BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION
Third Floor Rotunda
Frank H. Rogers Science & Technology Building
Desert Research Institute
755 E. Flamingo Road, Las Vegas
Thursday-Friday, October 11-12, 2007

Members Present:
Mr. Michael B. Wixom, Chair
Mr. Howard Rosenberg, Vice Chair
Mr. Mark Alden
Dr. Stavros S. Anthony
Mr. Cedric Crear
Dr. Thalia M. Dondero
Mrs. Dorothy S. Gallagher
Dr. Jason Geddes
Mr. Ron Knecht
Mr. James Dean Leavitt
Dr. Jack Lund Schofield
Mr. Steve Sisolak
Mr. Bret Whipple

Others Present:
Chancellor James E. Rogers
Executive Vice Chancellor Daniel Klaich
Executive Vice Chancellor & CEO Maurizio Trevisan
Vice Chancellor, Academic & Student Affairs, Jane Nichols
Vice Chancellor, Finance, Mike Reed
Chief Counsel Bart Patterson
Special Counsel Brooke Nielsen
Interim President Michael D. Richards, CSN
President Stephen G. Wells, DRI
President Paul T. Killpatrick, GBC
President Fred J. Maryanski, NSC
Interim President Delores Sanford, TMCC
President David B. Ashley, UNLV
President Milton D. Glick, UNR
President Carol A. Lucey, WNC
Chief Executive Officer of the Board Scott Wasserman

Also present were faculty senate chairs Ms. Judy Stewart, CSN; Mr. Ed Nickel, GBC; Dr. Lawrence Rudd, NSC; Mr. Steven Bale, TMCC; Dr. Bryan Spangelo, UNLV; Dr. Stephen Rock, UNR; Dr. Doris Dwyer, WNC; and Mr. Brian Campbell, System Administration. Student government leaders present included Mr. Taylor Gray, CSN; Mr. Richie LeSpade, GBC; Mr. Ryan Crowell, NSC; Mr. Adriel Espinoza, UNLV; Mr. Jeremy Houska, UNLV-GPSA; Ms. Sarah Ragsdale, UNR; and Mrs. Rebecca Bevans, UNR-GSA. Ms. Danielle Mariezcurrena represented WNC.

Chair Michael B. Wixom called the meeting to order at 8:30 a.m., on Thursday, October 11, 2007, with all members present except Regents Anthony, Schofield, Sisolak and Whipple.

Regent Alden led the pledge of allegiance.

Pastor Art Gafke from the University United Methodist Church offered the invocation.

Chair Wixom observed a moment of silence in honor of recently departed UNLV Professor Craig Walton. President Ashley related that Professor Walton had taught at UNLV for 33 years, was Professor and Chair of UNLV's Philosophy Department and founding Director of UNLV's Institute for Ethics and Policy Studies program. Regent Alden stated that there were not enough words to revere and express what Professor Walton meant to UNLV and the State.

1. Information Only-Introductions – President Wells introduced and thanked Mr. Randy Odden, Director, Facilities Management-DRI, and Mr. Jerry Derby, UNIX System Administrator-DRI, for their expertise in preparing today's meeting room. President Wells reported that DRI had recently celebrated the opening of the new wing of the Maxey Building addition and site dedication of the CAVE building.

   President Ashley introduced Dr. William Boldt, Vice President, Advancement-UNLV, Dr. Paula Jarley, Dean, College of Business-UNLV and Dr. Karen West, Dean, UNLV School of Dental Medicine. He then introduced Dr. Anne McDonough, Interim Dean, University College-UNLV, and Dr. Peter Starkweather, Interim Dean, Honors College-UNLV.

Regents Anthony and Schofield entered the meeting.

President Maryanski introduced Dr. Larry Rudd, NSC Faculty Senate Chair and Assistant Professor, School of Education-NSC, and NSC Student Body President Mr. Ryan Crowell.

Interim President Richards introduced Dr. Larry Mason, Interim Vice President, Diversity-CSN.

Regent Sisolak entered the meeting.

Regent Alden introduced Mr. Bill Hanlon, Coordinator, Math/Science Institute, Clark County School District.

2. Information Only-Chair's Report – As part of the Chair's report, Chair Michael B. Wixom requested that the President of each hosting institution introduce one student and one faculty member to discuss a topic of the hosting President's choosing to help provide Board members with a focus on the reasons they serve as Board members. He also discussed current NSHE events and his current activities as Chair.

   Dr. Lambis Papelis holds a B.S. degree in Civil Engineering with emphasis in Water Resources Engineering from the National Technical University, Athens, Greece and an M.S. and Ph.D. degrees in Civil Engineering *(Environmental Engineering)* from Stanford

2. Information Only-Chair's Report – *(Cont'd.)*

University, Stanford, California. His research interests include water chemistry and water quality, fate and transport of pollutants, radionuclide migration, and interaction of potential contaminants with soils and aquifer materials. Dr. Papelis' over fifty publications include twenty-five peer-reviewed publications, as well as approximately fifty invited and other presentations at local, national and international conferences. Dr. Papelis is currently an Associate Research Professor in the Division of Hydrologic Sciences at the Desert Research Institute and the Director of the Water Resources Management Program at UNLV. In addition, he is on the faculty of the Hydrologic Sciences Program at UNR and from 2002 until 2007 he was a Visiting Professor of Chemistry at Nevada State College. Dr. Papelis has taught several courses at UNLV and NSC and has advised approximately twenty M.S. and Ph.D. students at UNLV and UNR.

Dr. Lambis provided a presentation on Hydrologic Sciences Research and Teaching: A Nevada Focus and Perspective *(on file in the Board office)*.

Regent Dondero felt that an equal amount of funding should be devoted to improving Lake Mead's clarity as has been devoted to preserving Lake Tahoe.

Regent Crear commended interest in watershed and sustainability issues. He encouraged more effort in such innovative collaborations.

Ms. Stephanie Labahn was raised in southern Nevada and graduated from Community College High School. While studying molecular biology at UNLV, she began working in Dr. Eduardo Robleto's microbiology lab as a volunteer research assistant. As Ms. Labahn's research interests grew, Dr. Robleto introduced her to Dr. Duane Moser of DRI whose work included projects involving microbial bioremediation. She graduated from UNLV with a bachelor's in molecular biology and a minor in chemistry and began her graduate research at DRI in Dr. Moser's lab the following semester. Her current research is focused on microbial biodegradation of the monomer acrylamide and its polymer form polyacrylamide. This research will be incorporated with other studies to assess the overall risk and efficacy of polyacrylamide applications.

Ms. Labahn provided a presentation on Microbial Degradation of Acrylamide and Polyacrylamide *(on file in the Board office)*.

In response to Regent Crear's question, Ms. Labahn replied that the practicality of her research directly related to the farmers' efforts, in that the canals are their lifeline. Regent Crear asked whether the research was done in Nevada. Ms. Labahn replied that the research was conducted at DRI. However, the samples were taken from southern Colorado and southern Oregon. Regent Crear asked whether any research was underway in Nevada. Ms. Labahn replied since there were not many irrigation canals in Nevada, the samples were not being taking from in-state at this time.

Chair Wixom complemented the quantity and quality of the work done by the institutions, the NSHE staff and by the Board itself. He felt there was still room for improvement by becoming more focused, responsive and more efficient in dealing with the challenging issues the Board currently faces. He recalled previous Board member requests for no

2. Information Only-Chair's Report – *(Cont'd.)*

handouts at Board meetings. He said that circulating handouts is disruptive, wastes time and does not provide adequate time for Board members to review and consider the material in a meaningful manner. He has directed Vice Chancellor Reed to discuss the practice with the Business Officers and will also include an agenda item in November to prohibit handouts at Board and Committee meetings. In the interim, he requested that the institutions and NSHE staff immediately cease the practice of circulating handout materials at Board and Committee meetings without the consent of the Board and/or respective Committee Chair. He encouraged electronic distribution of materials prior to meetings in a timeframe that will allow the Board to review and consider the materials in a meaningful way.

The meeting recessed at 9:03 a.m. and reconvened at 1:01 p.m. on Thursday, October 11, 2007, with all members present except Regents Knecht, Schofield and Whipple.

3. Information Only-Public Comment *(Agenda Item #4)* – Chief Executive Officer of the Board of Regents, Mr. Scott Wasserman thanked the Regents, Presidents, NSHE staff and particularly the SCS and Board staff for bringing the Board into the electronic era. He reported that as a result of moving to electronic agendas, the Board office had saved approximately $5,000 on this one agenda cycle alone

Regents Knecht, Schofield and Whipple entered the meeting.

Regent Sisolak thanked SCS and System staff for providing training.

Regent Alden thanked Chair Wixom for starting the meeting on time. He thanked staff for moving to computerized agendas and Chair Wixom and Mr. Wasserman for attempting to stop the practice of last minute handouts.

Chief Counsel Patterson reported that a recent decision was handed down by the Nevada Supreme Court that affirmed the tort cap is now $75,000 and does apply to Allied Health Professionals and the School of Medicine. He thanked General Counsel Tom Ray for his efforts on this issue.

Ms. Angel De Fazio, UNLV graduate and president of the Nevada Toxic Encephalopathy Foundation, addressed the Board regarding the impediments that air quality issues *(e.g., fragrances, new construction materials such as styrene, methylbenzene, toluene, re-circulated air, etc.)* have on the ability to learn. The school has instituted protocols that will assist students with disabilities, under an accommodation plan, to attend class. Ms. De Fazio stated that she is impeded from returning to UNLV to obtain her master's degree and requested that the Board address the accessibility of innocuous chemicals into the learning environment. Students have the right to an education and to a safe and healthy environment.

Regent Anthony left the meeting.

3. Information Only-Public Comment *(Agenda Item #4)* – *(Cont'd.)*

In response to Chair Wixom's question, Executive Vice Chancellor Klaich replied that the campus facilities are coordinated at the institutional level. Chair Wixom asked President Ashley to place Ms. DeFazio in contact with UNLV's facilities coordinator to have her concerns addressed.

Ms. Deanna Rilling, Student-NSC, and editor-in-chief of the *Scorpion's Tale* reported that this year, for the first time, NSC was able to establish funding for this publication. That funding was made possible through collaboration between the School of Liberal Arts and Sciences, the Office of College Relations and the Nevada State Student Alliance. Their goal is to provide relevant information and entertaining content not only to NSC students but also to the surrounding Henderson community.

Regent Sisolak asked whether there was ongoing funding for the newspaper. Ms. Rilling replied that funding has been established only through the spring 2008 semester. They plan to establish their bylaws over the winter, with a goal to publish a monthly edition.

Regent Sisolak asked whether NSC's student government had allocated any funds to the newspaper. Ms. Rilling replied that multiple groups had donated the funds, which has provided a temporary solution. The sale of advertising will be considered in the near future. Regent Sisolak commended their efforts, adding that he felt a newspaper enhances the campus community.

Regent Anthony entered the meeting.
Regent Schofield left the meeting.

4. Information Only-Chancellor's Report *(Agenda Item #3)* - Chancellor James E. Rogers discussed the 2007 State of the System Address that was presented in partnership with the K-12 superintendents of Clark, Elko and Washoe counties, as well as the October 12 statewide broadcast of those speeches. He also provided an update on the University of Nevada Health Sciences System *(UNHSS)*, its fundraising efforts and how far the organization's structure has progressed in recent months. Chancellor Rogers also introduced Dr. Maurizio Trevisan, the new Executive Vice Chancellor and CEO of the UNHSS.

Chancellor Rogers shared that the building in which the meeting was held bears his father's name. He related that his father's first desk from 1951 had been found and is located within the museum. Chancellor Rogers encouraged attendees to visit the museum and view the interesting sites, adding that this building has very special meaning to his family.

Chancellor Rogers reported that the School District Superintendents from Clark, Washoe and Elko counties participated in this year's State of System Address. The first address was held in Reno and he was pleased to see that EDAWN had approximately 415 attendees. Great Basin College was the location of the address in Elko. The final address was presented in Las Vegas at the The Orleans and was sold out with approximately 700 attendees.

4. Information Only-Chancellor's Report *(Agenda Item #3) – (Cont'd.)*

Chancellor Rogers related that his intent was to draw participation from each community's business contingent. He encouraged more participation in the future, adding that higher education's relationship with K-12 will become more important with each legislative session.

