

Mary Alice Yeskey

Welcome to the Hopkins Press Podcast. I'm Mary Alice Yeskey with the Hopkins Press Journals division. Joining us today is Dr. Rebecca Natow, an assistant professor of Educational Leadership and Policy at Hofstra University, where she is also the director of the Higher Education Leadership and Policy Studies program. Dr. Natow is an expert on higher education policy and has conducted extensive research on the U.S. Department of Education's rule-making process, performance-based funding for higher education, federal higher education policy making, and research utilization in the creation of federal regulations. Her newest book, entitled *Reexamining the Federal Role in Higher Education: Politics and Policymaking in the Postsecondary Sector*, was published by Teachers College Press in January 2022. She joins us today to speak about her legislation research, recently published in *The Review of Higher Education*.

Thank you so much for joining us today. Dr. Natow. I really appreciate your time.

Rebecca Natow

Yes, thank you for having me.

Mary Alice Yeskey

The first question we like to ask all our guests is can you tell us your academic origin story? How did you come to study educational leadership and policy?

Rebecca Natow

Yes. Well, I began my career as an attorney, having attended law school right after graduating from college, and I practiced law for a few years but soon realized that I wanted to do something different with my career. I had always enjoyed the academic aspects of law school, and I had some friends who had transitioned from practicing law to working into higher education. So, higher education was a field I began to explore and soon after that, I started in a master's program in higher education. And it was through that program that I realized what I really wanted to do was become a higher education policy researcher and also to teach at the post-secondary level. So, I got my doctoral degree, and now I'm on the faculty as an assistant professor of educational leadership and policy at Hofstra University on Long Island in New York. As for how I became interested in education policy as a topic of research, it's something that has always interested me, and it actually aligns really well with my background in the law because law and policy are basically two sides of the same coin. So, I naturally gravitated towards the policy side of higher education shortly after starting graduate school.

Mary Alice Yeskey

Very cool. I love those sort of natural organic pivots. I mean, not even a pivot, it was just a slight turn. Yeah, I love when people can shift slightly but still stay within their realm of interest. That's a really great direction change. So, your paper, which is called "Understanding Higher Education Bill Success in the

United States Congress” studied six pieces of legislation on their successes and failures through the lens of negotiation theory. What is negotiation theory? And how is that a valuable way to examine policymaking?

Rebecca Natow

Yeah, so negotiation theory seeks to understand how agreements between two or more parties are reached. This is something that is connected to my background as a lawyer as well because lawyers are often interested in negotiation theory: how to negotiate agreements, how to negotiate favorable agreements for their clients. So, this is something that I learned about in law school and thought would apply well in the context of understanding bill success in Congress. Some concepts associated with negotiation theory include the bargaining zone, which is a term that refers to areas of commonality, common interest between the parties, where they might be able to reach an agreement, and also the best alternative to a negotiated agreement, or BATNA, which represents a party's best-case scenario for if a negotiated agreement does not work out. So, in other words, what are the deal breakers for a party? What kind of situation would make a party want to walk away from negotiations and not reach an agreement with another party? So, I thought this was a useful conceptual framework for better understanding bill success. In other words, why some legislation is successfully enacted by Congress while other legislation, even some with bipartisan support, is not. And I thought this would be useful, because in order for legislation to pass Congress, there usually has to be some level of bipartisan agreement, particularly with the Senate's current filibuster rule, which requires a minimum of 60 senators to agree for most bills to move forward, because neither the Democrats nor the Republicans have 60 senators, and in fact, it's quite rare for one party to have that many in the Senate. It does happen but it does not happen often.

In order for major legislation to pass, generally speaking, there must be bipartisan agreement between the two major parties. So, right now in Congress, things are very gridlocked, especially in the higher education space. We haven't, for example, had a reauthorization of the Higher Education Act since 2008, despite the statute being several years past due for reauthorization, so negotiation theory can help us to understand why policymakers reach agreement on some bills, but not others, and what factors might make it more or less likely that Congress members will reach a negotiated agreement on legislation.

