

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Tuesday, April 7, 2020

This meeting was held via teleconference pursuant to Section 1 of the Declaration of Emergency Directive 006 ("Directive 006) issued by the State of Nevada Executive Department. There were no physical locations for this meeting.

Members Present:

- Dr. Jason Geddes, Chairman
- Dr. Mark W. Doubrava, Vice Chairman
- Dr. Patrick R. Carter
- Ms. Amy J. Carvalho
- Mrs. Carol Del Carlo
- Mr. Trevor Hayes
- Mrs. Cathy McAdoo
- Mr. Donald Sylvantee McMichael Sr.
- Mr. John T. Moran
- Mr. Kevin J. Page
- Ms. Laura E. Perkins
- Mr. Rick Trachok

Others Present:

- Dr. Thom Reilly, Chancellor
- Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
- Mr. Andrew Clinger, Chief Financial Officer
- Mr. Michael Flores, Chief of Staff to the Chancellor
- Mr. Dean J. Gould, Chief of Staff and Special Counsel to the Board
- Mr. Joe Reynolds, Chief General Counsel
- Dr. Federico Zaragoza, President, CSN
- Dr. Kumud Acharya, President, DRI
- Ms. Joyce M. Helens, President, GBC
- Mr. Bart J. Patterson, President, NSC
- Dr. Karin M. Hilgersom, President, TMCC
- Dr. Marta Meana, President, UNLV
- Dr. Marc A. Johnson, President, UNR
- Dr. Vincent R. Solis, President, WNC

Faculty senate chairs in attendance were: Dr. Arnold Bell, CSN; Dr. Amanda Keen-Zebert, DRI; Mr. George Kleeb, GBC; Dr. Serge Ballif, NSC; Ms. Brigitte Glynn, SA; Dr. Janis McKay, UNLV; and Dr. Brian Frost, UNR. Student body presidents in attendance were: Mr. Daniel Gutierrez, ASCSN President, CSN; Ms. Alexandra Patri, SGA President, TMCC; Ms. Hannah Patenaude, CSUN President, UNLV; Ms. Tamara Guinn, GSA President, UNR; and Ms. Gabrielle Clark, ASWN President, WNC. Classified council chairs in attendance were: Mr. John

Woodbury, CSN; Mr. Joseph Micke, GBC; Ms. Michelle O'Reilly, NSC; Ms. Julia Bledsoe, TMCC; and Mr. Jim Boyer, UNLV.

Chairman Geddes called the meeting to order at 1:00 p.m. with all members present except Regents Moran and Trachok. Regent Hayes led the Pledge of Allegiance. A moment of silence in honor of Regent Sam Lieberman, who passed away on Friday, April 3, 2020, was held.

1. Information Only – Public Comment – None.
2. Information Only – Board Chairman's Report– Chairman Geddes stated current times are changing, but NSHE is adapting as quickly as it can to issues related to the current COVID-19 pandemic.

Regent Trachok entered the meeting.

Chancellor Thom Reilly is communicating with the Presidents and Board leadership. This is the first meeting, in what will be a series of meetings, to take needed action. Chief and Staff and Special Counsel Dean J. Gould has been working with the Office of the Attorney General to obtain guidance on required meeting components during this time. The Board will need to address student, faculty, and staff needs. Today's series of decisions are relatively easy, but Friday's decisions will be more difficult. Chairman Geddes commended the Chancellor and Presidents for working diligently with the Vice Chancellors on how to respond to various actions.

3. Information Only – Chancellor's Report – Chancellor Reilly stated he is in frequent contact with the Cabinet, Presidents, Chairman, and Vice Chairman on a host of issues. The Council of Presidents, the Business Officers, and the Cabinet are meeting once a week.

On March 18, 2020, the NSHE successfully moved to remote instruction. The NSHE initiated a hiring freeze at the direction of the Governor's Office, as well as restricted non-essential travel. On April 2, 2020, NSHE limited the case-by-case ability of the Presidents to have in-person instruction. The Council of Presidents, in consultation with the Chairman and Vice Chairman, extended remote instruction through the spring semester and at least the first term of summer school. Due to the pandemic, those working on tenure were given one extra year if they choose to use it. There has been a lot of discussion about students living in the dorms. The students were encouraged to return home during the pandemic, but students that did not have a home to return to were allowed to stay on campus.