Chancellor Rogers stated that the most important issue for the State continues to be the Health Sciences System. The Regents recently received a copy of the agreement between the SOM, UNR, UNLV and NSC for the development of cooperative programs on the Shadow Lane campus. He reported that the System is also close to finalizing an agreement between all eight NSHE institutions and the Larry Ruvo Brain Institute. He stated that the objective for entering into such agreements was to convey to their partners that all participants will benefit from the services of all associated entities.

Regent Gallagher introduced Dr. Maurizio Trevisan, Executive Vice Chancellor and Chief Operating Officer for the Health Sciences System.

Chancellor Rogers stated that during the last Legislative session, $90 million was allocated for health science programs with the understanding that the System will raise $37 million in matching funds. He is trying to develop a donor program that will allow fundraising efforts to benefit all health science programs throughout the entire System. He is also attempting to raise more than is initially required in an effort to encourage the State to match additional funds raised. He stated that donors want to know their donations are not a gift but rather an investment in the future.

Regent Rosenberg left the meeting.

5. Approved-Consent Agenda – The Board approved the Consent Agenda *(Consent Agenda on file in the Board office)*, with the exception of items #1*(Minutes)* and #4 *(Handbook Revision, ASCSN Constitution, CSN)*, which were approved separately.

(2) Approved-Tenure Upon Hire, School of Medicine, UNR – The Board approved UNR President Milton D. Glick's request for the tenure upon hire of Sang Don Koh, M.D., Ph.D., to the Department of Physiology and Cell Biology, University of Nevada School of Medicine *(Ref. C-2 on file in the Board office)*.

(3) Approved-Scholarship Endowment – The Board approved Vice Chancellor Mike Reed's request to create an endowment for a scholarship from the estate of Russell T. Schooley, funded by proceeds contingent upon the sale of his home. The scholarship will be titled "Roy R. and Russell T. Schooley Scholarship" *(Ref. C-3 on file in the Board office)*.

(5) Approved-Capital Improvement Fee Funds, CSN – The Board approved CSN Interim President Michael Richards' request for the use of $49,600 in Capital Improvement Fee funds to complete two Southern Nevada Desert Regional Police Academy projects that were previously approved by the Board *(Ref. C-5 on file in the Board office)*.

➢ Modular installation/renovation	$36,000
➢ Room remodel in C Building	$13,600
TOTAL:	**$49,600**

5. Approved-Consent Agenda – *(Cont'd.)*

(5) Approved-Capital Improvement Fee Funds, CSN – *(Cont'd.)*

Regent Alden moved approval of the Consent Agenda with the exception of items #1 *(Minutes)* and #4 (*Handbook Revision, ASCSN Constitution, CSN)*. Regent Geddes seconded. Motion carried. Regents Rosenberg and Schofield were absent.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY:

5. Approved-Consent Agenda – *(Cont'd.)*

(1) Approved-Minutes – The Board approved the minutes from the regular Board of Regents' meeting held August 16-17, 2007, as amended *(Ref. C-1 on file in the Board office)*.

Chair Wixom clarified that the minutes from the August 16-17, 2007, meeting should reflect Regent Geddes voting no on agenda item #8 *(Employment Contract Amendment, Head Football Coach, UNR)*.

Regent Dondero moved approval of the August 16-17, 2007, minutes as amended. Regent Sisolak seconded. Motion carried. Regents Rosenberg and Schofield were absent.

(4) Approved-*Handbook* Revision, ASCSN Constitution, CSN – The Board approved CSN Interim President Michael Richards' request for amendments to the Associated Student Body Constitution *(Title 5, Chapter 10)*, to reflect the name change of the institution from Community College of Southern Nevada to the College of Southern Nevada and to make other clarifications regarding the requirements for eligibility for office, credit hour minimums and other minor changes *(Ref. C-4 on file in the Board office)*.

Regent Sisolak requested that all references to CCSN be replaced to reflect the name change to CSN.

Regent Sisolak moved approval of the *Handbook* revision with the condition that all references to the Community College of Southern Nevada *(CCSN)* be corrected. Regent Geddes seconded. Motion carried. Regents Rosenberg and Schofield were absent.

6. Information Only-Urban Sustainability Initiatives, UNLV – UNLV President David B. Ashley introduced Dr. Ronald Smith, Interim Vice President for Research and Interim Dean of UNLV's Graduate College, to provide information regarding the newly formed UNLV Urban Sustainability Initiatives *(USI)* office *(Ref. A on file in the Board office)*.

Dr. Smith reported that UNLV has been encouraged to reach out to the community, the region, the Nation and globally regarding quality of life and urban sustainability

initiatives. UNLV should be a central organizing place in the community for conducting objective research and to bring together locally, nationally and internationally known

6. Information Only-Urban Sustainability Initiatives, UNLV – *(Cont'd.)*

experts. He related that although this initiative will not be free, UNLV already has many resources in place including over 300 faculty and professional staff members who have volunteered their publications and expertise. He reminded the Board that there will be an Inaugural conference held on October 24, 2007, with panelists to include Regent Crear, Chancellor Rogers, President Ashley, UNLV Provost Smatresk and various experts including the Vice President for Sustainability from Arizona State University. There are 350 entrants already registered and he encouraged everyone to attend.

Dr. Smith began his presentation on the UNLV Urban 21 Initiative by stating that their mission is to "Improve the quality of life now and for the future" *(full presentation on file in the Board office)*.

Regent Rosenberg entered the meeting.

Dr. Smith reported that goals include systematic and focused study of urban sustainability by fostering the integration of environmental sustainability, economic sustainability, and social-cultural sustainability in values, policies and practices. Outreach, collaboration and partnership will need to occur with government agencies, private foundations, all kinds of businesses, partners in education and citizen groups. Clark County's population has grown from 75,000 in 1952 to more than 1,900,000 in 2007, and is project to reach 3.5 million by the year 2035. He emphasized that all seventeen Nevada counties must focus on sustainability.

Quality of life challenges include workforce, housing, water availability, air quality, sustainable sources of energy, traffic and congestion, quality education, security and safety, economic resilience, the state of public health and quality healthcare among others. Sustainability on the UNLV campus includes recycling efforts, xeriscape environments and LEED certified facilities.

Deliverables for this initiative include reaching out to the community, collaborating with governmental and private groups, UNLV and community team building, organizing and focusing existing UNLV talent on urban issues, and encouraging mission-related research at UNLV, among others.

Dr. Smith reported that the UNLV Urban 21 Initiative will develop a sustainable humane living environment, seek real world solutions to our urban challenges, stimulate multidisciplinary research, partner with the community, seek national funding sources to support sound research, serve as information repository on community research and provide students both research and service learning opportunities.

Regent Schofield entered the meeting.

Regent Crear thanked Dr. Smith and President Ashley for taking the lead in addressing such an important issue and he eagerly looked forward to working with them in the future.

Regent Gallagher commended Dr. Smith for his efforts.

6. Information Only-Urban Sustainability Initiatives, UNLV – *(Cont'd.)*

In response to Regent Sisolak's question, Dr. Smith indicated that in regards to funding, they are optimistically approaching this effort. He noted that positions with the existing unit, already dealing with sustainability issues, have been reallocated. He stated that that there has already been a very positive response from the community and he felt that donors will enthusiastically join the effort. Significant grant assistance is also being sought.
Dr. Smith added that initial seed money has come from indirect cost recovery from research grants. Regent Sisolak observed that the State had been generous in returning the use of those funds to the institutions.

Executive Vice Chancellor Klaich stated that this initiative has the opportunity to help break down barriers between the communities and the institutions.

Regent Anthony left the meeting.

7. Approved-Presidential Contract Addenda, DRI, UNLV, UNR – The Board approved Chancellor James E. Rogers' request for an addendum to each of the contracts of the following Presidents to clarify that the supplemental salaries are exclusive of fringe benefits *(Ref. B1 on file in the Board office)*.

- President Stephen G. Wells, DRI *(Ref. B2 on file in the Board office)*.
- President David B. Ashley, UNLV *(Ref. B3 on file in the Board office)*.
- President Milton D. Glick, UNR *(Ref. B4 on file in the Board office)*.

Chancellor Rogers related that upon a recent itemized review of President Glick's earnings, it became apparent that the numbers did not reflect the agreement that they had made. The agreement had been for $400,000 plus benefits. Of the $400,000, State funds would contribute $230,000 and $170,000 would come from the Foundation. It seems the retirement benefits were being taken from the Foundation's portion which resulted in a shortage of approximately $10,000. Chancellor Rogers then contacted Presidents Ashley and Wells and verified the same held true for them as well. Chancellor Rogers wanted to repair the contracts to honor the original agreement.

Regent Leavitt left the meeting.
Regent Anthony entered the meeting.

Regent Knecht asked whether the same retirement deduction was characteristic for other State employees and how the method of compensation compared with other systems of higher education. Chancellor Rogers replied that although he was unsure how his agreement compared to other systems, it was the agreement he had reached with the Presidents. Regent Knecht asked what the original understanding was. Chancellor Rogers replied that the agreement was for $400,000 plus benefits, adding that it was his understanding that the retirement was computed on the State's contribution *($230,000)* and not the full $400,000, which caused the difference to be deducted from the Foundation's contribution.

Ms. Carla Henson, Chief Human Resources Officer-NSHE, reported that the Foundation money was used to supplement the salaries in order to help attract the best candidates. Normally the salary and fringe benefits would have been paid out of the same account.

7. Approved-Presidential Contract Addenda, DRI, UNLV, UNR – *(Cont'd.)*

In trying to balance the two payment sources, the amounts were recalculated to include the fringe benefits which reduced their gross pay. They are trying to rectify the situation so their gross payment is as originally intended and offered.

Regent Geddes asked what the legal ramifications were. He was under the impression that retirement benefits were calculated on the State's portion, not on the total dollars compensated. He asked if problems could exist with some of the other contracts that also receive income from multiple payment sources *(e.g. athletic coaches and doctors)*. Ms. Henson replied that most of the faculty and all of the presidents do not contribute to PERS but rather to a separate private pension plan that allows their retirement dollars to move with them. She noted that there are federal limits for how much can be contributed to a retirement account.

Chief Counsel Patterson clarified that the cap was approximately $230,000. To calculate the benefits, the two salary sources are combined and then the benefits are deducted from both until they reach the cap. After the cap has been reached, the retirement deductions stop but other deductions continue.

In response to Regent Rosenberg's question, Ms. Henson indicated that the amounts involved were approximately $9,000 per year for each of the university presidents and approximately $5,000 per year for Dr. Wells.

Regent Leavitt entered the meeting.

In response to Chair Wixom's question, Ms. Henson related that Chancellor Roger's request entailed paying each president the Foundations' portion *($170,000)* in salary, and then identify a different System account from which the fringe benefits will be paid.

Regent Crear felt it was important to reach concurrence between what was offered and what is occurring in reality but acknowledged there were some questions that still needed to be clarified.

Regent Sisolak stated that the background material reflects $170,000 exclusive of benefits. It was discussed at that time that the Foundation's would bear the responsibility for all of the supplemental money and now we are changing the deal to have the System bear that responsibility. He recalled that the discussion also included that COLA would not be calculated on the Foundation's portion and asked if the minutes of that meeting could be reviewed. Chief Counsel Patterson stated that the minutes were reviewed and there was no clear discussion of that nature.

Chancellor Rogers stated that the presidents were told they would receive a base salary of $400,000, plus housing, a vehicle and a host account. However, in reality they are receiving approximately $390,000 plus housing, car and host. It was never considered that the benefits would be deducted from the Foundation's portion resulting in a net payment of approximately $160,000 instead of $170,000.

7. Approved-Presidential Contract Addenda, DRI, UNLV, UNR – *(Cont'd.)*

Regent Sisolak asked if "$170,000 exclusive of benefits" means that benefits are excluded. Executive Vice Chancellor Klaich felt there could be another interpretation that could be made that the $170,000 in salary will be paid irrespective of fringe benefits. Regent Sisolak requested a copy of the discussion's audio recording and that the matter be further investigated.

Regent Gallagher felt the Board should honor the agreement that was made, adding that if it is determined that a correction needs to be made, the item can be returned to the Board for further discussion.

Regent Alden stated that his understanding was that the salary and benefits were to be borne by the Foundations, adding that he could not support this request.

In response to Regent Geddes question, Ms. Henson replied that the retirement benefits were 10.5% until the cap *($230,000)* is achieved, adding that other benefits such as workers' compensation and health insurance will continue to be deducted. This would differ from the contracts with the athletic coaches in that they receive bonuses that are not part of their base salary.

