

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

System Administration, Las Vegas
4300 South Maryland Parkway, Board Room

Friday, January 23, 2015

Members Present: Mr. Kevin J. Page, Chairman
Mr. Rick Trachok, Vice Chairman
Dr. Andrea Anderson
Mr. Cedric Crear
Dr. Mark W. Doubrava
Dr. Jason Geddes
Mr. Trevor Hayes
Mr. James Dean Leavitt
Mr. Sam Lieberman
Mr. Kevin C. Melcher
Ms. Allison Stephens
Mr. Michael B. Wixom

Others Present: Mr. Daniel J. Klaich, Chancellor
Ms. Catherine Cortez Masto, Executive Vice Chancellor
Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
Dr. Constance Brooks, Vice Chancellor, Govt. and Community Affairs
Ms. Brooke Nielsen, Vice Chancellor, Legal Affairs
Mr. Vic Redding, Vice Chancellor, Finance and Administration
Dr. Marcia Turner, Vice Chancellor, Health Sciences
Mr. Scott G. Wasserman, Chief of Staff and Special Counsel to the Board
Mr. Frank R. Woodbeck, Executive Director Nevada College Collaborative
Dr. Steven Zink, Vice Chancellor, Information Technology
Mr. Chet Burton, President, WNC
Dr. Mark A. Curtis, President, GBC
Dr. Len Jessup, President, UNLV
Dr. Marc A. Johnson, President, UNR
Mr. Bart J. Patterson, President, NSC
Dr. Maria C. Sheehan, President, TMCC
Dr. Stephen G. Wells, President, DRI

Faculty senate chairs in attendance were Ms. Jodie Mandel, CSN and Dr. Rhonda Montgomery, UNLV. Student body president in attendance was Mr. Elias Benjelloun, CSN.

Chairman Page called the meeting to order at 8:02 a.m. with all members present except for Regents Anderson and Crear.

Regent Hayes led the pledge of allegiance.

1. Information Only-Public Comment (Agenda Item #1) – Mr. Scott G. Wasserman, Chief of Staff and Special Counsel to the Board, referenced a letter addressed to the Board from Mr. Robert Clifford of Fallon, Nevada, regarding Agenda Item 5a, board governance, and addressing common core standards. Mr. Clifford requested the letter be included in the meeting minutes (*see Appendix 1*).
2. Information Only-Regent Orientation (Agenda Item #2) – A Regent orientation was presented to provide the necessary framework for the new members of the Board of Regents for their future work on the Board. Mr. Wasserman explained prior to the Board meeting he had met with new Regents, Mr. Trevor Hayes and Mr. Sam Lieberman, to provide their initial orientation. Both had been sworn in and will take their ceremonial oath of office at the regular Board meeting on March 6.

Mr. Wasserman explained Regent orientation is a two year process due to cyclical matters such as budget and legislative issues. The orientation being presented to the full Board was also meant to provide a refresher course for the returning members of the Board. Presentations were made on major areas of Regent responsibilities including Nevada's Open Meeting Law, Regent ethics requirements, Board governance and the role of a Regent (which was discussed in more detail under agenda item 5), and communications with staff and institutions.

Information on these topics was provided as follows:

- 2a. Information Only-Introductions (Agenda Item #2a) – Meeting participants were introduced and members of the Board offered welcoming remarks to newly elected Regents Hayes and Lieberman.

Regents Anderson and Crear entered the meeting.

- 2b. Information Only-Open Meeting Law (Agenda Item #2b) – System Administration staff and Board of Regents' staff provided a brief overview of the Nevada Open Meeting Law requirements as specified in *Nevada Revised Statutes* as well as the *Board of Regents Handbook* (*see <http://www.leg.state.nv.us/NRS/NRS-241.html> and Ref. BOR-2b on file in the Board office*) including: voting, quorum, waivers, agenda posting, criminal and civil penalties, agenda content, walking quorum, polling and electronic communications. Staff emphasized a conservative and prohibitive approach to the Nevada Open Meeting Law in order to protect the Board.

