

**SPECIAL MEETING**  
**BOARD OF REGENTS**  
**NEVADA SYSTEM OF HIGHER EDUCATION**

Friday, August 21, 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, 026 and 029, 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
- Mr. Zelalem Bogale, Deputy General Counsel for System Administration
- Mr. Andrew Clinger, Chief Financial Officer
- Ms. Renee Davis, Assistant Vice Chancellor and Director of Student Affairs
- Mr. Nate Mackinnon, Vice Chancellor, Community Colleges
- Ms. Keri Nikolajewski, Deputy Chief of Staff
- 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; Ms. YeVonne Allen, TMCC; Dr. Vicki Rosser, UNLV; Dr. Amy Pason, UNR; and Dr. Robert Morin, WNC. Student body presidents in attendance were: Ms. Suman Randhawa, NSSA President, NSC; Mr. Joshua Padilla, CSUN President, UNLV; Mr. Sidath Kapukotuwa, GPSA Vice President, UNLV; Mr. Will Carrasco, GSA President, UNR; and Ms. Gabrielle Clark, ASWN President, WNC. Classified council chair in attendance was: Ms. Sarah Wilkey, GBC.

Chair Doubrava called the meeting to order at 12:00 p.m. with all members present except Regent Hayes. Regent Perkins led the Pledge of Allegiance.

1. Information Only – Public Comment

Regent Moran left the meeting.

Regent Hayes entered the meeting.

Public Comment from the following people who provided concern or opposition to Agenda Item #6, Creation of Budget Reduction Response Committee:

- Ian Hartshorn (*Ref. Hartshorn.Ian08.21.20 on file in the Board Office.*)
- Eunkang Koh (*Ref. Koh.Eunkang08.21.20 on file in the Board Office.*)
- Katherine Fusco (*Ref. Fusco.Katherine08.21.20 on file in the Board Office.*)
- Jennifer Willett (*Ref. Willett.Jennifer08.21.20 on file in the Board Office.*)
- Renata Keller (*Ref. Keller.Renata08.21.20 on file in the Board Office.*)
- Dan Morse (*Ref. Morse.Dan08.21.20 on file in the Board Office.*)
- Rosemary Brownlow-Calkin (*Ref. Brownlow-Calkin.Rosemary08.21.20 on file in the Board Office.*)
- Tyler Brownlow-Calkin (*Ref. Brownlow-Calkin.Tylerl08.21.20 on file in the Board Office.*)
- Corina Weidinger (*Ref. Weidinger.Corina08.21.20 on file in the Board Office.*)
- Robert Ostergard (*Ref. Ostergard.Robert08.21.20 on file in the Board Office.*)
- Dr. Melissa Burnham (*Ref. Burnham.Melissal08.21.20 on file in the Board Office.*)
- Dr. Christopher L. Rogers (*Ref. Rogers.Christopher08.21.20 on file in the Board Office.*)
- Todd Ruecker (*Ref. Ruecker.Todd08.21.20 on file in the Board Office.*)
- Isabelle Favre (*Ref. Favre.Isabelle08.21.20 on file in the Board Office.*)
- Cari Cunningham (*Ref. Cunningham.Cari08.21.20 on file in the Board Office.*)
- Chris Mays (*Ref. Mays.Chris08.21.20 on file in the Board Office.*)
- Rosie Trump (*Ref. Trump.Rosie08.21.20 on file in the Board Office.*)
- James Cherney (*Ref. Cherney.JamesL08.21.20 on file in the Board Office.*)
- Thomas Cardoza (*Ref. Cardoza.Thomas08.21.20 on file in the Board Office.*)
- Cheryl Cardoza (*Ref. Cardoza.Cheryl08.21.20 on file in the Board Office.*)
- Kent Ervin (*Ref. Ervin.Kent08.21.20 on file in the Board Office.*)
- Dominique Hall (*Ref. Hall.Dominique08.21.20 on file in the Board Office.*)