Chairman Geddes returned to Agenda Item #, Board Chairman's Report.

2. Information Only – Board Chairman's Report – *(Continued)*

Chairman Geddes reported he had received recommendations on ways to honor Regent Lieberman, which will come to the Board for consideration.

Regent Moran entered the meeting.

4. Approved – Handbook Revision, Temporary Suspension of Board Policy, Delinquent Accounts – The Board approved a revision to Board policy (Title 4, Chapter 17, Section 2) concerning delinquent student accounts. The proposal temporarily suspends the provisions related to delinquent accounts through September 30, 2020, to provide that students with a delinquent account due to financial hardship during the COVID-19 pandemic may register for courses and receive academic transcripts during the Summer and Fall 2020 terms. *(Ref. BOR-4 on file in the Board Office.)*

Chancellor Reilly stated the purpose of the agenda item is to provide support to students facing financial hardship who may have a delinquent student account. The temporary suspension of policy will allow students with delinquent accounts to register for the Summer and Fall 2020 terms and to access transcripts.

Vice Chancellor Crystal Abba reported the current provision states a student with an overdue loan or delinquent account of \$100 or more have a hold placed on their account such that they may not register at any NSHE institution, nor access their transcripts. Today's recommendation will temporarily suspend the provision through September 30, 2020, which will effectively allow students who have delinquent accounts to register for classes and access their academic records.

Regent Page moved approval of a revision to Board policy (Title 4, Chapter 17, Section 2) concerning delinquent student accounts that temporarily suspends the provisions related to delinquent accounts through September 30, 2020, to provide that students with a delinquent account due to financial hardship during the COVID-19 pandemic may register for courses and receive academic transcripts during the Summer and Fall 2020 terms. Regent Hayes seconded. The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

5. Approved – Handbook Revision, NSHE Grading Policy – The Board approved a revision to Board policy (Title 4, Chapter 16, Section 37) deleting reference to the prescribed letter grade for assignment of a “satisfactory” (“S”) or “unsatisfactory” (“U”) grade. The currently prescribed grading designated to receive an “S” or “U” grade is not consistent with institutional practices for assigning an “S” or “U” grade. *(Ref. BOR-5 on file in the Board Office.)*

Chancellor Reilly reported this item addresses the need for a technical change related to the administration of S and U grades. His office is recommending that all institutions allow the option of the S, U, or a letter grade, whichever the student chooses, through the end of Spring 2020, but only after issuance of final grades for all courses.

5. Approved – Handbook Revision, NSHE Grading Policy – (Continued)

Vice Chancellor Abba stated the current policy has a parenthetical that dictates a letter grade that would be necessary for a satisfactory or unsatisfactory grade. That provision is not consistent with the predominant grading practice whereby a D- or better may be a degree requirement. There are other degree requirements of a C or better. Therefore, it is recommended that students have an opportunity to petition for an S or U grade. The student will be advised of the ramifications of requesting and receiving an S or U grade.

UNLV President Marta Meana, TMCC President Karin M. Hilgersom, NSC President Bart J. Patterson, and UNR President Marc A. Johnson all support the students having the option to choose.

Regent Carvalho clarified whether the S and U grades would only go into effect after a regular letter grade has been issued. Vice Chancellor Abba stated the student would see a letter grade first and then have the option to petition for an S or U grade.

Regent Perkins moved approval of a revision to Board policy (Title 4, Chapter 16, Section 37) deleting reference to the prescribed letter grade for assignment of a “satisfactory” (“S”) or “unsatisfactory” (“U”) grade. Regent Carvalho seconded. The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

6. Approved – Alternative Graduation Ceremonies – The Board approved the postponement of in-person graduation ceremonies at all NSHE institutions for the Spring 2020 semester and directed all NSHE institution presidents to work with the Chancellor who, in consultation with the Chairman and Vice Chairman of the Board, will develop and approve tiered alternative plans for virtual ceremonies and/or rescheduled in-person ceremonies for each institution for the Spring 2020 semester. (*Ref. BOR-6 on file in the Board Office.*)

Chancellor Reilly stated this is a request to postpone in-person graduations at all NSHE institutions for the Spring 2020 semester. Each institution was asked to prepare alternative graduation dates and plans. The students rejected virtual graduations as they want the opportunity to have a traditional in-person ceremony. All degrees will be conferred after the Spring semester.