- 2c. Information Only-Ethics Law (Agenda Item #2c) – System Administration staff and Board of Regents' staff provided a brief overview of Regent ethics requirements as specified in *Nevada Revised Statutes* as well as the *Board of Regents Handbook* (see <http://www.leg.state.nv.us/NRS/NRS-281A.html> and *Ref. BOR-2c on file in the Board office*) including, but not limited to: constituent representation, free expression, the role of majority rule in Board actions, respectful relationships with other Board members, the Chancellor and staff, and various other responsibilities and prohibitions.
- 2d. Information Only-Title IX (Agenda Item #2d) – System Administration staff provided a brief overview of Title IX requirements prohibiting discrimination on the basis of sex in education programs and activities. The overview included background, legal framework, investigation and enforcement standards, requirements and statistics (*see Ref. BOR-2d PowerPoint on file in the Board office*).

Regent Stephens emphasized the importance of providing appropriate training to external vendors operating on the NSHE campuses.

3. Approved-Consent Item (Agenda Item #3) – The Board approved the following Consent Item:

- 3a. Approved-Initial employment allowance UNLV President Len Jessup (Agenda Item #3a) – The Board approved the Chancellor's request for an initial employment allowance in the form of a one-time payment of \$15,000 to Dr. Len Jessup, President of UNLV. The initial employment allowance is in lieu of, and President Jessup will not be eligible for, reimbursement of moving, relocation or other expenses in connection with beginning his employment at UNLV. The approval of this item requires that, should Dr. Jessup leave employment voluntarily within the first twelve months, this initial employment allowance must be repaid in full. (*Ref. BOR-3a*)

Regent Leavitt moved approval of an initial employment allowance in the form of a one-time payment of \$15,000 to Dr. Len Jessup, President of UNLV as specified. Regent Lieberman seconded. Motion carried unanimously.

4. Information Only-2015-17 Biennial Budget and Legislative Update (Agenda Item #4) – The Board discussed the 2015-17 NSHE Biennial Budget Request submitted to the Governor, the Executive Budget, and new developments from the 2015 pre-session legislative activities.

Chancellor Klaich provided a comparison of the 2016-2017 NSHE requested budget and the Executive Budget (*see Handouts BOR-4a and BOR-4b on file in the Board office*) and stated there are a number of items the Governor is not recommending for funding.

Dr. Constance Brooks, Vice Chancellor, Government and Community Affairs updated the Board on the NSHE's anticipated communications plan to keep Board members informed of NSHE related legislative and budgetary matters being considered by the 2015 legislative session (*see Handouts BOR-4c on file in the Board office*). The plan included a weekly summary; Nellis bill tracking information; the use of social media; fact sheets for legislators; a legislative link on the NSHE website updated daily; and the distribution and use of flash drives.

Regent Geddes requested an electronic copy of the fact sheets and asked if faculty and staff data at each legislative district level could be provided to the legislators as the NSHE is a main economic driver. Vice Chancellor Brooks stated she would send the fact sheets to each of the Regents and Chancellor Klaich stated he would explore the possibility of providing faculty and staff data at the district level to the legislators.

Regent Doubrava asked Chancellor Klaich to clarify what an "accelerated timeline" regarding public medical education meant. Chancellor Klaich explained what was meant was the urgency and priority to expedite this effort. Regent Doubrava thanked the Governor for his support of public medical education in Nevada and felt very comfortable that a medical school can be opened in southern Nevada in 2017. A 2017 opening is realistic and possible if the NSHE receives the necessary funding. Chancellor Klaich agreed a 2017 opening is a tight timeline; however, it can be accomplished.

Regent Doubrava asked for clarification regarding the slot tax contributions. Chancellor Klaich stated the request is \$4.3 million with \$3 million coming from slot tax. Mr. Vic Redding, Vice Chancellor, Finance and Administration, stated \$3 million is confirmed eligible for bond funding.

