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# The Case for a New College Governance Structure in Nevada: Integrating Higher Education with Economic Development

Magdalena Martinez

*Nevada System of Higher Education*, [magdalena\\_martinez@nshe.nevada.edu](mailto:magdalena_martinez@nshe.nevada.edu)

David F. Damore

*University of Nevada, Las Vegas*, [david.damore@unlv.edu](mailto:david.damore@unlv.edu)

Robert Lang

*University of Nevada, Las Vegas*, [robert.lang@unlv.edu](mailto:robert.lang@unlv.edu)

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May 2014

# The Case for a New College Governance Structure in Nevada:

## Integrating Higher Education with Economic Development

BY MAGDALENA MARTINEZ, PH.D., DAVID F. DAMORE, PH.D., and ROBERT E. LANG, PH.D.

*Across the nation, cities and metros are taking control of their own destinies, becoming deliberate about their economic growth. Power is devolving to the places and people who are closest to the ground and oriented toward collaborative action. This shift is changing the nature of our leadership – who our leaders are, what they do, and how they govern.*

Bruce Katz and Jennifer Bradley,  
*The Metropolitan Revolution*

As Katz and Bradley (2013) document, the confluence of partisan politics and budget cuts have left the federal government and to a lesser extent, state governments impotent to address the countless economic and education challenges facing the United States. Out of necessity, metros and regions are taking the lead in collaborating, innovating, and governing in Post-Recession America. Instead of waiting for federal or state governments to impose prescriptive, one-size fits all “solutions,” localities are seizing opportunities to strengthen their economies by working with stakeholders to develop policies tailored to their unique and complicated needs.

Consistent with this model of devolution and public/private collaboration, in 2011 Governor Brian Sandoval and the Nevada Legislature laid the foundation for what would become the [Governor’s Office of](#)

[Economic Development](#) (GOED). Drawing on the expert analysis of the Brookings Institution, Brookings Mountain West, and SRI International, the initiative, “[Moving Nevada Forward: A Plan for Excellence in Economic Development](#),” identified opportunities for economic development and diversification, mapped these sectors to Nevada’s regions, and empowered newly created regional development authorities (RDAs) to take the lead in positioning, marketing, and coordinating regional efforts to grow and diversify Nevada’s economy. Yet, as successful as these efforts have been, without commensurate reforms to higher education, the state is unlikely to maximize GOED’s potential.

We argue here that an obvious extension of what Nevada put in motion in 2011 is aligning the structure and governance of higher education with the state’s

economic development efforts. Having flexible and autonomous regional administration and governance of the state's two- and four-year colleges that is integrated with GOED and the RDAs will give business and industry the confidence that the requisite higher education infrastructure is in place.

We begin by reviewing work by Martinez (2014) that frames how our proposed restructuring compliments the ongoing work of the [Committee to Conduct an Interim Study Concerning Community Colleges](#) (hereafter, the SB391 Study Committee) that was created during the 2013 session to study "the governance structure and funding methods for community colleges." Next, we present our proposed model of higher education administration and governance. We conclude by identifying areas requiring further consideration as this process moves forward.

## **Higher Education and Economic Development**

Synergy between higher education and economic development is nothing new. In many ways, this is the story of higher education for the past 150 years. From the Morrill Act of 1862, which provided federal resources to establish land grant universities, to the recent \$2 billion competitive Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grants, which support workforce development partnerships between two-year colleges and local industries, the focus has been and continues to be on stimulating economic growth through higher education.

