW PARTICIPANTS

4.1.1 Selected States

Using the McGuinness typology of state higher education governance structures, the three selected states (and their governance structures) were Pennsylvania (planning/regulatory/service board), New Jersey (coordinating board), and North Carolina (governing board) (McGuinness, 1997, 2003). Table 4.1 compares these three states on the measures listed above.
Table 4.1
United States Average and Selected States by Selection Criteria, selected years

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>PA</th>
<th>NJ</th>
<th>NC</th>
<th>United States Average (standard deviation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher Education Governance Structure&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Planning / Regulatory / Service</td>
<td>Coordinating Board</td>
<td>Governing Board</td>
<td></td>
</tr>
<tr>
<td>Population (rank), 2007&lt;sup&gt;3&lt;/sup&gt;</td>
<td>12,432,792 (6th)</td>
<td>8,685,920 (11&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>9,061,032 (10&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>301,621,157</td>
</tr>
<tr>
<td>Proportion of public four-year to private, non-profit four-year HEIs&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0.45 (25&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>0.67 (32&lt;sup&gt;nd&lt;/sup&gt;)</td>
<td>0.36 (18&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>0.414 (0.768)</td>
</tr>
<tr>
<td>four-year average state higher education appropriation per capita&lt;sup&gt;3&lt;/sup&gt;</td>
<td>$170 (45&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>$234 (28&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>$329 (5&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>$246 ($77)</td>
</tr>
<tr>
<td>Population age 25+ with bachelor’s degree or higher&lt;sup&gt;2&lt;/sup&gt;</td>
<td>25.7% (26&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>34.2% (6&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>25.1% (31&lt;sup&gt;st&lt;/sup&gt;)</td>
<td>27.2% (5.3%)</td>
</tr>
</tbody>
</table>


While these three states do not match precisely on all measures, each state either matches well with one other state on each selection criteria, or the differences fall within one standard deviation of the criterion mean. For example, each state has a large population, while the difference between the three states in the proportion of public four-
year higher education institutions to private four-year higher education institutions falls within one standard deviation of the national proportion. New Jersey and Pennsylvania fall below the national average in four-year average state higher education appropriation per capita, while Pennsylvania and North Carolina are very similar in terms of the percentages of their state populations who have earned at least a bachelor’s degree.

4.1.2 Interview Participants

Twenty-five people consented to be interviewed from among the 175 individuals (15 higher education institution lobbyists, 2 association lobbyists, 98 legislators, and 61 governance board members) who were invited to participate. Table 4.2 provides the number of interviews conducted within each selected state for each interviewee type. Because interviews occurred over time, the years during which the interviews were conducted are also indicated in Table 4.2.
### Table 4.2
Number of interviews conducted, by state and interviewee category

<table>
<thead>
<tr>
<th>Interviewee Category</th>
<th>Pennsylvania</th>
<th>New Jersey</th>
<th>North Carolina</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>lobbyists from four-year state higher education institutions</td>
<td>4 total</td>
<td>1 (2005)</td>
<td>3 (2008)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>3 (in 2005)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 (2009)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>lobbyists from state-level higher education associations</td>
<td>NA</td>
<td>2 total</td>
<td>NA</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 (2007)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 (2008)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>members of the state higher education governing, coordinating, or planning/advisory board</td>
<td>2 (2009)</td>
<td>0</td>
<td>3 (2009)</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>5</td>
<td>7</td>
<td>25</td>
</tr>
</tbody>
</table>

The most interviews were conducted in Pennsylvania (13), followed by North Carolina (7), and then New Jersey (5). In Pennsylvania, four higher education institution lobbyists were interviewed, representing three state-related higher education institutions. A state-level higher education association was not functioning in Pennsylvania during the time interviews were conducted, and so no interviews were conducted with an association lobbyist in this state. Seven state legislators in Pennsylvania consented to an interview, as did two members of the Pennsylvania Board of Education’s Council of Higher Education, the state’s higher education governance board.

In New Jersey, one interview was conducted with a state higher education institution lobbyist who represented that state’s flagship state university. Two lobbyists from the state’s functioning higher education association, the New Jersey Association of State Colleges and Universities (NJASCU), produced two interviews, the only interviews...
conducted that gleaned perspectives from this type of lobbyist. Only two New Jersey state legislators consented to participate in the study; both were members of an education policymaking committee in the state legislature. None of the members of New Jersey’s higher education governance board, the Commission on Higher Education, consented to an interview because of other professional time commitments and the study was not deemed to be germane to the board’s activities, according to the Commission’s executive director (NJ Coordinating Board Representative #1, personal communication, January 13, 2009).

Three lobbyists from North Carolina’s four-year higher education institutions were interviewed and all were from the system level of the state’s only four-year higher education system. Only one state legislator in North Carolina consented to participate in the study. Three members of North Carolina’s state higher education governance board consented to be interviewed.

In total, eight interviews were conducted with lobbyists from four-year state higher education institutions. At least one interview was conducted with an individual from this category for all three states. Two interviews were conducted with lobbyists who represented a state-level higher education association; both interviewees were from New Jersey. Neither Pennsylvania nor North Carolina had functioning state-level higher education associations at the time interviews were conducted. Ten interviews were conducted with state legislators, with each state represented. At the time the interviews were conducted, all legislative interviewees were, or had been, members of a state legislative committee with jurisdiction over higher education-related policy issues. Five interviews were completed with members of the states’ higher education governance
boards, and included individuals in Pennsylvania and North Carolina. New Jersey’s higher education governance board members did not consent to be interviewed.

4.2 PENNSYLVANIA

Pennsylvania is home to some 150 private and public two-year and four-year colleges and universities, of which approximately 112 are four-year institutions (Pennsylvania Department of Education, n.d.a). In Pennsylvania, four-year higher education institutions are classified into four categories: state-owned, state-related, state-aided, and private institutions (Commonwealth of Pennsylvania, 2006; Pennsylvania State Board of Education, 1986). Fourteen four-year universities comprise the state-owned Pennsylvania State System of Higher Education (PASSHE). These are public institutions and are owned and operated by the state (Pennsylvania State System of Higher Education, n.d.a). The Pennsylvania State University (Penn State), The University of Pittsburgh, Temple University, and Lincoln University are officially designated as “state-related” four-year universities and as such are “instrumentalities of the Commonwealth” (Commonwealth of Pennsylvania, 2006; Pennsylvania State Board of Education, 1986, 2005). They are not owned by the state, but they receive direct state appropriations as quasi-public/quasi-private institutions and have official state representation on their Boards of Trustees (Pennsylvania Department of Education, n.d.e). State-aided institutions are private institutions in governance and operation; however, they receive direct state appropriations because they provide unique education programs deemed to meet the “public interest” (Commonwealth of Pennsylvania, 2006; Pennsylvania State Board of Education, 1986). Eight four-year universities are officially
designated as “state-aided” institutions and include Drexel University, MCP Hahnemann University, OS Johnson Technical Institute, Pennsylvania College of Optometry, Philadelphia College of Osteopathic Medicine, Thomas Jefferson University, University of Pennsylvania, and the University of the Arts (Pennsylvania Department of Education, n.d.d). The remaining 86 four-year colleges and universities are private higher education institutions (Pennsylvania Department of Education, n.d.a).

4.2.1 Higher Education Governance Structure

4.2.1.1 Authority and Identification of Lobbyee

Pennsylvania’s state higher education governance structure is best classified as a planning board state (McGuinness, 1997). Figure 4.1 graphically represents the higher education governance structure in the state of Pennsylvania and includes the state’s planning board, higher education system boards, and the governing boards of individual higher education institutions.
Figure 4.1
State Higher Education Governance Structure, four-year institutions—Pennsylvania

State Board of Education

Council of Higher Education

State-Owned Institutions
PASSHE Board of Governors

State-Owned Institutions
14 member universities and their respective Boards of Trustees

State-Aided Institutions
8 state-aided institutions with their respective Boards of Trustees

State-Related Institutions
- Lincoln University Board of Trustees
- Penn State University Board of Trustees
- Temple University Board of Trustees
- University of Pittsburgh Board of Trustees

Private Institutions
84 private institutions with their respective Boards of Trustees

Note: A solid line indicates a direct governing relationship. A dashed line indicates a coordinating and informational reporting relationship. A dotted line indicates an informational reporting relationship.
The State Board of Education is the primary state governmental regulatory body for K–12 and higher education in the state and was created by the state legislature in 1963 (Pennsylvania Department of Education, n.d.c). Reconstituted and given different responsibilities in the 1980s, the State Board of Education is comprised of two subcommittees, the Council of Basic Education and the Council of Higher Education.

The two Councils have similar responsibilities, but they focus on different education sectors, as their names imply (Pennsylvania Department of Education, n.d.c). The Council of Higher Education conducts research and evaluates programs on higher education within the state as well as formulates higher education policy proposals that are presented through the State Board of Education to the state legislature (Pennsylvania Department of Education, n.d.c). The Council of Higher Education also develops a state master plan for higher education, standards for building projects involving state funds at higher education institutions, and standards for postsecondary educations for granting degrees and certificates.

In addition to the State Board of Education and the Council of Higher Education, Pennsylvania’s higher education governance structure includes the institutional governing/trustee boards of the state-owned, state-related, state-aided, and private higher education institutions. The Pennsylvania State System of Higher Education is governed by a 20-member Board of Governors which has authority to set general policy for the State System including educational, fiscal, and personnel policy, including appointing the presidents for each of the 14 member universities (PASSHE, n.d.a). A local Board of Trustees oversees each PASSHE university, ensuring that Board of Governors’ policies are implemented and local issues are addressed.
Each of the state-related institutions, the state-aided, and private higher education institutions has its own corporate board that governs their institution, often as a board of trustees (Pennsylvania Department of Education, n.d.b). Each board of trustees has complete authority for establishing all higher education policies for their institution, including personnel, fiscal, and educational policies. Neither the State Board of Education nor its Council of Higher Education has authority over any college’s or university’s corporate board/board of trustees.

It needs to be noted that Figure 4.1 indicates that neither the system nor the individual institutions’ higher education boards fall under the aegis of the state planning board. Two pieces of evidence illustrate that the State Board of Education and its Council of Higher Education do not have policy-setting or coordinating authority for higher education. First, the most recent master plan, the Council of Higher Education and the State Board of Education indicated that the state legislature and state Governor have the most authority for setting higher education policy in the state (State Board of Education, 2005). The most recent master plan reads, in part:

*The State Board recommends that the Governor and General Assembly determine how the Master Plan could best serve their needs in formulating state policy recommendations for higher education. Specific recommendations are outlined in detail in the plan* [bold added]. *The Commonwealth has a unique system of higher education that has evolved since its founding which provides a wide diversity of programs, forms of governance, financial support and educational missions.* … The
Commonwealth’s postsecondary education system presents it with competitive advantage over many states that have a centralized higher education system. … The State Board of Education hopes that this Master Plan will help to stimulate dialogues that will lead to such a result [bold added]. (State Board of Education, 2005)

Second, state legislators identify the legislature as having authority for making higher education policy rather than the State Board of Education (PA State Legislator #1, personal communication, March 23, 2005; PA State Legislator #2, personal communication, March 29, 2005; PA State Legislator #3, personal communication, April 20, 2005). One Pennsylvania state legislator noted that the state legislature and the State Board of Education’s Council of Higher Education have different functions (PA State Legislator #2, personal communication, March 29, 2005). The state legislature sets higher education policy while the Council of Higher Education writes regulations that interpret the policies set by the legislature. The Council’s authority is identified as subordinate to that of the state legislature; in essence, the Council’s (and Board’s) authority is mediated through that of the state legislature.

Right now the [higher education policymaking] players are the Pennsylvania legislature because we create the law. But at the same time, the State Board of Education plays a key role, because within the State Board of Education … they have a Council of Higher Education, and that Council basically writes the regulations. They write the regulations that interpret the laws we pass. They
always send these regulations to the House Education Committee for review, for approval or disapproval [bold added]. (PA State Legislator #2, personal communication, March 29, 2005)

4.2.1.2 Influence on Lobbying Tactics

The state’s higher education governance structure identifies who is lobbied for state higher education policymaking because it determines which state entities ultimately have authority for setting policy. Because the State Board of Education and its Council of Higher Education have an advisory role, but not a governing or coordinating role, for higher education in Pennsylvania, and are subordinate to the state legislature, state legislators are more often lobbied on higher education issues. According to state higher education lobbyists from separate state-related universities, the lobbyees they focus almost exclusively on are state legislators (PA Institutional Lobbyist #1, personal communication, March 23, 2005; PA Institutional Lobbyist #2, personal communication, February 24, 2009). Within the state legislature, their primary lobbyees are the leadership of both political parties and the chairs and ranking minority members of the appropriations and education committees in both chambers. Other rank and file members who are particularly influential with their colleagues, regardless of committee membership or leadership position, and legislators who have university facilities within their district are primary lobbying targets as well.
To be practical, we focus a lot of our attention on legislative leaders and on key rank and file members who are in key committees or who we know to be influential among their colleagues. I don’t want to name names, but generally we focus on those that are influential among their colleagues. (PA Institutional Lobbyist #3, personal communication, March 29, 2005)

One Pennsylvania state legislator suggested they were lobbied on higher education policy issues because one of the universities is located in their district (PA State Legislator #4, personal communication, April 1, 2005). Other state legislators occasionally take their cues from him on whether or not to support a higher education bill that impacts the university. According to this state legislator, other legislators have demonstrated reluctance in supporting a bill if the state legislator whose constituents will be affected the most is against it. If they support the bill, others are more likely to do so as well.

In addition to legislative members, state-related lobbyists highlighted legislative staff members, with whom they lobby primarily through direct communication, as important targets of lobbying (PA Institutional Lobbyist #3, personal communication, March 29, 2005; PA Institutional Lobbyist #2, personal communication, February 24, 2009).

Most of our lobbying is done through direct personal interaction. So you need to get the most impact from the limited number of contacts that you make.

Sometimes that’s not even with talking to a legislator, but it could be their staff,
say the committee director, staff director for a committee, or a personal staff member of a legislator. (PA Institutional Lobbyist #3, personal communication, March 29, 2005)

Another lobbyist from a different state-related higher education institution echoed the importance of communicating with key staff members. In particular, key staff members of the education committees are targeted for lobbying.

You’ll see [Committee chairs] because they have such a big office and staff and they have an education person and a budget person. So, eventually, I’ll get in to see the member, but there will be times where I just see the Executive Director or the budget person or higher ed person. They are a fantastic source of information because that’s all they do. (PA Institutional Lobbyist #2, personal communication, February 24, 2009)

Regarding the State Board of Education and the Council of Higher Education, the state-related university lobbyists simply do not lobby members of these entities. One state-related university lobbyist said:

As an actual lobbying arm of the university, we don’t spend a lot of time with [the State Board of Education] … There are occasions when the State Board will talk about the master plan and raise an issue, but we really spend very little time with them and respond mainly to inquiries if they’re holding hearings or sessions
where they ask for our participation. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

Interviews with members of the Pennsylvania State Board of Education and the Council of Higher Education corroborate that they are rarely the targets of state higher education lobbyists (PA Planning Board Member #1, personal communication, February 17, 2009; PA State Legislator #3, personal communication, February 25, 2009). Moreover, when members of the Board and Council are lobbied it is in a very controlled, limited fashion and never in a one-on-one setting. Rather, the Board and Council hold public hearings and roundtable sessions across the state where individuals are invited to provide comment on proposed higher education regulations that are put in place, most often following passage of policy through legislation. In most cases, staff members from professional membership associations, including labor unions, provide comment to the Council and Board during these publicly held public comment sessions. Examples of associations that have provided testimony to the Board on a past teacher preparation issue include the Association of Colleges for Teacher Education, the Association of Pennsylvania State College and Universities Faculties, and the Pennsylvania State Education Association. Neither interviewed member of the Council of Higher Education indicated that lobbyists from state higher education institutions participated in providing public comment in such a fashion on teacher preparation or any other issue.

One Council member provided an explanation for why Board and Council members are not lobbied. In response to a question asking if any of the association
members or the association leadership contact the Council members outside of the round tables or the hearing formats, he stated:

No. There’s rarely one-on-one [communication between lobbyists and Board members] because the policy is [already] established. That’s why they go to the legislature. We are not arguing policy; we are arguing [regulations, implementation]. (PA Planning Board Member #1, personal communication, February 17, 2009)

PASSHE also spends a large proportion of their lobbying time focusing on state legislators, particularly for state appropriations (PA Institutional Lobbyist #4, personal communication, April 12, 2005). In most cases, the state legislators that are the primary targets of the System’s lobbying efforts are the legislative leadership including the chairs of the appropriations committees within both chambers of the legislature. While the specific members holding these positions may change over time, lobbying the individuals within these positions is constant because of their unique role within the state legislature. Responding to a question about who PASSHE lobbies, one PASSHE lobbyist stated, “If one talks about the money side, it’s whoever’s in the legislative leadership and head of the appropriations, and the Governor's people, it sort of doesn't change” (PA Institutional Lobbyist #4, personal communication, April 12, 2005). With some non-appropriations policy issues, however, the lobbyee target may change based on who within the state legislature is championing the issue.
According to one lobbyist from PASSHE, the state’s higher education governance structure plays a critical role in identifying which higher education institutions in the state will lobby for their policy interests (PA Institutional Lobbyist #4, personal communication, April 12, 2005). Within states with a decentralized governance structure, like Pennsylvania, more state higher education entities are involved in lobbying, particularly for state appropriations. “The decentralization sort of adds to the players around the table” (PA Institutional Lobbyist #4, personal communication, April 12, 2005). Consequently, there is more lobbying competition within states with such a higher education governance structure.

It was identified earlier that state-related university state lobbyists primarily lobby state legislators for higher education issues (PA Institutional Lobbyist #1, personal communication, March 23, 2005). This contention was supported by the lack of lobbying that members of the state’s Council of Higher Education experienced (PA Planning Board Member #1, personal communication, February 17, 2009; PA State Legislator #3, personal communication, February 25, 2009). The reason particular attention is paid to the state legislative leadership for both parties within both chambers on all issues is because these state legislators have authority to block or advance policy initiatives.

*The only time we get involved [with the State Board] is when they start fooling around with the master plan and we feel like they’re going to trample on our governance … But we also realize that none of that really will take hold unless it’s approved by the legislature and anything that [the Board does] that has the net effect of removing control from the legislature, the political leaders and the
appropriation committee, the legislators won’t let happen anyway. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

According to lobbyists from one state-related university, the state’s governance structure ensures that the State Board of Education holds no authority separate from the state legislature for establishing higher education policy in the state. Therefore, higher education lobbyists do not expend limited resources (e.g., time) lobbying members of the State Board of Education. In fact, one state-related university lobbyist did not know who the members of the State Board of Education or the Council of Higher Education were. This speaks perhaps most eloquently to the lack of lobbying attention given to the state planning board.

The structure of higher education in the state determines who is lobbied for state higher education policymaking because it determines which state entities ultimately have formal and real authority for setting policy. State legislators ensure the legislature has more authority than the State Board of Education for making higher education policy. Therefore, the legislature is lobbied on higher education issues while members of the State Board of Education are not.

4.2.2 Lobbying Organization

While Pennsylvania has an association of private higher education institutions in the state, there is no working association that coordinates lobbying and other advocacy
activities for the public higher education institutions in the state. Therefore, no interviews were conducted with association lobbyists in Pennsylvania.

4.2.2.1 Pennsylvania State System of Higher Education

4.2.2.1.1 Lobbying history

Begun in the 1980s by state legislative action, the Pennsylvania State System of Higher Education (PASSHE) consists of fourteen four-year universities distributed geographically throughout the state (PASSHE, n.d.a; Pennsylvania State Board of Education, 1986). Historically, the member institutions of the State System of Higher Education began as normal schools that were purchased by the state in the early 1900s to become state teachers’ colleges. During the middle half of the 1900s, the state teachers’ colleges expanded their mission and became state colleges with a broader set of curricula and degree programs. Legislative action in the 1980s created the State System of Higher Education and each of the state colleges were granted university status, granting Master’s, but not doctoral, degrees.

The system has a stated purpose of providing “high quality education at the lowest possible cost for students” with an emphasis on undergraduate education and meeting regional, state, and national needs (PASSHE, n.d.a). The system’s mission provides evidence of the historical lobbying challenges as previously self-directed education institutions were legislatively joined to form an educational system relatively recently within their 150 years of individual existence. The PASSHE mission states:
To achieve its potential as a System, the distinct missions and strengths of each University must be advanced at the same time that commonalities are sought to increase efficiency and effectiveness. While the goals and directions of this plan vary from those of previous planning efforts, achieving a productive balance between University autonomy and System collaboration remains an essential component of System planning efforts [bold added]. (PASSHE, n.d.b)

The mission statement makes clear that tension exists between the needs of the individual member institutions and those of the system as a whole. Because it is a state system that is geographically diverse there are a larger number of state legislators to lobby on behalf of the State System’s individual institutions. The mission statement also indicates that multiple plans have been implemented over time to balance the needs of the individual institutions and the system as a whole; the issue remains a focus of, and an impetus for, lobbying activity (PASSHE, n.d.b).

Despite the fact that the State System lobbies for annual legislative appropriations on behalf of the system as a whole, the multi-institutional nature of the State System leads to diverse non-appropriations policy issues for which the System lobbies (PASSHE, 2004). The State System mission states that each of the System universities “embraces specific spheres of excellence” while simultaneously sharing a common mission, meaning that the curriculum foci at each of the universities are unique (PASSHE, n.d.b). The result is that the lobbying history of the Pennsylvania State System of Higher
Education is a balancing act seeking to advocate simultaneously on behalf of the State System on appropriations issues and for the individual institutions on non-appropriations higher education policies, as long as the outcomes of the non-appropriations higher education policies do not negatively affect the State System as a whole. Institutional autonomy is a substantial theme of the policy issues that have received noticeable lobbying attention throughout the history of the system (PASSHE, 2004).

### 4.2.2.1.2 Structure

PASSHE is governed by a 20-member Board of Governors (PASSHE, n.d.a). The 20 members of the Board consist of a mix of state-level policymakers and citizens. Of the 20 members, six are state policymakers, including the state Governor, four state legislators, and the state Secretary of Education. The remaining fourteen members include three students and 11 citizens appointed by the Governor. Most of the non-elected or non-student members of the Board of Governors have ties to business, and Board membership is geographically diverse. The Board of Governors has authority to set general policy for the State System including educational, fiscal, and personnel policy.

System-wide administration is led by a Chancellor who is appointed by the Board of Governors (PASSHE, n.d.a). Within the organizational structure is a System Relations division that serves a liaison role between the State System and the executive and legislative branches of state and federal governments. The Director of the System Relations division serves as the primary system lobbyist with the state legislature and
state Governor. As a state agency, PASSHE personnel are not allowed to be registered lobbyists, including the Director of System Relations. However, other System staff members perform advocacy activities in addition to the Director of System Relations, including the Chancellor, the Vice Chancellor for Finance and Administration, and the Vice Chancellor for Academic and Student Affairs (PA Institutional Lobbyist #4, personal communication, April 12, 2005). In 2006, an independent lobbyist was contracted to perform some lobbying activities for PASSHE.

4.2.2.1.3 Resources

Between 2002 and 2005, the total education and general revenues for PASSHE averaged over $1 billion, with educational and general revenues at just more than $1 billion in 2005–06 (PASSHE, 2006). Of those revenues, an average of about 40 percent, or more than $400 million, came from state appropriations. Information as to the salary of the Director of the System Relations, the State System’s chief lobbyist, is not publicly available; however, the salaries of the Chancellor and other system executives are. For the 2005–06 academic year the PASSHE Chancellor had a salary above $300,000 and several other executive administrators had salaries between $140,000 and $170,000 (Association of Pennsylvania State College & University Faculties, 2005). Additionally, detailed information is not publicly available for the State System’s lobbying activities. However, the independent lobbyist contracted to perform some lobbying activities on behalf of the system in 2006 reported $2,000 in expenses for the entire year, three-quarters of which was for direct communications expenses and one-quarter for personnel
(salary) expenses (Governor’s Office of Administration, n.d.). While the available information is unclear, it appears that the resources devoted to lobbying activities undertaken by PASSHE represent a very small percentage of the more than $1 billion general budget for the State System.

4.2.2.1.4 Relationships with other organizations

PASSHE appears to have developed working lobbying relationships with organizations on two fronts. First, the individual institutions within the State System have relationships with the system central office and each other. Indeed, the State System’s mission statement speaks to the tension of coordinating a system while simultaneously recognizing the uniqueness of each member institution. The impact of the balancing the State System must do to meet its own needs and the specific needs of its member institutions was identified earlier as necessarily having an effect on its lobbying activities.

Second, PASSHE is a member of the Pennsylvania Association of Colleges and Universities (PACU), whose mission is to facilitate communication between the state higher education institutions and collect and disseminate state higher education data (Pennsylvania Association of Colleges and Universities, 2005). Claiming more than 100 higher education institutions in its membership roles, PACU membership includes chief executive officers from throughout Pennsylvania’s higher education sectors including two-year and four-year public and private colleges and universities. The PASSHE Chancellor has served on the PACU board of directors along with chancellors or
presidents of a variety of other higher education institutions in the state. The impact that membership within PACU has on the lobbying activities of PASSHE is non-existent due primarily to broadly diversified membership of PACU and its minimal mission, authority, and resources.

According to an advocate with PASSHE, lobbying relationships with other higher education institutions in the state have been part of the State System’s approach to lobbying. These relationships have been with the state-related institutions and include regular sharing of information about institutional lobbying intent.

_We work with the other higher education advocates in town, so we would work with Penn State, Pitt, Temple—largely the public entities—on that. We have monthly conference calls to make certain we're all on the same page for issues that we find of mutual interest and how we might try to strategize to work those._

(NA Institutional Lobbyist #4, personal communication, April 12, 2005)

These relationships and structure were initially developed through association with PACU. Now that PACU is a less active organization, the institutions themselves maintain information sharing relationships (PA Institutional Lobbyist #4, personal communication, April 12, 2005).
4.2.2.2 State-related Universities

4.2.2.2.1 Lobbying history

The Pennsylvania State University is a 24-campus state university with a history stretching back to the middle of the 1850s (Pennsylvania State University, n.d.b). Founded in 1855 as a single college and chartered as a private institution devoted to agricultural education, it became a Land-Grant university after passage of the Morrill Act in 1862. Branch campuses were developed throughout the state during the 1930s to meet the college-going demands of Depression-era students who could not afford to travel to State College; the college expanded its involvement in scientific research during the 1940s and 1950s, and achieved university status in the 1950s (Pennsylvania State University, n.d.b). By the end of the 1960s, the university had assumed its current form—a geographically diverse multi-campus state university with substantial research activities supported by government funding.

