

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Friday, August 7, 2020

This meeting was held via videoconference and teleconference pursuant to Section 1 of the Declaration of Emergency Directive 006 ("Directive 006"), and extended by Directive 016, 018, 021 and 026, and as further extended, issued by the State of Nevada Executive Department. There were no physical locations for this meeting.

Members Present:

- Dr. Mark W. Doubrava, Chair
- Mrs. Carol Del Carlo, Vice Chair
- Dr. Patrick R. Carter
- Ms. Amy J. Carvalho
- Dr. Jason Geddes
- Mr. Trevor Hayes
- Ms. Lisa C. Levine
- 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. Zelalem Bogale, Deputy General Counsel for System Administration
- 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. Theo Meek, Research Scholar
- Mr. Joe Reynolds, Chief General Counsel
- Mr. Joe Sunbury, Chief Internal Auditor
- 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. Chris Heavey, Officer in Charge, UNLV
- Dr. Marc A. Johnson, President, UNR
- Dr. Vincent R. Solis, President, WNC

Faculty senate chairs in attendance were: Dr. Maria Schellhase, CSN; Dr. Eric Wilcox, DRI; Mr. Brian Zeiszler, GBC; Dr. Laura Naumann, NSC; Mr. Theo Meek, SA; Ms. YeVonne Allen, TMCC; Dr. Vicki Rosser, UNLV; Dr. Amy Pason, UNR; and Dr. Robert Morin, WNC. Student body presidents in attendance were: Ms. Karli McFarling-Kelly, ASCSN President, CSN; Ms. Suman Randhawa, NSSA President, NSC; Mr. Joshua Padilla, CSUN President, UNLV; and Ms. Dominique Hall, ASUN President, UNR. Classified council chairs in attendance were: Ms. Sarah Wilkey, GBC; and Ms. Donna Healy, UNR.

Chair Doubrava called the meeting to order at 9:00 a.m. with all members present except Regent Hayes. Chair Doubrava led the Pledge of Allegiance.

1. Information Only – Public Comment

The following provided public comment in opposition to the student fee surcharge at UNLV:

- Kendra Newman (*Ref. Newman.Kendra08.07.20 on file in the Board Office.*)
- Moulin Patel (*Ref. Patel.Moulin08.07.20 on file in the Board Office.*)

The following provided public comment in opposition to the *Handbook* and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures:

- Sage Ellis (*Ref. Ellis.Sage08.07.20 on file in the Board Office.*)
- Lauren Harvey (*Ref. Harvey.Lauren08.07.20 on file in the Board Office.*)
- Gabrielle Staples (*Ref. Staples.Gabrielle08.07.20 on file in the Board Office.*)
- Dr. Sondra Cosgrove (*Ref. Cosgrove.Sondra08.07.20 on file in the Board Office.*)
- Elliott Bailey (*Ref. Bailey.Elliott08.07.20 on file in the Board Office.*)
- Madison Hall (*Ref. Hall.Madison08.07.20 on file in the Board Office.*)
- Mckenzie Papa (*Ref. Papa.Mckenzie08.07.20 on file in the Board Office.*)
- Madison Quillicy (*Ref. Quillicy.Madison08.07.20 on file in the Board Office.*)

2. Information Only – Chancellor's Report – Chancellor Thom Reilly updated the Regents on the 32nd Special Legislative Session and the UNR President Search.

The 32nd Special Legislative Session began on Friday, July 31, 2020. The Session addressed gaps in the areas of criminal and social justice policy reform, unemployment insurance and support, voting rights, stabilization of Nevada businesses, judicial branch authority to dispute rental evictions, mining taxes, and other items requested by the Legislative Counsel Bureau. NSHE monitored three bills, including Assembly Bill 3, focusing on police reform; Senate Bill 2, revising provisions related to peace officers; and Senate Bill 4, offering protections to certain businesses and local municipalities to ensure safety while Nevada reopens.

