

BOARD OF REGENTS BRIEFING PAPER

1. AGENDA ITEM TITLE: Handbook Revision, Production or Inspection of Records/Files and Requests for Information by Regents

MEETING DATE: April 17, 2026

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Under current policy, Regents may make requests for production or inspection of records and requests for information with limited restrictions. The proposed revisions to the policy streamline the submission and processing of the requests and modernize the options for reviewing non-public information.

To improve handling and tracking of Regent requests, the revisions would require such requests to be made in writing and directed to the Chancellor and Chief of Staff to the Board or to the relevant institutional President with a copy to the Chancellor and Chief of Staff to the Board.

The proposed revisions would provide additional options for a Regent to review non-public information or reports as follows:

1. The non-public information or report may be made available for review at the System office or campus site;
2. Except for student and employee files, the Board Chair, in consultation with General Counsel, may instruct General Counsel to send certain non-public files to a Regent electronically with appropriate safeguards and subject to attorney-client privilege.

Highly sensitive information may never be sent to an email address outside the NSHE secure network.

The proposed revisions would not impact already existing limitations related to the reasons for requests and the contents of information that may be requested.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

The Board of Regents will consider approval of revisions to the Board of Regents *Handbook (Title 4, Chapter 1, Sections 4-5)* related to production or inspection of records and requests for information by Regents and inspection of files.

4. IMPETUS (WHY NOW?):

The proposed revisions to the policy streamline the submission and processing of the requests and modernize the options for reviewing non-public information.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase access to higher education)
- Success (Improve student success)
- Close Institutional Performance Gaps
- Workforce (Meet workforce needs in Nevada)
- Research (Increase solutions-focused research)
- Coordination, Accountability, and Transparency (Ensure system coordination, accountability, and transparency)
- Not Applicable to NSHE Strategic Plan Goals

6. INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

N/A

7. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Requiring requests to be in writing and submitted to the Chancellor and the Chief of Staff to the Board will improve handling and tracking of Regent requests.
- Allowing review via email with appropriate safeguards and subject to attorney-client privilege will modernize review options while safeguarding non-public information.

8. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been provided.

9. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Do not approve the revisions.

10. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor's Office supports these revisions as proposed.

11. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
X Amends Current Board Policy: Title # 4 Chapter # 1 Section # 4-5
 Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
 Other: _____
X Fiscal Impact: Yes _____ No X
Explain: _____

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 1, SECTIONS 4-5

Production or Inspection of Records and Requests for Information by Regents
Inspection of Files

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**Section 4. Production or Inspection of Records and Requests
for Information by Regents**

1. Unless otherwise prohibited by law, all books, records and documents, except material related to restricted access research, that are in the custody of an NSHE institution or unit must be made available to Regents for inspection or copying upon request. Regents should make such a request only for reasons germane to the performance of their duties as Regents. Requests for inspection or copies of books, records or documents must be ***made in writing and*** directed to the Chancellor ***and Chief of Staff to the Board***^[,] ***or to the institutional Presidents with a copy to the Chancellor and Chief of Staff to the Board***^[, vice chancellors, vice presidents, secretary to the Board or the director of internal audit, as the case may be. Such requests shall also be copied to the Chancellor and, if applicable, the President of the relevant institution.] The written response from the institution or unit shall be sent to ***the Chief of Staff to the Board for distribution to*** all Regents, with [~~copies~~] ***a copy*** to the Chancellor^[,] ***and*** the applicable President [~~and the Board office~~]. Regents may request the Chancellor or his or her designee to inspect restricted access research materials on their behalf and provide a summary report to the Board. Requests to inspect restricted access research materials will be accompanied by non-disclosure and conflict of interest statements signed by the Chancellor or his or her designee.
2. As noted in Board Bylaws and policies, the Board of Regents acts as a unit and no one Regent has the authority to bind the Board. "It shall be the policy of the Board of Regents to act as a unit. The Board of Regents controls the University as a body representing the people; the individual members have no authority singly." Board Policies, Title 4, Chapter 1, Section 7(6). Accordingly, if a request for information by a Regent is anticipated by an institution or unit to require in excess of six hours to prepare a response, the request is subject to the Board's prior approval at a public meeting of the Board. In determining whether to approve the information request, the Board shall take into consideration the cost associated with responding to the request in terms of the use of personnel and other resources. The written response by the institution or unit to approved information requests shall be sent to ***the Chief of Staff to the Board for distribution to*** all Regents, with [~~copies~~] ***a copy*** to the Chancellor^[,] ***and*** the applicable President [~~and the Board office~~] and will identify the Regent making the request when so distributed.

Section 5. Inspection of Files

1. For the purpose of Section 5, files include both paper and electronic records. Regents may inspect files of employees and students, or any other non-public information, only for reasons germane to the performance of their duties as Regents. This inspection should never involve unwarranted privileges, advantages or preferences, nor should it ever involve personal gain or retribution for the Regent or for his or her family members, other individuals, or business entities.
2. **Non-Public Files.** Health records and faculty or student research files are not subject to inspection. [2-] Prior to inspection of any **other** non-public file, **including non-public reports**, a Regent must provide a written request to the Chancellor **and Chief of Staff to the Board** stating the reason for the examination of the file and what information is being sought. When a Regent requests access, the Chancellor will notify other Regents and the institutional President of the request. In the case of a student or employee file, the institution will notify the student or employee of the Regent's request and any subsequent inspection of the requested information. A request for inspection of non-public files must comply with all applicable state and federal statutes. A custodian or designee of non-public files shall be present during any inspection of such files. Safeguards for electronic records must likewise be in place at each institution **and the System office.**
 - a. **Student or employee [F]files or reports** shall not be copied or removed from the institutional or System office premises except under court order. **Responsive non-public information or reports will be made available for review by a Regent requesting review at the System office or campus site.**
 - b. **With the exception of non-public student or employee files, the Board Chair may, after consultation with the General Counsel, instruct that certain highly sensitive non-public files, information or reports be sent to a Regent electronically with appropriate safeguards¹ and subject to attorney-client privilege.**
 - i. **For the purposes of this section, a non-public file or report is highly sensitive if it contains sensitive information that warrants exceptional handling and storage procedures to prevent unauthorized disclosure. This may include but is not limited to personally identifiable information, financial records, medical records, trade secrets, law enforcement information the disclosure of which could reasonably be expected to endanger the life or physical safety of any individual, and other sensitive information that requires utmost protection and strict access controls.**
 - ii. **Highly sensitive information may never be sent to an email address outside the NSHE secure network. The recipient must take all necessary precautions to ensure that highly sensitive information is not shared or forwarded beyond the intended recipient.**

¹See Section 23, subsection 3 of this Chapter (NSHE Standards for Security Controls) and appropriate federal and state law.