The purpose of Penn State University, as identified by the university’s mission statement, is to improve “the lives of the people of Pennsylvania, the nation, and the world through integrated, high-quality, programs in teaching, research, and service” through “undergraduate, graduate, professional, and continuing and distance education informed by scholarship and research” (Pennsylvania State University, n.d.d). The mission also notes the university’s unique role and responsibility as a Land-Grant institution.
As Pennsylvania’s land-grant university, we also hold a unique responsibility to provide access, outreach, and public service to support the citizens of the Commonwealth and beyond. We engage in collaborative activities with industrial, educational, and agricultural partners here and abroad to generate, disseminate, integrate, and apply knowledge (Pennsylvania State University, n.d.d).

The University of Pittsburgh (Pitt) was founded in 1787 as a private preparatory school and as one of the first education institutions in the then-American frontier (Alberts, 1987; University of Pittsburgh, n.d.a). Following further settlement and the increase in the number of other similar schools in Western Pennsylvania during the early part of the 1800s, Pitt changed its educational focus and sought university status from the state in 1819. After a long history as a completely private institution, the University of Pittsburgh became a state-related higher education institution in 1966 with passage of the University of Pittsburgh Commonwealth Act (Alberts, 1987; 24 Pa. Cons. Stat. Ann. §§ 2510.201–211, 2009). Today, Pitt is a multi-campus, state-related research university that maintains independence in its governance and receives regular state appropriations (Alberts, 1987; University of Pittsburgh, 2008; 24 Pa. Cons. Stat. Ann. §§ 2510.201–211, 2009).

The University of Pittsburgh mission statement emphasizes its responsibilities to benefit the state and citizens of Pennsylvania while simultaneously identifying a broader reach of its educational enterprise through its scholarship and research activities
As one of the nation's distinguished comprehensive universities, the resources of the University constitute an invaluable asset for the intellectual, economic, and social enrichment of Pennsylvania, while the international prestige of the University enhances the image of Pennsylvania throughout the world (University of Pittsburgh, 2008).


Chartered in 1854, Lincoln University was one of the first higher education institutions in the United States for African-American students (Bound, 1976; Lincoln University, n.d.a). In 1972, the Lincoln University Commonwealth Act designated

The history of the state-related institutions—all four began as private institutions, were designated as state-related institutions by statute, have received regular state appropriations by statute, and have retained institutional autonomy—indicates that their institutional relationships with the state included lobbying. Because of its status as a state-related institution, one state-related university’s lobbying relationship with the state focused on the level of institutional operating autonomy the university enjoys vis-à-vis the state (PA Institutional Lobbyist #3, personal communication, March 29, 2005). An additional focus of the lobbying history between the state and the state-related universities has been the level of state appropriations the universities have received (PA Institutional Lobbyist #1, personal communication, March 23, 2005; PA Institutional Lobbyist #2, personal communication, February 24, 2009). The technical and legal connections between the state and the universities have provided for a unique lobbying relationship as state-related university lobbyists actively advocate on behalf of an institution that is a quasi-public entity.
4.2.2.2 Structure

All four of Pennsylvania’s state-related universities are governed by their Boards of Trustees, whose membership reflects each institution’s history, mission, and quasi-public nature (Lincoln University, n.d.b; Temple University Board of Trustees, 2008; The Pennsylvania State University, n.d.f; University of Pittsburgh, 2006). The boards of trustees for the four state-related institutions consist of members who attain their membership status through a variety of appointments and elections. At Penn State University, for example, the 32-member Board of Trustees includes nine trustees that are elected by Penn State alumni; six that are elected by organized Pennsylvanian agricultural societies; six are elected by the Board of Trustees; six that are appointed by the Governor; and five that serve as ex-officio trustees and include Pennsylvania’s Governor, the President of the University, and the Secretaries of the state departments of Education, Agriculture, and Conservation and Natural Resources, respectively (Pennsylvania State University, n.d.f). The other state-related universities’ boards of trustees also include a mix of governor-appointed members and non-state-influenced elected members (Lincoln University, n.d.b; Temple University Board of Trustees, 2008; University of Pittsburgh, 2006).

The boards of trustees are responsible for the overall governance and welfare of their universities (Lincoln University, n.d.b; Temple University Board of Trustees, 2008; The Pennsylvania State University, n.d.f; University of Pittsburgh, 2006). To meet these responsibilities, the boards determine major goals for their university, establish policies necessary for meeting those goals, approve the universities’ operating budget, and
appoint university presidents or chancellors who, with his or her designees, are responsible for the daily management of the university. The boards of trustees also have responsibility for monitoring and disseminating university performance information to the state’s public, and for assisting the university presidents in developing relationships with state and federal entities. This latter responsibility denotes an advocacy role for the boards of trustees.

These institutions’ structures also include an office of governmental relations/affairs which serves as the University’s primary lobbying entity (Pennsylvania State University, n.d.e; University of Pittsburgh, n.d.b). For Penn State and the University of Pittsburgh, the office of governmental relations is headed by someone who reports directly to the president and is supported by several other lobbyists. These other lobbyists specialize in either state relations, federal relations, or another specialty area (e.g., medical issues including research money, local community relations). At Penn State University, for example, two lobbyists focus on federal relations, one focuses on state relations, and one focuses exclusively on health/medical policy at the state and federal levels. At Pitt, a Vice Chancellor oversees the lobbying office, which consists of one federal lobbyist, one state lobbyist, two staff members who work on local and community relations, and coordinators of an alumni legislative network and a volunteer pool. While the university presidents and trustees have stated roles in establishing and maintaining relationships with state and federal entities, the universities’ professional lobbying staff has the primary responsibility for lobbying on behalf of the institutions. In response to a question about who within the organization decides on which issues to lobby, one state-related university’s lobbyist stated:
It’s really directly with the [university] President with input from … the [university’s state lobbyists] sitting down with the President and then a major role was played by the Vice President for Finance and Business because of all of the funding issues that are involved … The President has a very, very direct hand in selecting what the priorities are going to be, what the issues will be that we really focus on, and we present him with a range of options, a list of possibilities. He will ask our suggestions and input about what’s really possible or what would we recommend in terms of working. But in the end, it’s the President who makes the final decision on what we should do, what our top priorities should be, and the main thrust of our activities. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

The symbiotic relationship between state lobbyist and the chief executive officer of the university is echoed by another state-related university lobbyist. He stated:

It starts at the Chancellor’s office. We’re part of that office, but they determine our budget. But [the lobbyists] determine our [lobbying] strategy. Every year we sit down when we see what the financial climate [in the state] is going to be, we talk about it in this office, and then we present it to the Chancellor. Obviously he has the last say, but he really considers our input because we are people that are [in Harrisburg] all the time. (PA Institutional Lobbyist #2, personal communication, February 24, 2009)
For these state-related universities, the University President plays the lead role in determining the state lobbying priorities, but the state lobbyists’ input on what is “really possible” also played an important part in the determining the university’s state lobbying priorities. The lobbyists had the most insight into which of the institutions’ policy priorities were most likely to be accepted by the state legislature.

4.2.2.2.3 Resources

Pennsylvania’s four state-related higher education institutions are multi-million dollar organizations that receive a relatively small share of their annual operating budget from state appropriations (Pennsylvania State University, n.d.a; University of Pittsburgh, 2008). For the 2005-06 academic year, the operating budget was $3.0 billion and approximately 10.2 percent came from state appropriations (Pennsylvania State University, n.d.a, n.d.c). For the same academic year, Pitt’s operating budget was almost $1.5 billion, of which approximately 11.4 percent came from state appropriations (University of Pittsburgh, 2008). Lincoln University’s 2005-06 operating budget was approximately $44 million, of which about 28% came from state appropriations, while Temple University’s state appropriation accounted for approximately 21 percent of their $807 million operating budget in 2005-06 (Lincoln University, n.d.c; Temple University, 2006).

Salary information is not publicly available for all employees of Pennsylvania’s state-related universities. However, one state-related university’s state lobbyist indicated
that the majority of their university's lobbying budget is allocated for personnel salary and benefits, communications (e.g., telephone service), travel expenses to the state capitol, and general office supplies (PA Institutional Lobbyist #3, personal communication, March 29, 2005). In 2006, the median salary for the director or head of a university lobbying office at institutions similar in size to Penn State, Pitt, and Temple was $120,455 (College and University Professional Association for Human Resources, 2006).

State-related university state lobbyists identified one source of lobbying expenses associated with one of their important lobbying tactics, that being hosting legislators at athletic events. One stated that in addition to the personnel, communications, travel, and general office expenses …

One of the biggest expenses that we have, that we think has a lot of dividends in terms of building goodwill, is our football season activities. We have a legislative brunch before every home football game. And so we get legislators and allow them to invite several guests … to come and we bring graduate students and faculty members in and we generally have a theme for the legislative brunch around some area of the university’s activities. There’s an educational component to it that we can show off something that’s going on. Legislators start asking questions, and say, ‘Hey we’re going to have a hearing, I want to get you down there.’ We never ask them for anything at the time … [there is] no pitch. It really doesn’t cost us a whole lot … [but] if you do that over the course of six or seven home games, it’s probably the most significant expense of resources other than
Another state-related university’s state lobbyist suggested that the direct cost of this lobbying tactic was approximately equal to the personnel expenses (PA Institutional Lobbyist #2, personal communication, February 24, 2009).

Despite the lack of publicly available records on the state-related universities’ resources available for lobbying activities, two observations can be made. First, the majority of their government relations offices’ budgets is devoted to lobbying because that is its primary role and lobbying staff member salaries comprise most of the government relations offices. Second, the financial resources state-related universities have devoted annually to state lobbying activities is an exceptionally small amount of their total operating budgets. For example, assuming that the salaries for the three state lobbyists at Penn State University were twice that of the industry median, or about $240,000, the total is less than $750,000.\(^3\) For an organization with $3.1 billion in operating expenses in 2006, the hypothetical $750,000 for state lobbying activities equals about 0.0002 percent of the total operating expenses incurred that year.

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\(^3\) The amount represented in this hypothetical scenario should be considered to overestimate the expenses incurred in state lobbying during 2006 since the median salary figure is for a director of government relations and the other lobbyists should have lower a salary since they report to the director.
4.2.2.2.4 Relationships with other organizations

According to the state-related university’s lobbyists, the state-related institution lobbyists maintain working relationships with other higher education institution lobbyists, particularly those at similar state-related institutions (PA Institutional Lobbyist #3, personal communication, March 29, 2005; PA Institutional Lobbyist #2, personal communication, February 24, 2009). The purpose of these relationships is for information sharing. For example, state-related institution lobbyists share information with each other regarding their knowledge of legislators’ positions on a policy issue that affects all of the state-related institutions. The individual institutions use this information to make their own lobbying tactical decisions, but not to coordinate lobbying activities amongst all four state-related institutions. In comments made by one state-related institution lobbyist, tensions are evident between institutions from different higher education sectors.

*We spend a lot of time with our fellow [state-related institution] higher education lobbyists in particular, and the state system of higher education. Looking at issues in common, sharing information, and finding out what they’re hearing about the budget. … Probably one of the highest levels of tension and competition is private versus public higher education. We have good civil relationships with our colleagues from the private [institutions] … but really the sectors take care of themselves.* (PA Institutional Lobbyist #1, personal communication, March 23, 2005)
It appears that the amount and degree of lobbying interaction that the state-related institutions engage in with other higher education institutions, either individually or as part of a collective, is minimal. Interaction that occurs is not for engaging in lobbying activities, but is for information sharing purposes primarily. Said one lobbyist, "relationships help because sometimes other lobbyists get intelligence that I don’t have access to. Maybe they have a friend, somebody a little farther inside than I do" (PA Institutional Lobbyist #2, personal communication, February 24, 2009).

It should also be noted that while Penn State, as a multi-institution university, maintains relationships across its own campuses, its internal policies stipulate that all lobbying and advocacy efforts must be coordinated through the central administration’s Office of Government Relations (Pennsylvania State University, 2006). Therefore, the lobbying activities for the entire University are tightly controlled.

4.2.3 Issue

The study design called for controlling the higher education issue of lobbying interest across the three selected states to teacher preparation policies to serve as a focusing mechanism, and it is an issue that involves both the K–12 and higher education domains. Teacher preparation policies are authorization policies, not appropriation policies.
4.2.3.1 Nature of the issue

The nature of the issue refers to the level of political and public policy activity associated with a specific education issue. An additional aspect is whether the primary policy problem becomes co-opted by another, but tangential, concern as happened with school bussing and the HEA amendments of 1972 (Gladieux & Wolanin, 1974).

In the latter half of the 1990s and the early 2000s, Pennsylvania adopted new teacher preparation and certification policies, ostensibly to increase teacher certification requirements in response to the qualified teacher provisions of the No Child Left Behind ACT of 2001 (Pennsylvania Bulletin, 2006, Walsh & Snyder, 2004). Teacher preparation and certification policy changes in Pennsylvania included requiring completion of six semester credit-hours each in college level mathematics and English and introducing a minimum undergraduate or graduate overall grade point average requirement for entrance into a teacher education program and for teacher certification. Continuing teacher preparation and certification standards included completion of a state-approved teacher education program and passing the Praxis I and Praxis II assessments. Additional teacher preparation and certification policy changes were adopted in the mid-2000s and focused on substitute permits, temporary teaching permits, education specialist certification, vocational education certification, changes in certification, and out-of-state credentials. Pennsylvania also developed a High Objective Uniform State Standard of Evaluation (HOUSSE) plan to create a path for experienced teachers to demonstrate highly qualified status. Again, these policy changes were implemented for NCLB compliance reasons,
and it does not appear that the teacher preparation and certification issue was overtaken
and co-opted by another education or state personnel issue.

4.2.3.2 Public awareness of the issue

To determine the level of public awareness teacher preparation enjoyed within the
three study states, the total number of state newspaper articles written was counted over a
span of 24 years with teacher preparation or teacher certification as the lead topic. Using
circulation data obtained through the Audit Bureau of Circulations, a membership
organization of more than 4000 newspaper and magazine publishers that maintains an
electronic database of audited circulation information, the two most circulated state daily
newspapers were identified for each of the three study states (BurrellesLuce, 2007). The
NewsBank: America’s Newspapers database was used to count the number of articles on
teacher preparation issues in each state’s two most circulated state dailies from the mid-

The two most widely circulated state newspapers in Pennsylvania, The
Philadelphia Inquirer and the Pittsburgh Post-Gazette, published 65 articles with teacher
preparation or teacher certification as the lead topics between 1985 and 2008 (see Figure
4.2). In contrast, almost 62,000 articles with “high school” and about 2,700 with “high
school football” as lead topics appeared in the two newspapers over the same period. In
52 articles, teacher certification was the lead topic, while teacher preparation was the lead

4 The source for newspaper circulation data was Audit Bureau of Circulations. Analysis of the number of
articles within the state newspapers was conducted using the NewsBank: America’s Newspapers database.

Figure 4.2
Number of lead teacher preparation and certification articles in Pennsylvania’s two most widely circulated daily newspapers, 1985-2008

Three characteristics are apparent in the coverage of teacher preparation issues in these two newspapers over a 24-year period. First, there was a concentrated period between 1998 and 2002 where many (49%) of all teacher preparation or certification issues appeared. The reason for this concentration of articles during this period is likely due to the State Board of Education having changed teacher preparation standards in 2000. Second, coverage of teacher preparation or certification does not appear to have been regularly sustained. Other than for the five years immediately surrounding the
change in teacher preparation standards, in only three other years (1991, 1995, and 2004) did more than three articles appear. Moreover, no articles on the topic appeared in 2001, the year that followed the one with the most number of articles (11). Third, coverage in a plurality of years was minimal or nonexistent. In nine out of the 24 years (38%) one or fewer articles appeared. Taken together, these data do not indicate a sustained public awareness of teacher preparation issues between 1984 and 2008. On the contrary, coverage of teacher preparation as a public policy issue was infrequent. The complete lack of coverage in the year immediately succeeding state action on teacher preparation standards suggests that the issue is not one that sustains a heightened level of public awareness over time.

4.2.3.3 Influence on Lobbying Tactics

The level of state appropriations is the “foremost” issue for which PASSHE lobbies (PA Institutional Lobbyist #4, personal communication, April 12, 2005). Secondarily, PASSHE is concerned about policy issues that impact upon institutional autonomy. One PASSHE advocate stated:

*First and foremost is money. Secondly, I think we—all of public higher education—struggle with the issue of autonomy, issues where a governor or the general assembly would seek to dictate more of what we're supposed to do or how we're supposed to do it. So, while that may not have direct financial implications, we want the autonomy to make our own decisions and that's sort of a constant*
tension, like in any state, but clearly in this state. But money always has the highest priority. (PA Institutional Lobbyist #4, personal communication, April 12, 2005)

At two state-related universities, state appropriations are the single most important state issue as well (PA Institutional Lobbyist #1, personal communication, March 23, 2005; (PA Institutional Lobbyist #2, personal communication, February 24, 2009). Capital appropriations are a close second priority identified by one state-related institution (PA Institutional Lobbyist #2, personal communication, February 24, 2009). However, all manner of issues may require some amount of state lobbying attention. These issues include education policy and governance issues, as well as operational issues that most non-education large multi-billion dollar organizations with thousands of employees encounter.

[This] is such a multifaceted, complex institution. Obviously the state appropriation to the university is the single large ticket item. Capital budget is another large ticket item. But then, beyond that, it goes across the board to all sorts … Virtually everything you can think of including tax exempt status of the university … It’s not just what I would call the nuts and bolts of education and higher education issues So, you need to deal with all those issues. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)
This university lobbyist’s colleague agreed that there were a number of non-
education specific issues that the university needed to monitor and engage in lobbying
about due to its size as an employer.

There are other things that we need to deal with from an operations point of view
because we are a major employer. We own a great deal of property. We build
buildings, so we come under building code laws. We come under general
employment laws that govern all employers. As an institution whose employees
are qualified to participate in, for example, the state retirement system, we have
those issues as an employer. Insurance issues. As an institution that operates
nearly a [multi-billion dollar] budget with [tens of thousands of] employees, there
isn’t much that goes on in Harrisburg that doesn’t directly or indirectly affect us.
So we’re watching all those issues. (PA Institutional Lobbyist #3, personal
communication, March 29, 2005)

Lobbyists interviewed from both the Pennsylvania State System and two state-
related higher education institutions indicated that they did not regularly lobby on state
teacher education policy issues. Pennsylvania state legislators agreed that they were
lobbied most about state appropriations issues (PA State Legislator #4, personal
communication, April 1, 2005; PA State Legislator #2, personal communication, March
29, 2005; PA State Legislator #3, personal communication, April 20, 2005). One state
legislator stated:
Right now the biggest issue every year is the budget. They are always after more money … The policy making you rely on, within the State System, their Board of Trustees, and with Penn State, Temple, and Lincoln, their own Board of Trustees.

(PA State Legislator #2, personal communication, March 29, 2005)

At PASSHE, while public awareness is high for many higher education policy issues in the state, and particularly the importance of higher education institutions within the state, it does not translate into political pressure. The reason for this is that higher education policy issues do not hold a high policy priority for most state legislators (PA Institutional Lobbyist #4, personal communication, April 14, 2008). As such, increasing public awareness is not used as a lobbying tactic.

One state-related higher education institution, however, has more recently begun involving its alumni association in some lobbying activities (PA Institutional Lobbyist #2, personal communication, February 24, 2009). Including alumni in the advocacy effort underscores for the legislator the messages the lobbyists are providing.

There are times we ask them [alumni] to write letters, but not about every piece of legislation. We provide them information and instructions on how to draft the letter about certain issues. We ask them to take a few minutes to call their legislator and ask them to make [the university] a priority. When you’re a person who’s graduated from there and you’ve gone on to a successful career but are giving up your time to advocate for your alma mater, that really carries some weight, especially if you’re a constituent. Sometimes instead of grass-roots we’ll
do what they call grass tops. We’ll take a couple of the much more successful, well-connected, and plugged-in alumni and have them contact leadership. Maybe they’re friends with the Speaker of the House or the head of Appropriations, or they have a good business in their district. (PA Institutional Lobbyist #2, personal communication, February 24, 2009)

Four aspects about generating public awareness and encouraging and coordinating alumni to advocate on behalf of this state-related higher education university are important to note. First, it is a newer lobbying tactic that they have begun to use, having hired a coordinator of alumni relations within the past two years. Second, alumni are encouraged to advocate on specific policy issues, not all of them. Third, the use of grass tops lobbying is for access to leadership and not to rank and file legislators. Fourth, public awareness-related advocacy messages are coordinated to support the lobbying efforts of the university lobbyists. These aspects all point to the limited and controlled use of public awareness as a lobbying tactic.

4.2.4 Political Environment

4.2.4.1 Agenda

Counting the number of bills presented in the three study states’ legislatures provided evidence of the importance of the issue within the overall political agenda. LexisNexis’ State Capital Bill Tracking database was used to count the total number of
bills concerning teacher preparation or certification that were introduced in each of the study states’ legislatures for the legislative sessions between 1998 and 2008 (LexisNexis, 2008).

The number and percentage of teacher preparation and/or certification-related bills introduced in the Pennsylvania state legislature indicated that this issue was not particularly high on the legislative agenda. Between 1998 and 2008, a total of 207 legislative bills were introduced in the Pennsylvania state legislature pertaining to teacher preparation or certification, according to the LexisNexis State Capital database (Table 4.3). By comparison, almost 840 education bills on any topic were introduced during the 2005-06 term alone.

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<td>1.01%</td>
<td>0.80%</td>
<td>0.78%</td>
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The 2000 legislative term (covering calendar years 1999–2000) began an increase in the percentage of total term bills devoted to teacher preparation issues. By the 2002

\[\text{Table 4.3}\]

**Total number of bills introduced and number and percentage of bills introduced pertaining to teacher preparation in the Pennsylvania state legislature, 1998–2008**

\[\text{Data for the 2008 legislative term includes bills introduced from 1/1/2007 through 7/15/2008 only}\]
legislative term, almost 1 percent of all bills focused on this issue, whereas about 0.41 percent of all bills did so in 1998. While amounting to a small percentage of bills overall, the increase in focus on teacher preparation was sustained throughout the decade. Note that the slight decrease in the most recent legislative term may be due only to the timing of data collection; one quarter of the legislative term is not included.

4.2.4.2 Election cycle

This dissertation’s theoretical model suggested that the election cycle may influence the lobbying decision, particularly regarding who is to be lobbied, by whom, and on what issue. The nearer an election is for a policymaker, the more likely they may be receptive to policy arguments from a constituent. Additionally, some policy issues may not be politically palatable immediately before an election.

Representatives are elected to the Pennsylvania state House of Representatives on the first Tuesday in November every two years. (Pennsylvania House of Representatives, n.d.). Senators, also elected in even-numbered years, serve four-year terms. Interviews with all members of the State Assembly in Pennsylvania were conducted during a non-election year. As such, the subsequent election for all legislative interviewees was not to occur for approximately 18 months.

For the Pennsylvania State System of Higher Education, the election cycle can play a role in lobbying tactic decisions (PA Institutional Lobbyist #4, personal communication, April 12, 2005). The election cycle can determine when new legislators and other state policymakers will be coming into the policymaking structure and so
identify when and then with whom the State System needs to be developing working relationships. The election cycle can also provide cues as to when to support implementation of policies that may be helpful or harmful for policymakers. For example, unusually high tuition increases at public higher education institutions may be more palatable for policymakers during a non-election year than during an election year.

4.2.4.3 Economy

State and national economies can play a role in the selection of lobbying tactics. Generally, as state economies are in times of high growth resulting in higher state tax revenue, state legislatures are more likely to increase public expenditures on new programs or growth of existing ones (SHEEO, 2008). The opposite response is seen as state economic growth slows or turns negative, resulting in lower state tax revenue. Indeed, states overall experienced decreased investment in public higher education between 2001 and 2005, a reflection of the overall economic contraction that began in mid-2000 (SHEEO, 2008).

While the effects of state budget contractions are felt most acutely on appropriations legislative decisions, they can also be felt on policy authorization (SHEEO, 2008). Policies affecting new programs, capital improvement projects, and professional development activities all require some consideration of the resources available for policy implementation. During times of economic contraction, there is a general depressing effect on the growth of existing programs or authorization of new ones.

While initially appearing to be a positive state higher education economic situation, state higher education full-time-equivalent (FTE) enrollments increased by 15% over the same time period; a percentage increase that places Pennsylvania in the top 20 states in enrollment growth in the country. Accounting for the rise in enrollments, state public higher education appropriations per FTE in Pennsylvania declined more than 19% from 2002–2007, which was among the ten states with the greatest appropriations losses per FTE over the period. It is expected that within this economic environment, lobbying for implementation of new higher education policies would be more difficult than during times with a healthier state economy.

4.2.4.4 Legal Restrictions on Lobbying

Legal restrictions on lobbying activities are outlined in state statutes and are enacted to increase government transparency by registering who or what organizations are trying to influence state government. Legal restrictions also attempt to minimize the role that financial incentives to policymakers have on influencing state policy.

Pennsylvania’s state statutes on state lobbying limit the lobbying tactics available to all state lobbyists, including higher education lobbyists (65 Pa. Cons. Stat. Ann. §
First, Pennsylvania state statute differentiates lobbying registration and reporting requirements based on a number of factors, including if the lobbyist is an appointed state official. Therefore, PASSHE lobbyists are not covered under this section of the statute, while lobbyists for state-related, state-aided, and other private higher education institutions are. Reporting requirements for state-related, state-aided, and private higher education institutional lobbyists include identifying themselves, the individuals they lobby, the issue or bill about which lobbying activity occurred, and their lobbying expenses, including expenditures for gifts, food and beverage hospitality, and communications. Lobbyists must report this information about their lobbying activities on a quarterly basis.