Mary Alice Yeskey

Interesting, interesting, and I love how negotiation theory is really something that probably everybody lives, but you just don't realize it.

Rebecca Natow

Yeah, exactly.

Mary Alice Yeskey

You're talking to your boss; you're watching two children fight. That's all happening, but you just know the language and the framework, but it's all there. All of that research is playing out in front of you day in and day out.

Rebecca Natow

That's right. Everybody has a bargaining zone. Everybody has a BATNA, a best alternative to that agreement they're trying to reach.

Mary Alice Yeskey

I'm really glad you brought up the Higher Education Act. Can you give us a brief explainer on its history, how it impacts those seeking college degrees and you know, sort of what it is for those who might not be familiar with it?

Rebecca Natow

Yes. So, the Higher Education Act, and it's sometimes abbreviated as the HEA, is a comprehensive statute that is the legislative starting point for a large number of federal higher education programs. It was first enacted in 1965 as part of President Lyndon Johnson's Great Society initiatives, and the purpose was to provide funding for higher education institutions and students so that students and families who didn't have enough income or wealth to pay for higher education would nonetheless be able to afford college, be able to attend college, earn a degree, and experience all of the social, financial and educational benefits that come from attending college and earning that degree. The Higher Education Act is an authorizing statute, which means it authorizes the federal government to establish and fund certain programs and it's supposed to be reauthorized every several years, and it has been reauthorized eight times since it was first enacted.

What the Higher Education Act primarily does is provide funding to higher education institutions for programs that meet federal policy goals. So, for example, title four of the HEA covers student financial aid programs, so the Pell Grant, federal student loans, work-study programs, they're all covered by Title four of the HEA. Other federal programs that are part of the HEA include TRIO programs, which are student success programs on some college campuses, funding for historically black colleges and universities and other institutions designated as minority-serving institutions or MSIs. There are other smaller federal programs that are funded through the HEA. There's some international higher education programs funded through the HEA and it has also funded some programs regarding teacher preparation, as well.

And because what the Higher Education Act does is to provide funding to higher education institutions, whether through student financial aid or any of those other programs, what this does is it opens the door to a lot of other federal policies applying to higher education. And that is because through its power to spend federal funds, Congress also has the power to attach conditions to the receipt of federal funds. So, in other words, by agreeing to accept the federal funding higher education institutions also have to agree to be regulated by the federal government in other ways that are related to the receipt of that funding, and if they don't comply with the regulations then they can be investigated or even removed from eligibility to receive that funding in the future. So, this is very important because it expands the reach of the Higher Education Act beyond just the programs that the Act authorizes. For example, FERPA, which stands for the Family Education Rights and Privacy Act, it's a privacy law. It applies to higher education institutions that receive federal funds. So does Title IX, so do some provisions of the Civil Rights Act and other non-discrimination policies, they apply to institutions that receive federal funds. So, the Higher Education Act is a very important, very influential statute that affects virtually every higher education institution and therefore, the vast, vast majority of higher education students.

Mary Alice Yeskey

Understood. Yeah, and your explanation was excellent, and that really helps me understand the way that that all trickles down and not even trickles down. I mean, it's not a trickle. It's a lot. Yeah, so in order to receive any of that funding the HEA, what that does is that serves as sort of the main bucket where all of those other pieces of legislation live. So, I think a lot of people know what, what Title IX is, and so this is tied to that in that same way.

Rebecca Natow

Yes, it's tied to that in that because of the funding that is basically established from the Higher Education Act as an authorizing statute, that opens the door to all of those other regulations, including Title IX, FERPA, the Clery Act, and others.

Mary Alice Yeskey

You note in your conclusion that analysis of lawmakers' priority help education advocates craft strategies to give education policies better chance at passage. How would they do that? What are those strategies? What could they do?