Public Comment from Dr. Molly Appel in favor of Agenda Item #7, Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget. (*Ref. Appel.Molly08.21.20 on file in the Board Office.*)

1. Information Only – Public Comment – *(Continued)*

Public Comment from the following people who provided concerns or opposition related to Agenda Item #8, 2021-23 Biennial State Operating Budget Request:

- Cari Cunningham *(Ref. Cunningham.Cari(2)08.21.20 on file in the Board Office.)*
- Dominique Hall *(Ref. Hall.Dominique08.21.20 on file in the Board Office.)*
- Cheryl Cardoza *(Ref. Cardoza.Cheryl08.21.20 on file in the Board Office.)*
- Kent Ervin *(Ref. Ervin.Kent08.21.20 on file in the Board Office.)*
- Corina Weidinger *(Ref. Weidinger.Corina08.21.20 on file in the Board Office.)*

Public Comment from the following people who provided support for Agenda Item #9, Authority to Support Litigation Challenging New Title IX Regulations:

- Brittany Biggs *(Ref. Biggs.Brittany08.21.20 on file in the Board Office.)*
- Holly Ramella *(Ref. Ramella.Holly08.21.20 on file in the Board Office.)*
- Dr. Molly Appel *(Ref. Appel.Molly(2)08.21.20 on file in the Board Office.)*
- Susan Meuschke *(Ref. Meuschke.Susan08.21.20 on file in the Board Office.)*
- Dominique Hall *(Ref. Hall.Dominique08.21.20 on file in the Board Office.)*

Public Comment from Jay F. Cafferata requested personnel action be taken by the Board of Regents related to its Chief of Staff. *(Ref. Cafferata.JayF08.21.20 on file in the Board Office.)*

Public Comment from Savannah Armijo requested the Board of Regents reconsider prior action related to changes to victim reporting measures. *(Ref. Armijo.Savannah08.21.20 on file in the Board Office.)*

Public Comment from the following people related to budgetary issues, further NSHE budget reductions, reductions in employee compensation, and the impact on NSHE:

- Geoffrey Smith *(Ref. Smith.Geoffrey08.21.20 on file in the Board Office.)*
- Henry Sotelo *(Ref. Sotelo.Henry08.21.20 on file in the Board Office.)*
- Kara Potter *(Ref. Potter.Kara08.21.20 on file in the Board Office.)*

Public Comment from Lars Jensen requested the Board of Regents consider phase-in retirement to help remedy the NSHE budget shortfall and prevent layoffs. *(Ref. Jensen.Lars08.21.20 on file in the Board Office.)*

Regent Moran entered the meeting.

2. Information Only – Chancellor's Report – Chancellor Thom Reilly reported a net gain in summer enrollment across the institutions. International graduate and undergraduate enrollment are down 10 percent. Chancellor Reilly provided the following enrollment data for the institutions:

- WNC – summer enrollment up 10 percent; fall enrollment down 4 percent
- GBC – summer enrollment up 16 percent; fall enrollment up 5 percent
- TMCC – summer enrollment up 8 percent; fall enrollment down 7 percent
- UNLV – summer enrollment up 6 percent; fall enrollment is flat
- UNR – summer enrollment up 2 percent; fall enrollment down 1 percent
- NSC – summer enrollment up 3 percent; fall enrollment up 6 percent
- CSN – summer enrollment up 2 percent; fall enrollment is flat

2. Information Only – Chancellor's Report – (Continued)

Chancellor Reilly stated the UNR Search is progressing as planned. Eleven high-quality, diverse semifinalists will be interviewed. Finalists will be identified from the semifinalist pool, attend campus forums, and interview the week of September 14, 2020.