Second, lobbyists are prohibited from giving, and state legislators are prohibited from receiving gifts of any monetary value when the gift is given for the purpose of influencing official state action. Gifts for other reasons are not prohibited. Food, beverages, and insignificant non-pecuniary gifts are exempt from the gift ban. Consequently, the statutes permit higher education institutions to hold hospitality events that include the provision of food and beverages. Also, gifts are permitted when given absent the connection to official state action.
4.2.5 Lobbyist

4.2.5.1 Experience

The two state lobbyists at one state-related university have been professional lobbyists for at least nineteen years each, having a combined 40 years of lobbying experience (Pennsylvania State University, n.d.d). The Director of State Relations has lobbying experience at the state level exclusively, while the Special Assistant to the President for Governmental Affairs began a lobbying career as a federal lobbyist for six years, followed by four years of state lobbying and 12 years as head of the government affairs office at a state-related university. Both lobbyists worked in state legislatures prior to their roles as lobbyists; one as a professional staff member on a U.S. House of Representatives education committee for eight years, while the other was a legislative aide at the state level. Both individuals have lobbied exclusively for education issues during their careers.

The state lobbyist at another state-related university has eight-and-one-half years of professional lobbying experience exclusively with higher education issues (PA Institutional Lobbyist #2, personal communication, February 24, 2009). In addition, he was raised in a politically active family, having worked on election campaigns and having a father who is a politically elected official.⁶ Prior to his role at the university, he worked as an administrator at a private higher education institution in the state.

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⁶ This lobbyist’s father is not a state legislator, however.
According to one state-related university lobbyist, a lobbyist’s experience plays a substantial role in determining the specific lobbying tactics to use in given situations. Applicable lobbyist experience includes their experience and knowledge with the specific issue, the institution, and the lobbyees involved. Experience is particularly important, as it helps to exclude lobbying tactics that are projected to be ineffective. In response to a question on making lobbying tactic decisions, the lobbyist stated that he does so based on your understanding of what’s the most effective way to go about meeting your objective. That’s going to be determined on an issue by issue basis. On this particular issue, for example, the most effective thing may be for me to pick up the phone, have a two minute conversation with a staff director. That could end that issue; that could resolve that problem. Or that could be the first in a series of numerous discussions. That all depends on the issue. The only way that you make that determination is based on your experience, based on your knowledge of the issue, your knowledge of the individuals that you’re going to be dealing with, and your knowledge of the institution in which you’re working, including not only the formal structure of that institution, but the political culture of that institution [as well]. (PA Institutional Lobbyist #3, personal communication, March 29, 2005)
4.2.5.2 Relationship with lobbyee

4.2.5.2.1 Pennsylvania State System of Higher Education

Positive working relationships are crucially important for lobbying efforts and implementing lobbying tactics with PASSHE as well, often born out of longstanding work relationships. Many of the primary PASSHE advocates have worked previously in the Pennsylvania state legislature or the State Department of Education (PA Institutional Lobbyist #4, personal communication, April 12, 2005). During these periods of employment, relationships developed with colleagues who have maintained their employment with those institutions. Therefore, former colleagues have become lobbyees to the State System’s lobbyists.

*I would say, some of it is, we grew up together. We've all been around doing that stuff for years. Occasionally there's new people in the mix ... but since that one point in my life I held most of those positions [so] that [there is] sort of an easy affinity. Legislative staffers ... I've worked with some of them for 15 years. The State Board of Education, I've worked with them for years and years; the members of the Board, I'm friends [with]. When you pick up the phone and call or stop someone in a hallway there is sort of recognition and history, and ... that's really important. It's a good working relationships built up over time.* (PA Institutional Lobbyist #4, personal communication, April 12, 2005)
Again, developing and maintaining relationships with lobbyees is a substantial component of PASSHE lobbying activities. While advancing a particular policy issue is a goal of the lobbying activity, there is recognition of the need to continue to work with state legislators over time on multiple higher education policy issues.

You need to maintain the relationship [with lobbyees] and develop a relationship so that you can agree to disagree with somebody who ten days later might be your partner on advocating a certain position. So that's part of it ... that you don't try to argue over words, as to when you're writing another piece of legislation, if it's coming out generally the way you want, you let the other person take that credit or get the words that mean a lot to them ... I know there are very few issues that basically you are willing to cash in all your political chips and burn the bridges necessary to get it done because next week you have to go back at it [and then] you've got nothing left. (PA Institutional Lobbyist #4, personal communication, April 12, 2005)

State legislators confirm that lobbyists are cognizant of maintaining positive relationships with the individuals they lobby. Maintaining a good relationship with state legislators is based in part on an attitude of working together over time and for building trust (PA State Legislator #4, personal communication, April 1, 2005; PA State Legislator #2, personal communication, March 29, 2005). On this point, one state legislator stated:
They realize that once they come in here and listen to you and if you don’t agree with them, they generally back off—agree to disagree. Because they know there will be more issues in the future that we can probably help them with. So I have been very impressed with the quality of people that have come into my office to lobby on those issues. ... If you find out they have lied to you in any way, stretched the truth, generally they do not come back into my office, and that is unfortunate. I have only met two lobbyists in my eight and a half years down here that basically I will not let back in the office. For the most part lobbying has been pretty good, pretty honest. (PA State Legislator #2, personal communication, March 29, 2005)

As part of developing personal relationships with lobbyists, one state legislator identified the uniqueness of doing so in a legislator’s home district, rather than in the state capitol. The legislator concludes by reinforcing the importance of lobbying relationships.

I think the most effective lobbying that can be done is done at home, not up [at the state capitol] because you generally have more time to spend with the legislator and you get an opportunity to actually develop a relationship with the legislator, and probably more importantly, his staff. The whole idea, I think, to becoming an effective lobbyist is that you have to develop a personal relationship. It is that simple. (PA State Legislator #2, personal communication, March 29, 2005)
4.2.5.2.2 State-related Universities

For lobbyists at state-related universities, maintaining relationships with state legislators is an important lobbying tactic (PA Institutional Lobbyist #3, personal communication, March 29, 2005; PA Institutional Lobbyist #2, personal communication, February 24, 2009). In many cases, the importance of communicating with lobbyees is to maintain a positive working relationship with them.

*SSometimes you’re just seeing them [legislators], not even going in to talk about an issue. You stick your head in the office to ask how things are going this year. So that every time they see me on their list of people to see they won’t think I’m there to tell him how bad it is for the university or that I’m going to ask for more money. So, I pop in just to see how they are doing or to see if we can do anything for them. It’s a two-way thing; they ask the University for a lot of stuff, too. That helps us get a relationship with that office.* (PA Institutional Lobbyist #2, personal communication, February 24, 2009)

At one state-related university, most of their lobbying activities are devoted to developing relationships with lobbyees. In talking about whom they lobby and how, one state lobbyist stated:

*It’s just a lot of day to day contact, information exchange, being available to them, providing them with information on a regular basis. And I always use what
I call the — and this is not empirical, it’s more a term of art — the 80/20 rule. Where 80 percent of the time, you’re engaged in relationship building, information exchange, building trust—you’re talking to them. Then 20 percent of the time, you’re asking them for something. [What lobbying is all about] is building relationships, building trust so that when the time comes and you need to ask for something, it’s not like ‘well, who’s this guy coming in and what’s he want and why?’ I think that’s really the important part of all this because in lobbying, yeah, the institution is important, the message is important, but there’s nothing that replaces that personal relationship and the idea of trust. They know that if you’re telling them something it’s true, they can count on it, they can depend on it. Trust is critical, and without that you’re not going to be effective [bold added]. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

Moreover, working relationships with lobbyees become integral in lobbying tactics decision making, particularly in determining who is to lobby whom. While two state-related university state lobbyists have a general pattern of who is going to lobby whom, based in part on the structure of their lobbying organization, preexisting relationships with the lobbyees plays a role in making a final lobbying tactic decision.

I actually spend more of my time with the leadership of the four caucuses. [Our other state lobbyist] is there [at the state house] usually one day a week longer than I am. And a lot of the rank and file [member] issues, [he] will deal with. There are also personality issues that work better and that change from time to
time and place. If I have a particularly strong relationship with [a]
Senator, I can walk in their offices and sit down with them without any notice or
meeting, because we just have a good strong personal relationship. If [the other
lobbyist] has a good relationship with somebody, I don’t want to cut into that and
say, “Well, you shouldn’t because I’m the one who should talk to him.” Whatever
works to get this thing done. (PA Institutional Lobbyist #1, personal
communication, March 23, 2005)

As discussed previously, the lobbying tactic of hosting members of the state
legislature and their guests at home football games is also used to develop working
relationships with potential lobbyees. Maintaining working relationships with lobbyees
is one of the most important goals for lobbyists, regardless of the outcome of any
particular policy issue. In fact, one university lobbyist indicates that maintaining
relationships through the selection of lobbying tactics and approach to lobbying is crucial
for maintaining viability as an effective lobbyist for future policy issues.

So you have to manage relationships while you are specifically working for and
against issues with individuals. You want to maintain good relationships while
still working issues, even if you’re on the other side of the issue of a legislator, or
on the other side of the issue of an entire caucus … If you play above board, if
you maintain your integrity as an individual and the integrity of the institution,
usually you can work an issue where you’re on an opposite side of the issue with
the legislator and beat the legislator on that issue and still maintain a good
relationship. Where you can’t maintain a good relationship is where you are untruthful, you use tactics that are generally considered to be unfair … misrepresenting their position to other groups or other individuals, trying to hurt them on other issues that are unrelated, trying to get their colleagues to vote in your way for reasons that, if we misrepresent the issue, you quickly lose respect, trust. Once you don’t have trust or respect, then you have no relationships anymore and you’re completely ineffective as a lobbyist. (PA Institutional Lobbyist #3, personal communication, March 29, 2005)

4.2.5.3 Probability of success

Some lobbyists will also be able to more accurately predict the probability of success of a particular lobbying tactic given the other factors involved. This could come about through innate skill, lobbying experience, or based on existing lobbying relationships. Since one primary goal of lobbying is to influence the policy outcome, being able to accurately predict which lobbying tactics will induce a favorable policy outcome can be a key factor in lobbying tactics selection.

It was stated earlier that state lobbyists’ perspectives on the potential success of lobbying for specific issues were taken into account in the development of one state-related university’s lobbying priorities. In addition, members of the state legislature who are sympathetic to the university are consulted as to which priorities are feasible during the legislative session.
The other thing we do, which is interesting, is that we will seek advice from some of the senior legislators ... who happen to have close ties to us. And sometimes we’ll ask [them their] opinion[s], because oftentimes, we are going to ask [them] to be a champion anyway. So [we ask them] ‘Do you think we should go after that this year or shouldn’t we? Looking at the way things work, what’s your opinion?’ and we’ll get [their] input. And sometimes that’s helpful, because when you want [them] to be the champion of something, if [they] give you suggestions, you turn around and say, yeah, that sounds like a good idea, then [they’re] more than willing to pick that up and run with it. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

State-related university lobbyists’ perspectives on the potential for success for any given lobbying tactic or policy issue depend on their ability to receive truthful information from state policymakers involved in making the policy decisions. Lobbyists that have strong working relationships with policymakers are more likely to receive truthful information. Related to this is the level of experience lobbyists have within the specific lobbying environment.

There’s not rocket science. It’s just a normal thing [bold added]; if you think it through, you’ve been involved in the process [bold added], you know the different pressure points in the crawl space. You try to put all that together and it’s basically gathering information trying to get good data. And you hope that you are getting good data, that the guy you’re speaking to is giving you good
information and not giving you information that he wants to give you; you’re not going to get burned with it. So, as I said it’s an art [bold added]. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

Another state-related university lobbyist indicated that knowing as much as possible about the lobbyees, their motivations, and the political environment is critically important to estimating the probability of success of specific lobbying tactics. For this lobbyist, determining the probability of success of a lobbying tactic is based in part on their experience, informed by knowledge of the specific situation.

*The only way to know is to read and be constantly interacting with these folks. I spend a great deal of my day, an inordinate amount of my day, reading—newspapers, articles, magazines, other materials—whether they’re within the higher education industry or the political industry. Information is an absolute necessity for me to be able to judge what the environment is, what we can possibly get done or not get done. So I’m reading revenue reports and budget analyses of bills. I’m reading articles about Philadelphia politics. The more I know, the better I’m able to make an informed decision on what could work or what may not work.* (PA Institutional Lobbyist #3, personal communication, March 29, 2005)
4.2.6 Summary

Based on interviews with state higher education institution lobbyists, state legislators, and members of the State Board of Education, state-level lobbying for higher education issues in Pennsylvania appears to be characterized by the following:

- **Whom to lobby**: state legislators were lobbied; members of the State Board of Education were not

- **Who implements lobbying**: state higher education institution lobbyists performed much of the lobbying; topical experts (e.g., higher education institution budget personnel) accompanied lobbyists as needed; constituents were tapped by lobbyists on some occasions to gain access to particular legislators or to reinforce the lobbying messages given by the lobbyist; the state-related institutions assisted each other in lobbying, particularly by providing information to each other

- **How lobbying was implemented**: most lobbying was conducted in face-to-face meetings; phone calls were also used, as were e-mail and postal mail, albeit to a lesser extent; many of the face-to-face meetings occurred in the state capitol, while some occurred in legislators’ home districts

- **What was the lobbying activity**: providing information to state legislators and presenting the university’s policy position were the only lobbying activities undertaken; presenting the university’s policy position appeared to have been done more than providing information
4.3 NEW JERSEY

New Jersey has twenty-six four-year colleges and universities, of which 12 are public entities (New Jersey Commission on Higher Education, n.d.a). In New Jersey, higher education institutions are classified according to the 1994 and 2000 classification schemes used in the Carnegie Classification of Institutions of Higher Education.\(^7\) Rutgers University, the New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey are classified as “doctoral/research universities” or “medical schools and medical centers.” Of the three public research universities, Rutgers University is a multi-campus university and is the state’s flagship four-year university, the New Jersey Institute of Technology is a single campus university, and the University of Medicine and Dentistry of New Jersey is a multi-campus university with a focus on granting graduate and professional degrees in the health sciences. All three of these institutions are public, multi-campus universities and are identified as “Research Universities” by the New Jersey Commission on Higher Education (New Jersey Commission on Higher Education, n.d.a).

Nine public higher education institutions in New Jersey are “master's (comprehensive) colleges & universities” or “baccalaureate colleges”: The College of New Jersey, Kean University, Montclair State University, New Jersey City University, Ramapo College of New Jersey, The Richard Stockton College of New Jersey, Rowan

\(^7\) Since 1973, the Carnegie Foundation for the Advancement of Teaching has classified higher education institutions in the United States based on a number of classification schemes. In New Jersey, the 1994 and 2000 classification schemes provide the basis for identifying New Jersey higher education institutions by sector. More information on the Carnegie Classification of Institutions of Higher Education can be found on the Carnegie Foundation for the Advancement of Teaching’s website: http://www.carnegiefoundation.org/classifications/
University, Thomas Edison State College, and the William Patterson University of New Jersey. These nine institutions are called “State Colleges and Universities” by the Commission on Higher Education (New Jersey Commission on Higher Education, n.d.a). All twelve public higher education institutions are owned and operated by the state of New Jersey. The remaining 14 four-year colleges and universities are private higher education institutions.

4.3.1 Higher Education Governance Structure

4.3.1.1 Authority and Identification of lobbyist

New Jersey is best classified as a coordinating board state (McGuinness, 1997, 2003). Figure 4.3 graphically represents the higher education governance structure in the state of New Jersey and includes the state’s coordinating board entitled the New Jersey Commission on Higher Education, higher education system boards, and the governing boards of individual higher education institutions.
Figure 4.3
State Higher Education Governance Structure, four-year institutions—New Jersey

Note: A solid line indicates a direct governing relationship. A dashed line indicates a coordinating and informational reporting relationship. A dotted line indicates an informational reporting relationship.
The Higher Education Restructuring Act of 1994 created The New Jersey Commission on Higher Education and gave it authority for coordinating higher education in the state (N.J. Stat. Ann. § 18A:3B, 2009). Simultaneously, the Act gave higher education governing authority to the individual higher education institutions’ or multi-campus systems’ boards of trustees, removing such authority from state government control (N.J. Stat. Ann. § 18A:3B, 2009). Consequently, New Jersey’s higher education institutions now have institutional governing authority, but indirect reporting obligations with the New Jersey Commission on Higher Education, as shown in Figure 4.3 by the dotted lines. Among the responsibilities held by the institutional boards of trustees are the authority to set standards for admissions and awarding degrees, setting tuition and fees, institutional supervision and operational oversight, fiscal and budgetary control, and personnel matters, including hiring their own university presidents or chancellors (New Jersey Commission on Higher Education, n.d.c; N.J. Stat. Ann. § 18A:3B-6, 2009, n.d.d).

In addition to the Commission on Higher Education and the individual higher education institutions’ board of trustees, The New Jersey Association of State Colleges and Universities (NJASCU) plays a role in New Jersey’s state higher education governance structure (N.J. Stat. Ann. § 18A:64-6, 2009). Statutorily created by the state legislature in 1985, part of NJASCU’s mission is to be an advocate to the state legislature on behalf of the nine regional public state colleges and universities (N.J. Stat. Ann. § 18A:64-6, 2009). NJASCU’s mission is also identified by state statute.

A New Jersey Commission on Higher Education planning document succinctly identifies its four primary areas of responsibility and authority (New Jersey Commission on Higher Education, n.d.d), stating, “The Commission is charged with statewide policy
and planning, institutional licensure, information and research dissemination, advocacy for higher education, and administration of various programs.” The Commission meets its charge by “serv[ing] as catalyst for higher education policy development and implementation [through actions that] provide reliable and relevant information, data, and analysis; define key issues; engage stakeholders in dialogue; and relate educational attainment to the state’s economic/societal concerns” (New Jersey Commission on Higher Education, n.d.d). In addition, state statute identifies the New Jersey Commission on Higher Education’s responsibilities for serving as a higher education coordinating entity for the state (New Jersey Commission on Higher Education, n.d.c; N.J. Stat. Ann. § 18A:3B-13-35, 2009). Among its responsibilities, the Commission on Higher Education:

- conducts research on and develops a master plan for higher education,
- performs state-wide higher education planning and policy development,
- advocates on behalf of higher education,
- provides recommendations to the Governor and state legislature on higher education programs,
- licenses institutions and grants university status,
- makes final administrative decisions on whether higher education institutions can implement new academic programs beyond the institution’s mission,
- presents a comprehensive budget recommendation to the Governor and legislature,
- approves capital projects,
- determines the reporting form and content for higher education institutions’ annual reports to the public,
- applies for and manages federal grant funds for higher education institutions, and
- communicates with the federal government regarding higher education in the state.

The New Jersey Commission on Higher Education also administers several state-wide student assistance programs and professional development programs for educators (New Jersey Commission on Higher Education, n.d.c).

The New Jersey Commission on Higher Education consists of thirteen members, of which nine are appointed by the Governor with the advice and consent of the state Senate, and one of which is required to be a higher education faculty member (New Jersey Commission on Higher Education, n.d.b). Two board members serve in an ex-officio capacity; one represents a state university presidents’ advisory group, while the other represents the state student aid assistance agency. These eleven coordinating board members serve six-year terms. In addition to the eleven members described above, two university students are appointed by the Governor as non-voting members and serve one-year terms.
4.3.1.2 Influence on Lobbying Tactics

While New Jersey Commission on Higher Education members are known and Commission activities monitored, Commissioners are not lobbied on education policy issues by state lobbyists for one of New Jersey’s research universities (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). Rather, state legislators, legislative committee staff members, and members of the Governor’s office are the typical targets of higher education lobbying activity for the state’s research universities (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). While all state legislators are potential lobbyees, one university’s lobbyists focus on the state legislative leadership, members of the budget and education committees, and on legislators who represent the districts that house the university. For one New Jersey research university’s state lobbyists, the state treasurer and other staff members in the state Department of Treasury are also lobbying targets.

Members of the state legislature and legislative committee professional staff are the most common lobbyees targeted by NJASCU lobbyists (NJ Association Lobbyist #1, personal communication, December 18, 2007). Within the state legislature, the leaders of both parties and committee staff of the relevant committees, and the majority and minority leadership within each chamber are regularly lobbying targets. Additionally, the bill sponsor is a lobbyee, irrespective of whether he or she holds a leadership position, as are all members of the relevant committees contemplating bills of interest to NJASCU. In most cases, the committee members who will be lobbying targets for NJASCU sit on the higher education or education committees, the budget committees, and the state
government committees because of their legislative jurisdiction. If NJASCU is against a bill that passes both chambers, the Governor’s office is lobbied to veto the bill.

Interestingly, one newer rank and file member on a state legislative higher education committee indicated that he or she was not lobbied frequently for higher education issues (NJ State Legislator#1, personal communication, April 13, 2005). This member is not a chairman of the committee or in a leadership position within the legislature. While initially surprising, this is supported by statements by state higher education lobbyists indicating that legislative leaders, including committee leaders, are their primary lobbying targets.

That members of the New Jersey Commission on Higher Education are not lobbying targets for higher education state lobbyists is agreed upon by the lobbyists from the state public higher education association (NJ Association Lobbyist #1, personal communication, December 18, 2007). One association lobbyist stated, “They’re just not a part of the picture generally. There are some instances where we actually find ourselves working against the commission” (NJ Association Lobbyist #1, personal communication, December 18, 2007).
4.3.2 Lobbying Organization

4.3.2.1 State Research Universities

4.3.2.1.1 Lobbying history

Rutgers University, chartered in 1766 as a private college and opened in 1771, became the state’s Land-Grant institution in the 1864, and gained university status in the 1924 (Rutgers, the State University of New Jersey, n.d.a). Legislation in 1945 and 1956 formally designated Rutgers a state university, fully a State of New Jersey entity, and a new governance structure was implemented to reflect the new relationship (N.J. Stat. Ann. § 18A:65-1, 2009; Rutgers, the State University of New Jersey, n.d.a).

Today, Rutgers’ mission reinforces the connection between the institution and the state by identifying the state as the chief beneficiary of the university activities (Rutgers, the State University of New Jersey, n.d.g). The mission statement states:

As the sole comprehensive public research university in the state’s system of higher education, Rutgers, The State University of New Jersey, has the threefold mission of:

- providing for the instructional needs of New Jersey’s citizens through its undergraduate, graduate, and continuing education programs;
- conducting the cutting-edge research that contributes to the medical, environmental, social and cultural well-being of the state, as well as aiding the economy and the state’s businesses and industries; and
performing public service in support of the needs of the citizens of the state and its local, county, and state governments (Rutgers, the State University of New Jersey, n.d.g).

This focus of university mission on state benefits is also found in the use of appropriated funds from the state. The university mission continues by stating, “Each component of the university's mission reinforces and supports the other two … permitting the most effective use of state resources [italics added]” (Rutgers, the State University of New Jersey, n.d.g). Moreover, the long history of the university as a private institution is part of its lobbying history.

The New Jersey Institute of Technology (NJIT) was founded in 1881 by the city of Newark and supported by a grant from the New Jersey legislature as a public, non-degree granting training school (NJIT, n.d.a). It first began offering bachelor’s degrees in early 1923 and had an emphasis on engineering education. By the end of the 1970s, the university had increased its educational offerings and taken on its current form (NJIT, n.d.a).

The NJIT mission statement reinforces the institution’s public nature by identifying service to the state as half of its mission’s focus (NJIT, n.d.b). The NJIT mission states, in part:

NJIT is the state's technological research university, committed to the pursuit of excellence ...
in contributing to the state's economic development through the state's largest business incubator system, workforce development, joint ventures with government and the business community, and through the development of intellectual property;

in service to both its urban environment and the broader society of the state and nation by conducting public policy studies, making educational opportunities widely available, and initiating community-building projects (NJIT, n.d.b).

The history of the NJIT, its founding and continued existence as a public institution, and its mission all point to the highly integrated relationship between the university and the state. Together, these aspects are part of the history of lobbying by NJIT.

The University of Medicine and Dentistry of New Jersey (UMDNJ) is the largest multi-campus, state-run health sciences institution of its kind in the United States, providing undergraduate, graduate, and professional degrees in the health sciences (UMDNJ, n.d.b, 2007). Founded in 1970, UMDNJ was created by the Medical and Dental Education Act that merged the previously established New Jersey College of Medicine and Dentistry with the Rutgers University medical school under a single board of trustees (UMDNJ, n.d.b). Since that time, UMDNJ has grown, partly by introducing statutorily mandated academic programs and changes to its board of trustees (UMDNJ, n.d.b).
The University of Medicine and Dentistry of New Jersey’s mission statement emphasizes its role in, and being a resource to, the citizens of the state of New Jersey (UMDNJ, n.d.a). It reads, in part:

*UMDNJ seeks to meet the needs of our diverse constituencies and improve the health and quality of life of the citizens of New Jersey and society at large. … With five campuses and a network of more than 200 affiliated healthcare and educational partners spanning the state, we touch the lives of almost every New Jerseyan every day. Our mission is both simple and inspiring—to enhance the health of all New Jerseyans through broad-based programs covering every aspect of the health sciences* (UMDNJ, n.d.a).

As with Rutgers University and NJIT, the University of Medicine and Dentistry of New Jersey’s history and mission highlight its role as a state entity. As such, the lobbying history of the institution included issues involving the level of state appropriations and institutional autonomy.

### 4.3.2.1.2 Structure

The three New Jersey research universities are each governed by their governing boards, which are separate Boards of Trustees at NJIT and UMDNJ and a Board of Governors at Rutgers University (NJIT, 2000; Rutgers, n.d.e; UMDNJ, 2006). When
Rutgers University was a private institution, a Board of Trustees was the governing body, but it now serves in an advisory capacity to the Board of Governors (Rutgers, n.d.e).

Membership on the institutions’ Boards of Trustees or Board of Governors reflects their status as state entities and their histories (NJIT, 2000; Rutgers, n.d.e; UMDNJ, 2006). For example, most of the members of the boards are appointed by the Governor of New Jersey. Reflecting the history of the institutions, the Board of Trustees elects five of its members to serve on the Board of Governors at Rutgers, and at NJIT, the Governor of New Jersey and Mayor of Newark serve as ex-officio board members.

The primary responsibilities of the institutional Boards of Trustees and Board of Governors include establishing university policy, securing resources for the institutions, ensuring institutional quality, and overall university management (NJIT, 2000; Rutgers, n.d.e; UMDNJ, 2006). The boards select their own university president to manage day-to-day operations.