Rebecca Natow

Yeah, well, knowing about what factors have influenced policymakers in the past, what has helped them to reach that negotiated agreement, can help inform how advocates can approach policymakers in the future. Of course, it's never a guarantee that what has happened in the past is going to necessarily happen in the future and policy contexts are constantly changing. It's useful to be aware of what has worked in the past, and to try to incorporate that knowledge into advocacy strategies. So, for example, one of my findings was that urgency is a factor in whether a higher education bill is likely to succeed. Congress is more likely to act on urgent matters, which is why the Cares Act overwhelmingly passed with bipartisan support during the early weeks of the COVID-19 pandemic. That bill among other things provided funding, emergency financial resources to colleges to state governments to higher education students and others.

Yet we haven't seen, as I mentioned, a Higher Education Act reauthorization in many years, because Congress continues to appropriate funding on an annual basis to keep those programs authorized and running. So, there isn't that same sense of urgency. So, therefore, Policy Advocates might strategize about how to develop a sense of urgency around an issue that they support and how to send that message of urgency to policymakers that could help to make it more likely that a bill addressing that issue would get serious consideration. In another example, one of my findings was that policy issues that are a priority for key congressional leaders make it more likely that a higher education bill would be successful, and these leaders include the chairs of the relevant education committees in each house of Congress. So, the Health Education, Labor and Pensions Committee in the Senate, and the Education and Labor Committee in the House, so advocates could figure out which congressional leaders are likely to be sympathetic to their arguments or could identify a policy priority of those leaders and incorporate that somehow into a policy proposal to make it more likely to win leadership support.

An example of this happened in 2019. The Future Act which provided permanent funding for MSIs under Titles three and five of the Higher Education Act. When that bill passed, it included a provision for

simplifying the FAFSA, which is the Free Application for Federal Student Aid. This was a well-known longtime priority of Senator Lamar Alexander, who at the time, was the chair of the Senate's Education Committee. So, in addition to there being a sense of urgency around the Future Act since MSIs were facing the prospect of losing that funding, the bill also contained a well-known priority of a key congressional leader. So, this illustrates how advocates can identify policy priorities of congressional leaders to include in their policy proposals and make them more likely to gain that crucial support in Congress.

Mary Alice Yeskey

And that being said, what's happening now? Are there any critical notable education bills that are currently coming up for debate or vote in Congress right now?

Rebecca Natow

Yeah, well, so we're not seeing a Higher Education Act reauthorization bill moving forward anytime soon, but there has been some legislative activity mainly around providing funding for certain higher education programs and policy priorities since the predominant way that Congress influences Higher Education is through federal funding. So, some items that are currently on the agenda include bills to fund workforce training programs, bills to fund substance abuse prevention programs on college campuses, and bills around funding mental health resources and suicide prevention programs on college campuses. There are also some bills to enhance science, technology, engineering and mathematics or STEM education at all education levels, but the upcoming midterm elections are preoccupying Congress at the moment because these elections will determine party control of Congress and party control will determine who leads the various congressional committees and therefore the kinds of bills that are likely to move forward in the next Congress. So, I would not expect too much activity and certainly not any large bills, large legislative activity, anything that could be considered partisan or remotely controversial to pass over the next few months before party control over the next congressional session is determined.

Mary Alice Yeskey

Understood. Understood. Look again in mid-November.

Rebecca Natow

Exactly. Or December.

Mary Alice Yeskey

Right. Yeah, after Thanksgiving. So, what can those who care about this issue which you know, really is pretty much anyone, I feel like everybody is touched by this issue in some way or another, if not through their own education, then their loved ones, their families, what can they what can folks do to help keep themselves informed? How can they advocate on their behalf and on behalf of their students? Do you think that students and really, you know, the folks on the campuses, do they do they have a voice in this process?

