

**Nevada Office of the Western Interstate Commission for Higher Education
(Nevada WICHE Commission) Minutes**

Nevada System of Higher Education
System Administration Building
2601 Enterprise Road
Reno, NV 89512
Room 114

Video or Telephone Conference Connection from the Meeting Site to:

Nevada System of Higher Education
System Administration Building
4300 S. Maryland Parkway
Las Vegas, NV 89119
Room 105

Thursday, January 25, 2024, 3:00 pm

Members Present:

Mr. Fred Lokken, Executive Commissioner
Ms. Cathy Dinauer, Commissioner
Mr. Dale Erquiaga, Commissioner

Others Present:

Ms. Patty Porter, Director, Nevada Office of WICHE
Ms. Carrie Parker, Deputy General Counsel, NSHE
Dr. Daniel Archer, Vice Chancellor of Academic and Student Affairs,
NSHE
Ms. Donna Healy, Executive Assistant, NSHE Department of Academic
and Student Affairs and Community Colleges
Ms. Sheila Bray, Community Partnerships Coordinator for Clark County,
University of Nevada, Reno Extension

Executive Commissioner Fred Lokken called the meeting to order at 3:00 pm.

1. Information Only – Public Comment

There was no public comment.

2. Approved – Minutes

The Nevada WICHE Commission approved the minutes from its December 8, 2023 meeting. (*Ref. 2-WICHE Commission Meeting Minutes, December 8, 2023*)

Commissioner Dinauer moved approval of the December 8, 2023 meeting minutes. Commissioner Erquiaga seconded. Motion carried unanimously.

3. Commissioner Updates

The WICHE Commissioners provided the following updates on their activities as commissioners:

- Executive Commissioner Lokken noted that he has been anticipating a phone call with Demarée Michelau, Regional WICHE President, to discuss the May meeting.

- Brian Sandoval, President, University of Nevada, Reno, will not be available as a speaker, but efforts are underway to contact Rob Roy, Founder and CEO of Switch, to speak regarding workforce topics.
- If either Commissioner has any ideas regarding speakers, they were asked to please share them with Director Porter.
- A meeting will take place next week with Demarée Michelau, Regional WICHE President, regarding a possible Professional Student Exchange Program (PSEP) nursing pilot program.
- Commissioner Dinauer noted that she was not able to attend a recent meeting regarding nursing but will continue to provide information as it becomes available.

4. Director Update

Director Porter provided information:

- Nevada WICHE proposed Nevada Administrative Code (NAC) regulations:
 - They were scheduled to be reviewed by the Nevada Legislative Commission on Friday, January 12, 2024, but the meeting was cancelled due to inclement weather.
 - Director Porter will update the Commissioners when meeting is rescheduled.
- Nevada WICHE 2020 Legislative Counsel Bureau (LCB) Audit Recommendations:
 - An update letter was sent on Monday, January 22, 2024, to the Nevada Legislative Counsel Bureau (LCB) Auditor Daniel Crossman regarding an update of the 2020 Nevada WICHE LCB Audit Recommendations.
 - The letter reported the status of corrective actions such as creation of database, delinquent and collection procedures and update of internal controls, reflecting that the move from the Governor's Office to the Nevada System of Higher Education System Administration has been completed.
 - Director Porter received a reply on Tuesday, January 23, 2024, from Mr. Crossman as confirmation of his receipt of the letter and email.
 - He is currently in the process of forming a Legislative Audit Subcommittee and working with chair to establish a timeline for future meetings.
 - Mr. Crossman will inform Director Porter regarding how much or little information the Legislative Audit Subcommittee may be interested in hearing regarding updated recommendations.
- Hiring a Temporary Employee:
 - Director Porter is in the process of hiring a part time temporary employee (24 hours per week) to assist with backlog of work in the Nevada Office of WICHE; the employee will be tasked with things such as processing practice questionnaires, entering new information into database system, and following up on delinquent accounts.
 - The Manpower agency is being used to facilitate this hire; the number of hours is based on the available funding.
 - Director Porter is seeking to change the Accountant Assistant I position to a Management Analyst I position for FY 26-27 biennial budget.
 - She will discuss this at the February 1, 2024 Nevada WICHE Commission Strategy meeting.

Discussion

- Executive Commissioner Lokken stated that the audits process has been a journey; he appreciates everyone's help with the process.