On August 13, 2020, semifinalist candidates will be selected for the UNR President Search. Semifinalist interviews to choose the finalists will be on August 24 and 25, 2020. The week of September 14, the finalists will participate in public forums. The Committee will meet for interviews on September 16, 2020. The Board of Regents will consider the Committee's recommendation for UNR President on September 17, 2020.

3. Information Only – Board Chair's Report – Chair Doubrava reported he would bring to the August 21, 2020, special meeting a proposal for the Board to consider creating a special committee to respond to current and future budget reductions of state funding. On behalf of the Board, Chair Doubrava offered condolences to Regent Trachok for the loss of his father, Dick Trachok.

Regent Moran left the meeting.

4. Approved – Minutes – The Board approved the minutes from the May 29, 2020, Board of Regents special meeting. *(Ref. BOR-4 on file in the Board Office.)*

Regent Perkins moved approval of the minutes from the May 29, 2020, Board of Regents special meeting. Regent Carter seconded. Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Levine, McAdoo, McMichael, Page, Perkins, and Trachok voted yes. Regents Hayes and Moran were absent.

5. Approved – Handbook Revision, Millennium Scholarship Spring 2020 Continuing Eligibility Waiver – The Board approved a revision to Board policy (Title 4, Chapter 18, Section 9) implementing the waiver of certain eligibility requirements for the Governor Guinn Millennium Scholarship authorized with the enactment of [Senate Bill 2 \(Chapter 2, Statutes of Nevada 31st Special Session\)](#). The provisions waive the continuing eligibility requirements for students that lost eligibility at the end of Spring 2020. *(Ref. BOR-5 and letter on file in the Board Office.)*

Vice Chancellor for Academic and Student Affairs Crystal Abba presented a revision to Board policy (Title 4, Chapter 18, Section 9) implementing the waiver of certain eligibility requirements for the Governor Guinn Millennium Scholarship authorized with the enactment of [Senate Bill 2 \(Chapter 2, Statutes of Nevada 31st Special Session\)](#). The proposed revision does not have a direct fiscal impact (cost) to the NSHE or its institutions; however, it is estimated that cost to the Governor Guinn Millennium Scholarship Trust Fund that is administered by the State Treasurer's Office will be up to \$2.6 million over the subsequent semesters in which the students who would have otherwise lost eligibility enroll and are funded.

Vice Chancellor Abba read into the record a letter from Nevada State Treasurer Zach Conine sharing his support. *(On file in the Board Office.)*

Regent Hayes entered the meeting.

5. Approved – Handbook Revision, Millennium Scholarship Spring 2020 Continuing Eligibility Waiver – (Continued)

Regent Geddes moved approval of a revision to Board policy (Title 4, Chapter 18, Section 9) implementing the waiver of certain eligibility requirements for the Governor Guinn Millennium Scholarship authorized with the enactment of [Senate Bill 2 \(Chapter 2, Statutes of Nevada 31st Special Session\)](#). Regent McAdoo seconded.

Regent Levine stated how helpful the Millennium Scholarship was to her as an undergraduate student. She thanked Vice Chancellor Abba, Chancellor Reilly, and the Government Relations Team.

Regent Carvalho asked when staff will begin to consider this for Fall 2020 and Spring 2021. Vice Chancellor Abba stated discussions in the office have occurred. The Legislature is contemplating NSHE's authority to do so if unforeseen things happen that are justified.

In response to a question from Regent Carvalho, Vice Chancellor Abba stated when a student's record of eligibility is changed, they receive a formal notification from the Treasurer's Office. There is no formal process for a midsemester notification. However, that was why the Legislature included the two-strike rule to allow the student to fix their grade point average. All students receive documentation that includes the eligibility requirements and expectations of the Scholarship.

Regent Perkins asked how many students are on their second strike and will continue because of this. Vice Chancellor Abba stated she would get the information and send it to the Regents.