Yet, how states integrate higher education with economic development varies significantly. Indeed, if nothing else,

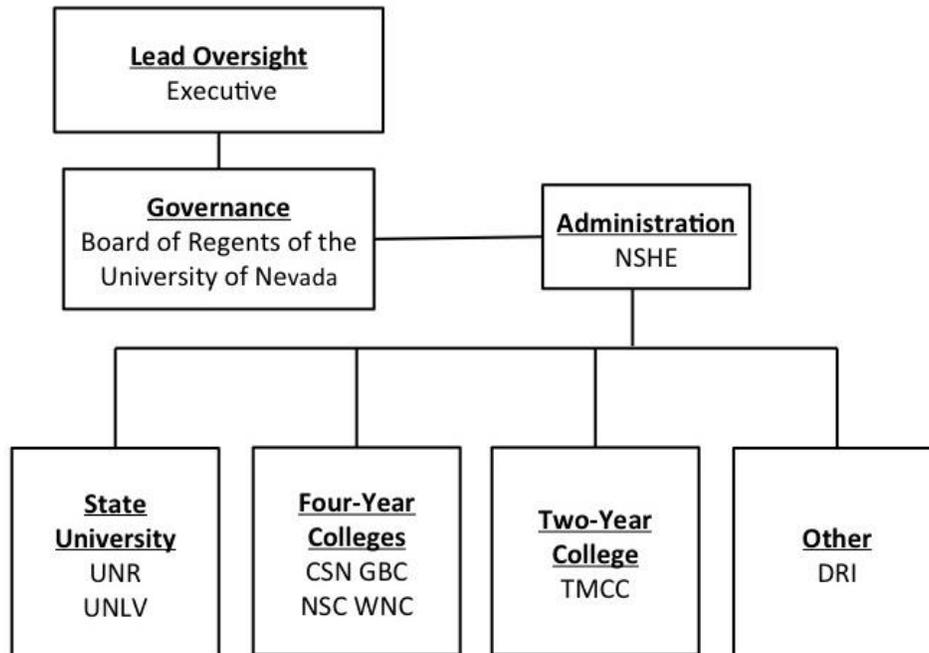
college governance researchers and experts agree on one thing: no two higher education governance structures are exactly the same.

In a recent analysis, Martinez (2014) discusses the origins of two-year colleges and college governance structures. She also provides a historic overview of higher education governance in Nevada and compares education related outcomes in Nevada to similar states. Underlying her work are two key points: governance of higher education is a manifestation of a state's history, priorities, and prior reforms and among states where reform has occurred, governance of public colleges reflects the tensions and negotiations between regions, localities, and state priorities.

In Nevada, however, there has been little to no reform. Instead and as is depicted in Figure 1, the state uses a consolidated, statewide structure that funds, administers, and governs all of its public institutions of higher education - the two branches of the state university, the University of Nevada, Reno (UNR) and the University of Nevada, Las Vegas (UNLV), the Desert Research Institute (DRI), the state's four year colleges, the College of Southern Nevada (CSN), Great Basin College (GBC), Western Nevada College (WNC), and Nevada State College (NSC), and its two-year institution Truckee Meadows Community College (TMCC) - in a similar manner.<sup>1</sup>

Essentially, the state has placed its higher education administration and governance under a structure that has little to no connection to the constitutionally prescribed creation of "a State University" that is governed by "a Board of Regents."<sup>2</sup> Beyond any discussion of outcomes (see Martinez 2014), the consequences of these arrangements are at least threefold.

**Figure 1: Present Structure of Higher Education in Nevada**



First and most obviously, the same policies and processes are applied to institutions that have vastly different missions (e.g., the University of Nevada School of Medicine and GBC).

Second, the structure excludes or significantly limits involvement by localities in areas that are local by nature such as economic and workforce development; securing non-state resources such as the aforementioned TAACCCT Grants; and prioritizing student outcomes and funding based upon local demographic and economic needs.

Third, the present arrangements erode the delineation between governance by the Board of Regents of the University of Nevada and administration executed by the Nevada System of Higher Education (NSHE). It is not uncommon for the Board to be referred to as the “Nevada Regents” or “NSHE Regents.” Indeed, even though voters elect members to the

“University Board of Regents,” press releases by the NSHE refer to “the Nevada Board of Regents” - an entity that legally does not exist.