Mr. Henson clarified that the addendums included with the agenda packet had been rewritten by legal counsel to state "exclusive". However, the original contracts state "inclusive" of benefits. For the record, Executive Vice Chancellor Klaich stated that if the term "inclusive" was originally used, it could be interpreted that the $170,000 is a gross amount and that the retirement benefits should be taken out.

Regent Knecht suggested that a motion could be made that upon clarification of the meeting minutes, if the increase is supported that it be made effective as of this day's date.

In response to Regent Crear and Regent Sisolak's question, Ms. Henson replied that she was unsure of the legal answer to whether this would be defined as a raise or not. Chancellor Rogers stated that regardless of the way the deductions are computed, he was simply attempting to rectify the situation to reflect the original agreement.

In response to Regent Sisolak's question, Ms. Henson replied that for those that are non-grandfathered, retirement is based on income up to $230,000 and then it stops. Regent Sisolak asked why then is retirement being taken out of the Foundations portion anyway. Ms. Henson stated that the benefits are proportionally deducted from both accounts at the time that salary is being paid until that cap is reached.

Regent Knecht added that retirement benefits were only being deducted for about 7 months of the year. Ms. Henson added that even once retirement contributions cease, deductions for health insurance would continue.

Regent Gallagher moved approval of the contract addenda for the Presidents of DRI, UNLV and UNR. Regent Crear seconded.

7. Approved-Presidential Contract Addenda, DRI, UNLV, UNR – *(Cont'd.)*

Chair Wixom stated that Chancellor Rogers had represented the Board in negotiating the contracts. He was anxious to honor the terms of the verbal arrangement to meet the expectations of the parties involved.

Regent Whipple left the meeting.

Regent Sisolak observed that the Board had not heard from the presidents. Presidents Wells, Ashley and Glick indicated they were all under the same impression.

Upon a roll call vote the motion carried. Regents Geddes, Knecht, Leavitt, Schofield, Wixom, Anthony, Crear, Dondero and Gallagher voted yes. Regents Rosenberg, Sisolak and Alden voted no. Regent Whipple was absent.

Regent Whipple entered the meeting.
Regent Knecht left the meeting.

8. Approved-Reimbursement of Malpractice Tail Coverage, UNR – The Board approved UNR President Milton D. Glick's request for the reimbursement of malpractice tail insurance coverage for the following physicians. Funds for reimbursing the malpractice tail insurance will be derived from clinical income.

- Dr. Nidhi Mehta, Internal Medicine, Reno, $10,273, over a two-year period *(Ref. C1 on file in the Board office)*.
- Dr. Brian R. Passalacqua, Family Medicine, Reno, $15,880, over a three-year period *(Ref. C2 on file in the Board office)*.

Regent Alden moved approval of the reimbursement of malpractice tail insurance coverage for UNR. Regent Rosenberg seconded.

In response to Regent Sisolak's question, President Glick indicated that tail coverage is not provided for the overwhelming majority of new hires. Dr. John McDonald, Vice President, Health Sciences and Dean of the School of Medicine-UNR, related that 52 Faculty have been hired over the last few years and the vast majority of those have not been provided tail coverage. The School of Medicine has a policy that clarifies tail coverage is not a general condition of employment and only under specific conditions will exceptions be considered by the Board of Regents. Regent Sisolak asked if there are any new hires that currently have tail coverage. Dean McDonald replied that there were, adding that it has been made clear to them that tail coverage is dependant on Board of Regents approval.

In response to Regent Alden's question, President Glick indicated that the source of funds to pay for the coverage was clinical income rather than state funds.

Motion carried. Regent Knecht was absent.

9. Approved-Reimbursement of Malpractice Tail Coverage, UNLV – The Board approved UNLV President David B. Ashley's request for the reimbursement of malpractice tail insurance coverage for UNLV Student Wellness Staff Physician candidate Dr. Salvatore Biazzo in the amount of $31,295 over a three-year period. Funds for reimbursing the malpractice tail insurance will be derived from the Student Health Fee *(Ref. D on file in the Board office)*.

Regent Alden moved approval of the reimbursement of malpractice tail insurance coverage for UNLV. Regent Geddes seconded.

Regent Sisolak noted the premium was higher than usual and asked if that was a result of a high number of claims. Dean McDonald explained that premiums are based on the specialty and the level of exposure. Regent Sisolak asked if each physician's record is reviewed for excessive malpractice claims. Dr. Rebecca Mills, Vice President, Student Life-UNLV, stated that although she did not review that information herself, she was confident that the records had been reviewed. Dean McDonald related that although the number of claims will affect the premium, it is not necessarily indicative of the individual's record.

Chair Wixom established that Regent Sisolak's concerns were in relation to the policy in general, not the individual. Regent Sisolak added that he wanted to ensure the physician is not leaving private practice to avoid a poor claims record. Executive Vice Chancellor Klaich stated that it is not necessarily standard practice to perform litigation checks on every physician hire outside of the School of Medicine.

Regent Anthony asked if it was appropriate for the Board to discuss claims and malpractice in an open meeting or if the Board was vetting UNLV's hiring practice.

Chair Wixom established that the question is whether or not a check was conducted, not what the results of that check were. The item was trailed until an answer could be determined.

Regent Knecht entered the meeting.

10. Approved-*Handbook* Revision, Committee Charge, Research & Economic Development Committee – The Board approved the second reading of Chair Michael B. Wixom's request for an amendment to the charge of the Research & Economic Development Committee *(Title 1, Article VI, Section 3(g) (5))*, to ensure an appropriate forum for Foundation-related issues *(Ref. E on file in the Board office)*.

Regents Geddes and Sisolak left the meeting.

Regent Alden moved approval of the *Handbook* revision concerning the Research & Economic Development Committee charge. Regent Rosenberg seconded.

Chair Wixom stated that the purpose of this revision is to provide a forum for Foundation issues, not to remove property issues from the jurisdiction of the Investment Committee.

10. Approved-*Handbook* Revision, Committee Charge, Research & Economic Development Committee – *(Cont'd.)*

Regent Geddes entered the meeting.

Executive Vice Chancellor Klaich added that it was not the Board's intent to imply any greater oversight of the Foundations or their activities. It is merely to provide an appropriate forum for Foundations to approach the Board.

Motion carried. Regent Sisolak was absent.

11. Approved-*Handbook* Revision, Health Sciences System Committee – The Board approved the second reading of Chair Michael B. Wixom's request for an amendment to the *Handbook (Title 1, Article VI, Section 3)*, to establish the Health Sciences System Committee as a standing committee of the Board *(Ref. F on file in the Board office)*.

Regent Alden moved approval of the *Handbook* revision concerning the status of the Health Sciences System Committee. Regent Geddes seconded. Motion carried. Regent Sisolak was absent.

The meeting recessed at 2:53 p.m. and reconvened at 3:05 p.m. on Thursday, October 11, 2007, with all members present except Regents Anthony, Crear, Leavitt, Rosenberg, Schofield and Whipple.

12. Approved-*Handbook* Revision, Bylaws, UNR *(Agenda Item #16)* – The Board affirmed its August 2007 action approving UNR President Milton D. Glick's request for amendments to the Constitution of the Associated Students of the University of Nevada, Reno *(Title 5, Chapter 16)*. Due to a change requested by UNR General Counsel's Office, to ensure the changes being considered for approval by the Board are constitutionally defensible and are consistent with Board policy, a modification was made to the version submitted by the campus. The modification was explained to Board members *(Ref. K on file in the Board office)*.

Executive Vice Chancellor Klaich explained that there was concern that the three minor changes made to the document, as voted upon by the students, had not been fully brought to the Board's attention prior to their vote.

Regents Rosenberg and Schofield entered the meeting.

Executive Vice Chancellor Klaich related the changes occurred in three places, two of which were identical and addressed the offenses for which an ASUN officer could be removed. Three words, *"or other offense"*, were removed in two places at the recommendation of Ms. Mary Dugan, General Counsel-UNR, feeling they were too vague and did not provide sufficient notice regarding the type of conduct that could result in removal from office.

12. Approved-*Handbook* Revision, Bylaws, UNR *(Agenda Item #16)* – *(Cont'd.)*

Executive Vice Chancellor Klaich stated that the third change was to add, *", Reno"* to a preamble statement to clearly identify the name of the institution. He felt the changes were appropriate and that the Board had taken the proper action.

Regent Knecht asked why legal counsel would be involved in this matter.

Regent Anthony, Crear and Whipple entered the meeting.

General Counsel Dugan explained that she reviewed such submissions to prevent students from passing something that contradicts the *Handbook*, state or federal law. She felt that if the students tried to remove an officer on the basis of *"or other offenses"* it could be determined as unconstitutionally vague. Executive Vice Chancellor Klaich related that review by General Counsel was required by System staff. General Counsel Dugan explained that, in the past, she would meet with the students early in the process to highlight potential pitfalls and then review the document again prior to it being placed on the ballot, adding that process did not occur in this instance.

Regent Knecht asked what liability the institution or Board would face if the language as voted upon by the students was invoked and used. General Counsel Dugan felt that if there was a resulting lawsuit, the ASUN would be sued which could lead to the Board being sued. She believed that most judges would find this language unconstitutionally vague and ultimately the Board could be held liable.

Regent Leavitt entered the meeting.
Regent Alden left the meeting.

Regent Knecht objected to the interpretation that a student government office rises to the kind of entitlement or right of judicial process. General Counsel Dugan explained that these officers receive payment, adding that the argument may be that there is a property right in that payment and a resulting right to due process. Regent Knecht asked if any of the paid officers are also elected to their position. Ms. Sarah Ragsdale, President ASUN, replied that there are appointed and elected officers. General Counsel Dugan felt that "*or other offenses*" was too broad to successfully find case law to defend.

Regent Knecht asked why language was not forwarded to the Board with the recommended changes. General Counsel Dugan indicated the officers were faced with the decision of waiting until March of 2008 to vote on the constitution again or bring it forward to the June Board meeting and indicate that there had been changes. The officers felt the latter was the best course of action. She added that there is a fundamental unfairness to the officers that they may not know what specific actions might result in their removal from office.

Chair Wixom established that Mr. Gregory Green and Mr. Shawn McDonald, both ASUN Senators, had submitted letters to be entered into the record but would not be able to attend the meeting. Regent Knecht asked if either party had suggested an alternative action for Board.

12. Approved-*Handbook* Revision, Bylaws, UNR *(Agenda Item #16)* – *(Cont'd.)*

General Counsel Dugan recommended that the Board either not take action or affirm its previous action.

Executive Vice Chancellor Klaich indicated that Mr. Green's letter suggested that should the Board not choose to reincorporate the language voted on by the students, that they affirm their previous action.

Chief Counsel Patterson stated that this Board does have the plenary authority to make changes to constitutional matters.

Regent Rosenberg related that six students had come to him individually to express their concern solely for the process. They would have preferred the document be presented to the Board as voted upon by the students with the recommended language changes included. The students were not questioning General Counsel Dugan's advice but wanted the Board to be aware that the document had been changed after the students had voted on it. The students want it to be known that they are angry and asked that it not happen again.

Regent Geddes stated that he also was unaware of the timing of the changes and asked whether the Board could allow the constitution as voted upon by the students and then provide a definition in the bylaws for what other offenses would be. This will allow the constitution to remain as it was voted upon until the 2008 elections. He stated that there was a judicial system with an appeal process in place to address issues that arise in the interim.

At Chair Wixom's request, Executive Vice Chancellor Klaich clarified that there are three options: (1) the Board could take no action which would essentially affirm its previous action, (2) the Board could approve the constitution as voted upon by the students which would rescind the Board's previous action, or (3) the Board could approve no constitution and return it to the students until the next ballot.

Regent Geddes suggested that subsequent to today's outcome, there be a system in place that includes legal counsel's involvement prior to inclusion on the student ballot.

Ms. Sarah Ragsdale, ASUN President, appreciated the attention that this document was receiving, adding that it is of supreme importance to the student government. She felt the opinion expressed is that of one student and not that of the executive branch of the student government. In response to Executive Vice Chancellor Klaich's question, Ms. Ragsdale stated that she is still recommending approval of the constitution with legal counsel's recommended changes.

Regent Knecht moved approval to affirm the Board's prior action with a caution that the student government work more closely with legal counsel in the future. Regent Dondero seconded.