Rutgers University’s and UMDNJ’s organizational structures include an office of governmental affairs that lobbies state and federal governments on behalf of their institution (Rutgers, n.d.d; UMDNJ, n.d.c). At Rutgers and UMDNJ, each governmental affairs office is staffed by a handful of lobbyists, some of whom work exclusively at the federal governmental level and some exclusively at the state level (Rutgers, n.d.d; UMDNJ, n.d.c). Each institution’s government affairs office is headed by an individual who coordinates lobbying activities and serves as the primary contact with the university president (Rutgers, n.d.d; UMDNJ, n.d.). For example, Rutgers has a Department of Public Affairs that includes separate federal relations and state relations offices (Rutgers, the State University of New Jersey, n.d.d). Two employees in the Office of State
Relations serve as the University’s primary state lobbyists. The Office of Federal Relations consists of two professionals who lobby at the federal level.

NJIT has a distinct organizational structure concerning lobbying (NJIT, 2007a). Rather than hire their own state lobbyists, NJIT contracts with external lobbying firms to perform these functions. NJIT does have lobbyists on staff; however, their role is to help the university secure federal and state research grants (NJIT, 2007a). These NJIT lobbyists are located within NJIT’s Office of Government and Military Affairs and the Office of Strategic Initiatives, both located in the university’s Office of Research and Development. NJIT’s Office of Government and Military Affairs has a twofold purpose. First, it lobbies the federal government to secure research funding for the university, and second, it serves as a liaison between the university and their contract lobbyists (NJIT, 2007a). The Office of Strategic Initiatives seeks to secure funding from the U. S. Department of Transportation for NJIT to provide planning and design services for the state’s Atlantic coast deepwater port expansion project.

At one New Jersey state research university, the lobbying structure determines which state higher education issues will be lobbied and directs who will make some lobbying tactical decisions (NJ Institutional Lobbyist #1, personal communication, April 22, 2008). For example, the state lobbyists serve as the initial filters for these decisions, while additional members of the institution are consulted to provide their topical expertise and advice on an issue-specific basis. Following the initial interior filtering and consulting phases, the university’s president is advised and his or her approval of the issues to be lobbied and lobbying tactical decisions and their direction is secured.
4.3.2.1.3 Resources

As state entities, Rutgers University, NJIT, and UMDNJ receive relatively substantial state appropriations, accounting for between 19 and 28 percent of their multi-million dollar annual operating budgets (Rutgers, n.d.f; NJIT, 2007b; UMDNJ, 2006b). Since the 2001 academic year, the average annual state appropriation to Rutgers was approximately $324 million, while $69 million and $300 million in state appropriations went to NJIT and UMDNJ, respectively (Rutgers, n.d.f; NJIT, 2007b; UMDNJ, 2006b). In 2007, Rutgers’ operating budget was $1.7 billion and NJIT’s was $244 million, while UMDNJ’s was $1.1 billion in 2006 (Rutgers, n.d.f; NJIT, 2007b; UMDNJ, 2006b).

Information was unavailable as to the total expenditures for the three institutions’ governmental affairs offices. However, describing the operating budget for state lobbying as “very small,” one state research university state lobbyist identified personnel expenses (e.g., salary and benefits) as the item comprising the majority of the university’s lobbying budget (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). Travel expenses to the state capitol were minimal due to the relatively small geographic size of the state. Therefore, while information as to the exact university resources made available for state lobbying activities is not available, it appears that the amount of resources devoted to state lobbying is a small portion of the state research universities’ budgets.
4.3.2.1.4 Relationships with other organizations

At the state level, there are a number of instances, formal and informal, where state research universities engage in partnerships to advance higher education policy in New Jersey (Rutgers, the State University of New Jersey, n.d.c). For example, all three university presidents hold a position on the New Jersey Presidents’ Council, a statutorily created 50-member board comprised of the presidents of the higher education institutions that receive state aid—public and private, four-year and two-year institutions (New Jersey Presidents’ Council, n.d.b). The purpose of the Presidents’ Council is to provide “coordination among institutions of higher education to assure effective cooperation among institutions to meet the needs of New Jersey citizens and employers” (New Jersey Presidents’ Council, n.d.a). A number of the Presidents’ Council’s responsibilities involve advocating for and providing advice on state higher education policy positions and state higher education budget issues. Particular Council responsibilities with lobbying aspects include to:

- **Review and make recommendations to the Commission on Higher Education concerning proposals for new programs …,**
- **Advise and assist the Commission in developing and updating a plan for higher education in the state …,**
- **Provide policy recommendations on statewide higher education issues,**
- **Make recommendations to the Governor, Legislature and Commission on policy and overall levels of funding …,**
Transmit to the Governor, Legislature and Commission a general budget policy statement regarding overall state funding levels for higher education,

Provide recommendations concerning institutional licensure and university status upon referral from the Commission (New Jersey Presidents’ Council, n.d.b).

In fact, the Presidents’ Council provides a formal mechanism for higher education institutions to present a united front on identifying higher education budget priorities within the state. One research university state lobbyist stated:

Each year … there’s one president from each of the four sectors—the [research] university sector, the state colleges, the independents, and the community colleges—that is assigned to meet with the Chair of the Senate Budget Committee, the Chair of the Assembly Budget Committee, the Speaker of the House, and the President of the Senate. So, they go in as a group. … From a budgetary perspective there’s a very united front. (NJ Institutional Lobbyist #1, personal communication, April 22, 2005)

This represents one area where lobbying relationships have been established between other higher education institutions within the state. In addition, the Presidents’ Council has generated opportunities for the higher education institutions’ lobbyists to form informal partnerships for information sharing and engaging in direct lobbying.
activities (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). These partnerships have expanded on an ad hoc basis to include other community organizations, too.

Each month, my counterparts from the other sectors of higher education in New Jersey have a meeting, and we meet on issues of concern to our institutions. And in most cases we actually work very closely. And then of course there are times, depending on the issue, we might actually be involved in a coalition that includes, for example, the New Jersey Business and Industry Association, or the Chamber of Commerce, or maybe the School Boards Association. So again, depending on the issue, it’s not unusual for us to partner with other associations in the state. (NJ Institutional Lobbyist #1, personal communication, April 22, 2005)

In addition to providing opportunities to share information and jointly present higher education budget priorities, the regular working lobbying relationships developed through the Presidents’ Council have influenced lobbying in the state in another way. Specifically, the partnerships have reduced competitive lobbying whereby state higher education lobbyists actively lobby against a policy position espoused by one of their colleagues from another institution or sector. According to one state research university state lobbyist:

The culture here has been that we work as a team in the higher education community. In other words, you know, we would never publicly comment on
legislation that we didn’t like that is a community college issue. … we don’t ever suggest, for example, that there should be less funding for independent colleges.

(NJ Institutional Lobbyist #1, personal communication, April 22, 2005)

4.3.2.2 New Jersey Association of State Colleges and Universities

4.3.2.2.1 Lobbying history

A non-profit association that advocates on behalf of the state’s four-year higher education institutions, NJASCU was created by the state legislature in 1985 as an independent agency (N.J. Stat. Ann. § 18A:64-6, 2009). Its mission statement describes its role in higher education within the state: “NJASCU’s primary mission is to advocate [for] higher education as a public good and the collective value of the state colleges/universities in serving the public interest and the State of New Jersey” (New Jersey Association of State Colleges and Universities, n.d.a; N.J. Stat. Ann. § 18A:64-6, 2009). The mission statement continues by describing some of NJASCU’s advocacy or lobbying tactics, specifically, who the lobbyists are and how and in what ways NJASCU lobbies them. The mission statement continues:

In fulfilling this purpose, the Association advises the executive and legislative branches of state government, and others, on higher education policy, achieving its mission by:
• articulating how the state colleges/universities serve the public good through educational, social, and economic development;

• providing research and information services to advance the policy and resource needs of the state colleges/universities;

• enhancing, through collaborative efforts, the ability of the state colleges/universities to achieve effective institutional performance, autonomous governance and public accountability; and

• convening forums of diverse constituencies to develop a common opinion about the value of public investment in higher education and the contributions of the state colleges and universities (New Jersey Association of State Colleges and Universities, n.d.a; N.J. Stat. Ann. § 18A:64-6, 2009).

Historically, NJASCU has addressed a specific set of higher education policy issues (New Jersey Association of State Colleges and Universities, n.d.a). These issues have included college accessibility and affordability issues; higher education finance; laws on higher education governance, funding, and student welfare; and increasing institutional capacity for a growing student population. A noteworthy aspect of the association’s lobbying history is that one impetus for its creation was to establish an advocate to secure greater institutional autonomy for the state’s regional universities (NJ Association Lobbyist #1, personal communication, December 18, 2007).

Lobbying tactics most often employed include providing information to policymakers, developing and proposing policy to the state legislature, and convening
forums on state higher education with broad stakeholder participation (New Jersey Association of State Colleges and Universities, n.d.a). Over the past few years, NJASCU has conducted public opinion polling as a lobbying tactic. The results of the polling are shared with state legislators to provide general information on public attitudes and perspectives on higher education policy issues as well as to demonstrate broad, but anonymous, constituent support for the specific policy issues about which NJASCU lobbies.

4.3.2.2.2 Structure

The President and one trustee from each public college and university in the state comprise NJASCU’s governing board (New Jersey Association of State Colleges and Universities, n.d.a). The institutional presidents serve in ex-officio roles, while the trustees have voting privileges. Local institutional boards appoint their trustee representative to the NJASCU board.

An Executive Director/Chief Executive Officer oversees daily operations at NJASCU (New Jersey Association of State Colleges and Universities, n.d.a). In addition to providing oversight and direction for the organization, the Executive Director/Chief Executive Officer holds one of two lobbying positions in the organizations, is involved in lobbying strategic and tactical decisions, and participates in lobbying activities. Three professional staff members and three administrative support staff comprise the remainder of the association’s staff. One of the professional staff serves as the Director of Government and Legal Affairs, the other lobbyist position within the organization (NJ
Association Lobbyist #1, personal communication, December 18, 2007). A Director of Communications and Marketing and an Associate Director of Policy Research/Fiscal Affairs at NJASCU provides policy communications, marketing, and research services. Each role supports the organization’s lobbying activities.

4.3.2.3 Resources

Institutional membership dues cover almost all of NJASCU’s expenses, a majority of which are salary and benefits expenses (U.S. Department of the Treasury, 2006). Private gifts and grants provide additional revenue. NJASCU’s average annual revenue between 2002 and 2005 was just over $1 million. Total revenue in 2005 was about $1.3 million with salary, benefits and other compensation for NJASCU staff accounting for slightly more than $900,000 in expenses, almost half ($400,000) of which was devoted to salary and benefit expenses for the primary lobbyists within the organization. Approximately $400,000 in expenses went to leased space, supplies, postage, telephone, and consulting fees in 2005. Since the purpose of the organization is to advocate on behalf of the public colleges and universities in the state, all organizational expenses are devoted to lobbying activities.

4.3.2.4 Relationships with other organizations

As a membership organization, NJASCU develops formal working relationships with all regional four-year public higher education institutions in the state of New Jersey.
These relationships are held with the college and university presidents and trustees that serve as the governing board of NJASCU. Working relationships are also found between the individual college and university lobbyists and the Director of Government and Legal Affairs at NJASCU.

Consistent with the perspective of Rutgers’s state lobbyist, the formulation of lobbying partnerships within the higher education community is an important aspect of the work of NJASCU, according to one of their state higher education lobbyists. In response to a question about whether they form lobbying partnerships, the association lobbyist responded, “Absolutely. We couldn’t do what we do without the coalitions that we’ve built” (NJ Association Lobbyist #1, personal communication, December 18, 2007). The lobbying partnerships that the association forms most often include the other four-year public universities and, on occasion, the state public community colleges. When the situation demands, the association works with private higher education institutions for lobbying purposes as well. Like the Rutgers lobbyists, NJASCU identified the Presidents’ Council as an important formal structure through which lobbying partnerships have developed, particularly for increasing the state’s appropriations for higher education (NJ Association Lobbyist #1, personal communication, December 18, 2007).
4.3.3 Issue

4.3.3.1 Nature of the issue

In New Jersey, the early part of the 2000s opened with state legislation increasing resources for teacher preparation and development (New Jersey Commission on Higher Education, 2001). The No Child Left Behind Act of 2001 appeared to be the impetus behind the implementation of these policy changes. Other teacher preparation policy changes undertaken by the state over the past decade include reviewing and revising the state’s teacher education programs and certification requirements, increasing the undergraduate grade point average necessary for teacher certification, increasing the number of professional development hours required of current teachers to maintain certification, and increasing state funding to develop P–16 partnerships for curriculum development and professional development opportunities (New Jersey Commission on Higher Education, 2000).

Higher education lobbyists in New Jersey, whether university- or association-related, are concerned most with state appropriations for their individual institutions (NJ Institutional Lobbyist #1, personal communication, April 22, 2005; NJ Association Lobbyist #1, personal communication, December 18, 2007). State funding for capital improvements is also a primary policy issue for university lobbyists. Stated one New Jersey research university state lobbyist, “Certainly, the most significant [issue] every year is the budget allocation. ... We’ve also been involved in trying to encourage a bond referendum for capital investment in facilities” (NJ Institutional Lobbyist #1, personal communication, April 22, 2005).
In addition to appropriations, NJASCU lobbies about policies that can affect institutional authority. Most policies that impact control of the institution arise because their member higher education institutions are large state entities. Examples of these types of policies include state procurement regulations that determine how state entities manage the bidding process for contracts, paid family leave policies, and other labor relations policies. In most cases, the approach taken by NJASCU lobbyists is to “play defense” with policies that may affect institutional authority, meaning they try to block passage of new legislation or minimize the impact of new legislation (NJ Association Lobbyist #1, personal communication, December 18, 2007). Of the uniquely higher education policy issues about which NJASCU lobbyists advocate, the most frequent one is advocating for minor changes to financial aid policies.

Members of the New Jersey state legislature, particularly those who are members of the education committees in each chamber, agree that the level of state higher education appropriations is the issue about which they are lobbied the most (NJ State Legislator#2, personal communication, April 21, 2005). When directly asked what higher education policy issues they are lobbied about most, one state legislator stated, “I think direct funding issues—annual support of the colleges—and I’ve been the sponsor of the higher education investment act which is a long-term bonding to build facilities for our education institutions in the state” (NJ State Legislator#2, personal communication, April 21, 2005).
4.3.3.2 Public awareness of the issue

A search for newspaper articles on teacher preparation or teacher certification between 1985 and 2008 in *The Star Ledger* (Newark) and *The Record* (Hackensack), New Jersey’s two daily newspapers with the highest circulation, revealed seventy articles with “teacher preparation” or “teacher certification” as the article lead between 1985 and 2008 (Figure 4.4). In contrast, these newspapers published over 55,000 articles with “high school” and more than 1,700 articles “high school football” as the lead topics over this same time period. Of the 70 articles, teacher preparation was the lead topic in 21, while 49 articles included teacher certification as the lead. More than half of the articles (53%) occurred between 1985 and 1990, and 70% were published from 1985 to 1994. Only six teacher preparation articles appeared after 1997, with none coming after 2001. After a 6-year hiatus that began in 1995, 13 teacher certification articles again appeared starting in 2000, almost all (12) occurring between 2000 and 2004. Of the 70 total articles, only 15 occurred after 1999.

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8 The source for newspaper circulation data was Audit Bureau of Circulations. Analysis of the number of articles within the state newspapers was conducted using the NewsBank: America’s Newspapers database.
The data on the coverage of teacher preparation or teacher certification in New Jersey suggest that teacher preparation was not a state education policy issue with strong public awareness during the last 24 years. Three characteristics are apparent in the coverage of teacher preparation issues in these two newspapers over this period. First, there were two concentrated periods of coverage. One period was from 1985 to 1992, when nearly two-thirds (63%) of all teacher preparation or certification issues appeared. Early coverage during this period was about increases to teacher salaries and high failure rates on the state’s teacher certification test. Between 1989 and 1990, most of the articles covered a public dispute between the governor and the teachers union on a proposed new alternative teacher certification plan. The other period occurred between 1999 and 2004. Twenty-four percent of the articles are found over this six-year span and were about an American Council on Education report on teacher preparation published in 1999, the
inclusion in 2000 of one of the state’s higher education institutions in a national advisory
group to improve teacher education programs nationally, and the No Child Left Behind
Act of 2001. Second, coverage of teacher preparation or certification does not appear to
have been sustained regularly. Other than for one year, there was little coverage between
1993 and 2000; coverage after 2005 is almost non-existent. Third, as in Pennsylvania,
coverage of teacher preparation or certification issues was minimal or nonexistent in a
plurality of years. In nine out of the 24 years (38%) one article or fewer appeared. Taken
together, these data do not indicate a sustained public awareness of teacher preparation
issues between 1984 and 2008. On the contrary, coverage of teacher preparation as a
public policy issue was episodic, punctuated at two points, one to a greater extent than
the other. The noticeable declines in the number of articles following the high teacher
certification test failure rate in 1985 and the public governor-teachers union spat of 1989–
1990 indicate that this issue was not sustainable without some sort of controversial
element.

4.3.3.3 Influence on Lobbying Tactics

According to NJASCU, most higher education policy issues are not well known
by the public (NJ Association Lobbyist #1, personal communication, December 18,
2007). Consequently, public awareness rarely affects lobbying. One area where public
awareness of an issue can influence lobbying, however, is by quickly increasing attention
on a previously dormant issue, resulting in an often abrupt change in policy priorities (NJ
Association Lobbyist #1, personal communication, December 18, 2007). For example,
student tragedies (e.g., dormitory fires, student-on-student violence, or student death on campus) can instantly raise student safety to the highest priority policy issue. Like the school busing issue federally, because these incidents are often well-publicized policymakers feel pressure to implement and change policies to address causal factors that lead to the precipitating incident.

### 4.3.4 Political Environment

#### 4.3.4.1 Agenda

Coinciding with passage of NCLB, the state legislature in New Jersey steadily increased the number of teacher preparation and/or certification bills introduced in the state legislature, beginning with the 2000 legislative term (Table 4.4).

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<tbody>
<tr>
<td>All bills</td>
<td>6,596</td>
<td>7,503</td>
<td>7,365</td>
<td>8,184</td>
<td>8,421</td>
<td>5,400</td>
<td>43,469</td>
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<tr>
<td>Teacher preparation bills</td>
<td>33</td>
<td>46</td>
<td>50</td>
<td>60</td>
<td>63</td>
<td>38</td>
<td>290</td>
</tr>
<tr>
<td>Teacher preparation bills as percent of all bills</td>
<td>0.50%</td>
<td>0.61%</td>
<td>0.68%</td>
<td>0.73%</td>
<td>0.75%</td>
<td>0.70%</td>
<td>0.67%</td>
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\(^9\) Data for the 2008 legislative term includes bills introduced from 1/1/2007 through 7/15/2008 only.
Almost twice as many teacher education-related bills were introduced during the 2006 term (2006–2007 calendar years) as were introduced just four terms previously (1998–1999 calendar years). Over the six terms, 290 teacher preparation and/or certification bills were introduced in this state. For a comparison, more than 1000 education bills were introduced during the 2006–07 term. The 290 teacher preparation and/or certification bills represent 0.67 percent of the total number of all bills introduced over the period. While the increase in teacher preparation and/or certification bills is notable, this issue did not appear to be high on the legislative agenda in New Jersey.

4.3.4.2 Election cycle

State legislative elections for New Jersey are held every two years. Members elected to the General Assembly serve two-year terms, while those in the Senate serve four years (New Jersey Legislature, n.d.). The legislative members interviewed for this dissertation were interviewed during a non-election year.

4.3.4.3 Economy

Faced with annual multibillion dollar state budget deficits during the first half of the decade, state appropriations for higher education started to become less positive in 2002 (Chronicle of Higher Education, 2003, 2004, 2005, 2006, 2007; SHEEO, 2008). While overall higher education appropriations grew during this time period, the increases were lower than in previous years, and the period witnessed relatively wide swings in
appropriations levels from one year to the next. The approximate annual changes in total higher education state appropriations, which includes appropriations for operating expenses, student financial aid, and research, from 2002 to 2006 were +2%, +9%, +5%, -2%, respectively.

When state appropriations and college enrollments are taken into account, however, the change in state higher education appropriations situation was negative. New Jersey experienced FTE enrollment growth of almost 20% from 2002–2007. As a result, state public higher education appropriations per FTE decreased by almost 20% from 2002 to 2007 (SHEEO, 2008). As in Pennsylvania, lobbying for new programs or for changes in policy that would require substantial financial resources for implementation is made more difficult within an economic environment such as was found in New Jersey during this time.

The substantial state budget shortfalls faced by New Jersey in the mid-2000s impacted state higher education lobbying, particularly for the issue of state appropriations (NJ Association Lobbyist #1, personal communication, December 18, 2007). During this time, the initial reaction of NJASCU’s member institutions was for the association to directly lobby the governor to reverse proposed higher education budget cuts. Recognizing, however, that the budget situation was overwhelming for the state and consequently understanding that the Governor could not reverse the cuts in higher education appropriations, NJASCU’s state lobbyists determined that lobbying on this issue within the prevailing economic environment would be unsuccessful. Consequently, they decided to conserve their resources, including lobbying capital, for a policy issue that they could more reasonably expect to influence.
4.3.4.4 Legal Restrictions on Lobbying

In New Jersey, lobbying laws limit the lobbying tactics available to higher education lobbyists (N.J. Stat. Ann. § 52:13C, 2009). Specifically, state lobbyists, including those who lobby for higher education issues, are prohibited from giving gifts with a total monetary value exceeding $250.00 per legislator in any calendar year. There are no restrictions, however, on the provision of food and beverages at meetings or events. State higher education lobbyists must register with the state and report quarterly on the issue, bill, or law that was the focus of their lobbying efforts, and annually on their lobbying expenditures, whom they lobbied, and who received any gifts of monetary value.

New Jersey makes a distinction between lobbyists based on their employer (N.J. Stat. Ann. § 52:13C, 2009). Lobbyists who work for a non-state controlled employer, like NJASCU, are defined as lobbyists and fall under the lobbying statutes. Lobbyists employed by a state agency, like the state’s research universities, are not considered to be lobbyists in a legal sense, but are called legislative liaisons (N.J. Stat. Ann. § 52:13C, 2009). Consequently, they do not fall under the authority of New Jersey’s lobbying statutes, and so are not required to register with the state as a lobbyist or submit lobbying activity reports.

It should be noted that the restrictions on gifts of monetary value are also worded in state statute relative to the legislator, meaning that any legislator may not accept gifts of monetary value exceeding $250.00 from any one lobbyist (liaison) in a calendar year (N.J. Stat. Ann. § 52:13C, 2009). This provision of the statute makes the gifting
restrictions applicable to liaisons as well by essentially limiting the demand for monetary gifts. The result is that both lobbyists and liaisons are limited in the dollar amount of gifts they can provide to state legislators during a calendar year.

4.3.5 Lobbyist

4.3.5.1 Experience

One state research university lobbyist has held a formal lobbyist and advocate position for more than 24 years. They spent seven years as a legislative aid and then an associate secretary of a non-education state agency. These experiences were followed by 17 years as a higher education institutional lobbyist focusing on state level lobbying (NJ Institutional Lobbyist #1, personal communication, April 22, 2005).

The two individuals responsible for state lobbying at NJASCU have been lobbyists for state higher education issues for a combined 32 years (New Jersey Association of State Colleges and Universities, n.d.b). The Executive Director began a state lobbying career in the early 1980s and has spent their entire 27-year lobbying career working on higher education issues. Prior to beginning at NJASCU, the Executive Director spent 4.5 years as a federal lobbyist for an education-related non-profit organization and two years working as a professional staff member within a state legislature. The Director of State and Legal Affairs has ten years of similar experience. Prior to beginning their career with the association, the Director of State and Legal Affairs conducted legislative relations for a state executive office for about 1.5 years and
was a staff member for a state legislator (NJ Association Lobbyist #1, personal communication, December 18, 2007).

4.3.5.2 Relationship with lobbyee

Creating and maintaining positive working relationships with lobbyees is a chief goal for one state research university’s state lobbyist. Indeed, maintaining relationships with lobbyees is critical to ensuring access and success for future lobbying. This sentiment was highlighted when the lobbyist stated:

*One of the key things in survival in [lobbying] is that you never burn your bridges, and work with both sides of the aisle, regardless of who’s in power. Because you never know tomorrow who might be in that position. You have to try to keep it from becoming too personal; develop a thick skin and just keep plugging along.* (NJ Institutional Lobbyist #1, personal communication, April 22, 2005)

Developing and maintaining positive working relationships with lobbyees to ensure access is important for state research universities because they do not engage in other methods to secure access, such as financially contributing to legislator’s campaigns (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). “I’ve never gone to a campaign fundraiser or … [been] involved in encouraging individuals to donate to a particular campaign … So I’m not … buying access. We rely strictly on
goodwill. What we bring to the table is goodwill” (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). As part of generating goodwill to gain access, the Rutgers state lobbyists provide information to lobbyees. An example of information sharing was when one state research university sponsored an information festival in the state capitol building, whereby university informational exhibits, faculty members, students, the University President, alumni, and other university representatives visited the state legislature “to increase the visibility of the university, to remind people on what their return is on the money they give the university … to increase awareness of the diversity of the university, and the intellectual capital that the state is investing in” (NJ Institutional Lobbyist #1, personal communication, April 22, 2005).

The development of positive working relationships with lobbyees is important for NJASCU lobbyists as well (NJ Association Lobbyist #1, personal communication, December 18, 2007). In a description of the type of relationships developed with lobbyees, in this case, committee professional staff members, one NJASCU lobbyist identified trust as an important aspect of the lobbyist-lobbyee relationship.