Clearly, a structure that is a legacy from when Nevada’s population was sparse and homogenous and its economy was less diverse than it is now is a poor fit for the state’s current demographics and its economic and educational needs. Most tellingly, the three states with higher education structures that are most similar (Alaska, Hawaii, and North Dakota) have the combined population of Nevada.

Martinez (2014) underscores the Nevada Legislature’s authority and responsibility to provide colleges and governance structures that meet the state’s needs. Specifically, she proposes that the Legislature should:

Create a new independent college governance or

coordinating structure to improve workforce alignment, transparency, and outcomes in Nevada; and that the independent college governance structure should empower and provide greater autonomy for college boards to access local and federal funding.

In response to a solicitation for recommendations by the SB391 Study Committee, in the following section we present a higher education governance model that builds on Martinez (2014) and extends GOED's framework. Our proposal primarily focuses on the governance of colleges and universities that are not under the purview of the Board of Regents of the University of Nevada, as defined by the Nevada Constitution. These include public two-year and four-year state colleges and not-for profit and for-profit colleges and universities. It is also important to note that the recommended structure is consistent with the Nevada Constitution (see note two) and at the state level, is staff and budget neutral.

### **Lessons from What Has Worked: A Governance Structure as Unique as Nevada**

In many ways, the state's two- and four-year colleges are facing some of the same challenges that plagued Nevada's RDAs prior to the creation of GOED: a clear vision; a focus on local targeted opportunities and industries; strong relationships with regional leaders; and development of the infrastructure and capacity to capture focused investments.

Akin to GOED's governance framework, our proposed recommendation for

Nevada's higher education is a two-level structure that also calls for the creation of Higher Education Committees in the Nevada Assembly and Senate.

Our proposal also recognizes and empowers localities to partner with regional leaders and is aligned with the state's economic development priorities. Tables 1 and 2 compare the proposed governance and administrative structures to present arrangements, while Figures 2 and 3 provide schematics of the proposed structures.

### **University Level: The University of Nevada System Office (UNSO) Governance Structure**

We propose that the SB391 Study Committee recommend legislation that ensures compliance with the Nevada Constitution by establishing a system office within the executive branch, titled the University of Nevada System Office (UNSO), to serve as the administrative agency for the Board of Regents of the University of Nevada. The Assembly and Senate Higher Education Committees would provide oversight and funding would come from the general fund.

The office should operate in Reno given the original land-grant status of the state university, with a branch office in Las Vegas. The Chancellor would continue to serve at the pleasure of the Board of Regents and members of the Board would continue to be elected as prescribed by the Nevada Constitution.

This arrangement would oversee three branches of the land grant university: UNR, UNLV, and the Desert Research Institute. A recommendation, then, is for "the University of Nevada" to be included

**Table 1: Current and Proposed Higher Education Governance Structures**

	<b>Existing Governance Structure</b>	<b>Proposed Governance Structure</b>
<b>Governance</b>	Board of Regents of the University of Nevada 13 elected members from districts to six year terms; maximum of two terms	<b>University Tier</b> Board of Regents of the University of Nevada 13 elected members from districts to six year terms, maximum of two terms
<b>Controlling Authority</b>	Nevada Constitution and 1968 Attorney General Opinion Executive	Nevada Constitution Executive with Legislative oversight
<b>Institutions</b>	University of Nevada All other public higher education institutions	University of Nevada
		<b>College Tier</b> Nevada Office of Higher Education (NSHE) State and Local Boards  <i>State Governance:</i> 11 member board appointed by the Legislature to four year terms from three regions (eight from Southern Nevada; two from greater Reno; and one rural)  <i>Local Governance:</i> Seven member boards, including one student, for each institution nominated by local governments and selected by the Legislature to four year terms
		<b>Controlling Authority</b> New Legislation Executive with Legislative oversight
		<b>Institutions</b> Public colleges determined by local request for proposals satisfying legislatively determined criteria Not-For Profit and For-Profit Institutions