Regent Doubrava noted a recent article in Great Brittan about the poor quality of medical care in southern Nevada and the importance of public medical education expansion. He stated his disappointment in the Governor shifting graduate medical education funding from the NSHE to the Blue Ribbon Task Force.

Regent Leavitt stated a 2017 opening is the goal and emphasized education and momentum are critical to this effort. Dr. Len Jessup, President, University of Nevada, Las Vegas (UNLV), stated UNLV is prepared and planning for a 2017 launch, contingent on funding.

Regent Lieberman asked about the parameters for the use of Regent host accounts. Mr. Wasserman explained host accounts are limited to \$2,500 annually, and provided a summary of acceptable and non-acceptable uses of a host account

The Board recessed at 9:49 a.m. and reconvened at 10:04 a.m. with all members present.

5. No Action Taken-Board Governance (Agenda Item #5) – The Board reviewed articles and studies responding to escalating costs, funding challenges, scandals and general societal questions regarding the value of higher education.

In an effort to examine the proper role of Board governance, the Board discussed the following items intended to improve the Board's efficiency and more importantly to address how the Board can best move each college, university and institution within NSHE forward to better serve its students and all Nevadans generally. (*See Ref. BOR-5 on file in the Board office.*)

- 5a. No Action Taken-Questions a Higher Education Governing Board Should Ask (Agenda Item #5a) – The Board, the Chancellor and the institutional presidents discussed several topics originating from 10 questions the American Council of Trustees and Alumni recommend trustees ask (available on line at: http://www.goacta.org/images/download/10_Questions_Trustees_Should_Ask.pdf).

The questions addressed a range of issues, such as: examining increasing tuition; ratio of administrative versus instructional spending; building utilization; top administrator and athletic personnel salaries; faculty teaching load; student performance on nationally normed tests, GRE and licensure exams; the National Study of Student Engagement review of institutions; graduation rates; campus climate surveys; and board professional development and obtaining information on national trends.

Chancellor Klaich presented information regarding tuition over the last five years in relation to the annual consumer price index and median household income.

Chairman Page asked the information be distributed via email to the Board members along with an update on how recent student fee increases have been spent. Regent Geddes noted these numbers are affected by reductions in state funding and a history of low student fees in Nevada.

Mr. Chet Burton, President, Western Nevada College (WNC), presented information on the ratio of administration versus instructional spending over the last 10 years and stated WNC's ratios of 2.2:1 illustrate efficiency when compared to the national average of 3.1:1.

Regent Hayes noted fees have more than doubled in the past 10 years and would like the institutions to consider locking fees for students enrolled in two and four-year programs for the respective time period.

Vice Chairman Trachok and Regent Stephens asked the presidents what the best numbers are for measuring efficiency. Dr. Marc A. Johnson, President, University of Nevada (UNR), suggested looking at faculty Full-time Equivalent (FTE) to student FTE rather than dollars spent and reexamining the definition of administrative versus instructional costs.

5a. Questions a Higher Education Governing Board Should Ask (Agenda Item #5a) – continued

Dr. Mark A. Curtis, President, Great Basin Community College (GBC), provided information on building utilization, Monday through Saturday, and during the summer.

Chairman Page noted the importance of class schedules being determined several years in advance in order for students to plan appropriately.

Regent Melcher stated many facilities were built when educational needs were different. The changes in educational needs and delivery need to be examined.

Vice Chairman Trachok suggested examining how other institutions are maximizing building utilization. He requested each of the institutions set a stretch goal in terms of their building utilization and report back to the Board annually. Building utilization could be used as one of the measures in evaluating presidential performance.

President Jessup provided information on the salaries of top administration and athletic department personnel and the change over the last 10 years. The initial outside benchmarking data comparing the median from peer universities suggests Nevada is approximately 30% or more below the median.

Regent Crear suggested the Board examine gender equity and NSHE salaries as well.