Rebecca Natow

I do. I think that everybody has the potential to have a voice. I've seen policy advocacy work, and I think it's very important for everybody to stay informed about policies that impact them, but also about policy processes and how they work and how people can influence the policy process. So, for students and their families, I recommend staying up to date on the latest higher education policy news by regularly reading higher education news outlets. The Chronicle of Higher Education and Inside Higher Education are two that I read every day. They do an excellent job of reporting on current higher education policy issues. I also like Politico's education reporting, which often provides information about sort of that background and behind the scenes discussions happening in Congress, in and around Congress, which is very important to know about, for fully understanding the context of what's going on in the policy community.

Another thing that I've learned from my research is the importance of collective action, of working collaboratively with others who hold the same interests that you do, and particularly with people and groups who are experienced with organizing and with policy advocacy. So, I encourage people to do some investigating to figure out which organizations, such as professional associations that do advocacy work, represent their interests and to join with those organizations. So, for example, if you work in Student Affairs at a higher education institution, the National Associations of NASPA and the ACPA. They both do a fair amount of policy work, and I'm thinking specifically of NASPA's Capitol Hill days and webinars that they provide on policy briefings every so often. There are also state and local organizations that do similar policy work at different levels of government. So, for example, here in New York, where I live, every year there's a student aid advocacy day where advocacy groups, representatives of institutions, and students go to Albany and communicate with state-level policymakers about the importance of student financial aid. So, I recommend finding those organizations that best represent your own interests and the policies that you want to see promoted and contacting them to find out how you can get involved.

It's also important to know who your representatives in Congress are, and that they are responsive to listening to constituents. One thing I was told by congressional staff, who I interviewed for my research is that they want to hear from constituents. They want to hear, for example, from people who work on college campuses about what it's like to implement federal programs at the local level. They want to hear from students and their families about their experiences with student financial aid, including student loan debt, sharing personal stories and experiences with policymakers can be a powerful thing, and Congress members and their staff do want to hear from constituents so people should not be afraid to reach out to them and to share their experiences and their stories.

Mary Alice Yeskey

That's great advice, and I think I think from a personal note, I definitely feel empowered on a local level. We have a very similar day here in Maryland, we have Annapolis day. We all go to Annapolis, and it's the same kind of thing but once it kind of gets up to that federal level there's a level of like, oh, well, they don't care about, you know, this person in this state, but I'm glad you said that, and that this isn't hearsay. This is you telling me that these staffers have said this to you, so that people can hear that and understand that that really is true. They want to hear from folks and understand what's really going on on the ground.

Rebecca Natow

That's right, and what you just said about people feeling that maybe at the federal level the policymakers won't listen or aren't interested in listening to them. That is something that the federal staffers have heard too, and what they've told me is that it disappoints them to hear that. They want people to know that they are approachable, and they do want their constituents to reach out and to speak to them about these policies. It's really important to do that.

Mary Alice Yeskey

And I'm also glad you've noted that people should know who their representatives are, and I'm going to walk the walk and talk the talk. I will put a link to a place where you can look that up for everyone who on the podcast in case they don't know; they can go ahead and double check and get the list.

Rebecca Natow

Fantastic. I think that's a great idea, especially with recent redistricting. Some people's representatives have changed.

Mary Alice Yeskey

Yes, as mine did, yes.

Rebecca Natow

Yeah, absolutely. It's happened around here too. So it's important to always know who your representatives are.

Mary Alice Yeskey

It's true. We started getting flyers for our midterm with a different district number on it, and we were very confused. Truly, and I said, Oh, wait a minute. This is maybe not a good thing, but it's changed. So, at least at least you need to know who your folks are.

Rebecca Natow

Absolutely.

Mary Alice Yeskey

So, what are you working on now in terms of research? Is there anything coming up for you that you'd like to share with us?