**Table 2: Current and Proposed Higher Education Administration Structures**

	<b>Existing Governance Structure</b>	<b>Proposed Governance Structure</b>
<b>Administration</b>	<p>System Name: Nevada System of Higher Education</p> <p>Location: Reno, on the campus of the University of Nevada, Reno</p> <p>Branch location: Las Vegas</p>	<p><b>University Tier</b></p> <p>System Name: University of Nevada System Office (UNSO)</p> <p>Location: Reno, on the campus of the University of Nevada, Reno</p> <p>Branch location: Las Vegas,</p>
<b>Institutions</b>	<p>University of Nevada</p> <p>All other public higher education institutions</p>	<p>University of Nevada, Reno University of Nevada, Las Vegas Desert Research Institute at the University of Nevada</p>
	<b>Administration</b>	<p><b>College Tier</b></p> <p>System Name: Nevada Office of Higher Education (NOHE)</p> <p>Location: Carson City</p> <p>Branch locations: Elko and Las Vegas</p> <p>Districts: 1) Las Vegas Combined Statistical Area 2) Reno/Carson City Combined Statistical Area 3) Rural</p>
	<b>Institutions</b>	<p><i>Public</i> 4-Year and 2-Year State Colleges and Community Colleges</p> <p><i>Private</i> Not-For Profit and For-Profit Institutions</p>

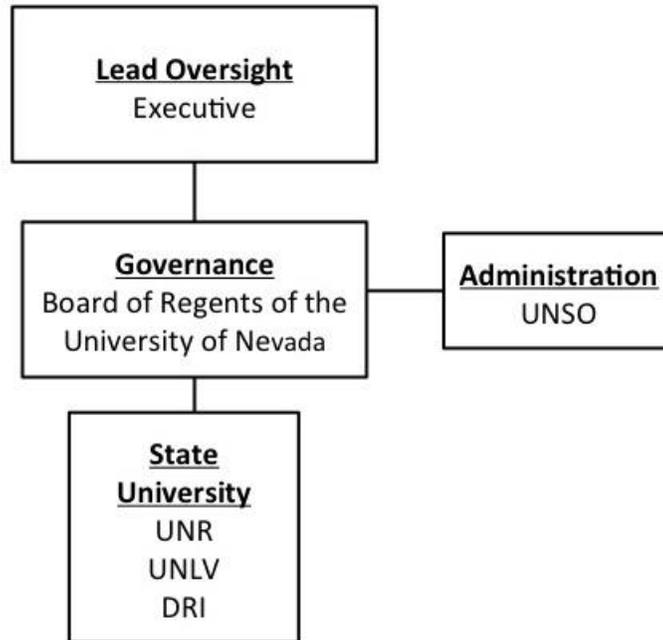
in DRI’s name (e.g., the Desert Research Institute at the University of Nevada).

Also note that in contrast to present arrangements this recommendation complies with the Nevada Constitution and the Legislative Counsel Bureau’s long-standing interpretation of the University of Nevada’s governance structure (see note two).

**College Level: The Nevada Office of Higher Education (NOHE) Structure**

We propose that the SB391 Study Committee recommend legislation restructuring the governance and administration of the public two- and four-year public colleges, not-for profit

**Figure 2: Proposed University Level: The University of Nevada System Office (UNSO) Structure**



and for-profit colleges and universities. The structure is similar to what underlies the state’s economic development efforts. One of the strengths of GOED is that the RDAs have local autonomy, while also coordinating with a state board. In the same way, the Nevada Office of Higher Education (NOHE) can provide the regulatory and coordination function for locally administered public higher education institutions. Further, NOHE should reside in the executive branch of government with oversight by the Assembly and Senate Higher Education Committees.