3. Information Only – Update on Clark County Grade Separated Intersection and Tomkins Avenue, UNLV (Agenda Item 4) – UNLV Interim Executive Vice President and Provost Chris Heavey and Associate Vice President of Planning, Construction, and Real Estate David Frommer presented an update on Clark County plans to create a grade-separated intersection at Tropicana Avenue and University Center Drive/Paradise Road, and to create a Tompkins Avenue roadway generally between Koval Lane and Paradise Road. (Ref. BOR-4 on file in the Board Office.)

Chair Doubrava extended his thanks to all that have worked on this project.

Regent Hayes stated he strongly opposed the previous proposal. He appreciated everyone that came together to improve the proposal.

Regent Carvalho stated this was an excellent opportunity for the faculty and students to see their hard work come to fruition.

In response to a question from Regent Carvalho, Mr. Frommer stated there would be impacts on the surface parking at the southwest corner of campus. UNLV is actively looking at further parking development opportunities on campus. UNLV is also considering an expansion to the Tropicana Parking Garage, which would net approximately 800 new spaces.

4. Approved – Procedures and Guidelines Manual Revision, Distribution of Student Registration Fees, Academic Years 2020-21, 2021-22 and 2022-23 (Agenda Item 5) – The Board approved the distribution of student registration fees for Academic Years 2020-21, 2021-22, and 2022-23. (Ref. BOR-5 on file in the Board Office.)

Chief Financial Officer Andrew Clinger presented the distribution of student registration fees for Academic Years 2020-21, 2021-22, and 2022-23. Student registration fees collected by each institution are used to support the State Supported Operating Budget. The remainder of the registration fee revenue is retained by the institutions to provide student access and other institutional and student-related needs, including General Improvement, Capital Improvement, and student associations.

Regent Geddes asked for rationale related to TMCC's redistribution for the year. President Karin M. Hilgersom stated moving funds from Capital Improvement to General Improvement provides more flexibility. It is a way to manage and mitigate budget reductions and keep the student services staff whole. TMCC does hope it is temporary because there are so many capital improvement projects that the institution wants to track.

4. Approved – Procedures and Guidelines Manual Revision, Distribution of Student Registration Fees, Academic Years 2020-21, 2021-22 and 2022-23 (Agenda Item 5) – (Continued)

Regent Geddes moved approval of the distribution of student registration fees for Academic Years 2020-21, 2021-22, and 2022-23. Regent Trachok seconded.

In response to a question from Regent Carter, Chief Financial Officer Clinger stated yes if funds are in the capital improvement account, the funds can be used as a revenue stream for debt service.

Regent Hayes asked why the UNR Graduate Student Association fees are significantly higher. President Marc A. Johnson stated UNR agreed that it would keep the Graduate Student Association fee at the same percentage of the entire graduate student registration fee. It is zero for the undergraduates because there is a separate fee not related to the registration fee that supports the Associated Students of the University of Nevada.

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.

5. Approved – Creation of Budget Reduction Response Committee (Agenda Item 6) – The Board approved the creation of a Budget Reduction Response Committee to include an Advisory Committee to the Regents' Committee in accordance with the Bylaws of the Board of Regents (Handbook Title 1, Article VI, Section 4). (Ref. BOR-6 on file in the Board Office.)

Chair Doubrava noted that there had been discussions about across the board cuts over the past several months. Several members expressed concerns about whether across the board cuts were the correct way to address reductions. He thought it might be reasonable to create a Budget Reduction Response Committee to look at budget cut strategies. It would be a public Committee made up of Regents and follow all Nevada Open Meeting Law guidelines. Stakeholders would be at the table, similar to the way it is done now with student leaders, faculty leaders, and institution presidents or provosts present to provide input. Chair Doubrava requested one motion to create the Committee and another to adopt the proposed Mission Statement.

Regent Carter stated he has been vocal about not liking across the board cuts because programs across the State should be preserved. He requested that the Committee charge include alternative revenue sources.

Regent Hayes requested that an Advisory Committee be added that includes faculty, staff, students, and business and community leaders.