12. Approved-*Handbook* Revision, Bylaws, UNR *(Agenda Item #16)* – *(Cont'd.)*

Regent Rosenberg recommended that the Board vote to rescind their prior action, vote on the constitution as approved by students; then take a third vote to approve the changes.

Regent Geddes asked what authority Ms. Ragsdale possessed to agree to a change of the vote of the students. Ms. Ragsdale referred to the ratification section of the constitution that indicates ballots are passed by the majority of the Senate, two-thirds vote of the students and by the Board of Regents. In her opinion, how it moves from the student's vote to the Board of Regents is subject to university policy and System code. The university policy is that all agenda items are submitted through the President's office and requires review by legal counsel. She felt the Board should see the version as recommended by legal counsel. Regent Geddes observed this is beyond one person's opinion and asked Ms. Ragsdale how she would respond to the students claim that she overturned their vote. Ms. Ragsdale felt she had not overstepped her bounds of authority.

Upon a roll call vote the motion carried. Regents Knecht, Leavitt, Schofield, Sisolak, Whipple, Wixom, Anthony, Crear, Dondero and Gallagher voted yes. Regents Rosenberg and Geddes voted no. Regent Alden was absent.

13. Approved-*Handbook* Revision, Special Admissions *(Agenda Item #12)* – The Board approved Vice Chancellor Jane Nichols' request for a revision to Board policy concerning alternative admissions for the universities and state college *(Title 4, Chapter 16, Section 7)*, to make clear that a more holistic approach to admissions may be used and to codify the policy adopted in August 2007 to increase the number of students that may be admitted under alternative or special admission criteria *(Ref. G on file in the Board office)*.

Regent Geddes moved approval of the *Handbook* revision concerning special admissions. Regent Sisolak seconded.

In response to Regent Crear's question, Vice Chancellor Nichols indicated that this revision will ensure that the admission notification process at both universities is similar and consistent. If a student does not meet the GPA or test score requirements, they are automatically considered under the alternative provisions without having to reapply.

Regent Crear asked if the policy specifically states when the student will be notified of their admission status. Vice Chancellor Nichols replied that this policy will ensure that the process at UNLV is more similar to the process at UNR where the student is not notified that they were not admitted based on GPA or test scores, but rather are automatically admitted under the special provisions. Regent Crear felt that there needed to be a final notification process statement within the policy. President Ashley agreed that the students need to be recruited in a timely and prudent fashion, adding that this policy will provide a more straightforward and positive recruitment effort.

13. Approved-*Handbook* Revision, Special Admissions *(Agenda Item #12)* – *(Cont'd.)*

Dr. Mills stated that UNLV has already begun to implement the alternative admission process for this fall. Regent Crear believed that the universities will follow through but felt the notification procedure should be specified in the policy.

Regent Knecht noted that he had voted against this policy because he was not comfortable with increasing the alternate admissions from 10 to 15% on a comparable basis. He continues to be uncomfortable that his concerns have not been addressed by the proposed policy language.

Regent Dondero asked how the proposed policy compares to other universities in our region. Vice Chancellor Nichols replied that Nevada is somewhat unique. At most of the universities that Nevada competes with *(Arizona, Utah, etc.)*, the students must first apply, their eligibility determined and then they are selected from those who are eligible. In Nevada, all students who are eligible are accepted. We are not going to accept all of those students, and 15% more who are eligible under these other criteria.

Motion carried. Regent Knecht voted no. Regent Alden was absent.

14. Approved-*Handbook* Revision, National Guard Fee Waivers *(Agenda Item #13)* – The Board approved Vice Chancellor Jane Nichols' request for a revision to Board policy concerning the National Guard fee waiver *(Title 4, Chapter 17, Section 13)*, clarifying current Board policy to provide that credit-bearing academic courses, including distance education courses, are covered under the fee waiver policy *(Ref. H on file in the Board office)*.

Regent Anthony moved approval of the *Handbook* revision concerning National Guard fee waivers. Regent Knecht seconded. Motion carried. Regent Alden was absent.

Regent Crear left the meeting.

15. Approved-*Handbook* Revision, Millennium Scholarship Affidavit *(Agenda Item #14)* – The Board approved Vice Chancellor Jane Nichols' request for a revision to Board policy to bring the NSHE in compliance with Senate Bill 5 enacted during the 23rd Special Session of the Nevada Legislature requiring Millennium students to sign an affidavit regarding citizenship status *(Title 4, Chapter 18, Section 19 (Ref. I on file in the Board office).*

Regent Geddes moved approval of the *Handbook* revision concerning the requirement for a Millennium Scholarship affidavit. Regent Anthony seconded.

Regent Sisolak asked if students currently receiving the scholarship have to sign the affidavit. Vice Chancellor Nichols introduced Mrs. Reba Coombs, Executive Director, Millennium Scholarship Program, and then explained that this policy change only applies to graduating high school seniors beginning in the spring of 2008.

15. Approved-*Handbook* Revision, Millennium Scholarship Affidavit *(Agenda Item #14)* – *(Cont'd.)*

Special Counsel Brooke Nielsen explained that statutory language, passed during the last legislative session, requires students to sign an affidavit declaring their eligibility. Nevada Revised Statute *(NRS)* 53.045 provides that in lieu of an affidavit, any person can sign a declaration under penalty of perjury that the above is true and correct

Executive Vice Chancellor Klaich suggested a friendly amendment to clarify that the affidavit is intended to comply with the intent of Nevada law and will not require the students to secure a notarized affidavit.

In response to Chair Wixom's question, Special Counsel Nielsen felt that the Board could feel assured that the declaration will comply with the letter and intent of the senate bill. Vice Chancellor Nichols added that both System counsel and the Attorney General's office had been included in discussions.

Regents Geddes and Anthony accepted the friendly amendment.

Motion as amended carried. Regents Alden and Crear were absent.

Regent Crear entered the meeting.

16. Approved-*Handbook* Revision, Millennium Scholarship Co-Enrollment Exception Policy *(Agenda Item #15)*– The Board approved Vice Chancellor Jane Nichols' request for a revision to Board policy allowing institutional flexibility to the Millennium Scholarship co-enrollment exception policy *(Title 4, Chapter 18, Section 19)*. The proposal allows exceptions for initial eligibility based on total credits in which a student is enrolled according to institutionally established procedures and guidelines *(Ref. J on file in the Board office)*.

Vice Chancellor Nichols explained the possible combination of courses that can be taken at various institutions to comply with the requirements of the Millennium Scholarship. The proposed policy will require students to have a "home" campus where they have an advisor and are pursuing a satisfactory course of study. Provided that home institution approves, the students can take courses elsewhere. The proposed revision also addresses a required number of credits, successful completion of a certain number of credits and that a minimum GPA be maintained in order to remain eligible. Each institution will also be allowed to develop their own procedures in collaboration with one another for the best interest of the students.

Regent Rosenberg clarified that if a student is enrolled in 9 credits at UNR and 3 at either TMCC or WNCC, they are now eligible for the Millennium Scholarship. Vice Chancellor Nichols explained that currently a student is allowed to take a course at another institution upon the approval of, and only if it is not offered or available at, their home institution. The proposed policy revision will give the institutions more flexibility to develop their own procedures to promote more student success.

16. Approved-*Handbook* Revision, Millennium Scholarship Co-Enrollment Exception Policy *(Agenda Item #15)* – *(Cont'd.)*

Regent Geddes moved approval of the *Handbook* revision concerning an exception policy for Millennium Scholarship co-enrollment. Regent Crear seconded.

Regent Sisolak questioned the technicality of referring to "community colleges" in the *Handbook* when the term "community" has been removed from some of the colleges' names. Vice Chancellor Nichols clarified that the *Handbook* language is very careful to retain the definition of those four institutions as community colleges to comply with NRS. Regent Sisolak stated that although that was the intent, he wanted to ensure that there could be no other interpretation.

Special Counsel Nielsen agreed with Vice Chancellor Nichols, adding that all NSHE policies identify those institutions as community colleges. Regent Sisolak asked if the students were aware that although a college in Nevada may not contain the term "community" in its name, it is still defined as a community college. Vice Chancellor Nichols stated there is no advantage to a student interpreting it as not being a community college for the purposes of the Millennium Scholarship.

In response to Regent Sisolak's question, Executive Vice Chancellor Klaich replied that the NRS and *Handbook* sufficiently defines community colleges. Vice Chancellor Nichols added that NRS leaves it to the Board of Regents to define community colleges. As long as that definition remains consistent, they would be in compliance. Chair Wixom asked legal counsel to review the language contained in the Handbook and NRS and confirm that the Board has complied with the intent.

Motion carried. Regent Alden was absent.

9. Approved-Reimbursement of Malpractice Tail Coverage, UNLV – *(Cont'd.)*

Dr. Mills reported that Dr. Biazzo's malpractice record was reviewed prior to hiring. The reason for the higher premium was strictly due to the length of his career.

Motion carried. Regent Alden was absent.

Regent Anthony left the meeting.

17. Approved-*Handbook* Revision, Trimester Nursing Authorization *(Agenda Item #20)* – The Board approved a policy proposal authorizing the use of a B3 contract for academic nursing faculty at UNLV, NSC and CSN only *(Title 4, Chapter 3, new Section 35)*. Due to the uniquely competitive market affecting nursing salaries in southern Nevada, Executive Vice Chancellor Dan Klaich presented a policy proposal authorizing the use of a 12-month contract option permissible only if the institution adopts a three-semester teaching model for nursing. A three-semester nursing model was successfully piloted by UNLV and is currently in practice at the institution *(Ref. N on file in the Board office)*.

17. Approved-*Handbook* Revision, Trimester Nursing Authorization *(Agenda Item #20)* – *(Cont'd.)*

Regent Rosenberg moved approval of the *Handbook* revision authorizing the use of a B3 contract for academic nursing faculty at UNLV, NSC and CSN only. Regent Geddes seconded.

Regent Sisolak asked if a B3 contract is 1-1/3 times as long as a 9-month contract, why is it 1-1/2 times the salary instead of 1 1/3 times the salary. Executive Vice Chancellor Klaich stated that they are essentially teaching another 50% load during the summer trimester. Regent Sisolak asked if they are teaching 100% in 9 months, how can an additional 50% be taught in 3 months.

Vice Chancellor Nichols stated that they are instituting three 15-week semesters. Faculty typically works two semesters with a break. This is an additional semester with the expected number of students and number of hours. Regent Sisolak observed that there is not 15 weeks in three months. Vice Chancellor Nichols clarified that semesters are not defined in weeks, but rather in hours.

Dr. Neal Smatresk, Executive Vice President and Provost-UNLV, explained that these programs are calculated by the number of contact hours. The additional 15-week semester results in 50% more work and time. Regent Sisolak stated that there has always been an argument that the concern is not just for the number of contact hours but also the number of office hours required. Dr. Smatresk stated that the nursing program semesters do not run exactly as the other programs.

Chair Wixom commended the maximization of capital infrastructure through more frequent and intensive use. He asked if it was possible for the institutions to explore the more frequent use of this type of approach from a budgetary perspective. Dr. Smatresk replied that this approach makes sense but cautioned that it required coordination, adding that it works better with pocket programs but may not be as effective with all general education courses. Chair Wixom felt this approach would serve the System well and asked that this issue be addressed at another time.

Regent Gallagher stated for years the nurses have discussed a three-semester arrangement, adding that they are not interested in time off between semesters. They are more interested in getting the work done as efficiently as possible. She agreed that the System does not capitalize on all of its facilities.

Chair Wixom asked that an agenda item be included on the February 2008 agenda to address general conceptual approaches to exploring the use of this type of approach in the budgetary process.

Executive Vice Chancellor Klaich stated that Vice Chancellor Nichols and the Student Affairs Department needed to be included in that discussion. There needs to be sensitivity to some differences in the manner in which education is delivered between universities and colleges.

17. Approved-*Handbook* Revision, Trimester Nursing Authorization *(Agenda Item #20)* – *(Cont'd.)*

Regent Geddes referenced Section 35 of the proposed policy and requested that *", the state college"* be amended to read *", Nevada State College"*.

Regents Rosenberg and Geddes accepted the friendly amendment.

Motion as amended carried. Regents Alden and Anthony were absent.

18. Information Only-Preliminary Report of Tuition and Fee Committee - Executive Vice Chancellor Dan Klaich reported to the Board about the preliminary discussion of the Tuition and Fee Committee as they have begun their deliberations for recommending tuition and fee levels and related policy implications for the future.