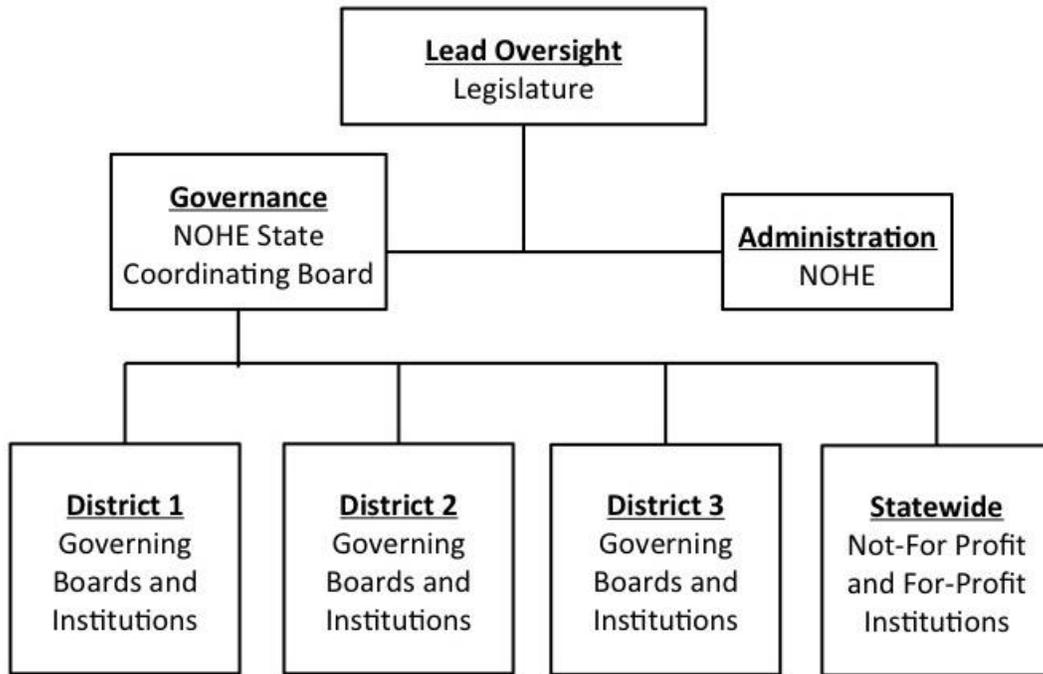
*NOHE Location and Board*

The NOHE main office should be located in Carson City to facilitate alignment and coordination with the state’s economic development efforts. There also should be offices in Las Vegas and Elko that are tasked with coordinating the activity of the public non-university institutions of

higher education located in these regional college districts (defined below). We recommend a NOHE State Board with 11 members who are appointed by the Legislature and with representation commensurate with the distribution of the state’s population (e.g., eight from Southern Nevada, two from the Reno area, and one representative for the rural areas of the state).

The primary activities of the NOHE Board would be overseeing NOHE, including the hiring and dismissal of all NOHE senior staff, and planning and coordinating the activities of the local college boards, as well as absorbing the functions of the Commission on Postsecondary Education (CPE). Currently, the Commission authorizes not-for profit and for-profit colleges and universities in the state.<sup>3</sup> We propose that the Commission be dissolved and that the NOHE State Board be granted approval and licensing authority for all public and private

**Figure 3: Proposed College Level: The Nevada Office of Higher Education (NOHE) Structure**



private institutions of postsecondary education, including vocational-technical schools.

*Regional College Districts*

We recommend the creation of three regional college districts based on the U.S. Census Combined Statistical Areas (CSAs), where possible, and otherwise based upon Census divisions. As Martinez (2014) explains, there are numerous reasons why Nevada should align its regional higher education structure with Census designations. Most importantly, these alignments are how the federal government views Nevada, particularly with respect to economic development. Specifically, CSAs are designated based on commuting patterns that are reflective of an integrated economy and workforce.

Table 3 summarizes the composition of the districts and suggests two key points.