In response to a question from Regent Page, Chancellor Reilly stated all Presidents conferred with their students as to whether they would prefer a virtual or in-person ceremony, and there was no interest in a virtual ceremony.

President Johnson stated UNR planned to do a virtual ceremony but then let the students choose between the next two ceremonies, but the plan was rejected.

6. Approved – Alternative Graduation Ceremonies – (Continued)

President Meana believed it was important to do something special for this graduating class and not blend it with the next graduation ceremony.

Regent Page asked that the Board consider moving UNR's December commencement start time later in the day so that the Regents can fly up the morning of the ceremony.

Regent McAdoo moved approval of the postponement of in-person graduation ceremonies at all NSHE institutions for the Spring 2020 semester and directing all NSHE institution presidents to work with the Chancellor who, in consultation with the Chairman and Vice Chairman of the Board, will develop and approve tiered alternative plans for virtual ceremonies and/or rescheduled in-person ceremonies for each institution for the Spring 2020 semester. Regent Del Carlo seconded.

Regent Perkins also asked that the ceremonies not be scheduled on the same day.

Regent McAdoo thanked President Meana for her comments because this class does deserve their own ceremony.

Regent Trachok clarified that the ceremonies are for the students, families, and friends and not the Regents.

The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

7. Approved – Amendment to Employment Contract, President Marta Meana, UNLV – The Board approved Amendment No. 3 to the current employment contract of UNLV President Marta Meana, which will extend President Meana's term as acting President of UNLV to December 31, 2020, or until a permanent President of UNLV is hired by the Board, whichever is sooner. All other terms and conditions of President Meana's current contract with the Board remain unchanged. (Refs. BOR-7a and BOR-7b on file in the Board Office.)

Chancellor Reilly requested the Board extend President Meana's contract to December 31, 2020, or until a permanent President is hired. Given the pandemic, it is best to provide continuity to the institution to work through a host of issues, including budget items.

7. Approved – Amendment to Employment Contract, President Marta Meana, UNLV –
(Continued)

Regent Page moved approval of Amendment No. 3 to the current employment contract of UNLV President Marta Meana, which will extend President Meana's term as acting President of UNLV to December 31, 2020, or until a permanent President of UNLV is hired by the Board, whichever is sooner. All other terms and conditions of President Meana's current contract with the Board remain unchanged. Regent Trachok seconded. The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

8. Approved – Amendment to Employment Contract, Chancellor Thom Reilly, NSHE
(Agenda Item 8) – The Board approved Amendment No. 1 to the current employment contract of NSHE Chancellor Thom Reilly, which will extend the term of his contract to December 31, 2020, and transition him to the title of "Senior Advisor to the Chancellor and Board of Regents" once the Board hires a new Chancellor. All other terms and conditions of Chancellor Reilly's current contract with the Board remain unchanged.
(Refs. BOR-8a and BOR-8b on file in the Board Office.)

Chairman Geddes, in consultation with Vice Chairman Doubrava, recommended an extension of Chancellor Reilly's contract through December 31, 2020. Once the search process is complete and the Board hires a new Chancellor, Chancellor Reilly will transition to the title of "Senior Advisor to the Chancellor and Board of Regents." All other terms and conditions will remain the same.