Vice Chair Del Carlo stated the Millennium Scholarship is one of the most positive things that has been created for the students of Nevada.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, Levine, McAdoo, McMichael, Page, Perkins, and Trachok voted yes. Regent Moran was absent.

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – The Board approved revisions to Board policy (Title 4, Chapter 8, Section 13) that bring this section into compliance with the U.S. Department of Education's new regulations governing sexual harassment under Title IX and temporary emergency amendments to the NSHE Code pertaining to confidentiality of records associated with a Title IX complaint or investigation (Title 2, Chapter 5, Section

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – (Continued)

5.6.2) and conforming revisions which pertain to the student code of conduct (Title 2, Chapter 10). The amendments become effective August 14, 2020. (Ref. BOR-6 and Supplemental Material on file in the Board Office.)

Regent Carter, Chair of the Audit, Compliance and Title IX Committee, stated the Federal Government provided a deadline of August 14, 2020, for Nevada to comply with new regulations. The policy can be enacted as an emergency policy to meet the August 14, 2020, deadline. Eventually, this policy will return to the Committee with any requested revisions and then brought to the Board of Regents for final approval.

Chief General Counsel Joe Reynolds shared many of the concerns that were provided during public comment. The Federal Government published the new regulations in May 2020. NSHE had just over 90 days to review approximately 2,000 pages. The new rules change 45 years of Title IX jurisprudence. The consequences of the Board of Regents not enacting these new regulations would put NSHE out of compliance with Title IX law and could subject the NSHE to investigation and jeopardize its federal funding. There are lawsuits from various states challenging the new regulations. Chief General Counsel Reynolds stated he has been in contact with Attorney General of Nevada Aaron D. Ford's Office, actively discussing what litigation may look like in Nevada.

Deputy General Counsel for System Administration Zelalem Bogale pointed out that the *Supplemental Material* replaces pages 63-94 of Ref. BOR-6 and pertains to the Chapter 10 revisions. He acknowledged the tremendous assistance of the working group. The working group was careful to keep faculty and student leaders, and Title IX Coordinators apprised throughout the process. Each of the groups had an opportunity to review the revisions before submitted to the Board for consideration.

Regent Moran entered the meeting.

Deputy General Counsel Bogale and UNR Title IX Director Maria Doucettperry presented revisions to Board policy (Title 4, Chapter 8, Section 13) that bring this section into compliance with the U.S. Department of Education's new regulations governing sexual harassment under Title IX. They also presented temporary emergency amendments to the NSHE Code pertaining to confidentiality of records associated with a Title IX complaint or investigation (Title 2, Chapter 5, Section 5.6.2) and conforming revisions which pertain to the student code of conduct (Title 2, Chapter 10).

Regent Carter moved approval of revisions to Board policy (Title 4, Chapter 8, Section 13) that bring this section into compliance with the U.S. Department of Education's new regulations governing sexual harassment under Title IX and approval for temporary emergency amendments to the NSHE Code pertaining to confidentiality of

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – (Continued)

(Motion continued)

records associated with a Title IX complaint or investigation (Title 2, Chapter 5, Section 5.6.2) and conforming revisions which pertain to the student code of conduct (Title 2, Chapter 10). Regent Geddes seconded.

Regent Levine stated sexual violence on college campuses is a problem across the country. Nevada is currently ranked as the state with the second-highest rate of women murdered by men. One in five women and one in sixteen men are sexually assaulted while in college. One in ten rapes occurs while the victim is at work, and more than 90 percent of sexual assault victims on college campuses do not report the assault. NSHE should build protections for those served while breaking down barriers for victims to seek justice. By adopting these policy changes, Regents are welcoming inappropriate behaviors to be swept under the rug. Regents will be opening the door for victims of sexual violence to be further victimized.