Dr. Maria C. Sheehan, President, Truckee Meadows Community College (TMCC), provided information on student engagement and the results of the Community College Survey of Student Engagement (CCSSE). She provided specific information on areas where TMCC is excelling and also areas identified for improvement, including specific strategies currently being utilized to produce improvement.

Dr. Stephen G. Wells, President, Desert Research Institute (DRI), provided information regarding professional development. The six areas DRI measures are research and development; institutional operations; higher education and science; communications and marketing; institutional development and fundraising; and human resources and faculty services.

Vice Chairman Trachok suggested the Board examine national trends, challenges and opportunities; determine available options for professional development and attend when able; and bring the information back to educate the entire Board.

Mr. Wasserman noted the accreditation agencies require Boards to undertake self-examination exercises as well as pursue education opportunities.

President Patterson, NSC, provided general information on graduation rates of first-time, full-time students as well as achievements and challenges specific to NSC. He also provided information on programs and strategies being used to improve graduation rates.

5a. Questions a Higher Education Governing Board Should Ask (Agenda Item #5a) – continued

President Johnson, UNR, presented information regarding the number of courses and credit hours faculty teach per year and addressed the requirements and challenges in achieving the Carnegie Foundation classification of RU/VH: Research Universities (very high research activity) as well as the challenges to teacher recruitment.

Regent Crear asked how faculty member research efforts are measured. President Johnson stated the expectations are different between disciplines. A professor's research performance is assessed during promotion and tenure reviews.

Chairman Page asked about post tenure review. President Johnson explained UNR does not conduct post tenure reviews; however, every tenured instructor gets reviewed annually and must meet specific performance requirements. Post tenure review is not common.

President Wells and President Jessup suggested the Board may want to look at the professor evaluation process used by the University of California and University of Arizona systems respectively.

Patricia Charlton, Senior Vice President Strategic Initiatives & Administrative Services, CSN, provided information to the Board regarding campus climate surveys on academic freedom and intellectual diversity.

Regent Stephens informed the Board she would be providing a presentation, which includes information on academic freedom, at a round-table hosted by the American Association of University Professors. She offered to bring back to the Board any useful information resulting from the round-table discussion.

- 5b. No Action Taken-Board Efficiency (Agenda Item #5b) –The Board examined how it can make more efficient use of Board meeting time to further the objectives of Board governance. Potential areas to improve efficiency of meetings included: constructing an annual calendar of agenda item topics for Board and committee meetings including scheduling a review of two institutions per quarterly meeting focusing on performance metrics; providing special attention to presentations pertaining to major decisions and following best practices from public boards for exercising the appropriate level of duty of care; considering whether a Board self-evaluation process should be implemented; considering periodic education sessions about best practices of similar systems of higher education; and considering how the Board can more effectively engage in honest, respectful and vigorous debate on policy issues before the Board.

Regent Leavitt suggested the Board examine the possible reinstatement of the Board Development Committee and asked for clarification on the committee creation process.

Mr. Wasserman explained ad hoc committees are tasked with focused examination of a major issue and the Board Chairman appoints the committee members for a period of up to one year. The formation of a standing committee necessitates changes to Board policy, which requires two readings at two consecutive quarterly Board meetings with a two-thirds vote.

5b. No Action Taken-Board Efficiency (Agenda Item #5b) – continued

Regent Wixom stated a healthy board culture is affected by renegade trustees not aligning with Board or System interests; interests must be focused through the framework of the Board and the System to be effective; personal issues and agendas need to be appropriately managed through the process; Regents should not go directly to the Legislature on a particular issue; the Board should act under *Robert's Rules of Order* as a body and arguments need to be made within the Board structure as appropriate and necessary; Board members should not micromanage; Board members should come prepared and be engaged; and Board members should not use their position as a springboard to further personal issues or interests.

Regent Geddes explained the Board welcomes vigorous debate and being a marketplace of ideas, listening, airing and discussing differences. Students must feel welcome to express opinions without fear of retribution or reprisal and feel free to engage in the process for student complaints. The Board should embrace institutional neutrality to protect and encourage academic richness across disciplines and keep a Nevada perspective, remembering where higher education has come from and celebrating the gains being made.