Regent Perkins moved approval of Amendment No. 1 to the current employment contract of NSHE Chancellor Thom Reilly, which will extend the term of his contract to December 31, 2020, and transition him to the title of "Senior Advisor to the Chancellor and Board of Regents" once the Board hires a new Chancellor. All other terms and conditions of Chancellor Reilly's current contract with the Board remain unchanged. Regent McMichael seconded. The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

9. Approved – Emergency Resolution to Implement Families First Coronavirus Response Act (Agenda Item 9) – The Board approved an Emergency Resolution to implement the Families First Coronavirus Response Act authorizing the Chancellor, in consultation with the Chairman and Vice Chairman of the Board, and upon the recommendation of the NSHE Chief General Counsel and NSHE Director of Human Resources, to direct the Systemwide implementation of the provisions of the new Families First Coronavirus Response Act that was signed into federal law on March 18, 2020. This Resolution permits the temporary amendment and/or suspension of existing provisions in the *Board of Regents Handbook* and NSHE Code, or the *NSHE Procedures and Guidelines Manual*, where necessary to implement the new federal law. (Refs. BOR-9a and BOR-9b on file in the Board Office.)

Chief General Counsel Joe Reynolds stated this is in response to the Families First Coronavirus Response Act that was signed into law on March 18, 2020, and active on April 1, 2020, until December 31, 2020. The Act extends provisions and rights under the Family Medical Leave Act.

Regent Page moved approval of an Emergency Resolution to implement the Families First Coronavirus Response Act authorizing the Chancellor, in consultation with the Chairman and Vice Chairman of the Board, and upon the recommendation of the NSHE Chief General Counsel and NSHE Director of Human Resources, to direct the Systemwide implementation of the provisions of the new Families First Coronavirus Response Act that was signed into federal law on March 18, 2020. This Resolution permits the temporary amendment and/or suspension of existing provisions in the *Board of Regents Handbook* and NSHE Code, or the *NSHE Procedures and Guidelines Manual*, where necessary to implement the new federal law. Regent Hayes seconded. The motion carried via a roll call vote. Chairman Geddes, Vice Chairman Doubrava and Regents Carter, Carvalho, Del Carlo, Hayes, McAdoo, McMichael, Moran, Page, Perkins, and Trachok voted yes.

10. Information Only – FY 2020 and FY 2021 NSHE Operating Budget Impact Due to Covid-19 (Agenda Item 10) – Chancellor Reilly and Chief Financial Officer Andrew Clinger discussed the impact of COVID-19 on FY 20 and FY 21 NSHE operating budgets and actions taken to date, including the hiring freeze and spending restrictions. The discussion included an update on the Coronavirus Aid, Relief and Economic Security (CARES) Act, and its estimated impact on NSHE institutions. Chief Financial Officer Clinger also presented potential scenarios for reducing the FY 21 NSHE operating budgets. (Ref. BOR-10 and Supplemental Material on file in the Board Office.)

10. Information Only – FY 2020 and FY 2021 NSHE Operating Budget Impact Due to Covid-19 (Agenda Item 10) – (Continued)

Chancellor Reilly reported he sent the correspondence NSHE received from the Governor's Finance Office to the Regents. There is a short turn around period for this request, which is why Chairman Geddes has scheduled another meeting on April 10, 2020. NSHE began working over the weekend on the request. Chief Financial Officer Clinger has had conversations with the Governor's Budget Director and Chancellor Reilly with the Governor's Chief of Staff. The level of detail being requested will be challenging. NSHE has asked to be allowed to provide a general narrative that is specific enough to make decisions. The Governor's Office has indicated that they have asked for the increments from all entities but that this will not be an across the board cut. The request is for a 4 percent budget reduction proposal for Fiscal Year (FY) 20, amounting to \$27.4 million, which translates to a 16 percent budget reduction because it is the last quarter. For FY 21, the Governor's Office has requested three scenarios of 6 percent followed by a 4 percent and then another 4 percent, amounting to approximately \$97 million for a total budget reduction proposal of roughly \$125 million. NSHE has reviewed stimulus dollars, but since it is unclear when the dollars will be received, the institutions are looking at applying those dollars in FY 21. Financial exigency is not being considered at this time because of its ramifications on the bond rating and accreditation. There is a consensus that NSHE does not want to lay employees off, but instead implement professional staff furloughs.