Executive Vice Chancellor Klatch stated that the Board's tuition and fee policy took into consideration the median of WICHE peer groups with a three-year rolling average to ensure affordable education. He related that he often hears that it cannot just be a mathematical calculation. He asked that the Board also keep in mind that there is a looming issue of the legislative letter of intent that includes: (1) a concern about the level of revenues coming from the State to higher education, and (2) if there is a decline in those revenues, how to maintain and enhance the quality of education by raising fees if necessary. There is very little motivation to the presidents or students for a high tuition model if the tuition will not remain on campus. He indicated that generally the State's general fund supplements what student tuition does not cover, adding that the Legislature has a legitimate concern and wants to protect the revenues that go into that fund. The committee is considering multiple alternatives for presentation to the Board.

Regent Sisolak asked about the timeframe for determining a tuition increase. Ms. Crystal Abba, Associate Vice Chancellor-NSHE, replied that the first report would be presented to the Board in February 2008 with final action requested in April 2008. Formal recommendations will be made to the campuses in December or January. Executive Vice Chancellor Klaich stated that the recommendations will be provided to the Board before they are submitted to the student groups. Ms. Abba added that the recommendations will also be posted on the website.

The meeting recessed at 4:25 p.m., on Thursday, October 11, 2007, and reconvened at 8:00 a.m., on Friday, October 12, 2007, with all members present except Regents Alden, Knecht, Leavitt, Schofield and Whipple.

4. Information Only-Public Comment *(Agenda Item #4)* – *(Cont'd.)*

Regent Rosenberg reported that he just learned that Dr. Daniel Coming, the State's first Millennium Scholarship graduate, has completed his Ph.D. in Computer Science from U.C. Davis and just accepted a position as an Assistant Research Visualization Scientist at DRI.

Chair Wixom requested that a letter of acknowledgement from the Board be sent to Dr. Coming as well as to former Governor Kenny Guinn.

Regent Alden entered the meeting.

19. Information Only-NAAG School Safety Report *(Agenda Item #17)* - Attorney General Catherine Cortez Masto presented the findings and recommendations of the National Association of Attorneys General *(NAAG)* Task Force on School and Campus Safety, published in September 2007 *(full presentation on file in the Board office)*. The Regents and the Attorney General conducted a general discussion regarding their applicability in Nevada *(Ref. L on file in the Board office)*.

Ms. Cortez Masto discussed concern for campus safety and tightening security measures. There is a shared concern for the safety and wellbeing of the students that attend the Nevada's universities and colleges. In the wake of the tragedy at Virginia Tech, safety and security is of paramount concern.

Regents Knecht, Leavitt and Schofield entered the meeting.

Ms. Cortez Masto indicated that the final report includes recommendations on:

- Threat Reporting
- Threat Assessment
- Referral and information sharing
- Violence Response and Preparation
- Crisis Communication
- Access to Firearms

Attorney General Masto reported that the Senate Judiciary Committee passed Senate Bill 2084 in July and it is currently on the Senate Legislative Calendar for consideration, possibly next week. This bill establishes a National Center for Campus Public Safety, establishes a $50M grant program for institutions for public safety offices, provides funding for a mental health data bank system for background checks of gun buyers and provides grant money for K-12 school security.

Attorney General Masto stated that a Teaching Tolerance Task Force has been established to collaborate between the Attorney General's office and the Nevada Department of Education. Its mission is to encourage a safe and respectful learning environment in Nevada's schools. The task force has two co-chairs and is comprised of 15 members including representatives from state and local agencies, K-12 and higher education, community organizations and legislators.

Chair Wixom asked Attorney General Masto for further input on items 1, 4, 6 and 7 of the report's recommendations. In regards to recommendation #1, Chair Wixom asked where the NSHE institutions stood in regards to the safeguards and asked what steps should be taken for more aggressive implementation. Attorney General Masto replied that she is aware that the campuses have emergency management plans in place, adding that each campus's plan needs to be reviewed comprehensively to ensure that all departments are involved in the process and that there is responsibility. Chair Wixom asked each president to present their plans to the Board.

19. Information Only-NAAG School Safety Report *(Agenda Item #17)* – *(Cont'd.)*

Chair Wixom then referenced recommendation #4 that states schools and colleges should have all-hazard training including anti-terrorism training that focuses on vulnerabilities. Attorney General Masto indicated that law enforcement agencies are typically involved with all-hazard training, adding that if the campus police are not currently involved, they should be. Chair Wixom asked the presidents to include this information in their reports.

In regards to recommendation #6, Chair Wixom asked if both federal and state governments should have crime and violence reporting requirements for schools and colleges. Attorney General Masto indicated there was a concern that reporting was not comprehensive as to the types of crimes committed on the campuses for fear of scaring off potential students. Chair Wixom also asked that the presidents address this item as well as recommendation #7 that calls for campus public safety departments to meet the highest accreditation possible where feasible.

Regent Alden asked if the report addressed early detection of troublesome students in K-12. Attorney General Masto stated that was addressed in the 1999 report and offered to provide a copy of that report to the Regents. She added that the report presented today is an update, assuming that the previous recommendations were still pertinent. Regent Alden asked if there was a process for highlighting potential problems without violating a student's rights. Attorney General Masto replied that at the State level there are issues in terms of reporting. Her office is also reviewing how to report concerns without sharing information except as necessary and she hopes to engage the institution presidents in that dialogue. Regent Alden asked that the campuses develop a way to properly communicate problems as they start to percolate.

Regent Rosenberg asked what laws are available to hold parents responsible for their teenager's possession of guns. Attorney General Masto replied that in the State of Nevada, minors wishing to use guns must receive training *(e.g. hunter's safety)* and the parents must be involved. Unfortunately there are those that will break the law and action will be taken to the extent that those laws are broken.

Regent Crear thanked Attorney General Masto for her time and presentation. Attorney General Masto thanked the Board, adding that she looks forward to working with them in the future.

Chair Wixom asked the presidents to provide a report on all seven of the Report's recommendations to the Cultural Diversity and Security Committee.

Regents Alden and Sisolak left the meeting.

20. Approved-NSHE Salary Study *(Agenda Item #19)* – The Board approved recommendations for appropriate adjustments to the salary schedules based on national and regional data. Pursuant to Board policy *(Title 2, Chapter 5, Section 5.5.1)*, salary schedules for NSHE institutions must be reviewed every four years by joint efforts of the faculty, presidents and Chancellor. Vice Chancellor Jane Nichols and Chief Human Resources Officer Carla Henson presented the 2006-07 NSHE Salary Study for the Board's consideration *(Ref. M*

20. Approved-NSHE Salary Study *(Agenda Item #19) – (Cont'd.)*

on file in the Board office) (full presentation available in the Board office). Salary schedule adjustments will impact future starting faculty salaries across all institutions. Additionally, the revision of the salary schedule has a direct fiscal impact for community colleges for one year as they will have to fund the increase to faculty salaries for the period of July 1, 2008, through June 30, 2009.

Regent Whipple entered the meeting.

Executive Vice Chancellor Klaich related that there has been intense interaction with the presidents and faculty senate chairs throughout this process.

Vice Chancellor Nichols reported that in 1986, the Board adopted a goal for median salaries to equal the upper quartile of comparison groups. System salary schedules are compared with CUPA *(College & University Professional Association)* and AAUP *(American Association of University Professors)* data.

Vice Chancellor Nichols reported that NSHE executive and university peer salaries were compared with the 2006-07 CUPA data. The state college salaries were calculated at 83.3% of the universities. DRI was included with the university salary schedule. The community college executive and administrative salaries were compared with a peer group defined by WICHE *(Western Interstate Commission on Higher Education)*, using 2006-07 CUPA data, while faculty salaries were compared using the AAUP faculty survey data for two-year institutions. The community college faculty salary schedule is very similar to traditional K-12 models *(30 steps with 2.5% merit step increases annually; tenured faculty is separate)*. If changes are made in the dollar amount of the base, the entire faculty on the salary schedule is affected.

Recommended Adjustments:

- No downward adjustment in the four cases where there is a small potential reduction in the salary schedule.
- A $200 actual salary increase for all community college faculty.
- Abandon the bottom four rows of the community college faculty salary schedule and add these rows to the top of the schedule. No salary increase for faculty except for the few on the bottom four rows.
- Compress the community college administrative salary schedule from nine grades to eight. Each community college will need to evaluate their existing administrative positions to determine the appropriate placement on the new schedule.
- Recommendation for future study of salary study methodology.

Regents Alden and Sisolak entered the meeting.

Vice Chancellor Nichols discussed individual executive, administrative and faculty salary schedules. Percentage-wise, the community college faculty is falling further and further behind the university and Nevada State College faculty. The adjustment on the salary schedule for the community colleges only will be a decision point for the legislature. However, the System is confident that the arguments are great enough to support the recommendation.

20. Approved-NSHE Salary Study *(Agenda Item #19)* – *(Cont'd.)*

In addition, Vice Chancellor Nichols and Ms. Henson are recommending that a study of the methodology be conducted prior to the 2011 Salary Study. This study of methodology should involve the Human Resources Directors, faculty and System Administration. Any new recommended methodology should come to the Board of Regents for discussion and approval prior to the actual study results being presented to the Board in the fall of 2011.

Regent Knecht established that the data shown, especially at the university and research levels, are not reflected of Tier 4 institution medians but rather the medians of all fifty land grant institutions *(CUPA)*. He agreed that there needs to be a review of the methodology, adding that the issue of weighting versus non-weighting also needed to be addressed. He observed that due to the two year lag, there is justification for a fairly liberal allowance of approximately 5% per year adjustment, equating to a 10% differential. When the methodology is reviewed, he would be interested in seeing Tier 1, 2, 3 and 4 breakdowns.

Vice Chancellor Nichols clarified that NSHE uses the 75th percentile of the peer benchmarking data, not the median, to establish the System's medians. This is partly due to the two-year lag and to create a competitive salary model. Regent Knecht indicated that to attract, retain, educate and graduate outstanding students, the price must be paid but he would like to see a management plan, the faculty ratings plan and other operational plans that will produce the desired results. Vice Chancellor Nichols replied that at the universities and state college, all of the presidents have strongly expressed their expectations to the faculty and that those expectations will be used for the basis of their evaluations. On the community college side, the faculty has expressed an interest in evaluating the value of the step process in their salary schedule. That discussion will open the door to a conversation on merit steps and accountability and performance. Regent Knecht agreed that there needs to be a focus on merit but stated his request is broader in that he wants to see strategic plans from each institution and the system to provide the quality education that is wanted.

Chancellor Rogers agreed with Regent Knecht adding that great teachers will not come to institutions that do not possess great students and vice versa. He noted that Clark County had 40 National Merit Scholars yet did not retain a single one in Nevada. UNR fared somewhat better. This System needs a comprehensive plan to compete with the universities that we are competing with. A comprehensive plan is needed that not only recruits and maintains the best administrators but also the best students. Chair Wixom requested that be addressed at a future Board meeting, possibly in November or February.

Regent Dondero questioned whether the students would need to pay more in fees in order to afford these raises. Vice Chancellor Nichols stated that the recommendations do not include a fee increase for students. The System's largest budget item is for personnel and faculty salaries. She stated that to be competitive the State, and the students to some extent need to help support operating costs that can be devoted to salaries. Regent Dondero asked if some of the bonuses include help with housing and medical costs, adding that it may be helpful to look at what other states are doing.

20. Approved-NSHE Salary Study *(Agenda Item #19)* – *(Cont'd.)*

In response to Regent Leavitt's question, Ms. Judy Stewart, Faculty Senate Chair-WNC, stated that the Faculty is very happy with the proposal. The more experienced faculty has recognized the study's implications and felt the recommendations will help with recruitment. She indicated this was representative of all of the faculty senate chairs.

Executive Vice Chancellor Klaich stated that the typical methodology revealed a growing gap between the universities and state college pay in comparison to the community colleges, in spite of directing more students to the community colleges for instruction.

Regent Alden expressed concern for the faculty workload and asked that consideration be given to the impact of research at DRI. He felt that in pushing the institutions to conduct research, graduate studies are often forgotten.

Regent Geddes asked why there were no downward adjustments. Vice Chancellor Nichols replied that this time, except for the Dean of Fine Arts, they could not see the merit in adjusting the salaries down by such small amounts *(e.g., $200)*. She noted that the last study prompted some fairly significant decreases and there were more of them.