5. Approved – Creation of Budget Reduction Response Committee (Agenda Item 6) – (Continued)

Chancellor Reilly noted that strategies used to date had been revenue offsets that will not be available in the future. The Board will have to make additional decisions responding to budget reduction requests from the Legislature. Whether there is an Advisory Committee or not, this Board has always included student and faculty leader representation. Student and faculty leaders, the Cabinet, Presidents, and Chancellor Melody Rose are critical to these discussions.

Regent Geddes supported the creation of the Committee. The Regents will need to look at alternative sources of revenue. He suggested the Committee charge come back to the September 17 special meeting to allow for input today.

Regent Trachok stated the formation of the Committee is a useful exercise. He thought today was too soon to discuss the Committee charge. The Regents must first hear from the Chancellor, Presidents, and various constituencies of the campuses before moving forward with the Committee charge.

Regent Perkins also supported the creation of the Committee.

Regent Levine thanked everyone who submitted public comment. She stated Presidents, students, and faculty are critical and must have a seat at the table. She was concerned NSHE is threatening to close entire campuses a week before school starts without input from leaders or the community. It was her understanding that during the last round of cuts, faculty and Presidents submitted plans to the Board for approval or not. She believed that was the oversight the Board should have. She did not understand why this Committee was being discussed when curricular review has a specific process that has not taken place. None of NSHE's goals are identified in the mission statement of the Committee. If the Board decides to create this Committee, it is an overreach and not strategic.

Regent Carvalho thanked those that provided public comment. She favors the Committee with representation from all stakeholders to explore possibilities to respond to pending and future budget cuts and examine the sustainability of institutions and programs.

Vice Chair Del Carlo was also in favor of the Committee. She recommended bringing the charge back at the next meeting.

NSC Faculty Senate Chair and Chair of the Council of Chairs Dr. Laura Naumann stated on behalf of the Council of Chairs that it was prudent to find ways to respond to additional budget cuts. The Council supports reviewing ways in which NSHE can be more efficient but is concerned with expressions of curricular review and consolidation of campuses. The Council is appreciative of the acknowledgment of shared governance and commitment to faculty and student involvement.

Regent McAdoo supported the Committee's creation with all the respective groups, but she could not support the mission statement.

5. Approved – Creation of Budget Reduction Response Committee (Agenda Item 6) – (Continued)

UNLV Faculty Senate Chair Dr. Vicki Rosser thanked the Chancellor and members of the Board that have supported all voices regarding the pending Committee. She stated any creation of a Committee regarding program eliminations and/or institutional mergers should not exist at the NSHE level but rather at the local or institutional level. If this Committee does move forward, then faculty members must have a seat at the decision-making table.

WNC Faculty Senate Chair Dr. Robert Morin stated if this item passes, it is crucial to emphasize an ad hoc advisory group of stakeholders be established, like a President Search Committee. It is also important to take public testimony from anyone in the public that wishes to participate. Dr. Morin also suggested members of the Legislature serve on the ad hoc Committee.

UNR Faculty Senate Chair Dr. Amy Pason stated that even though the Committee was not communicated well through the memorandum, she assured those listening that it is not a secret Committee. The Faculty Senate Chairs did discuss the Committee during a meeting with the Chancellor and Board Chair. She indicated she was in favor of the Committee to collectively develop solutions for budget reductions, although discussions are needed as to who will be involved.

WNC ASWN President and Nevada Student Alliance Chair Ms. Gabrielle Clark agreed that there must be transparency and stakeholder involvement. She also supported the creation of the Committee with a mission statement later.

Regent Geddes echoed Dr. Pason's comments that nothing secretive was happening. In his years of service, the Board has not had an Open Meeting Law violation. He encouraged public comment, shared governance, and stakeholder involvement.

In response to Regent Hayes asking whether the meeting was appropriately noticed in accordance with the Nevada Open Meeting Law, Chief General Counsel Joe Reynolds responded yes. Requirements include a full agenda item with a reasonable description to include the matters to be voted on or listed as information, posted accordingly, and public comment provisions.