Regent Levine was concerned the policy changes were released in May but have just now come before the Board. Three months is plenty of time for General Counsel to come forward to the Board and seek input on whether to join litigation. Three months is also enough time to gauge the Office of the Attorney General of Nevada. Regent Levine spoke to several students, faculty, and community leaders who knew the regulations were coming but did not know when, were never reached out to nor consulted for their input on NSHE's plan. Regent Levine stated she would not be forced to vote for a policy that will make it easier for someone on a public campus to be sexually assaulted or harassed.

Regent Levine stated the Board has the option to hold off approving the revisions, consider signing on to litigation and seek a temporary injunction and leave it to the courts.

Regent Levine stated this turns the process for a victim seeking justice into a criminal trial and will, without doubt, discourage victims of sexual violence from coming forward. As policymakers, the Board has the power to halt this terrible and harmful law.

Regent Carvalho asked if an injunction is possible. Chancellor Reilly stated the policies were implemented by the Federal Government, not by the Board. He can bring an item to the August 21, 2020, meeting to see whether the Board is interested in joining the litigation. In the meantime, General Counsel can continue their conversations with the Attorney General's Office. Currently, they are unaware of any other institutions that are not enacting these policies.

Chief General Counsel Reynolds clarified that notification was sent to the entire Board on May 7, 2020, related to these new regulations. He is not aware of any federal court that has issued an injunction to stop the implementation of these rules. NSHE did not

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – (Continued)

draft the policies, and 99 percent of the language comes directly from the Federal Government. If the Board would like to join in litigation, it will require action at a future meeting.

Regent Carvalho asked why there are differences in reporting timeframes for employees and students. Ms. Doucettperry responded the standard duration is 180 days for a Civil Rights complaint. State law grants 300 days for employees. For purposes of these changes, the 300 days was chosen since that is what Nevada will apply.

Regent Carvalho suggested the Title IX Officers at their respective institutions hold town hall meetings to discuss and answer questions related to the new language. She requested more current data regarding the number of sexual assaults at the institutions and recommended monitoring the number of reports going forward to see whether there is a decrease in reporting due to these policy changes.

In response to a question from Regent Carvalho, Chief Financial Officer Andrew Clinger stated in Fiscal Year 2019, NSHE expended approximately \$567 million in federal funds. Of those federal funds, roughly \$420 million came through the Department of Education. Chief General Counsel Reynolds stated the Department of Education would have the authority to withhold funding.

Regent Perkins stated this is a challenging decision process because she did not want to condone sexual assault, but she also did not want NSHE to lose its federal funding.

UNR ASUN President Dominique Hall opposed the requested changes as they will be harmful and dangerous for NSHE students. Campus sexual violence is a public health crisis. The trauma of sexual violence lasts a lifetime. These regulations will make it worse for victims of sexual violence. As a sexual assault survivor, years of trauma caused her to almost drop out of college. Sexual assault victims do not need more regulations against them and no additional protections for them. NSHE has one policy to prevent sexual violence, and that is mandatory training for employees. It is time for the NSHE to support students. She encouraged the Board to vote no on these regulations and join other states in litigation. To vote yes on these regulations means you are siding with the oppressor.

Regent Carvalho stated she stands with Ms. Hall, and it is important to stand against this. She realized that the information does not always show the whole picture, and she knows that the institutions and the Board will stand with the victims.

UNLV CSUN President Joshua Padilla clarified approval today would be on an emergency basis to remain in compliance with the Department of Education. Then on August 21, 2020, there will be a potential vote to join the litigation.

Regent McMichael believed the emphasis should not be on the money that may be lost, but instead that this a public health crisis that all institutions should fight.

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – (Continued)

In response to a question from Vice Chair Del Carlo, Chief General Counsel Reynolds stated there are four ongoing lawsuits, but no injunctions are active.

Regent Levine asked if this passed, will NSHE be hindering the Nevada Attorney General from entering litigation. Chief General Counsel Reynolds responded no that NSHE can comply with the regulations but still challenge the law.

Chief General Counsel Reynolds did not have a list of institutions signed on to litigation, nor the dates that they entered litigation, but noted he would provide that list to Regents. He added the ACLU, and some women's rights groups have joined in litigation.