Rebecca Natow

Yes, I am currently in the process of collecting data for a study on higher education Title IX administrators as policy actors. So, just for your listeners who might not be familiar, Title IX is a federal policy. It was first enacted in 1972 that prevents discrimination and harassment on the basis of sex, gender, gender identity in educational institutions that receive federal funds. So, every college campus that receives federal funds does have a Title IX coordinator. There are also sometimes Deputy Coordinators, investigators, other administrators doing Title IX work. So, what I'm examining is how do these administrators implement Title IX policy at the local level on their campus? I'm using concepts from policy implementation theory to examine how they go about implementing the policy, the extent

to which they engage in any sort of policy creation or policy advocacy work around Title IX and related issues, and also how in institutional context influences how the federal policy gets implemented on college campuses across all the different college campuses in the United States. There's so much diversity in terms of how large the campus is, what their focus is, the student body composition, the resources that are available to the institution. So, how do these factors influence the work that the Title IX administrators do and what supports could they use, could their institutional leaders provide them to help them with that very important role?

Mary Alice Yeskey

Interesting, so how many, if you know, nationally, how many Title IX administrators are there? Is that in the thousands?

Rebecca Natow

I don't know the exact number. It's got to be in the thousands. Because again, any institution that receives federal funds has to comply with the title nine policies. So, between the Title IX coordinator role and also any other administrator who's assisting with that role, it winds up being a very large number of people.

Mary Alice Yeskey

Yeah, and I'm sure at some larger institutions, it's departments big.

Rebecca Natow

What I'm finding is that in some institutions, there's somebody who is a Title IX coordinator. That's their job. There are other institutions where the Title IX coordinator also has five or six other roles that they play on campus. So again, it really affects how the policy gets implemented, the amount of attention that gets given to Title IX issues and claims on campus. Absolutely.

Mary Alice Yeskey

So does the legislation itself, does Title IX dictate only that there needs to be a coordinator? It does not say that needs to necessarily be one full-time equivalent human being. It can be someone with six other hats?

Rebecca Natow

It can and oftentimes it is depending on the amount of resources an institution has, and I've spoken with people who I don't even know how they have enough time in their day to complete all the work that they're responsible for, and Title IX coordination is one of those roles.

Mary Alice Yeskey

One of many, and that's so key because the thing that I was so struck by just in learning more about it in the last, I don't know 10 years, growing up in my head what I understood Title IX to be was just girls' sports, like that's how I understood it. And it's so much bigger than that and so much more of, you know, critical work that touches on all different, like you said, all different levels of student life, and so that's disconcerting. But yeah, I'm very interested in your research and knowing that you're looking into that and understanding all the differences at all the different institutions.

Rebecca Natow

Yeah, thank you, and it's interesting, I think, I think decades ago, Title IX was focused on athletics, gender equity and athletics and recent policy changes just in the past, I'm gonna say 10 to 12 years, have focused a lot more on sexual harassment, sexual assault on college campuses. And because policy changes frequently between presidential administrations that complicates the work of Title IX administrators on campus because every four years or so, we have a new presidential administration come in changing the administration's Title IX policy. So, there's new training that needs to go on on campuses, reading and understanding the new policies and figuring out: is your institution in compliance with the new policies and if not, how do we get there? So, it definitely complicates the work that Title IX administrators do.

Mary Alice Yeskey

Oh, my goodness, well, definitely something worth researching then. That's just something that you're currently in process of, or is that that imminently published? What's the status of that?

Rebecca Natow

Oh, I'm in the process of collecting data at the moment.

Mary Alice Yeskey

Okay, just getting warmed up.

Rebecca Natow

I've actually conducted most of the interviews just this summer, I received a small grant from the NASPA foundation to conduct this research, which I'm really grateful for, and I'm hoping to wrap up my interviews soon, do my data collection and hopefully have something in writing in the near future.

Mary Alice Yeskey

Excellent. Well, I'm very much looking forward to reading that and all other work. Thank you so much for taking the time. This is all you know, so much stuff that I hear about and I listen to and I know it's relevant, but reading your paper really helped me understand it on a on a deeper level. And as you know, as a parent of not yet college aged kids, but it's coming, it's really good to get to get a deeper understanding on this and to go into those years kind of knowing what's going on.

Rebecca Natow

Well, thank you so much. It's been a pleasure to speak with you about this.

Mary Alice Yeskey

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