Regent Hayes asked if the Board is able to create a Committee that is not subject to the Open Meeting Law, with Chief General Counsel Reynolds responding no. Any Committees created by a public body are subject to the Open Meeting Law.

Regent Hayes asked whether a Committee has the autonomy to make a final decision or whether that decision must come before the Board for final approval. According to the Bylaws, Chief General Counsel Reynolds stated any Committee action must come before the Board for final approval.

Regent Carter liked the idea of public forums to gather input on budget reductions.

5. Approved – Creation of Budget Reduction Response Committee (Agenda Item 6) – (Continued)

Regent Carter moved approval of the creation of a Budget Reduction Response Committee in accordance with the Bylaws of the Board of Regents (*Handbook* Title 1, Article VI, Section 4). Regent Perkins seconded.

Regent Levine asked if a Committee could meet before it is posted. Chief General Counsel Reynolds stated no, a Committee could not meet before being posted as it would violate the Open Meeting Law.

In response to a question from Regent Levine related to whether a Committee could create public documents without the agenda or meeting being posted, Chief General Counsel Reynolds stated no, that it would violate the Open Meeting Law.

Regent Levine asked if the Committee has not been created, then how can that Committee have a mission statement. Chair Doubrava stated the Committee creation was placed on the agenda, and a charge was drafted to provide a starting point for discussion purposes. Chair Doubrava believed the discussion showed an appetite to create the Committee and to bring the mission statement back at a future meeting for further discussion.

In response to a question from Regent Levine asking who created the mission statement, Chair Doubrava stated he made the draft mission statement after receiving input from the Chancellor and previous discussion comments.

Chancellor Reilly stated it is not uncommon for a draft to come before the Board. Chair Doubrava shared it with him, and he shared it with the Presidents for input.

Chief General Counsel Reynolds clarified whether the motion includes the simultaneous creation of an Advisory Committee to the Regents' Committee.

Regents Carter and Perkins agreed.

The motion will read as: approval of the creation of a Budget Reduction Response Committee to include an Advisory Committee to the Regents' Committee in accordance with the Bylaws of the Board of Regents (*Handbook* Title 1, Article VI, Section 4). Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Carter, Carvalho, Geddes, Hayes, McAdoo, McMichael, Page, Perkins, and Trachok voted yes. Regents Levine and Moran voted no.



5. Approved – Creation of Budget Reduction Response Committee (Agenda Item 6) – (Continued)

Chair Doubrava stated the mission statement would come back at a future meeting. Regent Geddes advised that today's comments be used for a draft revision for Board consideration. He also suggested the solicitation of other comments be sent directly to the Board Chair or Chancellor. Regent Trachok stated it was essential to solicit feedback from the Presidents, Faculty Senate Chairs, and the Student Body Presidents.

The meeting recessed at 2:04 p.m. and reconvened at 2:20 with all members present except Regent Carvalho.

6. Approved – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget (Agenda Item 7) – The Board approved capturing the unrealized gain in the Operating Pool and distributing the funds according to the formula to the institutions so that the institutions can hold the funds and apply them as necessary to make up for COVID-19 losses and other budget cuts and having the Presidents report back to the Board of Regents on how the funds are utilized. (Supplemental Material on file in the Board Office.)

Chancellor Reilly and Chief Financial Officer Clinger presented proposals on how all NSHE institutions and System Administration may comply with an additional \$25 million reduction in State General Fund appropriations enacted by the Legislature in [Assembly Bill 3 \(Chapter 5, Statutes of Nevada 31<sup>st</sup> Special Session\)](#). Budget cut proposals to comply with the revisions adopted by the Legislature and subject to Board action may include, but are not limited to, one or a combination of the following: operating budget cuts and staffing reductions; reducing all faculty, staff and employee salaries; using institution's reserve funds; a distribution from the operating reserve; and/or any other proposal raised during the meeting by the Board. The options presented are as follows:

- Option 1 – \$23.5 million operating fund reserve distribution. The balance in operating fund reserve after a \$23.5 million distribution would be \$35.8 million or 4.9 percent of the total operating fund. With a \$23.5 million distribution, UNLV, WNC, and GBC would not need to make additional budget cuts to state operating budgets. All other state operating budgets would need to cut a combined \$5.7 million. UNLV and DRI would receive distributions more than the required state operating budget reductions.
- Option 2 – \$15 million operating fund reserve distribution. The balance in operating fund reserve after a \$15 million distribution would be \$44.3 million or 6.1 percent of the total operating fund. With a \$15 million distribution, most state operating budgets would need to cut a combined \$10.4 million. DRI would receive \$345,695 more in distributions than required to make additional state operating budget reductions.

6. Approved – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget (Agenda Item 7) – (Continued)

- Option 3 – \$35.9 million operating fund reserve distribution. The balance in operating fund reserve after a \$35.9 million distribution would be \$23.4 million or 3.2 percent of the total operating fund. With a \$35.9 million distribution, none of the state operating budgets except System Computing Center, Prison Education, and Special projects will require additional cuts. These accounts would need to cut a combined \$834,343. UNLV, UNR, TMCC, and DRI would receive distributions more than the required state operating budget reductions.
- Option 4 – \$41.1 million operating fund reserve distribution. The balance in operating fund reserve after a \$41.1 million distribution would be \$18.2 million or 2.5 percent of the total operating fund. With a \$41.1 million distribution, none of the state operating budgets will require additional cuts. UNLV, UNR, CSN, TMCC, and DRI would receive distributions more than the required state operating budget reductions. In July, there were market gains of \$20.1 million in the operating pool. If gains are factored in, there would be a \$38.3 million reserve or a 4.8 percent of the total operating fund.

Regent Trachok clarified there is \$79.4 million of unrealized gain in the operating pool account. Chief Financial Officer Clinger responded yes, \$79.4 through July.

Regent Trachok asked whether \$181 million in short-term bonds could be accessed in case of an emergency. Chief Financial Officer Clinger responded yes, as well as those in the intermediate fund of \$38.5 million.

Chief Financial Officer Clinger stated the market fluctuation account is unrealized gains and losses and is part of the overall pool.

Regent Hayes left the meeting.

Regent Trachok moved to capture the unrealized gain in the Operating Pool and distribute the funds according to the formula to the institutions so that the institutions can hold the funds and apply them as necessary to make up for COVID-19 losses and other budget cuts. Regent Geddes seconded.

Regent Geddes stated the Board should do what it can to get cash to the institutions to deal with this financial crisis.

Regent Geddes offered a friendly amendment to have the Presidents report back to the Board on how the funds are utilized.

Regent Trachok accepted the friendly amendment.

6. Approved – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget (Agenda Item 7) – (Continued)

Dr. Naumann stated the Council of Chairs is thankful the budget reduction process has focused on preserving jobs, maintaining curricular programming, and minimizing the effects on students. The Council of Chairs supports solutions that mitigate cuts to all schools.

Chief Financial Officer Clinger clarified the \$79.4 million be moved from the long-term pool into the short-term pool. Regent Trachok stated that it was his understanding to realize the gain.

Chief Financial Officer Clinger pointed out that the account will drop to zero. The consequence of that is that there will be no distributions to the institutions if there is any dip in the market.

In response to a question from Regent Levine asking if the \$79.4 was one of the options, Chief Financial Officer Clinger stated it was not one of the options he presented.

Regent Levine asked what best practice is for government bodies to have in its operating budget. Chancellor Reilly stated the recommendation was to keep it at 5 percent, which is standard practice. The option proposed in the motion is to drain the pool to capture all the reserves in case the market dips in the future.

Regent Levine proposed Option 1 if the current motion fails.