In response to a question from Regent Levine, Chief General Counsel Reynolds stated conversations have been happening since May. The Attorney General's Office has the independent authority to sign on to litigation, and the conversations were around whether they would pursue that on their own.

Regent Levine stated NSHE had three months to say the policies are bad for students, and this is the time for NSHE to stand up for the students. She was disappointed that NSHE did not actively push to enter litigation.

Regent Carter believed the Board had to comply to avoid repercussions. The policies are temporary if approved today.

Regent Levine stated if the policies are passed today, they are legally binding. Regent Carter clarified the policies are already legally binding per federal regulation. Regent Levine recommended that this not be approved today and that the General Counsel team review opportunities for the Board of Regents and NSHE to join the litigation and for the findings to be presented to the Board of Regents and for there to be a vote to join litigation on August 13, 2020. Chair Doubrava clarified there is no meeting on August 13, 2020.

Regent McAdoo stated she is adamantly not siding with the oppressor by voting yes at this time. She found the comment offensive. Regent McAdoo disagreed with the revisions, but she struggles with jeopardizing federal funding that helps every student.

Regent Levine stated Attorney General Ford was on the phone to speak. Chair Doubrava said he would call on the Attorney General after those already on the list to speak was complete.

NSC NSSA President Suman Randhawa thanked the Regents for giving time to this important matter. She appreciated Regent Levine's strong voice and appreciated Ms. Hall for sharing such a vulnerable and personal story. Ms. Randhawa stated she had heard too many victim stories who never received the justice they deserve. She strongly opposed the policy. It jeopardizes basic needs for safety and allows perpetrators to continue

6. Approved – Handbook and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures – (Continued)

carrying out heinous acts. Unfortunately, this is being presented one week before it goes into effect, but it is a crucial decision to make.

Regent Geddes stated he was positive that the Board does not stand on the side of violent criminals. The Board implements policies to ensure safe learning environments for students and employees. There is not a single institution that is not adopting these policies. He stated he was offended by some of the comments made today. He encouraged the Board to enter litigation.

Ms. Doucettperry stated sexual violence is not only a campus problem but a worldwide problem. NSHE needs a tool right now, so campuses know what to expect and can begin implementation.

Regent Moran requested that Attorney General Ford be allowed to speak before a motion.

Regent Levine voiced her disappointment that the Board just had the top law officer for Nevada on to the phone to clarify his position but refused to hear him.

Regent Carter called the question.

Chair Doubrava asked for the roll call vote to be taken.

Chief of Staff and Special Counsel to the Board Dean J. Gould asked Regent Levine to mute herself.

Regent Moran asked for time to get the Attorney General on the phone to provide updated legal information that may assist the Board in making a final decision.

Chair Doubrava called for the vote.

Chair Doubrava stated Attorney General Ford could speak at a future meeting, or he can participate in public comment at the end of this meeting.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, McAdoo, Page, Perkins, and Trachok voted yes. Regents Levine, McMichael, and Moran voted no.

The meeting recessed at 11:13 a.m. and reconvened at 11:25 a.m. with all Regents present.

7. Approved – Fiscal Year 2020-2021 NSHE State Supported Operating Budget – The Board approved revisions enacted by the Legislature in [Assembly Bill 3 \(Chapter 5, Statutes of Nevada 31st Special Session\)](#) to the State General Fund for the Fiscal Year 2020-2021 NSHE State Supported Operating Budget. (Supplemental Material on file in the Board Office.)

7. Approved – Fiscal Year 2020-2021 NSHE State Supported Operating Budget – (Continued)

Chancellor Thom Reilly and Chief Financial Officer Andrew Clinger presented revisions enacted by the Legislature in [Assembly Bill 3 \(Chapter 5, Statutes of Nevada 31st Special Session\)](#) to the State General Fund for the Fiscal Year 2020-2021 NSHE State Supported Operating Budget.