In response to Regent Geddes' question, Vice Chancellor Nichols clarified that within the entire system, there were only eleven members of the Faculty in the bottom three tiers. If the presidents cannot recruit within the lower tiers, the policy allows them to move to a higher tier. This is a further indication that the salaries are too low and that this may no longer be an appropriate model.

Regent Geddes asked if this will solve the nurse hiring shortage. Vice Chancellor Nichols stated that data could not be found that would support a separate salary schedule for nurses. The primary solution will be the B3 contract.

In response to Regent Sisolak's question, Vice Chancellor Nichols stated that the System does not adjust salaries for cost of living but rather it takes into consideration the geographic location of the peer institution to determine if there is a representative example in high cost areas. When looking at the 50 CUPA institutions, they feel this has been accounted for. Chancellor Rogers related that the lack of income tax and usually low property taxes are used as a recruiting tool. Ms. Henson added that it has hurt us that the cost of housing has increased to such an extent that it can no longer be used.

Regent Sisolak asked how the recommendations will affect present faculty hired at the lower rates. Vice Chancellor Nichols stated that the campuses will be required to perform an equity study that takes into consideration background, credentials and years of service to determine if there are salaries that are out of sync with the recommendations. Regent Sisolak asked what the fiscal impact of this recommendation will be. Ms. Henson stated that salary equity studies are done periodically and, historically, a minimal number of faculty members are impacted. President Ashley agreed, adding that even without the System's salary study, UNLV would continue to perform equity studies to ensure that particular faculty groups are not systematically disadvantaged.

20. Approved-NSHE Salary Study *(Agenda Item #19)* – *(Cont'd.)*

Regent Sisolak asked if a study has been done on part-time faculty. Ms. Henson indicated that the *Handbook* includes target goals for part-time faculty and the reporting on the progress of those goals, adding that the report should be available next week. The institutions have a difficult time keeping pace with the goals because every year the goals increase due to COLA and other factors. Regent Sisolak observed there was a difference between our target goals and what the other land grant institutions are paying their part-time faculty. Ms. Henson stated that they have not performed that analysis. Vice Chancellor Nichols stated that in 2001 a study of part-time faculty was conducted, and at that time, the salaries were raised. Each institution has a different salary range, depending on the discipline, with a minimum goal that is a percentage of the lecturers' salaries. As the salary schedule increases, so will the range for part-time faculty. Regent Sisolak asked if the part-time study could also be conducted every four years. Vice Chancellor Nichols suggested that a study of the part-time faculty be added to the recommendation to review the methodology.

Chancellor Rogers related that the ratio of part-time to full-time faculty is very high. Regent Sisolak asked that a study be conducted before the next four-year salary study. Vice Chancellor Nichols committed to returning this item to the Board in the spring of 2008 and then include it with the salary schedule every four years thereafter.

Regent Rosenberg stated that part-time faculty does not mean less qualified faculty. It requires more than just money to attract people, adding that Letter of Appointment and part-time faculty are desperately important to the institutions.

Regent Schofield expressed his appreciation to Regent Sisolak for calling attention to a critical component of the higher education system's ability to deliver education.

Regent Knecht also agreed with Regent Sisolak's point on part-time faculty. The issue is pay for value delivered, adding that part-time faculty are not paid commensurate with the value they deliver.

Regent Knecht moved approval of the salary schedule report and its recommendations including (1) revision of the administrative schedule of the community colleges to mirror the state college, (2) revision of the academic salary schedule for the community colleges including a $200 per step increase and a schedule roll up and (3) mandating a study of salary methodology to be brought to the Board to include part-time faculty members. Regent Sisolak seconded.

Regent Sisolak asked if Title 2, Chapter 5, Section 5.1 of the Handbook would need to be amended to include a study of part-time faculty be done every four years. Chair Wixom asked that the revision be placed on the November 2007 consent agenda.

Motion carried.

Chair Wixom expressed appreciation to President Wells, Cindy Sargent, DRI's facilities staff, SCS personnel, UNLV's catering staff and the UNLV Police Department.

The meeting recessed at 10:03 a.m. and reconvened at 10:15 a.m., on Friday, October 12, 2007, with all members present except Regents Dondero and Leavitt.

21. Approved-Cultural Diversity & Security Committee Recommendations *(Agenda Item #23)* - Chair Stavros S. Anthony reported the Cultural Diversity & Security Committee met October 11, 2007, and briefly discussed the armed status of campus security personnel. He requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the August 16, 2007, Committee meeting *(Ref. CDS-1 on file in the Board office)*.
- *Handbook* Revision, Reserve Peace Officer Program – The Committee recommended approval of a revision to Board policy *(Title 4, Chapter 3, Section 12 and Title 4, Chapter 1, Section 12)* establishing an optional program where, upon approval by the institution's President, faculty and administrative staff may participate in a Reserve Peace Officer Program *(Ref. CDS-2 on file in the Board office)*.

Regent Anthony recalled the discussion regarding the reserve peace officer program from the previous day. He compared the discussion to two different worlds colliding, high crime areas versus areas with relatively low crime. He recalled the Virginia Tech incident, adding that he was disturbed about the violence that had occurred on that campus that had ended only because the shooter took his own life. Many more deaths would have occurred if the shooting had continued.

Regents Dondero and Leavitt entered the meeting.

Regent Anthony related that in proposing this policy, he wanted to help prevent or alleviate such an occurrence on a Nevada campus. He recognized that half of the System's campuses do not have a police force, while those that do are limited. He had hoped that providing reserve peace officers would act as a deterrent to violence and provide a means for protecting the campuses. He expressed his support for the measure, adding that the campus police chiefs also favor the idea. He thanked Regents Crear and Gallagher for their support, while recognizing that some Regents, the students and most of the Presidents oppose it. He acknowledged that the Chancellor is also against it and that the System's reputation could be damaged by approving guns on campus. He said he understood the negative implications and recognized there are people who are completely for or against weapons in general. He thanked Vice Chancellor Nichols and her staff for helping to draft the proposed policy at his request. He felt the discussion should focus on how to make the campuses safer, adding that he would continue to pursue that outcome.

Regent Anthony moved approval of the August 16, 2007, Cultural Diversity & Security Committee minutes and acceptance of the report. Regent Sisolak seconded. Motion carried.

Regent Anthony moved approval of the *Handbook* revision concerning a reserve peace officer program. Regent Whipple seconded.

21. Approved-Cultural Diversity & Security Committee Recommendations *(Agenda Item #23)* – *(Cont'd.)*

Former UNLV student, Mr. Dirk Ravenholt, felt that arming faculty is a mistake and worried that a bullet could miss the target and hit a student. He felt that weapons should be in the hands of the police. He appreciated the effort to help solve the problem, but felt that it could be accomplished without bringing more guns on campus.

Mr. Ryan Crowell, Student Body President-NSC, felt that arming faculty was more of a last resort than a solution to the problem. He felt preventative measures should be considered first *(e.g., more emphasis on community structure and values)*. He asked the student organizations to become more familiar with the students in order to be aware of any brewing problems.

Ms. Judy Stewart, Faculty Senate Chair-CSN, questioned the source of seed money, financial ramifications, and program sustainability.

Dr. Alok Pandy, State President-NFA, felt that Board had acknowledged a safety issue without comprehensively researching the solutions or the associated costs

UNLV President David B. Ashley related that the safety of the campuses is a prime concern to the presidents. He said that all of the institutions would benefit by having access to reserve officers, which could best be accomplish with a trained cadre of reserve officers. He proposed a training program that would make such officers available to all campuses, adding that he would like to draw upon a professional core of already trained officers. He felt the essence of Regent Anthony's proposal has tremendous merit and the resources could be developed to make it widely available to all institutions.

Regent Gallagher felt the discussion had revealed that everyone is interested in the safety of the campuses and appreciated President Ashley's observations. She was disturbed with the perception of a desire for arming the faculty. She felt it was more a means of providing the presidents and institutions an option to use measures to protect their campuses. She felt it was important for the Board to be supportive of what the campuses want to do to protect their faculty and students, noting they would need to have the money to make these programs work. While she is not afraid of guns, she is afraid of people not having guns when others do. She appreciated Regent Anthony bringing the matter forward and hoped the institutions and the Board will take this seriously.

Regent Crear applauded Regent Anthony for taking action but noted that no other alternatives had been proposed. He asked those in opposition to the policy develop concrete action plans that can better address campus security. He noted that UNLV's reserve officers are typically called in for events and not used on a daily basis.

Regent Alden opposed the measure, adding that he did not think it was time to arm the faculty and have the institutions absorb the costs. He felt the security of the campuses was best left in the hands of the professionals. He felt action needed to be taken but not by arming the faculty.

21. Approved-Cultural Diversity & Security Committee Recommendations *(Agenda Item #23)* – *(Cont'd.)*

Regent Sisolak said the discussion had been helpful and hoped that good points would materialize. He wondered how students would recognize the good guys from the bad guys. He suggested establishment of a reverse 911 system, blast e-mail, and a low-tech warning system with lights and sirens. He noted that Regents cannot solve all of the problems. He wondered why there was not a police substation closer to the UNLV campus and advocated the use of public forums to gather good alternatives. He commended Regent Anthony for bringing the matter forward but said he could not support the measure.

Regent Geddes admired Regent Anthony for bringing the matter forward. He was fully supportive of the suggestion for using reserve police officers. He was concerned for the number of people that complete POST only to discover they do not like serving in such a capacity. He stated that the campuses have taken the Virginia Tech situation very seriously and are working on improved safety measures.

Regent Knecht thanked Regent Anthony and staff for the hard work invested in a measured and productive proposal. He said that the basic safety goal is to minimize the total carnage, recognizing that they could not prevent all of it. He felt that some of the opposition to the proposal lies in resistance to this point. He said that preventive and responsive measures can be taken. He acknowledged that we all abhor the violence, some extending it to the weapons themselves. Outlawing guns does not keep shooters off campus. Past occurrences have included shooters coming onto campus heavily armed. An extra gun would have no impact. There are no known incidents on campuses of a shooter obtaining a security officer's weapon. He felt the basic question was what would minimize the total carnage and the System's liability. He was persuaded that this proposal would have a positive effect on that and encouraged other proposals to be brought forward. He said that the faculty who are opposed do not have to participate, but felt it was wrong for them to prevent others the right to self protection. He noted that students are not unanimously opposed to this. He acknowledged that the System's reputation may be negatively impacted in some areas, but enhanced in others that recognize the tough decision made to protect faculty, staff and the institution. He expressed his support for the measure.

Regent Schofield objected to the proposal while echoing the credit extended to Regent Anthony for bringing the item forward. He said he has family in those classrooms and could not envision a family member/teacher seeking a gun fight. He felt the System should pursue viable alternative solutions.

Regent Leavitt acknowledged the atmosphere of airports and courthouses had been changed due to security concerns. Until we reach the stage where these problems are more prevalent on NSHE campuses, he could not support the measure. He supported the idea and concept, but not the proposal.

21. Approved-Cultural Diversity & Security Committee Recommendations *(Agenda Item #23)* – *(Cont'd.)*

Regent Whipple asked Regent Anthony to explain what POST training entails. Regent Anthony explained that the proposal was strictly voluntary and applicants would need to go through the campus police chief and the president, followed by attendance at CSN's Police Academy. Successful graduates would become part of a reserve force for the institution's police force. POST training includes communication skills, defensive skills and firearms training. Annual training is required to maintain an active status. Only one in ten applicants would actually succeed. Regent Whipple established that the training must be kept current and asked whether other alternatives had been proposed to address these concerns. Regent Anthony replied that in addition to the alternatives offered by Regent Sisolak, there were other actions that could be taken including hiring more police officers. He assumed this area would become a priority in the next budget cycle, which would compete with requests for buildings, programs, etc. Regent Whipple asked whether reserve military officers participate in similar training and what happens when they return from active duty. Regent Anthony replied that they normally return to their former positions.

Regent Dondero expressed concern for everyone carrying a gun and students being hit by stray bullets. She wanted a safe experience for all students.

Regent Rosenberg stated that the campuses have been involved with deriving better ideas following the Virginia Tech experience. He reported that at UNR, funding has been procured for equipping police members with the appropriate Active Shooter response tools. Mass e-mail permissions for Police Services have been established. Police Services recommended that an emergency flashing button be added to the home page which could be activated during an emergency. LCD screens scattered throughout campus have been modified to provide for a flashing red notification for emergency alert messages. Police Services has acquired access to the Washoe County Reverse 911 system. Once the system is populated, police will have the ability to call 12,000 students, faculty, staff and community members. UNR is supporting the school safety bill and the Department of Homeland Security is undertaking on-site vulnerability studies. He stated that safety is a major concern. No one is denying faculty the right to be armed. He suggested that it be done individually and not require anyone else to pay for it. He felt this was blundering in the wrong direction, sending the wrong signal, dampening an atmosphere and creating a problem.