It’s very friendly on both sides of the aisle. I mean it’s trusting. They trust that the information we’re giving them is accurate and if I give [committee leaders] a copy of a letter or a position statement, I know they’re going to give it out [to] their [committee] members. I know that we’re going to be treated fairly in front of the committee. … Even if we don’t get our way, we’ll at least be treated with some respect and we’ll get a chance to get to the people and make our point even
Recognizing the long-term nature of lobbying for higher education institutions, the lobbyist above spoke of the desire to maintain working relationships with lobbyees, regardless of the outcome of the lobbying effort. The NJASCU lobbyist identified three goals of any lobbying activities: 1) ensure that the association’s policy position message is clear, 2) have their policy position prevail for the specific policy, and 3) to maintain positive working relationships with the lobbyees even if the association’s policy position does not prevail (NJ Association Lobbyist #1, personal communication, December 18, 2007). It is clear from this lobbyist that specific policy issues may come and go, but the need remains for lobbyists to maintain working relationships with lobbyees. The lobbyist stated, “You don’t want to burn bridges—leave things on good terms even if you kind of agree to disagree” (NJ Association Lobbyist #1, personal communication, December 18, 2007).

Regarding the type of relationships they seek to develop with higher education lobbyists, one New Jersey state legislator stated:

*I am not saying it’s a working relationship. I listen to them because I listen to people who are interested in higher education. I’m not really chummy with them. I don’t go out and hang out with them. But in the process of creating public policy … I obviously wanted to talk to leaders in the academic field and they were*
able to help me do that. (NJ State Legislator#2, personal communication, April 21, 2005)

Unique to this individual, the development of positive working relationships was not a sought-after characteristic of lobbyist-lobbyee interactions. This legislator indicated that relationships with state higher education lobbyists are professional, formal, and primarily utilitarian. The policymaker needs to be informed about the impacts of the policy options under consideration and the role of the lobbyist is to be an information provider.

4.3.5.3 Probability of success

According to one New Jersey state research university’s state lobbyist, lobbying experience is one of the main resources lobbyists use to predict the probability of success for using one lobbying tactic over alternatives (NJ Institutional Lobbyist #1, personal communication, April 22, 2005). In addition, understanding the culture of the state legislature and knowing which messages will be well received are important to effectively predicting which lobbying tactics are more likely to be successful than others. Having developed and maintained working relationships with the lobbyees is important for understanding the culture, knowing the effectiveness of messages, and applying experience. Comments by one state research university state lobbyist make the importance of relationships clear: “A lot of it comes from experience and also understanding the culture … understanding what message and strategy will connect.
Much of it really is about personal relationships and getting the right people at the table” (NJ Institutional Lobbyist #1, personal communication, April 22, 2005).

The application of lobbying experience to tactics decisions appears to have two components. First, experienced lobbyists generally know which lobbying tactics are more likely to work than other tactics in any lobbying context given previous success (or failure) with those tactics. Second, experience within a specific lobbying context allows the lobbyist to select from among their historically successful tactics to implement in recurring contexts.

4.3.6 Summary

Based on interviews with state higher education institution lobbyists, state higher education institution association state legislators, and state legislators, state-level lobbying for higher education issues in New Jersey appears to be characterized by the following:

- **Whom to lobby:** state legislators were lobbied; members of the Commission on Higher Education were not
- **Who implements lobbying:** state higher education institution lobbyists performed much of the lobbying; topical experts (e.g., higher education institution budget personnel) accompanied lobbyists as needed; constituents were tapped by lobbyists on some occasions to gain access to particular legislators or to reinforce the lobbying messages given by the lobbyist; all of the state’s higher education...
institutions were required by statute to present annually to the state legislature and advocate for a unified higher education budget

- **How lobbying was implemented:** most lobbying was conducted in face-to-face meetings; phone calls were also used, as were e-mail and postal mail, although to a lesser extent; many face-to-face meetings occurred in the state capitol, while some occurred in legislators’ home districts

- **What was the lobbying activity:** providing information to state legislators and presenting the university’s policy position were the only lobbying activities undertaken; providing information appeared to have been done more than presenting the university’s policy position

### 4.4 NORTH CAROLINA

Some 67 four-year higher education institutions are found in North Carolina (Chronicle of Higher Education, 2007). Sixteen of the four-year higher education institutions are public: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina A & T State University, North Carolina Central University, North Carolina School of the Arts, North Carolina State University, the University of North Carolina at Asheville, the University of North Carolina at Chapel Hill, the University of North Carolina at Charlotte, the University of North Carolina at Pembroke, Wilmington, Western Carolina University, and Winston-Salem State University (N.C. Gen. Stat. § 116-4, 2009). Therefore, all public four-year higher
education institutions in the state of North Carolina are part of the University of North Carolina, which was created statutorily (N.C. Gen. Stat. § 116-1, 2009). The remaining 51 four-year colleges and universities are private higher education institutions.

4.4.1 Higher Education Governance Structure

4.4.1.1 Authority and Identification of lobbyist

A governing board state best categorizes North Carolina’s form of higher education governance structure (McGuinness, 1997). Figure 4.5 graphically represents the higher education governance structure in North Carolina for four-year higher education institutions.
Figure 4.5
State Higher Education Governance Structure, four-year institutions—North Carolina

Note: A solid line indicates a direct governing relationship. A dashed line indicates a coordinating and informational reporting relationship. A dotted line indicates an informational reporting relationship.
Created in 1972, the University of North Carolina Board of Governors has primary legal authority and responsibility to oversee the operations, budget, and governance of the entire 16-campus four-year public higher education university in the state (N.C. Gen. Stat. § 116-3, 2009). As a governing board, it elects a University President who administers the system on their behalf (N.C. Gen. Stat. § 116-14, 2009). The UNC Board of Governors, through the system administration, determines all four-year public higher education policy in the state (N.C. Gen. Stat. § 116-11, 2009). The authority and responsibilities of the UNC Board of Governors include:

- determining the educational programs available at the higher education institutions,
- determining the types of degrees each institution can award,
- setting enrollment levels for all institutions,
- approving the creation of new higher education institutions as needed, and
- otherwise developing any policies for the administration of the University and its 16 campuses.

The Board is also responsible for periodically preparing and revising long-range plans for the purposes of coordinating the system of higher education in the state (N.C. Gen. Stat. § 116-11, 2009).

A member of both the North Carolina House of Representatives’ Appropriations Subcommittee on Education and the Education Subcommittee on Universities provided confirmation that the University of North Carolina Board of Governors, through the University President, is the state entity that leads in setting state higher education policy...
at the four-year higher education level (NC State Legislator#1, personal communication, June 6, 2008). The Representative stated:

_The president of the UNC system in conjunction with his Board of Governors sets policy within the state_. The Board of Governors is responsible for setting policy. The President of UNC obviously has great influence in terms of his leadership in leading the Board of Governors towards policies that he wishes to pursue. (NC State Legislator#1, personal communication, June 6, 2008)

This was confirmed by members of the UNC Board of Governors (NC Governing Board Member #1, personal communication, February 26, 2009; NC Governing Board Member #2, personal communication, February, 20, 2009; NC Governing Board Member #3, personal communication, March 3, 2009).

_The General Assembly can always set policy; however, when the [university] system was created, functional authority was given to the Board of Governors and its designees._ (NC Governing Board Member #3, personal communication, March 3, 2009)

The state legislature’s role in establishing and shaping higher education policy within the state occurs through its oversight and funding responsibilities. According to the legislator, if the state legislature develops policies that affect higher education, they do so with a high degree of deference to the university.
We [the legislature] have oversight responsibilities and we have funding responsibilities. Policies set by the Board of Governors are brought to the legislature for funding purposes and debated, but our role is more of evaluating and funding. We rely on the president and his Board of Governors to develop specific policies. We pass laws, of course, that affect education and that will affect policy, but again these things are done in conjunction with the President’s office. We try not to surprise him and we certainly try not to micromanage what he is doing because he is hired to do that and he does it very well. (NC State Legislator#1, personal communication, June 6, 2008)

The Board of Governors of the University of North Carolina (UNC) is composed of 32 members, each serving a four-year term (University of North Carolina, n.d.a). All 32 Board members are elected by the General Assembly (N.C. Gen. Stat. § 116-6, 2009). In addition to the 32 elected members, the Board consists of a varying number of non-voting members, which include a student, former state governors, and former Board chairs. State legislators are forbidden to be Board members, as are other public officers or employees. Twenty-six Board of Governors members come from the business arena. Of the remaining seven Board members, five are associated with the non-profit sector and two are educators at the higher education level in the state. The 32 members come from eighteen different towns and cities geographically dispersed throughout the state.
4.4.1.2 Influence on Lobbying Tactics

University of North Carolina state higher education lobbyists lobby state legislators exclusively (NC Institutional Lobbyist #1, personal communication, March 28, 2008). As with the other states examined in this dissertation, the UNC lobbyists devote much of their lobbying energy to key members of the state legislature, specifically the leadership in each chamber, members of the higher education, budget, and appropriations committees, and other members that are champions of the university. A UNC state lobbyist described their targeted approach to lobbying the state legislature:

We have 50 members in our senate. We have 120 members in our house and that is 170 members. Do I ignore any of them? No, I don’t, but do I have time to spend with 170 members? No. … But of the 170 members, there are about 35 to 40 key decision makers at the most. In the Senate it is a very, very small group, probably 7 or 8. We have been fortunate in North Carolina in the Senate. We have a Senate Pro Tem who is unbelievably supportive of higher education. (NC Institutional Lobbyist #1, personal communication, March 28, 2008)

The lobbyists are employees of the state public university and work at the pleasure of the president, who is appointed by the Board of Governors (NC Institutional Lobbyist #1, personal communication, March 28, 2008). Consequently, the UNC lobbyists work for the Board of Governors; they do not lobby members of the Board of Governors. In essence, they lobby the state legislature on behalf of the Board. The state
lobbyists educate the Board of Governors members about the University’s policy issues that will be presented to the state legislature.

One North Carolina state legislator confirms that they have been lobbied by members of the UNC State Government relations Office, as well as by the University President (NC State Legislator#1, personal communication, June 6, 2008). Most of this legislator’s lobbying contact with the University is with its state lobbyists, while the University President focuses their lobbying efforts on the leadership within both chambers. Most often, the state lobbyists provide information about the University’s policy positions and priorities to the legislators and respond to legislators’ questions about higher education.

According to members of the UNC Board of Governors, they are not lobbied by registered university lobbyists (NC Governing Board Member #1, personal communication, February 26, 2009; NC Governing Board Member #2, personal communication, February, 20, 2009; NC Governing Board Member #3, personal communication, March 3, 2009). However, Board members are the frequent targets of advocacy activities. According to three UNC Board members, individuals frequently contact them to express their individual perspective on a particular university issue, most often involving setting tuition rates.

The distinction between lobbying and advocacy is intentional because none of the advocates are registered lobbyists. Rather the advocates are of two types. First, most of the advocates who communicate with Board members are private citizens (e.g., parents, students, business leaders) advocating in their self-interest (NC Governing Board Member #1, personal communication, February 26, 2009; NC Governing Board Member
One Board member indicated that “there’s rarely a day” when he does not receive e-mails or phone calls from, for example, parents who are trying get their child admitted to a specific institution in the system or from individuals who want a particular university staff member fired. Moreover, he stated, “I’ve never gone [to church] on a Sunday and left there without somebody having approached me about a university issue” (NC Governing Board Member #2, personal communication, February, 20, 2009).

The second, but less frequent, type of advocate UNC Board members encounter are university personnel who are not registered lobbyists, but include faculty members, university administrators, and university presidents (NC Governing Board Member #1, personal communication, February 26, 2009; NC Governing Board Member #2, personal communication, February, 20, 2009; NC Governing Board Member #3, personal communication, March 3, 2009). In all cases, the intra-university advocacy efforts occur within the public setting of a Board of Governors meeting. The Board regularly conducts public meetings around the state for the purpose of conducting university business and for soliciting public comments about policy issues before the Board (NC Governing Board Member #2, personal communication, February, 20, 2009). During these meetings, university personnel are invited, often as part of their official job responsibilities, to present information to the Board. In these cases, university personnel are advocating in the interest of a single member institution or entity (e.g., academic program) on some matter of institutional policy such as university budget allocations, tuition setting, or the addition of a new academic program at one campus.
4.4.2 Lobbying Organization

4.4.2.1 Lobbying history

The relationship between the University and the state has always been based on strong statutory language supporting the University, including chartering it within the state constitution (N.C. Gen. Stat. § 116-1, 2009; University of North Carolina, n.d.c). Begun as a single higher education institution in 1789, all the public four-year colleges and universities in the state were merged by state legislation to create one multi-campus university under the auspices of one governing board in 1972 (N.C. Gen. Stat. § 116-4, 2009; N.C. Gen. Stat. § 116-1, 2009).

The University’s objectives make clear that the relationship between the University and the state, both in process and in content, has been strong. First, the University’s mission statement was established by legislative statute, rather than by the University itself, independent of the state (N.C. Gen. Stat. § 116-1, 2009; University of North Carolina, n.d.c). Second, the University’s goals and objectives—“to foster the development of a well-planned and coordinated system of higher education, to improve the quality of education, to extend its benefits, and to encourage an economical use of the state’s resources”—identify service to the state as a core element (N.C. Gen. Stat. § 116-1, 2009; University of North Carolina, n.d.c). The role of service by the University to the state is seen particularly in the last two stated objectives. These objectives first call for UNC to provide educational and service benefits to the state’s citizens beyond the students enrolled. Second, the University is to be a good steward of the state’s financial resources.
In addition to reinforcing the interconnected nature of the University-state relationship, the University of North Carolina mission statement alludes to the interconnected nature of the relationship between the University as a whole and the individual institutions (N.C. Gen. Stat. § 116-1, 2009). The mission statement continues:

*The University of North Carolina is a public, multi-campus university dedicated to the service of North Carolina and its people. It encompasses the 16 diverse constituent institutions and other educational, research, and public service organizations. Each shares in the overall mission of the University. That mission is to discover, create, transmit, and apply knowledge to address the needs of individuals and society. ...Teaching and learning constitute the primary service that the University renders to society. Teaching, or instruction, is the primary responsibility of each of the constituent institutions. The relative importance of research and public service, which enhance teaching and learning, varies among the constituent institutions, depending on their overall missions (N.C. Gen. Stat. § 116-1, 2009; University of North Carolina, n.d.c).*

While tensions are apparent on the surface between the PASSHE system and the individual member institutions within its mission statement, the University of North Carolina mission statement appears to provide a greater sense of cohesion between the member institutions and the University as a whole through the primary focus for each institution on teaching and learning.
Despite the cohesive appearance of the mission statement, differences between the member higher education institutions in their research foci are acknowledged. Moreover, the member institutions enjoyed greater autonomy prior to coming under the authority of one governing board in the 1970s. As such, there has been a semi-competitive lobbying history between the member institutions (NC Institutional Lobbyist #1, personal communication, March 28, 2008). Coupled with the member institutions being geographically distributed throughout the state, and each therefore having its own unique legislative representation, these forces have shaped the lobbying history of the University of North Carolina.

4.4.2.2 Structure

In addition to the University President, an Office of Governmental Relations provides advocacy services for UNC at both state and federal levels of government (University of North Carolina, n.d.c). Located in the University President’s Chief of Staff’s office, three staff members of the Government Relations office conduct lobbying activities at the federal level and two staff members, including a Vice President of Government Relations and Director of State Government Relations, conduct lobbying activities at the state level. At the state level, the role of the Office of Government Relations is to communicate the Board of Directors’ policy priorities to state government officials, particularly to members of the state legislature.
One of the UNC state lobbyists confirms this basic structure and identifies the state lobbyists as the University staff whose responsibility it is to lobby the state and to coordinate the University’s lobbying activities.

*Structurally, we’ve just two people from our office. Literally, we’re the only two people that deal directly with lobbying. But of course, the president is really active, and our financing area is really active, particularly on the budget piece. So, those are sort of the groups that work together from general administration. But then at the institutional level, we have a single person, or legislative liaison, that serves as the point person for that campus. So, we’re real centrally organized from our office, but every campus does have a role in day-to-day work in [the capitol]. … It’s very much a team effort, but I think it’s a team effort that’s very much run out of our office.* (NC Institutional Lobbyist #2, personal communication, March 31, 2008)

The University’s State Relations Council serves as a formal body through which coordination of University and campus state lobbying activities occurs (University of North Carolina, n.d.c). The 16 members of the State Relations Council are appointed by the individual campus’ Chancellor, and their activities are coordinated by the University Vice President of Government Relations and Director of State Government Relations. Each member institution has a legislative liaison who works with the University Office of Government Affairs to lobby on behalf of the University and their campuses.
In addition to selecting the President of the University, the Board of Governors has authority for electing the Chancellors of each of the campus institutions (N.C. Gen. Stat. § 116-11, 2009; University of North Carolina at Greensboro, n.d.). The campus Chancellors have executive authority for implementing the Board of Directors’ policies. In their role, the campus Chancellors are subject to the direction of the University President. A Board of Trustees provides local oversight for each campus, serving as an advisor to its Chancellor as well as to the Board of Governors (N.C. Gen. Stat. § 116-33, 2009). At the campus level, the Boards of Trustees have operational responsibility, through the University President, to ensure University policies are effectively implemented.

4.4.2.3 Resources

For the 2006–07 academic year, the operating expenses for the University of North Carolina were just over $3 billion (Office of State Budget and Management, 2007). Including the 2006–07 academic year with the preceding three academic years, the University’s average annual operating expenses were more than $2.7 billion and average annual state appropriations were $1.75 billion (Board of Governors, 2004; Office of State Budget and Management, 2005, 2007). During this same period, the University General Administration, of which the Office of Government Affairs is a part, accounted for approximately two percent of the overall University’s operating budget, or an average annual amount of $56 million (Board of Governors, 2004; Office of State Budget and Management, 2005, 2007).
Information as to the salaries of the Vice President of Government Relations or the Director of State Government Relations Director is not publicly available; however, the University President’s salary was $425,000 in 2006 (Hodges, 2006). This forms an upper limit for the salaries of the two primary state lobbyists for UNC. Lobbyist expense reports are unavailable for the Vice President of Government Relations or the Director of State Government Relations Director.

According to one of the University’s state lobbyists, the operating expenses for state lobbying primarily include personnel salary and benefits and general office supplies (NC Institutional Lobbyist #2, personal communication, March 31, 2008). The Vice President of Government Relations and the Director of State Government Relations Director are the only staff members in the State Government Relations office; there are no administrative assistants.

Aspects of the University budget development process itself influence lobbying activity. The University of North Carolina’s Board of Governors is required by state statute to submit to the state legislature one budget request that covers all the campuses (N.C. Gen. Stat. § 116-11(9)a, 2009). The individual member institutions are statutorily prohibited from submitting appropriation requests directly to the state legislature; such requests must be made through the University general administration as part of the budget request for the University as a whole. This statute reinforces the highly coordinated and centralized nature of the University structure and the resulting relationships between member institutions within the University. This statutory requirement also firmly places the connection between the state legislature and the University for budget issues on the UNC general (or central) administration. As a result,
the University benefits from having a less competitive lobbying environment in which to
lobby for state appropriations.

4.4.2.4 Relationships with other organizations

UNC’s State Relations Council provides a formal mechanism for coordinating
lobbying activities for the University and the campuses’ decisions (NC Institutional
Lobbyist #1, personal communication, March 28, 2008). It also serves as a mechanism to
solidify relationships between the campuses, particularly the relationships between the
Vice President of Government Relations, Director of State Government Relations, and
individual members of the State Relations Council.

In practice, UNC state lobbyists rely upon the individual campuses’ state liaisons
to carry out some of the lobbying activities as well as to provide input into lobbying
tactical decisions (NC Institutional Lobbyist #1, personal communication, March 28,
2008). The campuses’ state liaisons’ lobbying experience, connections with alumni and
local constituents, and relationships with state legislators are tapped into when making
lobbying tactics decisions. Weekly telephone conference calls are held between the UNC
state lobbyists and the campuses’ state liaisons to plan lobbying activities, determine
lobbying tactics, and provide updates.

The relationship between the University and the campuses is directed in part to
the desire for a carefully managed and coordinated approach to lobbying the state,
according to a state legislator (NC State Legislator#1, personal communication, June 6,
2008). While the University relies on the campuses’ state liaisons to perform some state
lobbying activities, the University also maintains tight messaging and lobbying control overall.

We frequently see people associated with [one of the campuses], but the President [of the University] is in control of the lobbying, of the message. He does not want 16 different chancellors calling on individual members [of the state legislature] muddying the waters. ... I have one of the universities [in my district] and the Chancellor is very close to me, as I am to him. He keeps me informed; I keep him informed. But he is very careful to make sure that he is a team player because he is one of 16 chancellors. He doesn’t want to be out on a limb doing something that is not consistent with the policies being pursued by the President [of the University]. (NC State Legislator#1, personal communication, June 6, 2008)

There is no evidence to suggest that the university engages in creating and nurturing lobbying partnerships with other organizations on any regular basis. For example, there are no other public four-year higher education institutions in the state with which to form lobbying partnerships. No public higher education association exists in the state.

One UNC state lobbyist confirms that while lobbyists maintain informal communication relationships with lobbyists from other institutions, the University does not regularly form formal lobbying partnerships on an institutional level with other organizations (NC Institutional Lobbyist #2, personal communication, March 31, 2008).
Moreover, when the issue is the level of state appropriations, competition between higher education institutions is more the norm, not cooperation.

*It’s sort of an informal connection. We’ll occasionally have a specific issue that we would partner with them on. The main one, for instance, was our bond initiative campaign back in 2000. The community colleges were a major partner, as well as the State District Chamber. … and [we] have a close working relationship with the respective lobbyists for those organizations. But, there’s not a lot of formal working together. I mean we’re all competing for the same pot of money. … So, when it gets down to it, unfortunately, we’re almost competing against each other for money.* (NC Institutional Lobbyist #2, personal communication, March 31, 2008)

While the University does not regularly form lobbying partnerships with other higher education entities within the state, it does seek out lobbying relationships with targeted individual alumni and business community leaders (NC Institutional Lobbyist #1, personal communication, March, 28, 2008). These lobbying partners are selected because they are constituents within legislators’ districts, in order to increase lobbying access to the legislators. Individuals approached to assist with lobbying the state legislature on behalf of the university are selected in part so that the group is geographically distributed throughout the state. This provides access to a larger number of state legislators.
4.4.3 Issue

4.4.3.1 Nature of the issue

Like the other two states, North Carolina took legislative steps to increase teacher preparation requirements and certification standards beginning in the latter half of the 1990s (Hirsch, 1998). To become certified to teach in the state of North Carolina, applicants must graduate from a state-approved teacher education preparation program within the state or from an out-of-state program accredited by the National Council for Accreditation of Teacher Education (North Carolina Department of Public Instruction, n.d.b). Successfully passing the content-appropriate PRAXIS II test is also required for teacher certification. These changes to the state teacher preparation and certification policies were made prior to the implementation of NCLB. Instead, it appears that North Carolina made these changes to their teacher preparation and certification policies in order to increase both the quality of teachers in the state as well as the total number of teachers in reaction to the increase in overall state population experienced and anticipated during the same timeframe.

In the late 1990s, North Carolina began conducting annual audits of the performance of all state teacher preparation programs, in addition to increasing teacher preparation and certification requirements. These included publishing audit findings on the quality of students completing the programs, employment and program satisfaction, and PRAXIS preparation efforts for each program by institution name (e.g., North Carolina Department of Public Instruction, n.d.a).
4.4.3.2 Public awareness of the issue\textsuperscript{10}

As in Pennsylvania and New Jersey, teacher preparation has not been an education policy issue with substantial public awareness in North Carolina. Between 1985 and 2005, North Carolina’s two most widely circulated state newspapers, The Charlotte Observer and the News & Observer in Raleigh, published a total of 45 articles in which “teacher preparation” or “teacher certification” was the lead topic (see Figure 4.6). Of those, about one-third (14) were on teacher preparation while 31 were on teacher certification. In contrast, 50,000 articles with “high school” as the lead topic and more than 4,000 articles with “high school football” as the lead topic were published between 1985 and 2008.

Figure 4.6
Number of lead teacher preparation and certification articles in North Carolina’s two most widely circulated daily newspapers, 1985-2008

\textsuperscript{10}The source for newspaper circulation data was Audit Bureau of Circulations. Analysis of the number of articles within the state newspapers was conducted using the NewsBank: America’s Newspapers database.
The data on the coverage of teacher preparation or certification in North Carolina, like that of Pennsylvania and New Jersey, suggest that this education policy issue was not associated with strong public awareness over the last 24 years. First, much of the coverage on teacher preparation or certification occurred in three years: 6 articles in 1986, 7 in 2001, and 5 in 2005. These three years account for 40% of all teacher preparation or certification articles in the two newspapers during this time, and the articles primarily focused on increasing the number of teachers by expanding the number of state teacher preparation programs. Second, coverage of teacher preparation or certification appeared rather regularly over the time span. In 13 years, one or two articles with this issue as the lead were found; three articles were printed in two other years. Third, like in the other states, coverage of teacher preparation or certification issues was minimal or nonexistent in a plurality of years. One article or fewer appeared in ten out of the 24 years (42%), and two or fewer articles were found in 18 years (74%). Sustained and heightened public awareness of teacher preparation issues between 1984 and 2008 does not seem to be supported by the data. Coverage of teacher preparation as a public policy issue was highlighted at three points, but quickly faded to almost nothing after each occurrence. The coverage of teacher preparation or certification articles published in the two largest circulated state newspapers indicates a regularly occurring policy issue, but does not provide evidence that the issue generated substantial levels of public awareness for any concentrated period.
4.4.3.3 Influence on Lobbying Tactics

Like Pennsylvania and New Jersey, the primary state policy issue that four-year state university lobbyists in North Carolina focus on is the level of state appropriations for state higher education (NC Institutional Lobbyist #1, personal communication, March 28, 2008). Indeed, lobbying for state appropriations accounts for almost all of the UNC’s state lobbying activity. One UNC state lobbyist described the lobbying attention paid to state appropriations thusly:

The only thing we worry about is funding. We deal with policy issues and things of that nature, but to be honest with you, in any General Assembly session in North Carolina, 90 percent of the work revolves around the budget process. So, we focus on that. (NC Institutional Lobbyist #1, personal communication, March 28, 2008)

Non-appropriations higher education lobbying policy issues that account for the remaining 10 percent of the UNC lobbyists’ time vary annually, but are most often policy changes to current general state statutes (NC Institutional Lobbyist #1, personal communication, March 28, 2008). Examples include contract process policies, procurement regulations, and smoking regulations for public spaces. Each year, UNC presents between eight and twelve such non-appropriations policies that they would like the state legislature to approve, most of which are to increase the level of autonomy for the institution.
On the whole I would say most of them generally deal with flexibility, and how we can manage our money. Flexibility with how we can build our buildings ... It’s really been trying to get the kind of flexibility that a corporation or private university would have. And that’s sort of the main general umbrella that most of our [non-appropriations policy work] falls in. (NC Institutional Lobbyist #2, personal communication, March 31, 2008)

4.4.4 Political Environment

4.4.4.1 Agenda

Of the three study states, the North Carolina state legislature introduced the fewest total number of teacher preparation and/or certification bills, totaling 196 bills over the six legislative terms covering 1998–2008 (Table 4.5).
Table 4.5
Total number of bills introduced and number and percentage of bills introduced pertaining to teacher preparation in the North Carolina state legislature, 1998–2008

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<td>All bills</td>
<td>3,365</td>
<td>3,420</td>
<td>3,290</td>
<td>3,245</td>
<td>4,960</td>
<td>4,970</td>
<td>23,250</td>
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<tr>
<td>Teacher preparation bills</td>
<td>21</td>
<td>28</td>
<td>19</td>
<td>18</td>
<td>54</td>
<td>56</td>
<td>196</td>
</tr>
<tr>
<td>Teacher preparation bills as percent of all bills</td>
<td>0.62%</td>
<td>0.82%</td>
<td>0.58%</td>
<td>0.55%</td>
<td>1.09%</td>
<td>1.13%</td>
<td>0.84%</td>
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As a comparison, more than 730 education bills were introduced in the North Carolina state legislature during the 2006 term (covering the 2005–2006 calendar years) alone. The pattern of bill introductions over the period is also noticeably different than that of the other two states in this dissertation. An increase in the number of teacher preparation and certification bills occurred in 2006, when three times the number of bills was introduced compared to those introduced in 2004. It should be noted that the total number of all bills introduced also increased. The average number of bills introduced in the four preceding terms was 3,330, while the average number of bills introduced during the 2006 and 2008 sessions was 4,965. The 196 bills related to teacher preparation and certification were equivalent to 0.84 percent of all bills introduced over this period. While higher on the legislative agenda over the 2006 and 2008 terms, it appears that this issue was not high during the time period studied overall.