First, despite the state’s substantial geographic footprint, only California and New Jersey have populations that are more urbanized than Nevada’s. Indeed, 95% of all Nevadans reside in either the Las Vegas–Henderson (74%) or Reno–Carson City–Fernley (21%) CSA.

Second, while present service areas mostly comport with CSAs, we suggest two changes. We recommend including the southern portion of Nye County in District 1 and the northern portion in District 3 to capture Nye’s workforce connections. As part of the Las Vegas–Henderson CSA, residents of Nye’s population center, Pahrump (86% of Nye’s 2013 population), have significant Employment Interchange Connectivity (EIC) with Clark County. In contrast, because of little workforce connectivity, Churchill County is not part of the Reno–Carson City–Fernley CSA and thus, we recommend it be included in District 3

**Table 3: Geographic Composition of Regional College Districts, 2013 U.S Census Estimates**

	<b>Combined Statistical Area</b>	<b>2013 District Population</b>	<b>Metro/Micro</b>	<b>2013 Census</b>	<b>County</b>	<b>2013 Census</b>
<b>District 1</b>	Las Vegas-Henderson (74%)	2,064,309	Las Vegas-Paradise	2,027,868	Clark	2,027,868
			Pahrump	36,441	Southern Nye	36,441
<b>District 2</b>	Reno-Carson City-Fernley (21%)	590,428	Reno-Sparks	437,673	Washoe	433,731
					Storey	3,942
			Carson City	54,080	Carson City	54,080
			Fernley	51,557	Lyon	51,557
			Gardnerville Ranchos	47,118	Douglas	47,118
<b>District 3</b>	Rural (5%)	135,399	Elko	54,460	Elko	52,384
					Eureka	2,076
			Fallon	24,063	Churchill	24,063
				Humboldt	17,363	
				White Pine	10,057	
				Pershing	6,877	
				Lander	6,032	
				Northern Nye	5,856	
				Mineral	4,614	
			Lincoln	5,245		
Esmeralda	832					
State of Nevada						2,790,136

Further, we recommend each district submit a Request for Proposal (RFP) to the NOHE Board. The RFP should be based on parameters identified by the Legislature and be administered by NOHE. As part of the RFP each district

should be required to submit a master plan developed in collaboration with the RDAs, community leaders, business interests, and local elected officials. The master plan should identify the number and the type of institutions that the

stakeholder group believes are necessary for its district, as well as the funding sources and partnerships to support any additional institutions that a region wants to develop.

Martinez (2014) suggests that all Nevada cities with populations exceeding 50,000 have access to either a two- or four-year branch of the NOHE system.<sup>4</sup> Under this arrangement, the two districts (Districts 1 and 3) that presently do not have a two-year college would have the opportunity to create such institutions. Other localities might benefit as well. For instance, besides a private vocational school offering a handful of certificates, Sparks, a city of over 92,000, is not served by any institution of higher education. Instead, its residents must travel to either TMCC in Reno or WNC in Carson City to access higher education.

### *Local College Governance*

We recommend that legislation allow for the creation of local boards for the governance of two- and four-year public colleges: one board for each college. The local boards should be nominated by local governments and selected by the Legislature to four-year terms. A specific mix of board members should be sought, depending on the demographic and economic characteristics of the region or localities and existing economic development activities. Board members could include representatives from leading industries, key community groups, and local governments. In addition, we recommend each local board have a student from that institution appointed to serve half a regular term.<sup>5</sup>

The proposed legislation should also include language enabling the option of the local governing boards to receive deed transfers for the physical plants of

the public two- and four-year public institutions presently operating; issue bonds and propose land/property taxes; and create private/public partnerships for purposes of campus capital improvements. The boards should also have authority over policy and process, budgeting, curriculum, faculty promotion and tenure, and hiring and dismissing of institutions' presidents.