Regent Trachok clarified there will still be \$181 million in the short-term liquid account to access for an emergency. NSHE would be capturing unrealized gains. Chief Financial Officer Clinger stated the \$181 million that is sitting in short-term bonds and cash is the monthly cash flow through NSHE.

Ms. Wendy Walker, Cambridge Associates, stated it was a reasonable suggestion to capture the unrealized gains. NSHE could realize all the gains from an investment perspective, and that is a separate decision from distributing it out to the institutions and how much buffer to leave in the account.

Regent Page was in favor of capitalizing on the unrealized gains.

Regent McAdoo asked the Presidents for their input.

President Johnson stated there is a projected reduction in registration fees and state funds. Expenses and lost revenues are significant. There is still a large deficit to fill. During this emergency, cash coming to the institution will help sustain it.

President Federico Zaragoza believed there are advantages to having the distribution and ability to carry funds to address the institution's short- and long-term needs.

6. Approved – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget (Agenda Item 7) – (Continued)

President Joyce M. Helens agreed with Regent Trachok's proposal. GBC has increased enrollment but decreased funding for a decade, and this would be the best for GBC to mitigate the short-term crisis and plan.

President Hilgersom needed more time to consider the proposal on the table. She appreciated Option 4 as it helps all the institutions and continues the monthly distribution.

Officer in Charge Chris Heavey stated Option 4 is a favorable scenario, but if the Board wants a higher distribution, the institution will put it to good use.

President Vincent R. Solis stated the more considerable distribution being proposed gives a short-term solution and provides flexibility for future adjustments.

President Bart J. Patterson stated Option 4 does not require additional reductions and has advantages. If the Board feels like this is the right time to liquidate and distribute, any distribution received will probably be reserved.

President Kumud Acharya supported the proposal on the table.

In response to a question from Regent Carter related to how the 5 percent of the pool was being calculated, Chief Financial Officer Clinger responded he was figuring 5 percent on the overall pool of \$790 million because those funds are subject to market changes.

Regent Levine appreciated the comments from the Presidents. Regent Levine asked the difference between having 4.9 percent versus 2.5 percent remaining in the operating pool. Chief Financial Officer Clinger stated Option 4 would leave \$38.3 million in the account, subject to market changes. Regent Levine proposed Option 4 instead of Option 1, as earlier said, if the motion fails.

Chief General Counsel Reynolds noted for Regent Levine that the proposal on the table falls within the agenda item language scope.

Regent Trachok stated nothing the Board does is without risk. Points to make clear are that unrealized gain is not cash sitting in an account. As the market fluctuates, there may or may not be distributions to the institutions. But this gives the institution the flexibility to deal with the continued unseen events.

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

Chief Financial Officer Clinger noted the amount to distribute is subject to final July reconciliation.

6. Approved – Proposals to Comply with an Additional \$25 Million Reduction in Fiscal Year 2020-2021 State Supported Operating Budget (Agenda Item 7) – (Continued)

Chair Doubrava asked the Chancellor to notify the Board when this is executed, the total amount, and distribution totals to each institution.

Regent Hayes entered the meeting.

7. Approved – 2021-23 Biennial State Operating Budget Request (Agenda Item 8) – The Board approved NSHE's 2021-23 biennial state operating budget request. (Supplemental Material on file in the Board Office.)

Regent Carter left the meeting.

Chief Financial Officer Clinger presented NSHE's 2021-23 biennial state operating budget request for the 2021 Legislative Session due to the Governor's Finance Office by August 31, 2020.

Regent Moran left the meeting.

Regent Geddes thanked Chief Financial Officer Clinger for his clear formula explanation. Within the budgetary limitations, and according to the Governor's direction, this is a strong proposal. He was hopeful that NSHE would be close to this but fearful that there will be additional cuts.

Regent Geddes moved approval of NSHE's 2021-23 biennial state operating budget request. Vice Chair Del Carlo seconded.