11 Data for the 2008 legislative term includes bills introduced from 1/1/2007 through 7/15/2008 only.
4.4.4.2 Election cycle

In North Carolina, members of the General Assembly and Senate hold two year terms (N.C. Gen. Stat. § 163-1, 2009). Elections for both positions, then, are held semiannually. The member of the Assembly interviewed for this dissertation was interviewed during a non-election year.

4.4.4.3 Economy

Like the other two states, North Carolina experienced initial budget shortfalls due to a struggling state economy in the early part of the 2000s (Chronicle of Higher Education, 2003, 2004, 2005, 2006, 2007; SHEEO, 2008). By 2004, however, the state’s economy began to stabilize, budget surpluses were realized, and resulting state appropriations to higher education grew substantially. From 2002 to 2006, annual state higher education appropriations changed by +2%, +6%, +11%, and +11%, respectively. Even so, the state was one of the top ten states in enrollment growth as FTE enrollment increased by 20% over this period. The result was that despite substantial annual increases in higher education appropriations, the state’s 5-year change in appropriations per FTE was -4%. While negative, North Carolina’s 5-year change in appropriations per FTE was less than the 5-year U.S. average change in state higher education appropriations of almost -8%. Within this economic environment, lobbying for new higher education policies that may require resources for implementations is less difficult, despite declining appropriations per FTE enrollment. In fact, increased higher education enrollments can be used as an argument to increase higher education appropriations.
While this argument was appropriate in states with budget surpluses, the argument is less effective in states with large deficits.

4.4.4.4 Legal Restrictions on Lobbying

North Carolina creates a legal distinction between two types of higher education lobbyists based on the control of lobbyist’s employer (N.C. Gen. Stat. § 120C, 2009). Lobbyists employed by a non-state controlled entity—a private higher education institution, for example—are defined as lobbyists. Lobbyists employed by a state-controlled entity—the University of North Carolina, for example—are defined as liaisons. Regardless of the definitional differences, other state lobbying laws apply to both types of lobbyists. All lobbyists, including liaisons, are required to register with the state and file quarterly reports to the state on the expenditures for their lobbying activities. Lobbyists are banned from providing anything of monetary value to state legislators and other state policymakers with few exceptions (N.C. Gen. Stat. § 120C, 2009). Some exceptions to the ban on receipt of gifts include food and beverages at public events; receipt of plaques for public service; anything generally made available to the public; campaign contributions; and contracts, loans, and scholarships made available to the public.

Two other lobbying provisions apply to University of North Carolina lobbyists and not other higher education lobbyists in the state. First, UNC’s lobbyists are prohibited from providing tickets to University sporting events to lobbyees. Second, UNC is limited to only two state lobbyists for each of the campuses and the University
central administration to represent the University. Taken together, North Carolina’s lobbying limits have a direct impact on the structure of the University’s state lobbying organization as well as the selection of lobbying tactics.

4.4.5 Lobbyist

4.4.5.1 Experience

At the University of North Carolina, the Vice President of Government Relations has been a state-level higher education lobbyist for approximately seven years, all working with higher education institutions (NC Institutional Lobbyist #1, personal communication, March 28, 2008). The Vice President of Government Relations has been in his current position for about 1.5 years, and has been a professional staff member within the state legislature for seven years. The Director of State Government Relations has about 13 years of lobbying experience, five of which have been at the current position (NC Institutional Lobbyist #2, personal communication, March 31, 2008). The Director of State Government Relations has also been a corporate lobbyist with multiple clients, most of which were not in the education domain. Together, they have approximately 12 years of lobbying experience as state level higher education institution lobbyists. A former University of North Carolina state lobbyist who has fifteen years of experience state-level lobbying for higher education issues was also interviewed (NC Institutional Lobbyist #3, personal communication, March 28, 2008).
4.4.5.2 Relationship with lobbyee

As in the other states, developing and maintaining working relationships with members of the state legislature is an important aspect of lobbying in North Carolina. Reasons for doing so are to gain or maintain access to policymakers and to increase the chances that the University’s policy positions will be accepted within the legislature. The UNC state lobbyists implement six specific tactics to develop and maintain these lobbying relationships (NC Institutional Lobbyist #1, personal communication, March 28, 2008):

First, while the lobbyists usually work with a select few lobbyees on higher education policy issues, the Vice President of State Relations seeks to meet with every member of the state legislature individually in their district at least once over the course of a two-year term. Taking the time to meet legislators face-to-face in their home district is typically very appreciated by the legislators.

Second, the University President meets with each new member of the state legislature to begin an initial relationship and provide an opportunity for the University to educate new members about the University and its role in the state. As the overall population of North Carolina becomes more diverse, more non-native North Carolinians are now members of the state legislature than before. Non-native state legislators, most often educated at out-of-state universities, are particularly sought out by the University’s state lobbyists to educate them about the important and historic role of public higher education in the state, particularly UNC’s role.
Third, the UNC state lobbyists will use the preexisting relationships that the campus state liaisons have with state legislators in lobbying, rather than ignoring those relationships. This allows for additional avenues of access to state legislators.

Fourth, UNC recognizes that being a member of the North Carolina state legislature is a part-time position and the legislators have minimal legislative staff. Consequently, UNC does not lobby using public awareness campaigns urging large numbers of constituents to mail, e-mail, or call their state legislator to support the University’s policy positions. To do so would place a large burden on the legislator simply to reply to constituent communications, and the UNC lobbyists fear backlash from legislators who would feel unnecessarily put upon by the University.

Fifth, the UNC state lobbyists engage the legislative leadership from both parties to obtain their perspectives on which policy positions are likely to be palatable to the legislature. Doing so maintains working relationships with key members of both political parties and helps the lobbyists allocate their limited resources to those issues that are most likely to be susceptible to lobbying.

Sixth, the University now submits its budget and limited 8- to 12-point policy requests to the state legislature in a coordinated and consolidated document consisting of about 35 pages. In previous years, the budget request was several hundred pages long and the university submitted 70 or 80 non-prioritized policy requests. The new methods of submitting their budget and policy requests decrease the burden on state legislators.

All of these steps are taken to ensure that the university develops and maintains positive working relationships with their primary lobbyists, thereby ensuring that the University’s state lobbyists have access to policymakers. One UNC state lobbyist speaks
to the critically important role of maintaining positive relationships with lobbyees in order to advance their policy position.

*The thing with lobbying is it’s all about relationships. It’s all about the people you’re talking to being comfortable and believing what you say. So, a lot of my communication with these people is informal. I would say most of our time is spent actually not lobbying. It’s actually providing information, answering their questions, being responsive to their needs, and not so much they being responsive to our needs. So, a lot of it’s driven by them. We’ll get 30 or 40 requests a week from staff in Raleigh asking for things from their constituents and things they’re researching. So, to some extent, we’re almost staffing them when they’re not in session. They don’t staff us because we’re lobbyist, but sometimes you feel like you’re working for them instead of the other way around. When it comes time to ask them for something, that’s when all of that work pays off because they know you’ve done a lot of work for them in the interim, and they know you’ve provided a lot of information, and you’ve been responsive. *So, they’ll take the time to sit down and hear your issue* [bold added]. (NC Institutional Lobbyist #2, personal communication, March 31, 2008)*

It is clear from the perspective of this UNC state lobbyist that the development, and particularly the maintenance, of working relationships with lobbyees is done for the purpose of gaining access to lobbyees when needed to present a policy position. Building relationships with multiple state legislators is identified as important for long-term
lobbying success. One UNC state lobbyist highlighted this benefit of relationship building, stating, “I just think the key to success is building those relationships in a grassroots kind of formula. Just depending on one or two legislators to carry the load for you can really backfire on you, especially if one of those legislators is voted out or is no longer in power” (NC Institutional Lobbyist #3, personal communication, April 23, 2008).

The creation and maintenance of positive working relationships is echoed by a North Carolina state legislator as a critical aspect of a lobbyist’s responsibilities (NC State Legislator #1, personal communication, June 6, 2008). For this policymaker, the relationship is based on trust and mutual respect developed over years of working together. Within the state, having a reputation of trustworthiness is important as well. The state legislator stated:

_The President of UNC is a well known North Carolinian. He has been a successful businessman, brings tremendous credentials to the table as a businessman and as a policymaker, and has the full support and the trust of the legislature. … There is tremendous respect and it is fair to say that there is mutual respect because the President of the University is thoroughly familiar with the political process in North Carolina. He knows the players, he respects the players and keeps them informed, so it’s a two way street._ (NC State Legislator #1, personal communication, June 8, 2008)
For this state legislator, the lobbyist’s accessibility is another characteristic that leads to a positive working relationship (NC State Legislator#1, personal communication, June 8, 2008). Lobbyists who are more accessible than others are better able to develop relationships with policymakers. Regarding how often the state legislator is contacted by the lobbyists, one legislator stated:

You are in the process [of interacting with lobbyists] almost on a daily basis. I call [a university state lobbyist] at home on the weekends. They have called me at home on the weekends. I have their cell number; they have my cell number. The lobbyist is by my office sometimes several times a week. I see them at all the committee meetings. … They are very, very accessible. (NC State Legislator#1, personal communication, June 6, 2008)

4.4.5.3 Probability of success

The lobbyists at UNC indicate that the lobbying tactics they employ allow for them to have a high degree of certainty that the issues for which they lobby will be successful (NC Institutional Lobbyist #1, personal communication, March 28, 2008). As a component of their lobbying tactics decisions, the UNC lobbyists target state legislative leadership and other legislators, because of their past support for higher education, to champion UNC policy proposals and because they can ensure that the policies will be adopted. Before formal introduction of UNC’s policy initiatives, UNC consults with these policy champions to determine if any of the policies to be proposed will not be
adopted by the state legislature. Policy suggestions that are likely to be rejected are typically removed from the list of policies that are formally introduced in the state legislature. A UNC state lobbyist describes how this occurs:

*The bill I have this year has eight issues that I am getting legislators to introduce. They come in [to session] May 13th. I will know by May 5th which ones I will get passed; I just know it. I just do a lot of work around the year and we have our champions and our supporters that understand our issues and even though we do broaden a little bit, we sometimes go to the same folks that are seen as university friendly and I can just tell. Are we completely successful? Not all the time but 98% on our policy agenda we are.* (NC Institutional Lobbyist #1, personal communication, March 28, 2008)

### 4.4.6 Summary

Based on interviews with state higher education institution lobbyists, state legislators and members of the North Carolina University Board of Governors, state-level lobbying for higher education issues in North Carolina appears to be characterized by the following:

- **Whom to lobby:** state legislators were lobbied; members of the Board of Governors were not lobbied by institution lobbyists
- **Who implements lobbying:** state higher education institution lobbyists performed much of the lobbying; constituents were tapped by lobbyists on some occasions to
gain access to particular legislators or to reinforce the lobbying messages given by the lobbyist; topical experts (e.g., higher education institution budget personnel) occasionally accompanied lobbyists; the UNC State Relations Council, managed by the University state lobbyists, coordinated lobbying activities for the University and the member campuses

- **How lobbying was implemented**: much lobbying was conducted in face-to-face meetings, although phone calls were also used regularly; e-mail and postal mail were used lesser frequently; many face-to-face meetings occurred in the state capitol, while many also occurred in legislators’ home districts

- **What was the lobbying activity**: providing information to state legislators and presenting the university’s policy position were the only lobbying activities undertaken; providing information appeared to have been done more than presenting the university’s policy position

### 4.5 LOBBYING TACTICS, SELECTION REASONS, AND CONNECTIONS - STATE DIFFERENCES

This section of the chapter will present findings from the pathways analysis to identify the lobbying tactics used in each state, the reasons for their selection, and the lobbying connections in the three states. Additionally, the influence of the state higher education governance structure on the selection will be identified.
4.5.1 Lobbying Connections - Lobbying Pathways Analysis

During the interviews, participants were asked to provide examples and to describe the lobbying tactics they employed or experienced in their role as a lobbyist or a lobbyee. Appendix D identifies the coding scheme used to develop the lobbying pathways analysis, and it differentiates lobbying tactics choices within each of the four main lobbying decision points: who was lobbied, who performed the lobbying, what the lobbying activity was, and how that activity was implemented.

The lobbying pathways analysis provides lobbying tactics information from the interviews of a total of 71 lobbying examples or descriptions of how lobbying was conducted generally for all three states, of which about 41% pertain to lobbying in Pennsylvania, 28% to New Jersey, and 31% to North Carolina (Table 4.6).
Table 4.6
Lobbying Tactics Pathways by State

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<thead>
<tr>
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<tbody>
<tr>
<td>Total</td>
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<td>41%</td>
<td>28%</td>
<td>31%</td>
</tr>
<tr>
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<td>100%</td>
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<td>0%</td>
<td>0%</td>
<td>0%</td>
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<tr>
<td>Who to Implement</td>
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<td></td>
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<td></td>
</tr>
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<td>66%</td>
<td>59%</td>
<td>70%</td>
<td>64%</td>
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<td>14%</td>
<td>10%</td>
<td>23%</td>
</tr>
<tr>
<td>topical expert</td>
<td>18%</td>
<td>24%</td>
<td>20%</td>
<td>9%</td>
</tr>
<tr>
<td>How Implemented</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>63%</td>
<td>72%</td>
<td>65%</td>
<td>50%</td>
</tr>
<tr>
<td>phone</td>
<td>18%</td>
<td>14%</td>
<td>15%</td>
<td>27%</td>
</tr>
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<td>10%</td>
<td>10%</td>
<td>9%</td>
</tr>
<tr>
<td>postal mail</td>
<td>9%</td>
<td>3%</td>
<td>10%</td>
<td>14%</td>
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<tr>
<td>What Activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>provide information</td>
<td>51%</td>
<td>38%</td>
<td>60%</td>
<td>59%</td>
</tr>
<tr>
<td>provide position/argument</td>
<td>49%</td>
<td>62%</td>
<td>40%</td>
<td>41%</td>
</tr>
<tr>
<td>provide services</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>provide resources</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>political activity</td>
<td>0%</td>
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</tbody>
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Source: Dissertation interviews. Note: Columns may not add to 100% due to rounding.

The states were consistent regarding whom to lobby. For all 71 examples or descriptions, members of the state legislature were the intended lobbyees; members of the higher education governing board were not included in any of the lobbying examples.

[^12]: Percentages in this column indicate the percentage of the overall total number of lobbying examples provided (71) that used this lobbying tactic aspect.
[^13]: Percentages in this column indicate the percentage of the state’s total number of lobbying examples provided (29 for Pennsylvania) that used this lobbying tactic aspect.
[^14]: Percentages in this column indicate the percentage of the state’s total number of lobbying examples provided (20 for New Jersey) that used this lobbying tactic aspect.
[^15]: Percentages in this column indicate the percentage of the state’s total number of lobbying examples provided (29 for North Carolina) that used this lobbying tactic aspect.
[^16]: Percentages in this row indicate the percentage of the total lobbying examples attributed to each state, respectively.
Differences are notable between the states in their given examples of lobbying tactics selections on the other three lobbying decision points. Most of the lobbying is carried out by the lobbyists, with slight variations between the states, as this tactic was used most often in New Jersey (70% of the time) followed by North Carolina (64%) and Pennsylvania (59%). North Carolina (23% of the time) was more likely to use constituents in lobbying than Pennsylvania (14%) and New Jersey (10%). Conversely, North Carolina (9%) was less likely to include topical experts in its lobbying activities than New Jersey (20%) and Pennsylvania (24%).

While all three states cited using face-to-face communication as the most frequent means of lobbying, North Carolina (50%) was less likely to do so than New Jersey (65%) and Pennsylvania (72%). Use of the other means of communicating was less frequently cited, with use of a phone (18%) being more popular than e-mail (10%) and postal mail (8%) overall. North Carolina was more likely to use the phone (27%) than the other states (15% for New Jersey and 14% for Pennsylvania), while Pennsylvania (3%) used postal mail noticeably less often than the others (10% for New Jersey, 14% for North Carolina).

No lobbying examples were provided by either of the states whereby the lobbying activity involved an inherently political action (e.g., contributing to an election campaign) or providing services or resources to legislators. Notably, New Jersey (60%) and North Carolina (59%) identified providing information to members of the state legislature as an example of a lobbying activity more than Pennsylvania (38%). Conversely, providing state legislators with the lobbying organization’s policy position or making an argument
in support of or against a policy was more often mentioned in Pennsylvania (62%) than in New Jersey (40%) and North Carolina (41%).

The lobbying pathways analysis indicates that the three states decided to use the same lobbying tactics most often on three of the four lobbying decision points. In all three states, lobbyists (who) used face-to-face meetings (how) to lobby state legislators (whom) most often. The exception was the lobbying activity (what), whereby lobbyists in Pennsylvania were most likely to present an argument (the institution’s policy position) to the lobbyee rather than present information. Providing information was the lobbying activity most cited by lobbyists in New Jersey and North Carolina.

Differences in the states’ higher education governance structures may contribute to the differences in the selection of lobbying activity noted between the planning board state (Pennsylvania) and the coordinating and governing boards states (New Jersey and North Carolina, respectively). Because Pennsylvania’s planning board has no authority over the higher education institutions in the state, the state essentially presents a voluntary form of higher education governance. Public higher education institutions in the state can choose not to come under the auspices of the planning board. Therefore, all authority for state-wide higher education policymaking and appropriations rests with the state legislature, which is comprised of numerous legislators with higher education institutions in their districts. All higher education institutions in the state are compelled to come under the legislature’s authority on appropriations, and the state’s higher education governance structure allows them to do so individually. Each higher education institution in Pennsylvania petitions the state legislature relative to its own appropriations needs. Consequently, the lobbying environment within Pennsylvania is more competitive
relative to that of the environments in New Jersey and North Carolina, whose governance structures both entail substantially more centralized coordination and control. Due to the competitive nature of the lobbying environment in Pennsylvania, the thrust of higher education institutions’ lobbying in Pennsylvania is to stake out institutional policy positions rather than to simply provide information to legislators in a less competitive appropriations environment. State higher education governance structures appear to influence lobbying tactics selection because they influence the level of competition among higher education institutions involved in securing state appropriations.

4.5.2 Lobbying Tactics Used and Reasons for Tactic Selection

The lobbying pathway analysis sought to identify the primary lobbying tactics that were used by state higher education lobbyists with attention paid to the differences and similarities between the three states. Information for the lobbying pathways analysis comes from the interviewees. The dissertation first identified who the lobbyist was, what specific lobbying activities were used, and who was lobbied.

4.5.2.1 Who will be the lobbyist?

In all three states, the state lobbyist was the individual who performed most of the lobbying on behalf of the university or association, including developing the lobbying relationships with the lobbyees. Indeed, this is the function for which they were hired. There were no differences between the three states on this aspect of lobbying tactics.
In addition to performing the vast majority of direct lobbying activities, the state lobbyists make most of the decisions on the university’s lobbying strategies and tactics. Their knowledge of the state legislature and relationships cultivated with state legislators play key roles in making decisions on lobbying tactics, including determining who will lobby, whom to lobby, what lobbying action will be used, and how it will be implemented. Moreover, the state lobbyist will also provide advice on which issues the university can realistically lobby for successfully. There is a careful calculation that state lobbyists undergo to determine how best to take advantage of their lobbying relationships without damaging those relationships in the process of presenting their policy position.

Others within the organization, including the president or chancellor of the university, administration vice presidents, and other university personnel, had a supplementary lobbying role. Their involvement was often in an accompanying role and was a tactical decision based on their professional expertise in the policy content area (e.g., the chief financial officer would accompany the state lobbyists to meetings with state legislators when talking about appropriations issues). The university president or chancellor was included in direct lobbying activities for substantial issues, primarily to advocate for state appropriations to the university. Due to the president’s position, tactical decisions were made to limit their involvement to two areas: 1) introductory meetings with state legislators, 2) lobbying for the highest priority issue—state appropriations for the university operating and capital budgets. If the president became overexposed lobbying on lower priority issues, their lobbying effect on the highest priority issues might be diminished.
To a considerably smaller extent, alumni, community and business leaders, other university personnel, and students supplemented the state lobbyists’ efforts. Only with one state-related institution in Pennsylvania was this tactic used with some regularity; however, it has been done so only recently and in a very limited and coordinated manner. Even with this institution, the involvement of other individuals in lobbying was less frequent over the course of a year, and for specific purposes. For all institutions that involved others in lobbying, these individuals were involved:

- as part of a larger effort to increase goodwill for the university by showcasing positive aspects of the university (e.g., Rutgers Day at the state legislature with students, displays of research at Rutgers, faculty members discussing their work; breakfast and tickets to home football games with students, alumni, faculty, and administrators), and
- to crystallize in the legislator’s mind that the policy under consideration will have an impact in their district and their constituents, regardless of the physical location of the university.

The decision to include other individuals to supplement the direct lobbying conducted by the state lobbyists in a limited capacity is a tactical one based on a number of considerations. First, state lobbyists are not always able to be policy experts on all the issues they work on, even the annual issue of state appropriations. Therefore, including other personnel from the university whose professional expertise is related to the policy issues in question allows the state lobbyists to better meet legislators’ needs for information about the impact of the policy options. Inclusion of policy experts in
lobbying also increases the credibility and authority of the provided information. When necessary, having a policy content expert available helps the state lobbyist gain access to the lobbyee while simultaneously enhancing the ability of the university to advocate for its policy position on the merits of the policy issue.

Second, involving others in direct lobbying activities on a specific policy issue requires tight control of the organization’s messaging about the policy to be effective. Just like the game that passes a secret message down a long line of children one to another, resulting in a jumbled message at the end of the line, the organization’s policy position can become unclear as the number of individuals involved in lobbying increases. For similar reasons, as more people are included in direct lobbying activities, the policy issue and, more importantly, the institution’s policy position have to be simple enough that all the advocates can understand the issue and present it. The issue of state funding levels for higher education, for example, is relatively straightforward and understandable for most advocates—the greater the funding, the better. The nuances inherent in state contract bidding regulations, however, constitute a much more complex policy issue. Out of necessity, including more individuals in lobbying limits the complexity of the issue and the complexity of the university’s policy position. Consequently, there are some policy issues whereby involving more advocates risks being counterproductive.

Third, direct lobbying by lobbyists is generally a more cost-effective method of lobbying than involving others. The personnel and financial resources and coordination efforts involved in organizing large scale demonstrations of university accomplishments like the university day at the state capitol or hosting state legislators at a home football game and breakfast, for example, are non-trivial. The purpose of these events is to
generate a general sense of goodwill within members of the state legislature. That these events are not more frequent indicates that the goodwill that may be generated by holding them more often is not worth the additional costs, relative to the other lobbying options available.

4.5.2.2 What lobbying action will be used? How to implement the lobbying action?

The most widely used lobbying action by state lobbyists was direct communication with the lobbyee via face-to-face meetings, phone calls, and e-mail. This was followed in frequency by indirect communications as a type of lobbying activities. Political lobbying activities were not engaged in. This pattern was found for all three states included in the dissertation.

Regarding direct lobbying activities, the ones most often used included presenting the organization’s policy position/opinion, presenting possible policy outcome, and entertaining lobbyees. According to lobbyists, their primary goals are to maintain positive relationships with lobbyees and have their policy positions advanced. Consequently, presenting the organization’s policy position, followed by presenting possible policy outcomes, was identified as the lobbying action they engage in the most with policymakers. Entertaining lobbyees, used as a means to develop and maintain relationships with lobbyees, was also identified as a more important lobbying activity than others. Entertaining was not connected with any specific policy issue under consideration in the state legislature; rather, it was used to generate general goodwill within the legislature. In addition, lobbyists also provided basic or background
information on their organization or higher education within the state in response to requests for this information by lobbyees.