### *Not- and For-Profit Institutions*

The governance structure of individual not-for profit and for-profit colleges and universities operating in the state should remain unchanged. As noted above, we propose that NOHE serve as the regulatory agency for these institutions and the NOHE Board have licensing authority over these institutions.<sup>6</sup>

### *Funding and Staffing*

The NOHE office should receive the share of the state budget previously allocated to NSHE for the two- and four-year colleges, as well as the funding appropriated to the CPE. The appropriate NSHE and CPE staff should be transferred to NOHE offices in Carson City, Las Vegas, and Elko to assist the local governing board and coordinate these boards' activities with the GOED RDAs. NOHE should also have the authority to receive potentially higher and differential fees from private institutions operating in the state. State funding that is appropriated to the two- and four-year public colleges should be passed through to the institutions' governing boards.

## **Conclusion**

The recommendations outlined here offer a necessary first step to restructuring how Nevada administers and governs

higher education that comport with the Nevada Constitution and are integrated with the state's economic development efforts. Clearly, any bill drafts will require additional research and dialogue.

McGuinness (2002) outlines a number of guidelines that states should consider before reforming their higher education governance structures. While our proposal fulfills many of these suggestions, there are several issues (e.g., access of private institutions to state resources, accreditation, articulation, and oversight parameters) that are not addressed here that will need to be considered as the Legislature acts.

Regardless, one point is obvious: the underachievement and underutilization of many of the state's higher education institutions and their exclusive dependency on state general funds, which for the smaller campuses necessitate an unsustainable level of state subsidization, suggests that a restructuring of higher education administration and governance that empowers localities and builds on the state's economic efforts is long overdue. Further impetus for action can be found in ongoing concerns about the constitutionality and legality of the present arrangements governing higher education in Nevada.

This recommendation may seem unorthodox to some. However, states such as Arizona and New York have used RFPs to attract and align educational institutions in a manner that best serves state and regional needs. Additionally, state coordinating boards and local governance of two- and four-year public colleges that are separate from the boards overseeing state universities are common to the administration, governance, and delivery of higher education in many states. Finally, Nevada itself has experience with a similar process under

GOED that by all accounts has been highly successful at remaking the state's economic development structure.

At the same time it important to understand what we are not proposing. We are not proposing that any existing public institution of higher education be dismantled. We are not proposing that two- and four-year institutions be put under the exclusive control of municipal or county governments. We are not proposing that local resources replace funding from the state general fund for any existing public higher education institution. And we are not proposing the creation of a larger administrative bureaucracy than presently exists. Rather, what we are proposing is a restructuring of the present administration and governance so that existing resources may be used more effectively in hopes of improving the educational and economic underperformance that has long plagued Nevada.

In sum, any dispassionate and objective analysis of the relevant data (e.g., Martinez 2014) indicates that Nevada's current higher education administration and governance is a poor fit for the state's residents, businesses, localities, and economic development priorities. Moreover, maintaining the status quo in higher education governance is not only outside the intentions of the state's constitutional founders, but it undermines the responsibility and authority of the Nevada Legislature to develop administrative and governance structures that are relevant to and aligned with the state's workforce and economic needs. As we argue here, higher education governance that reflects the flexibility and strategic priorities of the GOED model is a better choice for a 21<sup>st</sup> century Nevada

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## Endnotes

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<sup>1</sup> While CSN, GBC, and WNC are often referred to as “community colleges,” the U.S. Department of Education classifies these institutions as four-year public institutions because they award Bachelors’ degrees in addition to Associates’ degrees; see Martinez (2014). More generally, the term “community college” suggests some form of local accountability and perhaps, funding - neither of which exists under the present structure.

<sup>2</sup> See, McAfee and McAfee (N.d) and Kevin Powers, Chief Litigation Counsel, Legislative Counsel Bureau Legal Division to Senator Debbie Smith, Chair, Committee to Conduct an Interim Study Concerning Colleges’ Subcommittee on Governance and Funding, March 11, 2014.