Regent Stephens stated higher education institutions need to be places where people develop intellectual skills and genuine research is supported.

Regent Anderson stated evidence of student learning and assessments of student learning should be external as well as internal. The Board should compare System performance nationally and internationally.

Vice Chairman Trachok stated he would like to see goals and measures, such as assessment performance of NSHE graduates and the value of the degree or certificates being awarded; and benchmarks and criteria for each of our presidents to measure quarterly and annually not just during review. He requested that two institutions report on the same set of objective and measureable benchmark criteria at each regular Board meeting and identify a stretch goal based on the report.

Regent Wixom stated the iNtegrate project is an enormous success as the System is able to respond in real time; this allows for a proactive approach and the ability to better inform and respond to the Legislature and Board with real time data. He stated no other system in the country will have what the NSHE System will have with iNtegrate.

5c. No Action Taken- President Searches and Evaluations (Agenda Item #5c) –

5c(1). No Action Taken-President Search Policy (Agenda Item #5c(1)) –The Board reviewed the existing policy in *Handbook* Title 2, Chapter 1, Section 1.5.4 for conducting a president search and discussed possible revisions to the policy for future consideration by the Board. (Ref. BOR-5c1)

5c(1). No Action Taken-President Search Policy (Agenda Item #5c(1)) – continued

Mr. Wasserman reviewed the Presidential Search process and explained the two tracks the Board can take (*see handout Ref. BOR-5c1 on file in the Board office*). At the request of the Board he further discussed the composition of the committee including the number of members and if the Board officers should sit on the Committee. He also discussed the use of search consultants, the requirements of the Open Meeting Law and the Chancellor's role in the process.

Regent Leavitt supported the current six member committee as it allows for maximum Board representation. He said Board officers should not serve on the committee.

Regent Melcher supports an odd rather than even number of Committee members. He said Board officers should be able to sit on the committee.

Mr. Wasserman explained the ramifications of the number of committee members and said a tie vote would result in no action. The current policy anticipates the possibility of more than one candidate going forward to the Board and the Chancellor in consultation with the Chair of the Committee screening the applicants.

Regent Doubrava stated nonagreement between the search Committee Chair and Chancellor is the problem.

Mr. Wasserman explained the term "in consultation with" contained in the policy means the Chancellor has the ultimate duty regarding which candidate or candidates are vetted before the Board.

Regent Lieberman stated a departing president should not choose who the officer in charge is. The Chancellor and Chair should determine who goes to the Committee. The advisory Board needs to be smaller. The Chair or Vice Chair should serve on a search committee, but probably not both.

Chairman Page explained the president's officer in charge is determined early in the process and prior to a need arising.

Chairman Page and Regents Geddes and Anderson expressed support for the current processes.

Regent Anderson stated the Chancellor and Committee Chair should be in agreement before bringing a candidate forward.

Regent Stephens stated she hesitates to force agreement. She would like to see an increase in the number of candidates brought forward to the Board.

Regents Wixom, Doubrava and Leavitt stated no one Regent or member of a committee should have veto power and the Open Meeting Law should be changed regarding disclosure requirements for presidential search candidates.

5c(2). No Action Taken-Periodic Presidential Evaluation Process (Agenda Item #5c(2)) – This item was held for a future meeting.