In most cases, direct communications lobbying activities were accomplished through personal face-to-face meetings between state lobbyists and lobbyees, regardless of state. This was the case particularly when the lobbyee was a state legislator or senior member of the state governor’s staff. Face-to-face meetings were held particularly when the purpose of the lobbying activity was to present the organization’s policy perspective to the lobbyee and when the lobbyist was asking the lobbyee to support the organization’s policy position. The purpose of the lobbying effort was instrumental in deciding how the lobbying activity occurred. When providing information to state legislators, lobbyists were equally likely to do so in a face-to-face meeting or via telephone, depending on the nature of the lobbyist-lobbyee relationship. Lobbyists with positive working relationships were equally likely to place a phone call to perform this kind of lobbying activity; the decision making factor was convenience. E-mail was not used as a means of direct lobbying communication when the lobbying activity was to present the organization’s policy priorities or positions. In fact, one legislator discouraged the use of e-mail as a lobbying tool and encouraged all other forms of direct communication, stating:

*I wish they had never invented e-mail. I’d just as soon you call me or just come down and take hold of me and say ‘Let’s get together.’ E-mail has done nothing but make our lives twice as busy because 99 times you get the same e-mail. … On a really hot issue, I can get hammered with 400 to 500 e-mails a day just on that issue … five or ten*
phone calls has a dramatic impact, I believe, a lot more than 400 pieces of white paper, because it’s just white paper all around us anymore. (PA State Legislator #4, personal communication, April 1, 2005)

The professional position of the lobbyee was also influential in making lobbying decisions about how the lobbying activity was carried out. When lobbyists were working with legislative staff members, they were more likely to use phone calls and e-mail as means of direct lobbying communication. However, when presenting the organization’s policy position, lobbyists tended to do so during a face-to-face meeting.

Indirect communication was used less frequently than direct communication as a method of lobbying for all three states. Most often, indirect communication lobbying activities included providing information (research results), and were performed by university or association personnel due to their professional expertise and position in the organization. During the annual state appropriations process, for example, lobbyists made the university’s chief financial officer available to respond to legislators’ questions about the impact of the appropriations proposal on the university. During occasional events held to create goodwill for the university, other members of the university community (e.g., faculty members, students) were participants in the indirect communication lobbying efforts. One Pennsylvania legislator provided an example, stating, “One of the things they do which is very important is that a school will come in with some students who are impacted by a program” (PA State Legislator #3, personal communication, April 20, 2005). In these cases, the lobbying role of other members of
the university was to highlight the benefits of the university, not to present the university’s position on specific policy issues.

One state legislator poignantly makes clear that their experience is characterized by encountering multiple lobbying activities on some issues. In some cases, the state legislator has been lobbied through more than one lobbying activity.

*It takes place at different levels in different venues and many times in different formats. So, I may get a call from the president of the college because we have developed that kind of relationship. Then there’ll be a group meeting of the entire ... delegation up here with the ... lobbyist. Then they’ll follow up with office visits and paper ... position papers as to what they're looking for.* (PA State Legislator #1, personal communication, March 23, 2005)

4.5.2.3 Whom to lobby?

Members of the state legislature were the lobbyees for almost all higher education policy issues. Members of the state’s higher education governing, coordinating, or planning boards were not lobbied by university or higher education institution association lobbyists. This was the case in all three states, regardless of state higher education governance structure. The interaction of two related aspects of state governance account for state legislatures being the primary lobbying targets of state higher education lobbyists: the issue and authority.
First, without exception, most state higher education lobbying concerns the issue of state appropriations, rather than non-appropriations education policy issues. Issues of higher education institutional autonomy are important policy issues that are lobbied about; however, these issues do not arise as often or as regularly as the annually occurring appropriations issue. Contrary to expectations, little to no lobbying occurred on teacher preparation issues, despite the No Child Left Behind Act of 2001 having raised it as a recent education policy issue with accountability provisions that ran contemporaneously to when data was collected for this dissertation. Because K–12 teachers are first trained within higher education institutions, and often enroll in higher education institutions on a part-time basis during their careers to maintain teacher certification, policies that change teacher qualifications shape higher education teacher preparation curricula. Teacher preparation was not lobbied on to any great extent simply because it was not a priority issue for higher education institutions, particularly when compared to appropriations. Some university lobbyists indicated they spent approximately 80% of their time on appropriations issues, providing limited time for all other non-appropriations issues. Of the non-appropriations issues, policies that impact institutional operations (e.g., tax issues, procurement procedures, hazardous waste disposal) took priority over teacher preparation and certification issues.

Second, because the state legislatures in all three states have authority for determining the level of state appropriations, state legislators are lobbied on this issue. State governing, coordinating, or planning boards do not have authority to determine state appropriations, and thus are not lobbied on this issue. It should be noted that in some cases the state governor’s office is also lobbied regarding the appropriations issue prior to
the governor submitting his or her budget to the state legislature; however, this was not something done to a great extent in any of the three states. In all three states, the state budget and appropriations process places all real authority for determining the final budget in the hands of the state legislature; the governor sends a budget request to the state legislature, which then determines the final budget.

With non-appropriations policy issues, the primary lobbyees are members of the state legislature as well. This holds true for all three states. In North Carolina, a governing board state, the University of North Carolina’s Board of Governors, is an entity of the University, rather than an entity of the state legislature, and is provided authority for determining institutional policy by state statute. The state legislature does have authority to set operational policy for state entities generally; however, as applied to the University, this authority is limited to operational policies that pertain to all state entities (e.g., labor and pension laws, procurement and building regulations, hazardous waste disposal laws). Consequently, it is for these types of non-appropriations policies that the state legislature is lobbied.

In New Jersey, a coordinating board state, the New Jersey Commission on Higher Education is a known entity and coordinates communications about some higher education policy in the state. However, their authority for establishing and enforcing state higher education policy is minimal. As mentioned earlier, their substantive authority extends to providing information and advice to the state legislature and governor on state higher education policies and to being the conduit through which a higher education state budget request is provided to the state legislature. While the New Jersey Commission on Higher Education’s Executive Director also serves as an advisor
to the governor on higher education issues and as such helps to advance the governor’s higher education policy initiatives through the Commission, eventually many of the policy initiatives will require an impact on state appropriations. Therefore, the state legislature, which has final authority on the level of state appropriations for higher education, as well as for setting those operational policies that impact public institutions generally (e.g., labor, pensions, environmental, procurement policies), becomes the primary lobbying target for state higher education lobbyists.

In Pennsylvania, a planning board state, the Council of Higher Education has no authority to establish or enforce state higher education policy. Consequently, the state legislature is lobbied for non-appropriations policy issues. Indeed, the membership of the Council of Higher Education is unknown to the university state lobbyists.
5 SUMMARY, CONCLUSIONS, AND IMPLICATIONS

This chapter revisits the research question and summarizes the major findings, as presented earlier. Limits of the study are also presented, followed by a discussion of the implications of the study findings for policy and practice. Suggestions for future research on this topic conclude the chapter.

5.1 RESTATEMENT OF THE PROBLEM

Despite negative public opinion about lobbying and lobbyists, the enterprise of lobbying remains an integral component of the governmental policymaking process at federal and state levels (Mahood, 2000; Rosenthal, 1993; Zorack, 1990). Generally, the actions of lobbying can be placed within two categories: 1) creating and nurturing relationships with key policymaking personnel and 2) providing these people with resources (Berry, 1977; Cook, 1998; Mahood, 2000; Rosenthal, 1993; Zorack, 1990). To carry out these actions, lobbyists employ a variety of lobbying tactics (Andringa, 1975; Angel, 1980; Armstrong, 1990; Berry, 1977; Bloland, 1985; Clarke, 1981; DiBiaggio, 1990; Ford, 1990; Goodall, 1987; Mahood, 2000; Rosenthal, 1993; Sanford, 1990; Schlozman & Tierney, 1986; Zorack, 1990).

While the actions and goals of lobbyists appear to be straightforward, the lobbying tactics selected by lobbyists vary in different situations and in different contexts (Browne, 1985; Rosenthal, 1993). Previous research on lobbying for higher education has identified the lobbying tactics used at the federal level (Cook, 1998) and within one state (Knorowski, 2000), and has demonstrated that education lobbying tactics differ in
different contexts at the federal level (Cook, 1998; Gladieux & Wolanin, 1974). Contextual differences among states, of state-level lobbying behavior within the higher education policy domain, have not been examined. We still do not know why some tactics were selected and others discarded—an aspect of the higher education lobbying literature that this study seeks to address.

Milbrath (1960, 1963) and Browne (1985) offer two different models to explain and predict lobbying behavior, including the selection of lobbying tactics. Milbrath’s communication model defines lobbying as an act of communication and identifies access to policymakers as the primary goal of lobbying activity. Because communication and access are paramount, a primary contextual concern of the lobbyists is the development of working relationships with policymakers, including comprehensive knowledge of the ways in which communications are best received by each policymaker. In contrast, Browne’s roles model of lobbying behavior argues that access to policymakers is a secondary concern for lobbyists, particularly for state-level lobbyists. The primary concern for lobbyists is advancing a policy position. The choice of appropriate lobbying tactics involves recognition that some tactics may be more appropriate than others in certain contexts and that some lobbying tactics do not require communication with policymakers.

While Milbrath’s communication model provides foundational understanding of the important role communication and access play in lobbying behavior, and Browne’s roles model advances our understanding of lobbying by identifying other factors that influence the selection of lobbying tactics, neither model informs us as to how or why context affects lobbying activity. This study addresses the limitations of each model by
asking lobbyists why they adopt specific lobbying tactics, taking into account contextual factors and how the context influences the tactic selection. Additionally, neither Milbrath’s nor Browne’s models was empirically developed through the exploration of state-level lobbying for higher education policy. Consequently, this study sought to determine if contextual influences on lobbying tactic selection were present within this specific domain.

One specific aspect of the state higher education context is its governance structure, which has become more important for states in the management and performance of state higher education (Richardson, Reeves Bracco, Callan, & Finney, 1999). Differences in the role a central higher education board plays in relation to establishing state higher education policy provided three major categories of state higher education governance structures (McGuinness, 1997). The types of higher education boards can be seen to occupy different points along a policy authority continuum and are 1) a governing board, which has authority to establish and enforce state higher education policy; 2) a coordinating board, which has authority to coordinate financial and human resources and curriculum distribution; and 3) a planning board, which establishes plans and goals for state higher education, but has less authority or power to enforce their recommendations or plans. To date however, no study analyzes how or why context, particularly differences in state higher education governance structures, plays a role in determining lobbying tactics for higher education issues at the state level.

Bringing these literature bases together, this study explored the role that state higher education governance structures have in the selection of lobbying tactics used by higher education institutions and lobbying associations on state higher education
policymaking entities. The primary research question for this dissertation is: *How do state higher education governance structures influence state-level lobbying about higher education issues?* Supporting research questions for this dissertation included:

- What are the lobbying tactics used in each selected state?
- How, if at all, do the lobbying tactics differ in these states?
- What effect do differences in state higher education governance structures have on any differences in lobbying tactics used?
- What are the lobbying connections at the state level for three states selected for their different higher education governance structures?

A multiple case study approach was used to address these questions. One state was chosen from each of the three state higher education governance models. State legislators and state higher education institution lobbyists in each of the three states were interviewed about the lobbying tactics employed when lobbying for higher education issues. Of the twenty-five interviews conducted, 10 interviews were with state legislators, eight with higher education system or individual institution lobbyists, five interviews were with higher education governance board members, and two interviewees were lobbyists from a state higher education association.

Data analysis included the development of a lobbying pathways map for each state which identified the lobbying tactics used, the reasons for selecting those tactics, and the relationships between individuals involved in the lobbying and policymaking
processes for each state. Comparisons were then made on these measures between the states included in the study.

While the research design called for holding the higher education issue constant to eliminate its variability, the issue selected (teacher quality) had not been addressed as a policy issue by most of the interviewees during their tenures. There was no evidence to suggest that it was a high priority policy issue in any of the three study states. Alternatively, most lobbying activity identified by the interviewees involved the level of state appropriations for higher education and policies regulating state higher education institutional operations because they are public entities (e.g., tax exempt status, labor agreements, procurement regulations, and contract stipulations).

5.2 DISCUSSION AND CONCLUSIONS

This dissertation’s central research question—How do state higher education governance structures influence state-level lobbying about higher education issues?—sought to determine if there are any differences in lobbying between states with different types of higher education governance arrangements. This question, as well as the supporting research questions, is addressed in this section of the chapter by summarizing the dissertation research findings presented in chapter four.

5.2.1 What are the lobbying tactics used in each selected state? How, if at all, do the lobbying tactics differ in these states?

Three significant conclusions are evident about the lobbying tactics used by state higher education lobbyists in the three states studied. First, two state higher education
governance structure-based differences in lobbying tactics were found—the use of arguments vs. information in lobbying and the use of lobbying partners. Second, almost all state higher education lobbying concerned the issue of state appropriations; the issue of teacher preparation was not a focus of higher education lobbying activity. Third, other than the two above-mentioned differences, most higher education lobbying tactics used in the three study states were the same, regardless of state higher education governance structure. Each of these conclusions is discussed further below.

Two substantive differences in state lobbying tactics selected were noted and were based on higher education governance structure. First, the most often used lobbying activity in Pennsylvania, a planning board state, was different than that selected by the lobbyists in New Jersey, a coordinating board state, and North Carolina, a governing board state. In Pennsylvania, state higher education lobbyists were more likely to present arguments or the higher education institution’s policy position to members of the state legislature. State higher education lobbyists in New Jersey and North Carolina, however, more often presented information to lobbyees, who were also state legislators. Because the state higher education structure in Pennsylvania establishes an essentially voluntary form of statewide governance, it creates a highly competitive lobbying environment. Within this competitive environment, Pennsylvania’s state higher education lobbyists spent more time staking out their institution’s policy positions with members of the state legislature.

In contrast, higher education lobbyists in New Jersey and North Carolina operate in a less competitive environment due to the governance structure. By statute, UNC is the only public four-year university in North Carolina, albeit with 16 member institutions.
UNC lobbies on behalf of itself, which includes its member institutions. In New Jersey, the different higher education sectors are required by statute to submit and lobby for a joint appropriations request. Cooperation among the institution in practice is required. Consequently, New Jersey’s and North Carolina’s higher education lobbyists were less in need to argue for their own higher education institution’s policy position; they more often provided information about higher education issues to legislators. The conclusion is that state higher education governance structures influenced the level of lobbying competition between higher education institutions, thereby influencing lobbying tactics selection. As such, it is hypothesized that other planning board states will present a more competitive lobbying environment within which higher education lobbyists will more often present their institution’s policy positions.

A second higher education governance structure-based difference in lobbying tactics concerned the importance of forming relationships with other organizations as a lobbying tactic. The formation of lobbying relationships identified by the state higher education lobbyists was identified as an important lobbying tactic in New Jersey (a coordinating board state) more than in Pennsylvania (planning board) and North Carolina (governing board). For example, the New Jersey Presidents’ Council, and its responsibility to present higher education budget priorities to the state legislature, is a formal mechanism of the state’s higher education governance structure that provides evidence of lobbying partnerships within New Jersey. Again, the presidents of the New Jersey higher education institutions that receive state aid (public and private, four-year and two-year) comprise the Presidents’ Council, and the presentation of the higher education community’s budget priorities is conducted by a group of four presidents, one
each representing the research university sector, state colleges, independents, and community colleges. Pennsylvania and North Carolina do not have similar formal mechanisms, and consequently, the purposeful formation, maintenance, and use of functional lobbying partnerships is minimal in these states. In fact, their governance structures minimize the potential for the formation of lobbying partnerships, Pennsylvania’s by creating a more competitive higher education lobbying environment and North Carolina’s by eliminating competition because there is only one four-year public university in the state.

The second substantial conclusion about state higher education lobbying identified in this study is that in all three of the study states, the higher education issue most often lobbied about was state appropriations, followed by policies regulating state higher education institutional operations. The issue of teacher preparation was not lobbied for in any study state. There may be three reasons for this. First, the lobbyists interviewed explained that teacher preparation simply does not arise often as an issue, and when it does, it still is not as high a priority as appropriations and institutional operations. Lobbyists devoted most of their resources to highest priority issues. Second, it is possible that lobbying about this issue occurs among different entities within states. Teacher professional associations and employee unions, school principal professional associations, school board associations, and colleges of education may have greater interest in the outcomes of any teacher preparation policy decisions than higher education institutions. Consequently, these organizations may be more likely to lobby about teacher preparation issues than would higher education systems or higher education institution associations. Third, teacher preparation may fall under the jurisdiction of a
state’s department of education rather than the state’s legislature or higher education governance boards. This would explain why the state legislators and members of the higher education governance boards that were interviewed did not indicate they had been lobbied on this issue. Consequently, if lobbying tactics related to teacher preparation issues differ among states, higher education governance structures may not be a causal factor.

The third significant conclusion about lobbying tactics used by state higher education lobbyists in the three study states is that, notwithstanding the two lobbying tactics differences identified above, there were substantial similarities in the lobbying tactics used in each state. Four similarities in the lobbying tactics are documented below.

First, state legislators are lobbied most often on most state higher education policies in all three states. Members of the state’s higher education board, whether a governing board, coordinating board, or planning board, are not lobbied on higher education policies. This is particularly the case for the issue of state higher education appropriations, the issue on which state higher education lobbyists spend more than 80 percent of their lobbying time. On other higher education policy issues, of which most affect institutional operations (e.g., tax exempt status, labor agreements, procurement regulations, hazardous waste disposal, and contract stipulations) like any other public institution, state legislators are most often the lobbying targets as well. Therefore, no differences were seen on whom to lobby based on the state higher education governance structure. A combination of the issue and the governance structure, because together these identified who within the state had authority for making policy decisions, was an important factor influencing lobbying tactics decisions related to who was lobbied.
Second, most lobbying is conducted by lobbyists in all three states studied. In the study states, topical experts and constituents from state legislators’ districts assisted in lobbying when other individuals were involved. The coordinating board and planning board states were more likely to use topical experts for lobbying, while constituents were used more often in lobbying within the governing board state. This is the case because state lobbyists are hired precisely to perform the lobbying activities for their employers and the lobbying issue can be too complex to maintain message control when others are involved in lobbying activities. Therefore, a combination of the lobbyists’ experience and the issue was an important factor influencing lobbying tactics decisions related to who performs the lobbying activity.

Third, most lobbying was conducted using direct communication in a face-to-face meeting for all three states, followed by phone calls. At least 77 percent of all lobbying was conducted using face-to-face meetings and phone calls in all three states with North Carolina (50 percent face-to-face, 27 percent phone calls, 77 total) using other forms slightly more than New Jersey (65 percent face-to-face, 15 percent phone calls, 80 percent total) and Pennsylvania (72 percent face-to-face, 14 percent phone calls, 86 percent total). E-mail and postal mail were used for lobbying to a much lesser extent in all three states. If lobbying is inherently about forming relationships, gaining access, and communicating, then lobbying in ways that maximize the ability to form strong professional relationships and better understand a lobbyee’s communication style and preferences is preferred. Arguably, communicating face-to-face or on the phone are more personal and conducive means to relationship formation than are using e-mail or postal mail. Moreover, because some lobbying activities can damage the working relationships
lobbyists have with lobbyees (e.g., political activity, use of grass-roots campaign), the
lobbyist, particularly his or her experience and relationships with lobbyees, was an
important factor influencing lobbying tactics decisions related to how lobbying activities
are implemented.

Fourth, despite the differences noted above between the planning board state and
the other two states (coordinating and governing board states), it is important to note that
all of the lobbying activities involved direct communication efforts to provide
information about policy issues and to provide the institution’s policy argument or
position to state legislators. No lobbyists lobbied by engaging in political activity or by
providing services or resources to lobbyees, regardless of the states’ higher education
governance structures. Lobbyists’ experience and knowledge with lobbyees and the
lobbyees’ organization were critical to determining which of the available lobbying
tactics gives them the greatest probability of success. Therefore, the lobbying issue,
lobbyists’ experience, and relationships with lobbyees were important factors influencing
lobbying tactics decisions related to what specific lobbying activities were implemented.

5.2.2 What are the lobbyist-lobbyee connections at the state level for three states
selected for their different higher education governance structures?

Most lobbying connections at the state level were between state lobbyists and
state legislators for all three states, regardless of the state’s higher education governance
structure. Within the state legislature, the majority and minority leadership, the
leadership of the appropriation committees, and the leadership of the higher education
committees of both chambers were the primary lobbying targets. Consequently, the
lobbyist-lobbyee connections were strongest between individuals in these positions and the lobbyists. Other strong lobbying connections within the state legislature included legislators who had previously been strong advocates of the university or had higher education institutions in their district. The evidence suggests there were essentially no lobbying connections between lobbyists and members of the state higher education governance boards, regardless of governance structure.

There are a number of reasons for most lobbyist-lobbyee connections at the state level being between higher education lobbyists and state legislators. First, the higher education issue most often lobbied about was state appropriations, a policy decision for which the state legislature has exclusive authority. That the issue of state appropriations occurs regularly and frequently necessitates lobbyists to engage with state legislators regularly and frequently. Consequently, maintaining working relationships with state legislators is critically important for lobbyists. The second most frequently lobbied issue for state higher education lobbyists involves policies regulating state higher education institutional operations because they are public entities. These operational policies often involve complex issues, such as tax exempt status, labor agreements, procurement regulations, and contract stipulations, which require a level of expertise that is not conducive to grass-roots campaigns or the involvement of others in lobbying efforts. As a result, lobbyists take the lead themselves on lobbying for these issues, which are also generated in the state legislature, and so the lobbyist-lobbyee connections most relevant to state legislators are formed. A combination of the issue and the governance structure, and who within the state had authority for making policy decisions, were important factors influencing the lobbyist-lobbyee connections at the state level.
5.2.3 **What effect do differences in state higher education governance structures have on any differences in lobbying tactics used?**

Based on the lobbying pathways analysis, the most noticeable differences in state higher education lobbying tactics were the specific communication activity selected and how that activity was implemented. These two lobbying tactic aspects are related. Due to the level of lobbying competition in the planning board state, most lobbying consists of providing the university’s policy position to state legislators. Consequently, lobbyists are more likely to present their policy position in a face-to-face meeting rather than in a phone call or by sending an e-mail or postal mail letter. In the less competitive lobbying environment of coordinating board and governing board states, lobbying consists of providing information to lobbyists more than in presenting the university’s or association’s policy position. Therefore, lobbyists have greater liberty in the manner of communication used to provide information. The need to meet face-to-face was less and the use of phone calls and e-mails was suitable for providing information to lobbyists in these governance environments.

The dissertation findings suggest that the answer to the primary research question is that differences in state higher education governance structures do influence state-level higher education lobbying in a limited way within the three states studied. Three findings lead to this conclusion, particularly those related to the lobbying issue and the authority of the state legislature, the goals of lobbying, the organization’s lobbying history, and the experience of the lobbyists.

First, regardless of state higher education governance structure, the level of state appropriations is the higher education issue lobbied about the most, by a wide margin. In
all three states, the state legislature—not the state higher education governing, coordinating, or planning board—has authority over this issue. Consequently, state legislators are the primary lobbyees in all three states, regardless of the state higher education governance model. This supports Browne’s (1985) roles model because context matters: which entity has authority for state appropriations—the state legislature or the higher education state board—determines whom to lobby.

Most non-appropriations policies affect higher education institutions only because these policies apply to the operation of all public institutions (e.g., tax exempt status, labor relations, hazardous waste disposal), not because of the specific educational mission of higher education institutions (e.g., curricular matters). Because authority for general non-appropriations operational issues rests with the state legislature, and not within states’ higher education structures, the lobbyees are state legislators, regardless of state. This relationship determines whom to lobby and further supports Browne’s (1985) roles model.

Second, because lobbyees are most often state legislators and the primary issue lobbied is annual state appropriations, lobbyists place a premium on positive working relationships with state legislators. Maintenance of the lobbying relationship over time is the lobbyist’s primary goal precisely because the appropriations issues arise annually. This is the case in all three states, regardless of state higher education governance structure, and therefore supports Milbrath’s communication model of lobbying (Milbrath, 1960, 1963). Higher education lobbyists recognize the need to maintain working relationships with state legislators because of the regular and frequent nature of the appropriations process. Because ongoing access to policymakers is a critically important
goal for state higher education lobbyists, it affects what lobbying activity is selected and how that activity should be carried out. To this end, lobbyists spend much of their lobbying efforts on developing and maintaining these relationships by providing information to lobbyees and responding to their inquiries. Much of this work is done through forms of direct communications between lobbyist and lobbyee, primarily through face-to-face meetings and phone calls with legislators and staff members, with the addition of e-mail with staffers. Again, Milbrath’s communication model of lobbying is supported (Milbrath, 1960, 1963).

In some cases, non-lobbyists connected to the university are involved in lobbying activities, often in events organized to generate goodwill for the institution generally. Other university personnel are involved in the lobbying activities of providing information as they apply their professional topical expertise to a specific policy issue (e.g., a chief financial officer providing information on the state higher education appropriation and the university’s annual operating budget). In most cases, the state lobbyist, not other university personnel, presents the university’s official policy position to state legislators during a face-to-face meeting. Communication with the lobbyee engenders access for the lobbyist to present the university’s policy position through direct communication. Milbrath’s communication model of lobbying is supported (Milbrath, 1960, 1963).

Third, lobbying tactics decisions made by lobbyists about which lobbying activities are used and how they are implemented primarily take into account the lobbyist’s experience, the lobbying history of the organization, and the lobbying environment as influenced by the state higher education governance structure. Over their
years of practical experience, lobbyists appear to develop a relatively limited array of
direct communication lobbying activities. They continue to use these lobbying activities
because they have been successful using them in the past and they achieve the lobbying
goal of maintaining access to lobbyists better than the alternative tactics available. Since
lobbying is an act of communication, according to Milbrath (1960, 1963), that hinges
upon the development of relationships, those communication activities that lead to
positive relationships will be used most often. The familiar array of a lobbyist’s direct
communication activities is juxtaposed with the institution’s history of using lobbying
tactics and the state’s lobbying environment to create an array of usually acceptable
lobbying activities for the institution. For example, a lobbyist with no experience
developing a public awareness campaign lobbying on behalf of an institution with no
history of employing public awareness campaigns in an environment that is not
conducive to being influenced by public opinion is not likely to use this lobbying activity.
They are more likely to use the lobbying activities that they are more familiar with and
that have been successful in the past. One university lobbyist poignantly encapsulates the
essence of state higher education lobbying tactics selection:

There’s no rocket science in this. It’s just a lot of day-to-day contact, information
exchange, being available to them [lobbyees], providing them with information on
a regular basis. And I always use what I call the—and this is not empirical, it’s
more a term of art—the 80/20 rule. Where 80% of the time, you’re engaged in
relationship building, information exchange, building trust, you’re talking to
them, and then 20% of the time, you’re asking them for something. You’re asking
them to do something or to block something because that’s one of the keys in this business … you often measure the results of things that you can actually stop from happening that are going to be negative for your institution or your organization and you can get things blocked. That’s just as important, and in some cases more so, than is increasing your appropriation or getting something that you want. … So, that’s really an important part of what we do. (PA Institutional Lobbyist #1, personal communication, March 23, 2005)

5.3 LIMITATIONS

This study is like all other research in one important respect: it is limited in several ways.