In response to a question from Regent Levine, Chief Financial Officer Clinger clarified that the statewide programming listed for each institution appeared in the *Supplemental Material* but not in the PowerPoint. Based on the Governor's spending limit, a reduction was not included. A spending limit is how much NSHE can spend, but there are no specific cuts for the 2022/2023. The Governor's Finance Office can come back at any time with additional requests to make cuts.

Regent Carter entered the meeting.

Regent McAdoo asked for insight into why UNLV and UNR are not listed in the Workforce enhancement requests. Chief Financial Officer Clinger reported they are omitted because the spending limit did not allow UNLV and UNR to carry forward. If the Board desires, UNLV and UNR could be added to the list for special consideration.

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

The meeting recessed at 3:41 p.m. and reconvened at 3:49 p.m. with all members present except Regents Carvalho and Moran.

8. Approved – Authority to Support Litigation Challenging New Title IX Regulations (Agenda Item 9) – The Board authorized NSHE legal counsel to take all legal actions reasonable and necessary on behalf of the Board of Regents to challenge the new Title IX regulations issued by the U.S. Department of Education.

Chief General Counsel Reynolds requested authority to take all legal actions reasonable and necessary on behalf of the Board of Regents to challenge the new Title IX regulations issued by the U.S. Department of Education, including, but not limited to, working with the Office of the Nevada Attorney General to commence, support, join or intervene in any ongoing litigation and/or appeal or amicus brief to ensure that the interests of the Board of Regents and the NSHE community are adequately represented.

Regent Carter left the meeting.

UNR Title IX Director Maria Doucettperry and Deputy General Counsel for System Administration Zelalem Bogale described NSHE's Discrimination and Sexual Harassment Policy and regulations enacted by the Board.

Deputy Solicitor General Jeffrey Conner, Nevada Attorney's General Office, informed the Board of Regents that all information had been received to move forward with litigation. Nevada is in contact with the other states that have initiated the multi-state action. The Attorney General is committed to moving forward and entering the litigation.

Chief General Counsel Reynolds stated the agenda item language is broadly written. He is seeking support and authorization to ensure the interests of the NSHE and the Board are represented.

Regent McMichael left the meeting.

Regent Levine thanked those who shared their stories. They are the reason this is on the agenda. She thanked the Nevada Attorney General's Office and his team for their work.

Regent Levine moved to authorize NSHE legal counsel to take all legal actions reasonable and necessary on behalf of the Board of Regents to challenge the new Title IX regulations issued by the U.S. Department of Education. Regent Perkins seconded.

Dr. Naumann thanked Ms. Doucettperry and Deputy General Counsel Bogale for their explanation of the Code changes and what they mean. She expressed the Faculty Senate Chairs' support. She encouraged NSHE and the institutions to conduct virtual town halls to provide a clear explanation for the faculty, staff, and students.

8. Approved – Authority to Support Litigation Challenging New Title IX Regulations (Agenda Item 9) – (Continued)

Regent McMichael entered the meeting.

Ms. Clark commended the students that spoke and shared their personal stories. She acknowledged their courage. There are policies in place that support students outside of Title IX. NSHE has done an excellent job supporting students and providing resources.

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

9. Information Only – New Business (Agenda Item 10) – None.

10. Information Only – Public Comment (Agenda Item 11)

Public Comment from the following people who provided concern or opposition to Agenda Item #6, Creation of Budget Reduction Response Committee:

- Dr. Maria Schellhase (Ref. Schellhase.Maria08.21.20 on file in the Board Office.)
- Julia Bledsoe (Ref. Bledsoe.Julia08.21.20 on file in the Board Office.)

Public Comment from the following people who provided support for Agenda Item #9, Authority to Support Litigation Challenging New Title IX Regulations:

- Shannon Williams (Ref. Williams.Shannon08.21.20 on file in the Board Office.)
- Julia Bledsoe (Ref. Bledsoe.Julia08.21.20 on file in the Board Office.)

The meeting adjourned at 4:30 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.***