6. No Action Taken-Division I Intercollegiate Athletics (Agenda Item #6) – The Board heard presentations from Dr. Cedric “Ced” Dempsey, a former executive director and president of the National Collegiate Athletic Association (NCAA), and an athletic director, and Dr. Joe Crowley, UNR president emeritus and former president of the NCAA. Dr. Dempsey and Dr. Crowley led a discussion with the Board, the Chancellor, the university presidents and the NSHE Division I athletic directors on intercollegiate athletics. Dr. Dempsey and Dr. Crowley provided an historical perspective on the NCAA; a review of recent litigation involving the NCAA and its impact on intercollegiate athletics; the recent realignments in NCAA conferences; and potential congressional involvement in the future landscape of intercollegiate athletics. Dr. Dempsey and Dr. Crowley helped facilitate a discussion of the Board regarding the roles of the Board, the Chancellor and the institutional presidents in governing athletics, the role of athletics in higher education, trends in intercollegiate athletics and how that may impact Board policy governing athletics including policies governing the hiring of coaches and the System’s approach to negotiating coaching contracts, potential future conference alignment and level of intercollegiate sports at the two universities, future participation by the two universities in varying sports in intercollegiate athletics, and athletic department budgets, student admissions and academic progress rates. (*Ref. BOR-6*)

Regents Leavitt, Stephens, Crear and Lieberman supported the formation of a committee to further examine this issue.

Vice Chairman Trachok expressed concern with the amount of funding being spent on athletic programs.

Regents Geddes and Melcher did not support the formation of a committee to examine this issue.

Regent Leavitt left the meeting at 3:01 p.m.

Chairman Page, Vice Chairman Trachok and Regents Hayes, Geddes and Melcher stated the entire Board needs to address this issue. A thorough study should be conducted and Nevada’s congressional delegation should be contacted.

Dr. Crowley recommended restricting coaches’ salaries. Dr. Dempsey stated the issues facing college athletics need to be taken to the national level.

Ms. Tina Kunzer-Murphy, UNLV Athletics Director, stated athletic championships affect institutional enrollment and fundraising. The institutions need to be proactive with this issue.

Chairman Page, Vice Chairman Trachok and Regents Hayes, Lieberman and Geddes stated the Board should contact its congressional delegation.

Regent Geddes stated the athletic directors through the presidents should bring information and policy suggestions forward to the Board, including a financial plan. Athletics budget information should also be included in the metrics for presidential reviews.

7. Information Only-New Business (Agenda Item #7) – Regent Melcher suggested the Board form a group to interview the Regents individually and compile the information to help the Board examine its strengths and weaknesses. Benchmarks could be developed for the Board to use in examining itself.

Regent Doubrava suggested the Board approach the Legislature to seek an exemption from the Open Meeting Law for presidential searches. Staff should explore what other states are doing in this area and bring that information back to the Board. He requested the Board explore the discussions being had in regards to new names for the Cheyenne Campus.

8. Information Only-Public Comment (Agenda Item #8) – There was no public comment.

Prepared by: Patricia Rogers
Special Assistant and Coordinator to the Board of Regents

Submitted for approval by: R. Scott Young
Deputy Chief of Staff to the Board of Regents

Approved by the Board of Regents at the June 11-12, 2015, meeting

APPENDIX 1

Public Comment
Board of Regents
Nevada System of Higher Education
Special Meeting
January 23, 2015

Dear Chairman Page and Regents:

In reviewing your Agenda, item 5a has a list of questions that trustees should ask. As you look at what needs to be addressed in 2015 I suggest that your endorsement of the Common Core State Standards (Nevada Academic Content Standards) needs to be revisited.

It is not apparent that any analysis of how well the standards prepare students for success in Nevada's universities was performed, nor does it appear that the standards were reviewed or evaluated by college professors in our universities. What was the basis for your endorsement? Does achievement of algebra 2 really make students "college ready" when students with that level only have a 1 in 3 chance of graduating (nationwide)? Are you prepared to drop the standards of our Universities to match the lower K-12 standards? At Stanford University calculus is considered remedial with most freshmen starting in advanced calculus. There seems to be a big disconnect, and I suggest the Regents do their homework and get ahead of the wave of problems that I expect is coming. The math standards are very similar to math standards adopted in California in 1992, with a common author. By 1996 California had dropped from middle-of-the-pack to 49th out of 50 in math, and had to drop the standards. A similar result in Nevada may be coming and would be a disaster.

Thank you for your consideration.
Robert Clifford
Fallon, Nevada