<sup>3</sup> Data for 2013 provided by the Commission on Postsecondary Education indicate that 141 licensed for- and not-for profit postsecondary institutions operated in Nevada and that these institutions paid a total of \$112,564 in fees.

<sup>4</sup> There are just six incorporated places in Nevada exceeding 50,000 residents and it is the concentration of households and businesses in these localities that serve as key markets for higher education services, while also providing the scale that makes the provision of these services economically viable. Nevada also has a number of unincorporated large scale Census Designated Places (CDPs), including four CDPs in the Las Vegas Valley (Enterprise, Paradise, Spring Valley, and Sunrise Manor) with populations exceeding 100,000.

<sup>5</sup> There are 23 states plus the District of Columbia and Puerto Rico that include a student representative on their higher education governance or coordinating boards.

<sup>6</sup> There are 22 states with either coordinating or governing agencies and boards overseeing all licensing of for- and not-for profit colleges and universities. Six other state have a mixed approach, where the higher education coordinating or governing agency also approves private institutions that grant credit degrees, but delegate non-credit vocational programs to other agencies such as the Department of Education or a specific vocational agency. In total, 28 states delegate oversight and regulation for privates to some form of higher education coordinating or governing agency that also oversees public institutions.

## About the Authors

**Magdalena Martinez** is the Director for Education Programs at The Lincy Institute at UNLV. Her research areas and interests include leadership in higher education, Minority Serving Institutions, English language learners, student access and success, and community colleges. Dr. Martinez earned her Ph.D. from the University of Michigan, her M.Ed. from Harvard University, and her B.S. from UNLV in Business.

**David F. Damore** is an Associate Professor in the Department of Political Science at University of Nevada, Las Vegas and a Nonresident Senior Fellow in Governance Studies at the Brookings Institution. Dr. Damore's research interests are the study of campaigns and elections and public policy at the state and national levels. He is presently developing two projects. The first assesses the impact of Nevada's geography on the state's political and economic development and the second, co-authored with John Tuman, examines the causes and consequences of the growth in Nevada's Latino community. Dr. Damore earned his Ph.D. from the University of California, Davis, his M.A. from the University of Georgia, and his B.A. from the University of California, San Diego all in Political Science.

**Robert Lang** is a Professor in the Greenspun College of Urban Affairs and serves as the UNLV Director of Brookings Mountain West and the Executive Director of The Lincy Institute at UNLV. He is also a Nonresident Senior Fellow at the Brookings Institution and a Fellow of the Urban Land Institute. Dr. Lang earned a Ph.D. in Urban Sociology from Rutgers University. Prior to joining UNLV, Dr. Lang was a Professor and Director of the Urban Affairs and Planning program at Virginia Tech in Alexandria, VA and served as the founding Director of the Metropolitan Institute. His research specialties include suburban studies, real estate, demographic and spatial analysis, economic development, and metropolitan governance. He has authored over 150 academic and professional publications, has developed many new urban planning concepts such as "Boomburbs," "Edgeless Cities," and "Megapolitan Areas," and co-authored Nevada's economic development plan. His latest book, *Megapolitan America*, details the rise of megapolitan areas and how they will change how American plans.

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## About UNLV

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## About The Lincy Institute

Established in 2009, The Lincy Institute conducts and supports research that focuses on improving Nevada's health, education, and social services. This research will be used to build capacity for service providers and enhance efforts to draw state and federal money to the greater Las Vegas. The Lincy Institute will also highlight key issues that affect public policy and quality-of-life decisions on behalf of children, seniors, and families in Nevada.

The Lincy Institute has been made possible by the generous support of The Lincy Foundation. Robert E. Lang, Ph.D. serves as the Institute's Executive Director. To learn more visit: <http://lincyinstitute.unlv.edu/>



University of Nevada, Las Vegas  
4505 S. Maryland Parkway, Box 453067  
Las Vegas, NV 89154 (702) 895-0088

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