In response to a question from Regent Trachok, Chancellor Reilly stated the Board has always approved the revised budget.

Regent Geddes moved approval of revisions enacted by the Legislature in [Assembly Bill 3 \(Chapter 5, Statutes of Nevada 31st Special Session\)](#) to the State General Fund for the Fiscal Year 2020-2021 NSHE State Supported Operating Budget. Regent Perkins seconded.

Regent Carter asked what special projects includes. Chief Financial Officer Clinger stated special projects are used to match federal funds.

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

8. Deferred – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget – The Board approved to defer action on the proposals to comply with an additional \$25 million reduction in State General Fund appropriations to the August 21, 2020, special meeting of the Board of Regents. (Supplemental Material on file in the Board Office.)

Chancellor Reilly and Chief Financial Officer Clinger presented proposals to comply with an additional \$25 million reduction in State General Fund appropriations enacted by the Legislature in [Assembly Bill 3 \(Chapter 5, Statutes of Nevada 31st Special Session\)](#). Chancellor Reilly recommended a one-time \$15 million distribution from the operating reserve to reduce the cuts that are necessary at each institution. The proposal includes allocating approximately \$302,000 from System Administration to provide an additional offset to the reduction for GBC and WNC. Even with this assistance, there are still challenges. In addition to the \$15 million distribution, the Board may consider the other following options:

1. \$39.5 million distribution from the operating reserve. This is the amount necessary to eliminate any additional reductions at all the institutions.
2. \$23.5 million distribution from the operating reserve. This would eliminate additional reductions for all the institutions except UNR, CSN, TMCC, and NSC.
3. Distribute funds proportionate to the reductions to protect GBC and WNC.

8. Deferred – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget – (Continued)

Chancellor Reilly pointed out the System is in a better position for June since there was an increase of \$9 million in the operating reserve.

Chief Financial Officer Clinger stated the *Supplemental Material* relates to the \$15 million distribution. If the Board would like to look at other options, then the material would be prepared and brought back to the Board at the August 21, 2020, meeting.

Regent Trachok stated the Board must keep in mind that this is not cash sitting in a bank account. This is unrealized gain from approximately 22,000 accounts across the institutions that has been invested in long- and short-term investments. As the account is liquidated, it changes the holdings in that account and could result in an unrealized loss.

Chief Financial Officer Clinger clarified that by allocating or distributing from the operating reserve, it does not necessarily mean it is liquidated at that point. The Board would be authorizing the institutions the ability to go and expend the funds.

Regent McAdoo wanted to mitigate the impact on each institution by looking at this from a System perspective. Regent McAdoo shared two additional options. Take \$25 million from the operating reserve and distribute it to all the institutions, which would mean that each institution would not have a further budget reduction. The next option would be to use the percent formula to make a one-time distribution to each institution.

Regent McAdoo moved to defer action on the proposals to comply with an additional \$25 million reduction in State General Fund appropriations to the August 21, 2020, special meeting of the Board of Regents. Regent Page seconded.

Regent Perkins thanked Chancellor Reilly and Chief Financial Officer Clinger for the alternative suggestions to solve this budget crisis. Regent Perkins felt comfortable in decreasing the reserves down to 4.9 percent. Chief Financial Officer Clinger stated the option does ensure that more institutions do not have to make cuts, including the smaller institutions. There is always a risk if the market goes down. Regent Perkins believed this would speak volumes that the System is working to mitigate and lessen the effects on the institutions.

In response to a question from Regent Geddes regarding complying with direction from the Legislature, Chancellor Reilly stated NSHE made it clear that this was the recommendation, but it would have to be approved by the Board of Regents.

Regent Carter requested that the Board hear from its investment advisors on August 21, 2020.

8. Deferred – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget – (Continued)

In response to a question from Regent Carter related to active grants that may not be able to be matched with these cuts, Chief Financial Officer Clinger stated the list was potential areas that could be matched.