First, as with all studies involving qualitative research, the research findings of the dissertation are not statistically generalizable to a population. While one result of this study is the generation of working propositions about how context, specifically higher education governance structure, affects lobbying tactics decisions, the findings contained herein are unique to this study.

Second, comparisons of lobbying paths and lobbying tactics used were based on three states, one from each of three state higher education governance structure models. There is no guarantee that each of the three states selected are truly representative of all states with similar governance structure models. Indeed, the McGuinness (1997) state higher education governance structure typology identifies variations within the three broad models. Perhaps there is lobbying behavior variation within each of the three
models well as between them. This study’s research design precludes investigation of this possibility.

Third, while the three comparison states showed similarities on a number of measures (e.g., population, education level, appropriation levels, and public-to-private higher education institution ratio), the selected states in fact varied on these measures. Additionally, it can be argued that there are important differences between these states that have not been accounted for by these factors. For example, differences between states’ statutory requirements for public funding of higher education or the historical support of higher education within the state may have substantial influence on lobbying behavior. Differences between the states may exist on unaccounted factors that affect lobbying and the policymaking process.

Fourth, only public higher education institutions were selected for inclusion in the sample; the lobbying behavior of lobbyists for privately controlled higher education institutions was not considered. In all three study states, there were more private higher education institutions in the state than publicly controlled ones. In the United States, there are 36 states where this is the case, and these states average 53 four-year higher education institutions. The 14 states with more public than private higher education institutions average only 15 four-year education institutions. Consequently, the lobbying environment is potentially more competitive in states with more private higher education institutions than public ones simply because there are more higher education institutions in these states. As a result, the lobbying behavior of public higher education institution lobbyists in these different types of states may be different. Additionally, while lobbyists who lobby for higher education issues on behalf of private higher education institutions
may make similar lobbying tactic selection decisions to lobbyists for public institutions, empirical verification is needed.

Fifth, the findings include information from members of only two state higher education governance boards; the perspectives of New Jersey’s governance board members are not included because none of them consented to be interviewed. While the evidence suggests differences in lobbying based on higher education governance structures, the degree to which members of a coordinating board were lobbied was not determined, despite the Executive Director of New Jersey’s Commission on Higher Education having indicated that Commissioners are not lobbied. Additionally, lobbying perspectives were solicited only from New Jersey’s state higher education institution association. Consequently, conclusions as to lobbying tactical decisions based on only one such organization must be considered tentative at best. The lobbying tactics used by association lobbyists in states with different higher education governance structures may be different than those used in New Jersey. However, this study cannot provide empirical support for this premise.

Sixth, while public awareness of the issue was not found to be influential for lobbying tactical decisions, determining the level of public awareness of the teacher certification issue only via counts of germane newspaper articles excludes measures of public awareness related to other media such as (cable) television, the Internet, and, very recently, Twitter. Given the decline of newspaper circulation and readership since this study began in 2004, including these other media sources should produce a richer measure of public awareness of the issue were one to conduct similar research today.
5.4 IMPLICATIONS FOR POLICY AND PRACTICE

It was expected that this dissertation would contribute to our understanding of lobbying policy and practice. These included the development of a lobbying model(s) for the states and the application of lobbying models to states that may be undergoing a change in their state higher education governance structure. Additionally, generating working propositions about state higher education lobbying was one goal of this study.

First, the dissertation findings support the development of a single higher education lobbying model for all states. Regardless of the state’s higher education governance structure, differences between most lobbying tactics decisions in the three states are minimal. The policy issue about which lobbying activity will occur—state appropriations levels for higher education—determines who the lobbyee is for all three state higher education governance models. Because lobbyists desire to maintain positive working relationships with lobbyees, they most often carry out the lobbying activity themselves through face-to-face personal communications in all three states. Two differences in lobbying tactics decisions—which lobbying activity is selected and the use of lobbying partnerships—are influenced by the state higher education governance structure, but can still be accounted for in a single higher education lobbying model for all states.

The initial conceptual framework for this dissertation, based on Browne’s (1985) roles model, posits that a lobbying decision is influenced by factors within five categories: external, political environment factors; the issue; the lobbying organization; the state higher education governance structure; and the lobbyist (see Figure 2.1). Based
on the information gleaned from this study, however, a revised lobbying tactic decision framework is recommended (Figure 5.1).
Figure 5.1
Revised Conceptual Framework for Lobbying Tactic Decision

**Issue**
- Nature of Issue

**Governance Structure**
- Identification of lobbyee
- Authority

**Lobbying Organization**
- Lobbying history
- Structure

**Political Environment**
- Agenda/priority
- Election cycle
- Economy

**Lobbyist**
- Experience
- Relationship with lobbyee
- Probability of success

**Lobbying Tactic Decision**
- Who
- What
- How
- Whom
This revised framework suggests that primary influences on lobbying tactics decisions include aspects of the political environment (the political agenda, the state economy, and legal restrictions on lobbying), the structure of the lobbying organization, aspects of the state higher education governance structure (through identification of lobbyists with authority over the policy issue under consideration), and the aspects of the lobbyist (experience, relationship with the lobbyee, and ability to estimate the probability of success of a lobbying tactic). The policy issue is an indirect factor in lobbying tactics decisions because it is mediated through the state’s government structure. Influential factors hypothesized in the initial framework that are not supported by this study include public awareness of the issue, aspects of the lobbying organization (lobbying history, resources, relationships with other organizations, the election cycle, and, most importantly, the state’s higher education governance structure.

Second, for states that are anticipating undergoing changes to their higher education governance structure, any changes to state lobbying will most likely be affected only to the extent to which the proposed changes affect who has authority for state appropriations and institution operational policy decisions. Even so, changes to lobbying tactical decisions will most likely be made only to whom the lobbying targets are; as long as appropriations issues continue to be made annually, those who make appropriations decisions and create institutional policies will be the lobbying targets of most of the higher education lobbying. Because state appropriations and some operational policies are the responsibility of the state legislatures in all states, it is highly unlikely that such changes in authority will be made. For this to occur, the state
legislature would be required to relinquish some of its authority, something they may not be able to do constitutionally.

For all three states, then, a normative lobbying tactics approach employed by all states, regardless of state higher education governance structure, appears to be characterized by the following tactics decisions: lobbyists (who implements) present policy arguments/institution’s position (what lobbying action) via a face-to-face meeting (how implemented) to state legislators (whom to lobby). This lobbying tactics model appears to be applicable regardless of the issue under consideration. Importantly, members of the state higher education governance boards, whether it is a governing board, coordinating board, or planning board, are not lobbied to any great extent.

Four working propositions are evident based on the information provided by the interviewees. First, the state higher education governance structure appears to be an important contextual element in some lobbying tactics decisions. In support of Browne’s roles model (1985), context matters in lobbying tactics decisions. The state’s higher education structure has a contextual role in lobbying because it identifies which state entity has authority for making state appropriations decisions. Because the level of state appropriations is the higher education policy issue that receives the most lobbying activity, who has authority for state appropriations determines who the lobbyees are to a great degree. In all cases, it is the state legislature who determines state appropriations, consequently, state legislators are lobbied most. Is the level of state appropriations the issue lobbied about the most in all states? If there are states where this is not the case, are the lobbying tactics different for the higher education issue that is preeminent? When lobbying about operational policy issues, are greater differences noted in lobbying tactics
than what were detected in this dissertation? Are there differences in lobbying tactics depending on the specific operational policy issue under consideration?

Second, maintaining access through the development of lobbyist-lobbyee relationships is a particularly important aspect of lobbying for higher education. Indeed, state lobbyists hold that maintaining these relationships is as important as succeeding in advancing the higher education’s policy position. For what policy issues will lobbyists risk their relationships with lobbyees in order to advance a policy position? Because higher education lobbyists do not typically engage in political activity as a lobbying tactic due to organizational lobbying history or state legal stipulations, are there some higher education institutions whose lobbyists do engage in political activity as a lobbying tactic? If so, do those lobbyists still seek to maintain lobbying relationships with lobbyees to the same extent? Do private higher education institutions use this lobbying tactic? What are their reasons for doing so, and are they successful in achieving their lobbying goals?

Third, the different lobbying tactics themselves are important contextual factors, as there is the interaction of who lobbies whom using what activities and how those activities are carried out. For example, the specific lobbying activity is an important contextual factor as it influences how that activity is implemented and whom the lobbying target is. When providing a policy argument, lobbyists will do so most often in a face-to-face meeting with the state legislator. When providing information, however, lobbyists use phone calls and e-mail more so than when providing an argument. Additionally, when lobbyists provide information, legislative staff members are the lobbyees more so than when lobbyists provide an argument. Is use of a face-to-face meeting when presenting a policy argument to a legislator more successful than using
another form of communication? If not, why is this method used? Are there differences in the location or level of formality of the face-to-face meeting, and if so, what are the reasons for these differences? Are face-to-face meetings with different lobbyees on the same issue essentially the same, or are there differences between the meetings?

Fourth, higher education institutions lobby almost exclusively about only two issues: the level of annual state appropriations and institutional autonomy. Somewhat paradoxically, higher education institutions devote only minimal effort to lobbying about policy issues that are exclusively educational in nature. This would indicate that despite an important contextual role of state higher education government structures, the issues for which higher education lobbyists lobby remain non-education specific. Why is it that higher education lobbyists only minimally engage in lobbying about issues that are unique to the enterprise of higher education? Does this lack of lobbying attention paid to higher education-specific policies signify that state legislatures are not very active in this regard? Is it possible that higher education lobbyists have developed relationships with key state legislators to the extent that they can effectively block with minimal effort (e.g., one phone call) any proposed higher education policies that the lobbyists feel are not in the best interest of the institution? Does this finding provide insight into the broader nature of the relationship between states and their public higher education institutions? Despite their service missions, are the interests of the public higher education institutions always the same as the interests of the state? If not, how does this impact lobbying-lobbyee relationships and tactics used when lobbying the state on higher education issues?
5.5 RECOMMENDATIONS FOR FUTURE RESEARCH

Several directions are promising for additional research on state-level higher education lobbying generally, and on the influence of state higher education governance structures on lobbying, specifically. At a minimum, future research can extend this study by beginning to test the working propositions raised by it and addressing the limitations of this study.

This study’s research design mandated that the research findings not be statistically generalizable to all states, or even to all states within each of the higher education governance structure categories identified by McGuinness (1997, 2003). Further research on the lobbying tactics selected by state higher education lobbyists can employ a research design and use quantitative data collection and analysis techniques that include all 50 states. This approach would provide the means to determine the lobbying tactics used for state-level higher education lobbying in each state, how the lobbying tactics differ between the states, and the lobbying pathways for the entire state universe. Moreover, the data collected by this approach would be more generalizable than the data reported in this dissertation.

This study excluded private higher education institutions from the interviewee sample; however, private institutions lobby for their own interests at both the federal and state levels. Future research that includes private higher education institution lobbying activity can determine the extent to which lobbying behavior is different based on institutional control.

There are other entities within the state higher education policymaking apparatus whose voices are not included in the study findings. First, while included in the design
and data collection method, the perspectives of members from the state higher education governance structure were unable to be collected. If they play as important a role in higher education policy making as suggested by Richardson, Reeves Bracco, Callan, & Finney (1999), including governance board members’ perspectives on how lobbying is conducted within the state would be an important undertaking for future research into this issue. The role of governors and executive branch education agencies were not included in this study; however, like the state higher education governance, these entities have a role in the development and implementation of state higher education policy. This study can be extended to include the perspectives of these entities on lobbying behavior, as they are often in a unique position to be a lobbyist for higher education policy in some circumstances, and a lobbyee in others.
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APPENDIX A

Concept Map – Connections of Concepts and Data Collection

1. **Issue**
   a. Nature of Issue
      i. Document
         1. State statute
         2. State higher education master plan
         3. State legislative committee documents
         4. State higher education board documents
      ii. Interview Guide 1
         1. Question 12
         2. Question 13
      iii. Interview Guide 2
         1. Question 8
         2. Question 9
         3. Question 10
         4. Question 13
         5. Question 14

   b. Public Awareness
      i. Document
         1. State statues
         2. State higher education master plan
      ii. Interview Guide 1
         1. Question 2
         2. Question 12
      iii. Interview Guide 2
         1. Question 10
         2. Question 11
         3. Question 21

2. **Lobbyist**
   a. Experience
      i. Document
         1. Résumé
      ii. Interview Guide 1
         1. Question 2
         2. Question 3
         3. Question 4
      iii. Interview Guide 2
         1. Question 2
         2. Question 4
         3. Question 5
   b. Relationship with Lobbyee
      i. Interview Guide 1
         1. Question 3
         2. Question 4
         3. Question 14
      ii. Interview Guide 2
         1. Question 15
   c. Probability of Success
      i. Interview Guide 1
         1. Question 17
         2. Question 18
         3. Question 20
3. **Governance Structure**
   a. Identification of Lobbyee
      i. Document
         1. Organizational charts
         2. State statues
         3. State higher education master plan
         4. State legislative committee documents
         5. State higher education board documents
      ii. Interview Guide 1
         1. Question 13
         2. Question 16
      iii. Interview Guide 2
         1. Question 8
         2. Question 12
         3. Question 16
   b. Authority
      i. Document
         1. State statues
         2. State higher education master plan
         3. State legislative committee documents
         4. State higher education board documents
      ii. Interview Guide 2
         1. Question 8
         2. Question 9
      iii. Interview Guide 2
         1. Question 12

4. **Lobbying Organization**
   a. Lobbying history
      i. Interview Guide 1
         1. Question 6
   b. Structure
      i. Document
         1. Organizational charts
      ii. Interview Guide 1
         1. Question 7
      iii. Interview Guide 2
         1. Question 8
         2. Question 9
   c. Resources
      i. Document
         1. Organizational charts
      ii. Interview Guide 1
         1. Question 8
   d. Relationships with other organizations
      i. Interview Guide 1
         1. Question 10
      ii. Interview Guide 2
         1. Question 8
5. **Political Environment**
   a. Agenda/priority
      i. Document
         1. State statues
         2. State higher education master plan
         3. State legislative committee documents
         4. State higher education board documents
      ii. Interview Guide 1
          1. Question 12
          2. Question 21
      iii. Interview Guide 2
           1. Question 11
           2. Question 21
   b. Election cycle
      i. Document
         1. State statues
         2. State legislative committee documents
         3. State higher education board documents
      ii. Interview Guide 1
          1. Question 21
      iii. Interview Guide 2
           1. Question 21
   c. Economy
      i. Interview Guide 1
         1. Question 21
      ii. Interview Guide 2
APPENDIX B

Interview Guide 1: Interview with a Lobbyist

THIS PROTOCOL IS FOR USE WHEN INTERVIEWING LOBBYISTS FROM INDIVIDUAL HIGHER EDUCATION INSTITUTIONS AND LOBBYISTS FROM STATE-LEVEL HIGHER EDUCATION ASSOCIATIONS.

Thank you for agreeing to participate in this study of state-level lobbying for higher education issues. This study is being conducted as part of my dissertation research at The Pennsylvania State University, under the direction of Dr. Carol Colbeck. The purpose of this study is to understand how and why environmental contexts affect how lobbying for higher education issues, specifically teacher preparation, is conducted at the state level.

Three kinds of information are therefore critical to this study: information about you and your lobbying activities, information about your organization, and information about why specific lobbying activities, or tactics, are selected to lobby for teacher preparation issues. To obtain the first kind of information, I will ask you several questions today about your experience and activities as a lobbyist. To obtain the second kind of information—that about your organization—I will ask you about your impressions of your organization. To obtain information about the third kind of information—why specific lobbying tactics are selected—I will ask questions about the tactics you have used to lobby for higher education and teacher education issues and why you selected those tactics.

There are no right or wrong answers. The most important information I am asking for is what you think. Your participation is completely voluntary. You can change your mind about participating in this interview at any time or decline to answer any question. In my dissertation, I may quote you, but I will not use your name, the name of this institution, nor any descriptors that may make it possible to identify you. Before we begin, do you have any questions?

Let's begin with questions about your work.

1. What is your official position or title?

2. How long have you been working in this position at this organization?
3. What other professional lobbying experience do you have?

4. For what other issues have you been a lobbyist?

5. Why did you become a lobbyist?

Let’s talk a little about your organization.

6. What is your organization’s history concerning lobbying? Lobbying for higher education issues? Lobbying for teacher preparation issues?

7. What is your organization’s structure as it supports the lobbying function?
   7b. How many lobbyists total? for higher education issues?
   7c. Who within the organization decides on what issues to lobby? What higher education issues to lobby?

8. What organizational financial resources are devoted to lobbying efforts?
   8b. Who within the organization decides how many resources to devote to lobbying? Higher education lobbying?

9. Who/what groups does your organization represent for lobbying purposes?

10. Do you have lobbying relationships/partnerships with other organizations? If so, who do you partner with for lobbying efforts? Please describe these relationships.

Now, let's talk about your lobbying activities on higher education issues.

11. In addition to lobbying for teacher education issues, what other higher education issues do you lobby about? Why?
12. Where does teacher education fit in with the other higher education issues you lobby on in terms of priority? Why? How do you know?

13. Whom do you lobby for teacher preparation issues? Why these people?

14. Describe the nature of your relationships with those you lobby about teacher preparation issues?

15. Are the people you lobby for teacher preparation issues the same as those you lobby for other higher education issues? Why or why not?

16. What role does the state’s higher education governance structure play in your efforts to lobby for teacher preparation issues? Does it indicate who you need to lobby? Why?

17. The literature about lobbying shows that every lobbying activity has four components. They are who to lobby, what tactic to use, how to implement that tactic, and whom to lobby. Do you have to make decisions along these lines for every lobbying activity?
   17a. Is there a process in place to help you make these decisions? If so, please describe that process. If not, why not?

18. In what ways do you lobby individuals for teacher preparation issues? Please provide two different examples of when you lobbied for teacher preparation issues?
   18a. Why did you choose these specific ways of lobbying?
   18b. In thinking about the four lobbying components we discussed earlier, please tell me about your decisions about the components for the lobbying examples?
   18c. What other ways of lobbying would have been as appropriate? Why didn’t you use these other ways?

19. What are the goals of lobbying for teacher preparation issues?
20. **How do you determine if a lobbying tactic/activity will be successful?** For lobbying activities, can you predict how successful they will be? How do you do this?

21. **Are there any other factors that influence how you lobby for teacher preparation issues, specifically, and higher education issues, generally?** What are they?
   21a. How does the political environment influence your choice of lobbying tactics? By this I mean do the election cycle, political/issue agendas, and state/national economies play a role in your decisions on lobbying?
   21b. Is the public generally aware of teacher preparation issues? How does that influence how you lobby for teacher preparation issues?

*We are almost done. I just have a few wrap-up questions for you.*

22. **What else I should know concerning how you decide how to lobby for teacher preparation issues?**

23. **Who else do you think I should talk with regarding lobbying for higher education issues or teacher preparation?**

24. **What questions do you have of me?**

*I thank you for your time today to talk with me about the work you do. Please feel free to contact me with any additional questions or comments you have.*
APPENDIX C

Interview Guide 2: Interview with a Lobbyee

This protocol is for use when interviewing lobbyees from state legislative bodies and state higher education governance structures.

Thank you for agreeing to participate in this study of state-level lobbying for higher education issues. This study is being conducted as part of my dissertation research at The Pennsylvania State University, under the direction of Dr. Carol Colbeck. The purpose of this study is to understand how and why environmental contexts affect how lobbying for higher education issues, specifically teacher preparation, is conducted at the state level.

For this study, I am also interviewing higher education lobbyists about their lobbying activities, the organizations they work for, and about why specific lobbying activities, or tactics, are selected to lobby for higher education issues, generally, and teacher preparation issues, specifically. I am also interested in your opinion about state-level lobbying for higher education as someone who is often a target of those lobbying efforts. Specifically, I am interested in information on two areas. First, I am interested in identifying and describing how you are lobbied for higher education/teacher preparation issues. Second, I am interested in your opinions about whether or not those lobbying efforts helpful for you and successful for the lobbyist.

There are no right or wrong answers. The most important information I am asking for is what you think. Your participation is completely voluntary. You can change your mind about participating in this interview at any time or decline to answer any question. In my dissertation, I may quote you, but I will not use your name, the name of this institution, nor any descriptors that may make it possible to identify you. Before we begin, do you have any questions?

Let's begin with questions about your work.

1. **What is your official position or title?**

2. **How long have you been working in this position at this organization?**
3. What legislative committees are you on? What are your roles on those committees?

4. What other professional legislative/board membership experience do you have?

5. For what issues other than higher education do you have board membership experience?

6. Why did you become a legislator/board member?

7. Who/what groups do you represent for higher education/teacher preparation purposes?

Let’s talk a little about your organization.

8. Who/what policymaking bodies at the state level have authority for higher education issues? For teacher preparation issues?
   8b. If there is more than one body with authority for higher education issues, for what specific aspects of higher education/teacher preparation do these boards have authority?
   8c. If there is more than one body, what sort of relationships do the two bodies have? Please describe these relationships.

9. What specific policymaking bodies are lobbied for higher education issues? For teacher preparation issues?
   9b. How many legislators/board members are there, and how many of them are lobbied for higher education issues? For teacher preparation issues?
   9c. Who else within your organization is lobbied for higher education/teacher preparation issues? (e.g., legislative, committee staff, or board staff?)

Now, let’s talk about how you are lobbied on higher education issues.
10. In addition to teacher education issues, what other higher education issues are you lobbied about? Why?

11. Where does teacher education fit in with the other higher education issues you are lobbied on in terms of priority? Why? How do you know?

12. Why do you think you are lobbied for teacher preparation issues?

13. Who lobbies you for higher education issues? For teacher preparation issues?

14. Are the people who lobby you for teacher preparation issues the same as those who lobby you for other higher education issues? If not, who? Why or why not?

15. Describe the nature of your relationships you have with those who lobby you about teacher preparation issues.

16. What role does the state’s higher education governance structure play in whether or not you are lobbied for teacher preparation issues? For higher education issues?
   16b. How does it play a role in how you are lobbied, including who lobbies you?

17. The literature about lobbying shows that every lobbying activity has four components. They are who to lobby, what tactic to use, how to implement that tactic, and whom to lobby. With this in mind, in what ways have you been lobbied for teacher preparation issues? Please provide two different examples of when you were lobbied for teacher preparation issues?
   17b. Were these appropriate ways in which you were lobbied? Why or why not?
   17c. Were there other ways that you think would have been as appropriate? Why or why not?

18. Were these ways of lobbying successful? Why or why not?

19. What other ways of lobbying would be more successful for you? Why?
20. What other factors influence how successful lobbying is for teacher preparation issues, specifically, and higher education issues, generally?

20b. How does the political environment influence whether a lobbying effort is successful? By this I mean how do the election cycle, political/issue agendas, and state/national economies play a role?

20c. Do you think the public is aware of teacher preparation issues, and does that influence whether the lobbying effort is successful for teacher preparation issues? Why or why not?

21. What are your goals when you interact with a lobbyist about teacher preparation issues? For other higher education issues? For non-higher education issues?

We are almost done. I just have a few wrap-up questions for you.

22. What else should I know concerning your being lobbied for teacher preparation issues?

23. Who do you think I should talk with regarding lobbying for higher education issues or teacher preparation or being lobbied for these issues?

24. What questions do you have for me?

I thank you for your time today to talk with me about the work you do. Please feel free to contact me with any additional questions or comments you have.
## APPENDIX D

### Lobbying Pathways Matrix

**Figure Appendix D.1**
Lobbying Pathways Matrix

### I. Whom to Lobby

<table>
<thead>
<tr>
<th>Lobbying Pathways Matrix</th>
<th>Whom to Lobby</th>
<th>Who to Implement</th>
<th>How Implemented</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Legislature</td>
<td>Higher Education Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>II. Who Implements</strong></td>
<td>Lobbyist</td>
<td>Constituent</td>
<td>Topical Expert</td>
<td>Lobbyist</td>
</tr>
<tr>
<td>Lobbyist</td>
<td>Constituent</td>
<td>Topical Expert</td>
<td>Lobbyist</td>
<td>Constituent</td>
</tr>
<tr>
<td>III. How Implemented</td>
<td>III. How Implemented</td>
<td>III. How Implemented</td>
<td>III. How Implemented</td>
<td>III. How Implemented</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>IV</td>
<td>IV</td>
<td>IV</td>
<td>IV</td>
<td>IV</td>
</tr>
</tbody>
</table>

### Why

- I. Whom to Lobby
  - A. Legislature
  - B. Higher Education Board
- II. Who to Implement
  - a. Lobbyist
  - b. Constituent
  - c. Topical Expert
- III. How Implemented
  - 1. Face-to-face
  - 2. Phone
  - 3. E-mail
  - 4. Postal Mail
- IV. What Action
  - i. Provide Information
  - ii. Provide Arguments
  - iii. Provide Services
  - iv. Provide Resources
  - v. Political Activity
Using the lobbying tactic examples identified previously, five examples of lobbying tactics and their codes are:

1. **Tactic**: a university governmental affairs staff member (*who*) presenting an argument (*what*) to a higher education governance board member (*whom*) via phone (*how*)
   
   Coded: a,ii,B,2

2. **Tactic**: a state system officer (*who*) presenting information (*what*) to a legislative staff member (*whom*) via e-mail (*how*)
   
   Coded: a,i,A,3

3. **Tactic**: an expert witness hired by a lobbyist (*who*) testifying (*what*) to legislative committee members (*whom*) at a legislative hearing (*how*)
   
   Coded: c,iii,A,1

4. **Tactic**: a college president (*who*) presenting an argument (*what*) to a coordinating board (*whom*) via meeting (*how*)
   
   Coded: b,ii,B,1

5. **Tactic**: a lobbying organization (*who*) contributing financial or human (*how*) resources (*what*) to a legislative campaign (*whom*)
   
   Coded: a,iv,A,4
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