Chair Wixom noted that press reports included a lot of discussion about this proposal but very little about alternative measures, adding he was disappointed with the coverage. He was concerned that passing the measure would invite an endless discussion of sound bites without substance. He requested that President Ashley's proposal be directed to the CDS Committee, noting this was an opportunity to set a standard to focus upon safety issues in a way never done before. He urged a focus on substance that will eventually lead to safety.

21. Approved-Cultural Diversity & Security Committee Recommendations *(Agenda Item #23)* – *(Cont'd.)*

Upon a roll call vote, the motion failed. Regents Leavitt, Rosenberg, Schofield, Sisolak, Wixom, Alden, Crear and Dondero voted no. Regents Whipple, Anthony, Gallagher, Geddes and Knecht voted yes.

Regents Alden, Anthony and Gallagher left the meeting.

22. Approved-Audit Committee Recommendations *(Agenda Item #21)* – Chair Ron Knecht reported the Audit Committee met October 11, 2007, and received a report on new auditing standards from the American Institute of Certified Public Accountants and the impact on the NSHE from Mary Case and Lou Henry, Moss Adams LLP.

Regent Knecht requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the August 16, 2007, Committee meeting *(Ref. A-1 on file in the Board office)*.
- Internal Audit Reports – The Committee recommended approval of the following internal audit reports *(Ref. Audit Summary on file in the Board office)*:
  - ✓ Center for Economic and Entrepreneur Education, UNLV *(Ref. A-2 on file in the Board office)*.
  - ✓ Change Control Process, NSHE SCS *(Ref. A-3 on file in the Board office)*.
  - ✓ Office of Sponsored Programs, NSHE *(Ref. A-4 on file in the Board office)*.
  - ✓ Student Government, NSC *(Ref. A-5 on file in the Board office)*.
  - ✓ Professional Leave Accounting Reporting Program, TMCC *(Ref. A-6 on file in the Board office)*.
  - ✓ Cashier's Office, TMCC *(Ref. A-7 on file in the Board office)*.
- Internal Audit Department Work Plan – The Committee recommended approval of the Internal Audit Department Work Plan for the year ending June 30, 2008 *(Ref. A-10 on file in the Board office)*.
- Internal Audit Department Quality Assurance Review – The Committee recommended acceptance of a report on the Examination of the NSHE Internal Audit Department Self Assessment for the three years ending December 31, 2006 *(Ref. A-11 on file in the Board office)*.
- *Handbook* Revision, Use of Facilities for Political Events – The Committee recommended approval of a *Handbook* revision *(Title 4, Chapter 10, Section 23 (7) (new sub-section f)* related to the use of NSHE facilities for political events *(Ref. A-13 on file in the Board office)*.

UNLV Foundations Audit Exemption – The Committee recommended approval, contingent upon resolution of the long-term audit plan, of an exemption for the year ending June 30, 2007, from the audit requirements stated in the *Handbook (Title 4, Chapter 10, Section 9, B1)* for the following UNLV Foundations *(Ref. A-14 on file in the Board office)*:

- ✓ UNLV Alumni Association.
- ✓ Rebel Golf Foundation.
- ✓ UNLV Boxing Club.
- ✓ UNLV Football Foundation.

22. Approved-Audit Committee Recommendations *(Agenda Item #21)* – *(Cont'd.)*

Regent Alden entered the meeting.

Regent Knecht moved approval of the Audit Committee recommendations and acceptance of the report. Regent Sisolak seconded.

Regent Alden established that the Moss Adams request for additional fees was not part of this report. Regent Knecht agreed and noted that item may be addressed again in the future.

Regent Alden left the meeting.

Chair Wixom asked whether the Foundation audit reports should be addressed formally to the Board of Regents or the Board of Trustees. Regent Knecht replied that he provided the Grant Thornton report to Chief Counsel Patterson and Ms. Sandi Cardinal, Associate Vice Chancellor, Finance. Chief Counsel Patterson concurred that this matter was more appropriately addressed to the Board of Regents. Ms. Cardinal said that the June 30, 2007, audits had already been issued. She was unsure whether they had been corrected. Chair Wixom requested that the reports be corrected on a prospective basis.

Motion carried. Regents Alden, Anthony and Gallagher were absent.

23. Approved-Budget & Finance Committee Recommendations *(Agenda Item #22)* - Chair Steve Sisolak reported the Budget & Finance Committee met October 11, 2007, and heard the following reports:

- UNLV presented additional information, as requested by the Committee at the August meeting, explaining the necessity of transferring budget authority between functions in their state supported operating budget for the fourth quarter of fiscal year 2006-07.
- The School of Medicine provided revised fiscal year 2007-08 self-supporting budgets for their Surgery Reimbursement and Campus Pharmacy accounts, as requested by the Committee at the August meeting, correcting the negative ending account balances that were reported due to problems in converting campus submission data to the System data reporting format.
- State Operating Budget to Actual Comparison for fiscal year 2006-07.
- State Accountability report for fiscal year 2006-07, reconciling the Board of Regents' approved budget to actual revenues and expenditures per a legislative Letter of Intent.
- Fiscal exceptions of self-supporting budgets for the fourth quarter of fiscal year 2006-07.
- Intercollegiate Athletics fundraising plans for the universities were presented.
- Self-supporting budget revisions for the first quarter of fiscal year 2007-08.
- State operating budget transfers for the first quarter of fiscal year 2007-08.

23. Approved-Budget & Finance Committee Recommendations *(Agenda Item #22)* – *(Cont'd.)*

- Institutional operational efficiencies implemented by the NSHE institutions through fiscal year 2006-07 to increase productivity and thereby reduce waste and cost.

Regent Sisolak requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the August 16, 2007, Committee meeting *(Ref. BF-1 on file in the Board office)*.
- Fiscal Year 2006-07 State Accountability Report-Board of Regents' Approved Budget to Actual – The Committee recommended approval of the fiscal year end 2006-07 State Accountability Report reconciling the Board of Regents approved budget to the fiscal year-end actual revenues and expenditures. *(Ref. BF-4 on file in the Board office)*.

Regent Sisolak moved approval of the Committee recommendations and acceptance of the report. Regent Geddes seconded. Motion carried. Regents Alden, Anthony and Gallagher were absent.

24. Approved-Student & Academic Affairs Committee Recommendations - Chair Jack Lund Schofield reported the Student & Academic Affairs Committee met October 11, 2007, and heard a report from John Flemming and Lynn Dodd of the College Board on the recent performance data of Nevada students on the most recent administration of the SAT. Highlights included an 85% increase over the past ten years in SAT test takers and an increase from 22% to 39% of minority students participating in Advanced Placement courses.

Regent Schofield requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the August 16, 2007, Committee meeting *(Ref. SAA-1 on file in the Board office)*.
- New Degree, AAS, Surgical Technology, CSN – The Committee recommended approval of an AAS in Surgical Technology for CSN *(Ref. SAA-2 on file in the Board office)*.
- Academic Master Plan, GBC – The Committee recommended approval of GBC's Academic Master Plan *(Ref. SAA-4 on file in the Board office)*.

The Committee also discussed in detail the accreditation and fiscal issues currently facing the UNLV Orthodontics Program. UNLV proposed a plan for improvement that includes, but is not limited to, a shift from a commercial model to an academic model changing from a certificate program to a master's of science degree; increased marketing of the program and public services offered; establishment of a faculty practice; reduction of residents from sixteen to eight; holding the development of the endodontics, oral and maxillofacial surgery and periodontics programs; and increasing the number of grants and private funding. The Committee approved a motion to provide UNLV a period of one year to make significant improvements to the accreditation and fiscal health of the program. Regular updates on UNLV's progress will be made to the Committee.

24. Approved-Student & Academic Affairs Committee Recommendations – *(Cont'd.)*

Regent Alden entered the meeting.

Regent Schofield moved approval of the Committee recommendations and acceptance of the report. Regent Rosenberg seconded. Motion carried. Regents Anthony and Gallagher were absent.

25. Approved-Research & Economic Development Committee Recommendations - Chair Jason Geddes reported the Research & Economic Development Committee met October 4, 2007. Executive Vice Chancellor Dan Klaich provided the Committee with an update of the Walker Basin Project. The Project recently held its third stakeholder meting in Wellington, Nevada with over 150 participants. The next meeting is scheduled in Schurz, Nevada for December 12, 2007. The Project currently has ten inter-related research projects including production of water flow models; establishing a baseline of "health information" for the Lake; economic modeling; and tracking the socio-economic, political and environmental impacts of the project.

Dr. Ron Smith, Interim Vice President, Research and Dean of the UNLV Graduate School, provided the Committee with a report from the National Science Foundation that named UNLV as the fourth-fastest growing university in the United States in terms of the number of science and engineering publications; second if considering comparable institutions. UNLV has increased the number of scientific publications by 99% over the past ten years. Not only were these gains accomplished during the years spanning 1992-2001, but the trend of increased publication rate has continued since that time, along with significant increases in science and engineering research funding.

Dr. Penny Amy, Associate Vice Chancellor, Research and Economic Development, updated the Committee on the recent activities of the Economic Development Council which she chairs. The Council consists of representatives of each of the eight NSHE institutions and the directors of MAP and the Small Business Development Center. The Council has worked to increase awareness of internship opportunities and a workforce development program that enhances potential employer confidence in the abilities of our graduates.

Regent Geddes requested Board action on the following Committee recommendation:

- Minutes – The Committee recommended approval of the minutes from the August 9, 2007, Committee meeting *(Ref. RED-1 on file in the Board office)*.

Regent Gallagher entered the meeting.

Regent Geddes moved approval of the August 9, 2007, Research & Economic Development Committee minutes and acceptance of the report. Regent Rosenberg seconded. Motion carried. Regent Anthony was absent.

25. Approved-Research & Economic Development Committee Recommendations – *(Cont'd.)*

Regent Geddes reported that, following a second hearing, the Committee recommended approval of a proposed addition to the Board *Handbook*:

- *Handbook* Revision, Confidential Research Policy – The Committee recommended approval of the second reading of a Code revision *(Title 2, Chapter 9, Section 9.1)*, providing a definition for "confidential research information" and clarifying that Board policy does not require the release of any confidential patient or other medical records in violation of federal and state privacy laws *(Ref. RED-5 on file in the Board office)*.

Regent Geddes moved approval of the *Handbook* revision concerning the confidential research policy. Regent Knecht seconded. Motion carried. Regent Anthony was absent.

Regent Alden left the meeting.

26. Approved-Investment Committee Recommendations - Chair Thalia M. Dondero reported the Investment Committee met October 5, 2007, and heard the following reports:

- Vice Chancellor Mike Reed, NSHE staff and the UNLV and UNR Foundations presented reports on the comparative performance of the NSHE endowment pool and the university Foundations. The Committee requested NSHE staff to develop a policy that takes into account the inflation index. The Committee also requested that the Foundations submit a copy of their policies to the Board office.
- CSN presented a report on the progress of the Northwest Campus development. The Committee requested a more concrete timeline and development plan, specifically focusing on land acquisition and financing be presented at the next Board meeting.
- CSN presented a report on the Fire Station project. The Committee requested a feasibility study on the land appraisal for the two-acre trade-off site be submitted at the next Board meeting.
- CSN presented a report on the Three Square project. The Committee requested a traffic study be conducted because of the uniqueness of the vehicles to be involved with the project.
- CSN presented a report on the Cheyenne campus sidewalk easement agreement, which was postponed to the November meeting.
- CSN presented a report on the easement agreement regarding drainage system and driveway improvements, which was postponed to the November meeting.

The UNLV Research Foundation reported to the Committee regarding the UNLV Research Foundation's intent to contract with a development corporation for the purpose of commercial real estate development of the UNLV Harry Reid Research and Technology Park. The Committee requested updates regarding what the Park will look like at various stages of development.