Regent Page clarified if the account is unrealized gains, he would assume that there could be unrealized losses. Chief Financial Officer Clinger stated that he was correct and noted that during The Great Recession, the account did go negative, which resulted in no distributions to the institutions.

Regent Moran left the meeting.

Regent Page requested a discussion related to cost savings measures and efficiencies still come forward to the Board.

Regent Carvalho echoed the comments that this is a System, and decisions should be made for the System.

Regent Hayes cautioned the Board that these cuts are going to affect the System in 2021 and 2022. The one-time dollars are to survive the current fiscal year. He did feel it was appropriate to take the account down to five percent. He opposed taking money from one institution and giving it to another.

Regent Levine stated it was important procedurally to understand the structure of the Budget Reduction Response Committee and whether it will follow Open Meeting Law guidelines to promote transparency.

In response to a question from Regent McAdoo, Chief Financial Officer Clinger stated he does have the additional reduction amounts for each campus. He apologized they were not in the materials, and it was a last-minute adjustment. The allocation methodology would be the same but would be calculated with the \$23.5 million. System Administration would reallocate \$575,000 of its allocation to GBC and WNC.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Carter, Carvalho, Geddes, Hayes, Levine, McMichael, Page, and Trachok voted yes. Regents McAdoo and Perkins voted no. Regent Moran was absent.

9. Information Only – 2021-23 Biennial Operating Budget – Chancellor Reilly reported NSHE is engaged in discussions with the Governor's Finance Office in preparation of the budget building process. There will not be a lot of enhancements. The base budget and caseload growth are being reviewed. NSHE and the Governor's Finance Office are discussing the 64 percent COLA funding, which is of concern. If enhancements are allowed, academic advising would be the top priority request, and then the capacity enhancement for community colleges.

10. Information Only – New Business

Regent Perkins asked for the following new business:

- Can the HEPI increase be delayed due to COVID
- An item to revise the Code to allow greater latitude and freedom related to employee layoffs
- An item related to a buyout policy for service credit model
- Shared services
- Waivers for Veterans

Regent Carvalho asked for the following new business:

- Discussion about joining a lawsuit against Title IX
- Update from the Schools of Medicine related to Senate Bill 4 and how the COVID liability affects students working in clinics and hospitals
- Consider freezing tuition increases for at least the 2020-21 school year

11. Information Only – Public Comment

Attorney General Ford reported that shortly after taking office, Nevada signed on to a multistate comment letter opposing the impending Title IX regulation changes. Over the following months, his office followed the progression of the rules and communicated with other states as to the status of the new regulations. Lead counsel in Pennsylvania contacted his office regarding joining a multistate suit. In May 2020, a draft complaint and a request for declaration in support of Nevada's participation was received. His office reached out to NSHE to ascertain if there was an interest in joining the lawsuit. His office did not receive a definitive response from NSHE before the early filing date in early June. He recognized this occurred during the COVID-19 pandemic. The Attorney General's Office remains interested in opposing the rules and is available to facilitate intervention.

Public Comment from Joshua Zerbel asked the Board to review additional fees charged at UNLV, such as third-party homework platforms. It is illegal under the Higher Education Act (Chapter 34, §602.17 (g) (2)) to ask students to pay any fees that are not disclosed at the time of registration. *(Ref. Zerbel.Joshua08.07.20 on file in the Board Office.)*

The following provided public comment in opposition to the *Handbook* and Code Revision, NSHE Discrimination and Sexual Harassment Policies and Procedures:

- Julie Mejia *(Ref. Mejia.Julie08.07.20 on file in the Board Office.)*
- Nicole Thomas *(Ref. Thomas.Nicole08.07.20 on file in the Board Office.)*

The meeting adjourned at 12:29 p.m.

Prepared by:

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

Submitted for approval by:

Keri D. Nikolajewski
Deputy Chief of Staff
to the Board of Regents

Approved by the Board of Regents at its November 13, 2020, meeting.