Chief Financial Officer Clinger reviewed the Coronavirus Aid, Relief and Economic Security (CARES) Act. Congress appropriated \$30.75 billion in what is called the Education Stabilization Fund with subcomponents including the Higher Education Emergency Relief Fund, Elementary and Secondary School Emergency Relief Fund, and the Governor's Emergency Education Relief Fund. The State of Nevada is estimated to receive \$26.5 million from the Governor's Emergency Education Relief Fund. The Governor will have discretion over the funds. The Higher Education Emergency Relief Fund has three subcomponents. Ninety (90) percent of the funds are allocated to institutions of higher education through a distribution formula totaling approximately \$59.2 million. The balance of the Higher Education Emergency Relief Fund will go toward non-public entities. Under the Governor's Emergency Education Relief Fund, there is a maintenance of effort required for the Governor to accept the funds. There is also a waiver provision. Even without the provision, because state appropriations have grown, the initial estimates show that the Governor could cut 13.8 percent of NSHE's budget and still be within compliance.

Chief Financial Officer Clinger then reviewed the estimated impact of the Governor's Finance Office budget reduction scenarios. Supplemental Material BOR Item 10(3) (*on file in the Board Office*) shows the allocation of the requested budget reductions by the various institutions for FY 20 and FY 21. CARES Act funding could offset state funds that may be potentially cut. Professional staff furloughs and capital improvement projects that had state general fund appropriations are being reviewed to help offset state fund reductions. Vacant positions would continue to be held vacant, and a hiring freeze is in place to create savings. Operating budget reductions, travel reductions, and

10. Information Only – FY 2020 and FY 2021 NSHE Operating Budget Impact Due to Covid-19 (Agenda Item 10) – (Continued)

elimination of equipment and one-time purchases are also being reviewed. NSHE can use excess registration fees as a reversion to help offset the shortfall. Institutions are looking at a redistribution of student fees and a potential student fee surcharge.

Chairman Geddes acknowledged that Board Leadership is in constant communication with NSHE Leadership and the Governor's Office and federal delegation.

Regent Hayes stated NSHE has made great strides since the last recession. He requested that budget scenarios include as much detail as possible, including outcomes so that the Regents can make informed decisions.

Regent Del Carlo felt it was essential to know the dialogue behind the numbers and what the impact will be on the institutions.

In response to a question from Regent Carvalho, Chief Financial Officer Clinger clarified that the FY 20 request was a 4 percent budget reduction to the total appropriation, but because it is already the third quarter, that number ends up effectively being a 16 percent reduction.

Regent Perkins asked that an analysis of how each position fits within the chain of command and how the job duties of vacant positions would be redistributed. She also requested that any student service-related cuts be the last to occur.

Chairman Geddes acknowledged that during the last recession, it was emphasized that the classroom was the last to be cut, but in hindsight, that led to a lot of student support services be reduced.

Chief Financial Officer Clinger added as it relates to Regent Perkins' request that on Friday, the Board would see more of a macro view, such as the number of positions that would be reduced, not the detail where the positions would be.

President Meana stressed this would be a collaborative process, adhering to the principle of shared governance at UNLV.

Chairman Geddes pointed out the Supplemental Material will be issued the morning of the upcoming meeting.

Regent Del Carlo asked how this will affect performance pay. Chancellor Reilly stated they are still working through all the implications and details.

UNR Faculty Senate Chair Brian Frost noted that faculty understand the implications and that performance pay may be out of the question but advocated that all the work of the Task Force should not be forgotten in the face of budget cuts. He requested that professional furloughs happen more uniformly than they did in the last recession.

11. Information Only – New Business (Agenda Item 11) – Chairman Geddes noted that commencements would be addressed at an upcoming meeting.
12. Information Only – Public Comment (Agenda Item 12) – Public Comment from NSHE Classified Council President Julia Bledsoe was read into the record related to the Council's willingness to work positively and constructively with NSHE Administration and respective institutions. (Ref. Bledsoe.Julia4.7.20 on file in the Board Office.)

The meeting adjourned at 2:27 p.m.

Prepared by:

Angela R. Palmer
Special Assistant and Coordinator
to the Board of Regents

Submitted for approval by:

Dean J. Gould
Chief of Staff and Special Counsel
to the Board of Regents

Approved by the Board of Regents at its July 23, 2020, meeting.