26. Approved-Investment Committee Recommendations – *(Cont'd.)*

- UNLV President David B. Ashley presented an update on the acquisition of federal land for the new North Campus. The Committee requested that a draft agreement with the Air Force be brought to the November 2007, meeting.
- The Committee recommended recessing discussion about the investment pool reserve distribution to 11:00 a.m., on Thursday, October 11, 2007, at the DRI Las Vegas Rotunda, or upon conclusion of the Committee meeting in that room.

Regent Dondero requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the August 10, 2007, Committee meeting *(Ref. INV-1 on file in the Board office)*.

Regent Geddes requested his remarks on page 21 be removed from the minutes.

- *Handbook* Revision, Endowment Policy Change – The Committee recommended approval of a revision to the Board's endowment policy *(Title 4, Chapter 10, Section 4 (3) (c))*, to be in accordance with the Uniform Prudent Management of Institutional Funds Act, replacing the existing Uniform Management of Institutional Management Act *(Ref. INV-10 on file in the Board office)*.
- *Handbook* Revision, Subsurface Utility Easements – The Committee recommended approval of a revision to Board policy concerning the acquisition or sale of real property *(Title 4, Chapter 10, Section 1(9) (a))*, permitting the Chancellor to approve the granting of subsurface utility easements under certain circumstances *(Ref. INV-14 on file in the Board office)*
- Lease with Joe Crowley Student Union and Tahoe Creamery, UNR – The Committee recommended approval of a lease with Tahoe Creamery to operate a retail food operation in the Joe Crowley Student Union at UNR *(Ref. INV-11 on file in the Board office)*.
- Lease with Joe Crowley Student Union and CoManCo, Inc., *(DBA JC&C Wireless)*, UNR – The Committee recommended approval of a lease with CoManCo, Inc., *(DBA JC&C Wireless)*, to operate a retail operation in the Joe Crowley Student Union at UNR *(Ref. INV-12 on file in the Board office)*.
- Lease with Joe Crowley Student Union and Fresh Enterprises, Inc., UNR – The Committee recommended approval of a lease with Fresh Enterprises, Inc., to operate a Baja Fresh retail food operation in the Joe Crowley Student Union at UNR *(Ref. INV-13 on file in the Board office)*.
- Investment Pool Reserve – The Committee recommended approval of distributing $10 million from the investment pool reserve to the campuses and to require campus reports for the expenditures authorized in August and October 2007.
- An agenda item will be presented at the November 2007 Board of Regents meeting prohibiting all handouts at Board of Regents and Committee meetings, with the idea that late submissions, with the exception of rare situations, that is Regent requests, will not be allowed. Protocol will be followed that all agenda items be submitted by the due date established by the Board office. Vice Chancellor Reed will further discuss this at the Business Officers Council meeting.

26. Approved-Investment Committee Recommendations – *(Cont'd.)*

Regent Anthony entered the meeting.

Regent Dondero moved approval of the Committee recommendations as amended and acceptance of the report. Regent Rosenberg seconded.

Regent Sisolak commended Regent Dondero's efforts on this committee.

Motion carried. Regent Alden was absent.

27. Approved-Technology Committee Recommendations - Chair Bret Whipple reported the Technology Committee met September 12, 2007, and October 8, 2007. He related there could be the need for a special meeting to approve vendor selection. On September 12, 2007, the Committee discussed the following matters:

- Chair Bret Whipple led a discussion among Committee members and staff to update all on the status and to discuss the potential future direction of the iNtegrate project. Discussion included updates and potential future directions of (1) the work of the student services group; (2) vendor negotiations; (3) the search for a project director; (4) financial modeling; (5) governance; and other matters concerning recent work on the project.
- Chief Counsel Bart Patterson reported on continuing negotiations, explaining that the second RFP has two components: (1) purchase of software, with two vendors bidding; (2) implementation services bids, with three vendors submitting bids.
- Executive Vice Chancellor Dan Klaich strongly recommended that hiring a Project Director would help move the project forward. It was stressed during discussions that while the Project Director would need IT experience and background, the project was not strictly technology based.
- Vice Chancellor Jane Nichols provided a short history of the Student Services Taskforce, which was charged with creating an overall vision for student services. The Taskforce has created a vision statement, desired functions list and common data definitions and continued defining functionality through workshops.
- Executive Vice Chancellor Dan Klaich distributed a proposed governance model that was being created for the iNtegrate project. A final structure will be presented in October for action, most likely with the Project Director reporting to Executive Vice Chancellor Klaich.
- Vice Chancellor Mike Reed indicated that a second search for a Project Director had been initiated. The salary was increased to $150,000 minimum.

On October 8, 2007, the Committee discussed the following matters:

- Vice Chancellor Mike Reed reported on the search for the iNtegrate Project Director, indicating that the $150,000 salary would likely not be enough to fill the position. In addition to the Project Director position, a project office staff of two to three people will be required, most likely hired from within the System. Regent Crear expressed a desire for the Project Director's salary to be incentive driven based on the execution of the project.

27. Approved-Technology Committee Recommendations – *(Cont'd.)*

- Chief Counsel Bart Patterson reminded the Committee that bonus structure is subject to Board approval and suggested a motion to recommend that the full Board give the Committee the authority to approve any exceptions to the regular employment terms, such as bonus structure or multi-year contract.
- Consultant Charlie Moran was asked to develop an incentive structure.
- Executive Vice Chancellor Dan Klaich referred to the Moran Technology Consultants *"Internal Cost Model Analysis"* report and cautioned that the costs presented are not final numbers but estimates for the costs each campus will bear. Mr. Klaich and Mr. Moran led the Committee through the entire report and Regent Whipple encouraged Board members to review it carefully.
- Executive Vice Chancellor Klaich presented a refined governance structure to the Committee.
- Chief Counsel Bart Patterson reported on the status of negotiations with software vendors and implementation consultants. The System will be engaging in scope of work negotiations in November.
- A November Technology Committee meeting will need to be scheduled with the intent of progressing from providing information to making recommendations.

Regent Whipple requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the June 14, 2007, Committee meeting *(Ref. TC-1 on file in the Board office)*.
- The Committee recommended approval of: (1) the Project Director reporting line to Executive Vice Chancellor Dan Klaich; (2) granting the Technology Committee the authority to approve any exceptions to the Project Director's regular employment terms, such as bonus structure or multi-year contract; (3) the proposed governance structure.

Regent Whipple moved approval of the Committee recommendations and acceptance of the report. Regent Knecht seconded.

Chair Wixom urged Board members to carefully review the governance and finance models, adding that the information would be crucial to their final decisions.

Motion carried. Regent Alden was absent.

28. Approved-Board Development Committee Recommendations - Chair James Dean Leavitt reported the Board Development Committee met October 3, 2007. Chief Executive Officer of the Board Mr. Scott Wasserman presented three proposed alternative policy revisions to clarify and formalize the method by which Regents nominate persons for the Distinguished Nevadan award. This matter was referred by the full Board to the Board Development Committee to consider the alternative proposals presented to the Board for formalizing the process of nominating Distinguished Nevadans. The alternate recommended for approval allows each Regent to participate in this important process every other year while maintaining the integrity and prestigiousness of this Regent award.

28. Approved-Board Development Committee Recommendations – *(Cont'd.)*

The Committee recommendation divides the Regents into two nominating groups. The Regents representing Districts 1, 2, 7, 8, 10 and 12 will make their nominations no sooner than November 15th and not later than December 31st during an even numbered year. The Regents representing Districts 3, 4, 5, 6, 9, 11 and 13 will make their nominations no sooner than November 15th and not later than December 31st during an odd numbered year. The Board will consider approval of the award nominees on or before March 31st of the academic year in which the nomination is made. The Committee considered fully the participation of a sitting Regent who has not sought reelection or was unsuccessful in seeking reelection and determined that it remains a right and privilege of a sitting Regent to participate in this nomination process. The Committee revised the nominating period to begin November 15th and extend through December 31st to ensure all nominating Regents are conscious of their election status at the time of making the nomination.

- *Handbook* Revision, Distinguished Nevadan Policy – The Committee recommended approval of a policy revision to clarify and formalize the method in which Regents nominate persons for the Distinguished Nevadan award and how election terms may affect the nomination process *(Title 4, Chapter 1, Section 14) (Ref. BD-2a, Ref. BD-2b on file in the Board office)*.

Regent Alden entered the meeting.

Regent Leavitt moved approval of the *Handbook* revision concerning the nomination of Distinguished Nevadans. Regent Knecht seconded. Motion carried.

Regent Anthony left the meeting.

Regent Leavitt reported that Mr. John Kuhlman, Manager of Public Information-System Administration, presented a potential new logo design for Board of Regents' business cards and letterhead. The Committee determined that although business cards could be ordered that incorporates the recently approved NSHE seal and a list of the eight NSHE institutions on the back, a presentation should be made to the Board of Regents at the February 2008, meeting regarding the importance and purpose of a brand.

Regent Leavitt requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the January 19, 2007, Committee meeting *(Ref. BD-1 on file in the Board office)*.
- New Logo Design for Business Cards and Letterhead – The Committee recommended approval of printing new business cards incorporating the newly approved seal and listing all eight NSHE institutions on the back.

Regent Leavitt moved approval of the Committee recommendations and acceptance of the report. Regent Knecht seconded.

28. Approved-Board Development Committee Recommendations – *(Cont'd.)*

Regent Sisolak asked about the development of an alternative means of recognition from the Board *(e.g., proclamation)*. Regent Leavitt explained that matter would be addressed at the next Committee meeting.

Motion carried. Regent Anthony was absent.

29. Approved-TMCC President Search Committee Recommendations - Chair Howard Rosenberg reported the TMCC President Search Committee met September 7, 2007, and heard discussion on the following matters:

- The committees heard presentations and conducted interviews of two search firm consultants for the possible engagement of a search firm to assist in the selection of candidates for the presidency of Truckee Meadows Community College
- The committees set Friday, November 9, 2007, 10:00 a.m. in System Administration North for their next scheduled meeting.

Chair Rosenberg requested Board action on the following Committee recommendations:

- Minutes – The committees recommended approval of the minutes from the August 8, 2007, meeting *(Ref. TMCC-1 on file in the Board office)*.
- Selection of Search firm – The committees recommended approval of the selection of ACCT as the search firm and authorized staff to negotiate the terms of an agreement with ACCT.
- Budget Request – The committees recommended approval of a budget not to exceed $100,000 to complete the selection of candidates for the presidency of Truckee Meadows Community College.

Regent Rosenberg moved approval of the Committee recommendations and acceptance of the report. Regent Gallagher seconded. Motion carried. Regent Anthony was absent.

30. Approved-CSN President Search Committee - Chair Steve Sisolak reported the CSN President Search Committee met September 17, 2007. Members of the Regents' Committee and the Institutional Advisory Committee were introduced. Chief Executive Officer of the Board Scott Wasserman explained the roles of the Regents' Committee and the Advisory Committee and presented six steps to conducting a president search, including:

- The appointment of a Regents' Committee and Institutional Advisory Committee.
- Determination of whether to use the services of a search consultant.
- Selection of a search consultant.
- Development of a leadership statement/position description.
- Interview and evaluation of candidates.
- Institutional Advisory Committee recommendation of a candidate to the Regents' Committee; Regents' Committee recommendation of a candidate to the Board of Regents.

30. Approved-CSN President Search Committee – *(Cont'd.)*

Chief Counsel Bart Patterson discussed the Open Meeting Law as it relates to the president search procedure.

Mr. Wasserman provided a copy of the president leadership profile from the previous search and a copy of CSN's strategic plan to Committee members for review. The Committee then established Monday, October 22, 2007, for its next meeting date.

Regent Sisolak requested Board action on the following Committee recommendations:

- Search Consultant – The committees recommended approval of hiring a search consultant and directed staff to send out an RFQ to known and recommended search consultants and bring forward a maximum of four responses to the next meeting.

Regent Sisolak moved approval of the Committee recommendations and acceptance of the report. Regent Geddes seconded. Motion carried. Regent Anthony was absent.

Regent Alden commended Regent Sisolak and Chief Counsel Patterson for their knowledge and efforts on this committee.

31. Information Only-New Business – Chair Wixom complimented the Regents, adding that he deeply appreciates their efforts and devotion. He also expressed his appreciation to the Presidents, Chancellor and Vice Chancellors.

The meeting adjourned at 11:52 a.m.

Prepared by: Fini S. Dobyns
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and
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Submitted for approval by: Scott G. Wasserman
Chief Executive Officer of the Board of Regents

Approved by the Board of Regents at the November 29-30, 2007, meeting