

## Guidelines for Use by Institutional Member Primary Representatives

Should I put an attorney on my Institutional Membership roster or have that attorney apply for Associate Individual Membership?

### Associate Individual Member

Applicants must receive formal approval by the NACUA Board of Directors.

- a. The individual is not eligible to be a representative of a Regular Member Institution or Associate Member Institution because he or she **does not regularly handle its legal affairs, but is engaged to represent or provide legal advice to the Institution in legal matters on a more limited basis** (e.g., an attorney from an outside firm who provides consultation in matters such as Title IX, compliance issues, or aids in litigation, or
- b. The Individual is otherwise employed by that Institution (e.g., an attorney in the HR Office at the Member Institution).

Examples of representing or providing legal advice to an Institution on a **“more limited basis”**:

- a. A specialist who handles only occasional matters on an as-needed basis, and
- b. Does not regularly handle the Institution’s legal affairs

The individual is formally endorsed for membership by the Primary Representative of a Regular Member Institution.

The individual representing or providing legal advice to a Regular Member Institution who is not eligible for designation either as a Regular Member Institution Representative must join as an Associate Individual Member, if he/she meets the other qualifications as noted in this list.

The individual does not represent or provide legal advice to an institution which is not currently but is eligible to become a Regular Member Institution.

### Additional Member Institution Representatives

Representatives may be added to or removed from the Regular Member Institution’s roster at the sole discretion of the Institution’s named Primary Representative.

- a. The individual is employed in-house as a member of the Regular Member Institution’s staff to **regularly handle its legal affairs**, or
- b. The individual is outside counsel who is **regularly engaged** to handle the Member Institution’s legal affairs, or
- c. The individual is an Assistant Attorney General, or other legal official of a state or other political subdivision **having responsibility for, or regularly assigned duties involving, the legal affairs** of the Regular Member Institution

Examples of **“regularly engaged”**:

- a. The individual spends a substantial amount of time working with the Regular Member Institution, and/or
- b. There is a retainer agreement with the Member Institution, and/or
- c. The individual represents the Member Institution on legal matters on an ongoing basis

The individual is formally endorsed for membership by the Primary Representative of the individual’s Member Institution.

An individual who is otherwise eligible for designation as a Regular Member Institution Representative is required to join at this level (i.e., may not join as an Associate Individual Member).

### Individuals for both types of membership must meet the following criteria:

- a. The individual must be a licensed attorney in good standing.
- b. The individual has a demonstrated interest, experience and active engagement in identifying, clarifying and resolving legal issues affecting Regular Member Institutions.
- c. The individual does not represent interests or undertake work that is adverse to the interests of Regular Member Institutions.
- d. The individual does not represent any clients or claimants against an institution of higher education unless that client is itself a NACUA Regular Member Institution.

### Questions?

Contact NACUA at 202.833.8390 or [membership@nacua.org](mailto:membership@nacua.org).