

**BOARD OF REGENTS
BRIEFING PAPER**

Handbook Revision, Policy of the Board of Regents
December 4-5, 2024

BACKGROUND & POLICY CONTEXT OF ISSUE:

The existing Board of Regents' Handbook, Title 4, Chapter 1, Section 26, which governs the use of internal and external lobbyists, is unclear and confusing for the following reasons: 1) the title of the section references the use of "external" lobbyists only when the text clearly restricts use of "internal" lobbyists as well; 2) what constitutes "lobbying" services and duties is unclear and undefined; and 3) while an employee cannot currently "perform" lobbying duties without Chancellor approval, an employee can be "hired" into a position that is expected to "perform" lobbying duties without Chancellor approval.

This proposed Handbook amendment improves Title 4, Chapter 1, Section 26 by 1) revising the section title to clearly call out that it governs the use of internal and external lobbyists, 2) defining "lobbying duties" and "lobbying services," and 3) creating consistency by requiring Chancellor approval for the hiring of any employee whose official job duties include the performance of "lobbying duties."

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approve the proposed amendments to the Board of Regents Handbook, Title 4, Chapter 1, Section 26.

IMPETUS (WHY NOW?):

It is important for the System to implement clear and consistent policy regarding the governance of lobbyists prior to preparations for the next legislative session.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase access to higher education)
- Success (Improve student success)
- Close Institutional Performance Gaps
- Workforce (Meet workforce needs in Nevada)
- Research (Increase solutions-focused research)
- Coordination, Accountability, and Transparency (Ensure system coordination, accountability, and transparency)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Provides for improved coordination and consistency in policy implementation.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This proposed Handbook amendment improves Title 4, Chapter 1, Section 26 by:
- revising the section title to clearly call out that it governs the use of internal **and** external lobbyists,
 - defining "lobbying duties" and "lobbying services," and
 - creating consistency in the approval process by requiring Chancellor approval for the hiring of any employee whose official job duties include the performance of "lobbying duties."

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

N/A

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Continue with the existing language and issue legal interpretations, when possible, to resolve inconsistencies in the policy.

RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

Approve.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: *Title 4, Chapter 1, Section 26*
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____

<input type="checkbox"/> Other: _____
<input type="checkbox"/> Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 1, SECTION 26
Policy of the Board of Regents

(Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed])

Section 26. Use of *Internal or External Lobbyists*

1. A member institution or special unit of the System may not engage the services of an independent entity or person to perform lobbying services within the State of Nevada without obtaining the prior approval of the Chancellor.

2. A member institution or special unit of the System may not *hire a new employee or* assign an *existing* employee to perform lobbying duties without obtaining the prior approval of the Chancellor. If approved by the Chancellor, the employee must be officially registered as a lobbyist with the State of Nevada. The Chancellor may revoke approval at any time.

3. *An* NSHE registered lobbyist shall provide a copy of required State of Nevada expense reports to the Chancellor and to the Board Chair at the time the reports are submitted to the state.

4. The Chancellor shall have the authority to establish internal policies governing the activities and reporting relationships of any persons approved to perform lobbying services.

5. *Lobbying Duties and Services.*

For purposes of this section, “lobbying duties” and “lobbying services” include, without limitation and regardless of compensation:

- 1) registering as a lobbyist with any governmental entity;*
- 2) appearing before any legislative body, member thereof, or public official on behalf of the Board of Regent or NSHE (including any member institution, department or unit thereof); or*
- 3) communicating with any legislative body, member thereof, or public official on behalf of the Board of Regents or NSHE (including any member institution, department or unit thereof) to oppose, support, or influence action by any legislative body, member thereof, or public official.*

For purposes of this section, “lobbying duties” and “lobbying services” do not include the provision of pertinent facts or information to a legislative body, member thereof, or public official at the request of the Chancellor, an institution president, or someone who is performing lobbying duties or services pursuant to this section.