5. Update on Contract Negotiations with Utah State University (USU) to Enact SB342

Deputy General Counsel Carrie Parker provided the Commissioners with an update on contract negotiations with Utah State University (USU)

- On March 20, 2023: SB 342 was read for the first time and referred to the Assembly Committee on Education.
 - Nevada WICHE was notified approximately one week before the bill draft request was submitted.
- On June 13, 2023 SB 342 was approved by Governor Joe Lombardo.
- The SB 342 key provisions included the following:
 - It amends sections in the Nevada Revised Statutes (NRS) Chapter 397.
 - It provides an \$8 million one-time appropriation to the Interim Finance Committee (IFC) as an allocation to the Nevada Office of WICHE for entering into a contract with Utah State University (USU) to provide stipends for the costs of the out-of-state portion of tuition for 70 residents of the State of Nevada to earn a degree of doctor of veterinary medicine from the College of Veterinary Medicine at Utah State University during the period commencing on July 1, 2024, and ending on June 30, 2034.
 - All of the \$8 million must be provided to USU by June 30, 2025.
 - The Legislative Counsel Bureau issued a formal opinion related to this requirement because questions arose whether USU had to spend the money by June 30, 2025 or whether Nevada WICHE merely needed to transfer the money to USU by June 30, 2025.
 - The formal opinion is attached to the contract as Exhibit A, which was contained in the meeting support materials.
 - Nevada WICHE is a pass-through for the \$8 million.
 - The Nevada Office of WICHE, in consultation with at least two licensed veterinarians, as defined in NRS 638.007, is to select from among Nevada residents who apply for the program described in this subsection and who have at least one-year of residence in Nevada immediately before applying for the program.
 - The terms of NRS 397.0645 apply to the stipends.
 - Generally, stipend recipients must repay the stipend unless they graduate with a doctor degree in veterinary medicine and complete a year of service in Nevada for each year the participant receives a stipend.
 - SB 342 amends NRS 397.0645 to permit stipend recipients in this program, which will be administered by the Nevada Office of WICHE, to complete their service anywhere in Nevada.
 - This is different from other Health Profession Education Programs (HPEP) programs, which require services in a health professional shortage area or an area which is medically underserved during this biennium.
 - SB 342 also provides for a Program Officer I to assist the Nevada Office of WICHE in carrying out the program.
- Nevada WICHE testified in a neutral position before the legislature.
- At the July 7, 2023, Nevada WICHE meeting, the Commission delegated to Director Porter and Deputy General Counsel Parker the responsibility of negotiating a contract with Utah State University (USU) pursuant to SB 342.
 - At that same meeting, the Commission provided guidance and recommended items to request from USU in the contract.
- Over the next approximately six months, Director Porter and Deputy General Counsel Parker worked to negotiate the contract with representatives of USU.
 - They provided updates at the Commission meetings on August 31, October 19, and December 8, 2023.
- The contract signed by USU was presented as ready for the Commissioners' consideration.

- While the contract speaks for itself, for the record and with the Chair’s permission, Deputy General Counsel reviewed **some of the key terms**.
 - **Whereas provisions** set forth the background information, which was important to include based on the long term of this contract (approximately ten years) as well as the importance of explaining why Nevada WICHE is transferring all of the money up front, which is unusual for a state contract.
 - The contract includes the following:
 - **Exhibit A:** The Legislative Counsel Bureau (LCB) formal opinion
 - **Exhibit B:** A letter from the Executive Director of the State of Nevada Board of Veterinary Medical Examiners regarding accepting provisional accreditation of a veterinary program for eligibility to take the licensure examination.
 - **Term:** It is from the effective date (when fully executed) to June 30, 2034.
 - **Payment:** It will be from the Interim Finance Committee (IFC) to Nevada WICHE to USU into a “Stipend Fund” at USU.
 - The stipend fund will be used by USU to pay the difference between in-state tuition and out-of-state tuition for Nevada-resident students who are admitted to USU and selected by Nevada WICHE. Section 3(b).
 - The stipend covers eight fall and spring semesters. The semester involving the clinical placement will not require a stipend because there will be no difference between in state and out-of-state tuition for that semester. Sections 3(b) and 4.
 - USU accepts the payment (\$8M) as a complete substitute for the tuition difference for 70 stipend recipients (for a total 280 academic years of 560 fall and spring semesters)
 - As noted in Section 5(e), stipends may be rolled over to another Nevada resident if a stipend recipient is unable to complete the DVM program.
 - **Selection of Students:** USU has sole discretion in offering admission to students and Nevada WICHE has sole discretion in selecting stipend recipients.
 - **Number of Stipend Recipients** per year may vary, but the contract provides for 70 Nevada residents to complete the program by June 2034. Section 8(h)(ii) addresses what happens if less than 70 Nevada residents are admitted to and enrolled in the DVM program by October 1, 2030, which is when students graduating in 2034 would be admitted. Nevada WICHE may provide notice of termination and seek a refund plus interest of what remains, less any committed funds for Nevada stipend recipients in the program.
 - **Reporting:** Section 5(f) states that around spring semester each year, the following reporting will be required:
 - Balance of the stipend fund
 - Tuition rates schedule
 - Names, academic standing, and financial benefits of each stipend recipient.
 - The first two items may be presented in public meetings and reported to the IFC; the third will be protected confidential information.
 - **Clinical Rotations in Nevada:** USU agrees to make reasonable efforts to arrange them in Nevada. Section 6(a).
 - **Accreditation**
 - The contract contains some benchmarks, which had been previously discussed at length with the Commission, including the following:

- The Letter of Reasonable Assurance is required by USU by December 1, 2024. Section 8(c).
- Full accreditation is to be achieved by December 1, 2029. Section 8(h)(i).
- There will be no third party beneficiaries.
- The contract remains silent on choice of law and venue.

