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**The Office of the Governor
George W. Bush, Governor**

MEMORANDUM

TO: Jimmy Glotfelty

FROM: Becky Pestana *BP*
Pete Wassdorf *PW.*

SUBJECT: Western Governors University

DATE: October 20, 1997

The General Counsel's office has reviewed the Memorandum of Understanding (the "MOU") regarding the Western Governors University (the "WGU"). As discussed, the original MOU was out of date and could have been problematic as originally drafted.

The MOU has been redrafted to reflect changes that have taken place since its signing by the initial participants in the WGU program. Additionally, the new draft contains "best efforts" language to allow for flexibility. The new draft has been approved by Jeff Livingston, CEO of Western Governors University, Inc.

The Office of General Counsel approves the redrafted MOU for the Governor's signature.

Attachment

**Memorandum of Understanding
Regarding the Western Governors University**

We, the undersigned, acknowledge that:

The strength and well-being of our states and the nation depend increasingly on a strong higher education system that helps individuals adapt to our rapidly changing economy and society; and

States must look to telecommunications and information technologies to provide greater access and choice to a population that increasingly must have affordable education and training opportunities and the certification of competency throughout their lives; and

The Western Governors Association, in association with other organizations and individuals, developed a plan formerly known as the Implementation Plan (now known as the Business Plan) for the achievement of these purposes, based on months of staff work and numerous reports, ably assisted and benefiting from advice and counsel offered by the appointees to a Regional Advisory Group and by the members of state advisory groups; and

A Steering Committee was formed to adopt said Implementation Plan and use it for the creation of an entity known as the Western Governors University (hereafter "WGU"), which, through the use of appropriate advanced technologies and educational practices, will provide expanded access to high-quality post-secondary education and training opportunities and competency assessment and skills certification, while taking advantage of cost-sharing and resource-sharing opportunities throughout the West; and

The Steering Committee's implementation efforts culminated in the transfer of its duties to an independent, non-profit, tax-exempt corporation (the "WGU Corporation") created for the explicit purpose of conducting the business of the WGU.

We further agree that the future success of the WGU will require our strong, visible and effective leadership to assure cooperation among our states and with educational institutions and private industry and to secure a supportive policy environment.


In furtherance thereof, we the undersigned agree to become members of the WGU Corporation by way of this Memorandum of Understanding and pledge to use our best efforts to further the WGU Corporation's objectives as follows:

1. Name individuals to serve on such advisory committees as may be established to further the implementation of the WGU;
2. Secure the establishment of at least one center within each of our states that will provide local access to the services of the WGU;

3. Ensure the provision of an initial sum of not less than One Hundred Thousand Dollars (\$100,000) to support the execution of the Business Plan;
4. Support the WGU in its activities to acquire the financial resources necessary to build the virtual catalog, student support, assessment, management and other systems necessary to enable the WGU to serve the people of our states and region;
5. Secure the establishment of at least one center within each of our states that will provide local access to the services of the WGU;
6. Take such measures as are appropriate to create a policy environment that supports the goals of the WGU, including the identification and elimination of unnecessary barriers to or burdens upon the delivery of quality educational services via telecommunications and the recognition of degrees and credentials obtained through such delivery systems, whether intrastate, regional or national;
7. Participate in the development of partnerships and alliances between WGU and the business community, governmental entities and educational institutions; and
8. Otherwise actively participate in and support the establishment of the WGU in accordance with the Business Plan, as such Plan may from time to time be amended by our actions.

This Memorandum of Understanding is intended to serve as an updated version of a Memorandum of Understanding previously signed by other parties. Such previously signed Memorandums of Understanding, taken together with this updated Memorandum of Understanding, are understood to serve but one and the same purpose: to act as the instrument by which governors join in the effort to establish the WGU in their respective states and support the development of the WGU overall.

It is further understood that this updated Memorandum of Understanding will be executed in multiple counterparts, each of which to be deemed an original, but all of which, taken together, to constitute but one and the same updated instrument.


Governor of the State of TEXAS

11-19-97
Date