Discussion

- Executive Commissioner Lokken requested a copy of the summary.
- Commissioners Dinauer and Erquiaga thanked Deputy General Counsel Parker and Director Porter for their hard work.
- Commissioner Erquiaga noted that on page two (of the contract), the final whereas statement is missing an (s).
- If the legislature does not approve the contract or provides less than \$8M, either party can terminate the contract.
- The deadline for Nevada WICHE to provide a memo and a request to the Governor's Finance Office (GFO) is February 21 and the IFC meeting will be held on April 10.
- Deputy General Counsel Parker shared that Senator Pete Goicoechea has seen the contract; he is very happy with it and complimentary to the Nevada Office of WICHE team.
- Deputy General Counsel Parker added that University of Nevada, Reno (UNR) faculty who have been involved with the contract, including Sheila Bray, Community Partnerships Coordinator for Clark County, University of Nevada, Reno Extension, and Mike Teglas, Associate Professor & Student Advisor, Department of Agriculture, Veterinary, and Rangeland Sciences, have been provided with copies of the contract.

Executive Commissioner Lokken stated that this started as a difficult negotiation, but we stayed focused and professional on both sides; he noted that he was happy to see us at this point.

Commissioner Dinauer moved approval of the contract between Nevada Office of WICHE and Utah State University. Commissioner Erquiaga seconded. Motion carried unanimously.

6. Docusign E-Signature Enterprise Pro Quote

Director Porter presented the e-signature Enterprise Pro quote to the Commissioners.

- When she began as the NV WICHE Director in May, 2022, they continued to use this product to acquire signatures and requested information.
- Director Porter also noted that NV WICHE has been paying for envelopes; she has already paid for envelopes twice and is now out of them.
 - She attempted to join UNR and TMCC's Docusign accounts, but that was not feasible since you have to be a member of the institution.
- She also had a conversation with Dawn Hamilton, Docusign Educational Representative, as well as NSHE System Computing Services (SCS), about the creation of an enterprise account, including the differences, benefits, and cost.
- 1,000 envelopes (or a 1-year) contract are being requested.
- The account will give access to 24/7 support and meets all compliance requirements for accessibility.
- There is a cost for the envelopes and premier support, as well as onboarding.
 - SCS will also be involved with administration of the account.
- Third-party authentication has also been requested for all documents (including amended and other promissory notes); this will be included in the contract.

- Since Director Porter is an NSHE employee, she has cyber-security insurance.

Commissioner Erquiaga moved approval of the DocuSign eSignature Enterprise Pro Services proposed quote for a one-year service agreement and authorizes Director Patty Porter to execute the contract on behalf of the Commission. Commissioner Dinauer seconded. Motion carried unanimously.

7. Commission Delegation to Executive Commissioner

- Director Porter explained to the Commissioners that they have previously approved appointments of legislators to the regional WICHE Legislative Advisory Committee (LAC).
- To expedite the process for re-appointment, she requested authority being delegated to the Executive Commissioner to make those re-appointments.

Discussion

- Commissioner Dinauer asked if these legislators have agreed to accept re-appointments?
 - Director Porter stated she is requesting this approval as a general process; when the legislators are up for re-appointment, she will formally reach out to them after confirming approval for reappointment with the Executive Commissioner.
 - Director Porter noted that she has not yet officially met with the currently appointed legislators but plans to do so in the future.
 - Executive Commissioner Lokken stated that an onboarding process would be helpful, as well as ensuring that they are invited to regional WICHE events.
 - The May meeting in Las Vegas would be a good time to make these connections.
 - We want to strengthen and institutionalize our relationship with them.

Commissioner Erquiaga moved approval to delegate authority to the Executive Commissioner to reappoint Nevada legislative members, previously approved by the Commission, to the regional WICHE Legislative Advisory Committee (LAC). Commissioner Dinauer seconded. Motion carried with one abstention by Executive Commissioner Lokken.

8. New Business

- Executive Commissioner Lokken noted that since there are key deadlines which must be met in this process, we should develop a simple implementation plan partnership with USU.
- As we have turnover, this would also be helpful in the sense of providing historical knowledge.

9. Public Comment

- Sheila Bray noted that she was attending the meeting in Las Vegas and expressed thanks to Deputy General Counsel Parker, Director Porter, and the Commission for their work on this project.

Meeting adjourned at 3:56 pm.

Prepared and submitted by:

Patty A. Porter

Director, Nevada Office of WICHE