

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Friday, November 13, 2020

This meeting was held via videoconference and teleconference only pursuant to Section 1 of the Declaration of Emergency Directive 006 ("Directive 006"), and extended by Directives 016, 018, 021, 026, 029 and 033, 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. Melody Rose, Chancellor
Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
Mr. Zelalem Bogale, Deputy General Counsel, System Administration
Mr. Andrew Clinger, Chief Financial Officer
Mr. Michael Flores, Chief of Staff to the Chancellor
Ms. Sherry Olson, Director of Human Resources
Ms. Keri Nikolajewski, Deputy Chief of Staff 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. Keith E. Whitfield, President, UNLV
Mr. Brian Sandoval, President, UNR
Dr. Vincent R. Solis, President, WNC

Faculty senate chairs in attendance were: Dr. Maria Schellhase, CSN; Dr. Eric Wilcox, DRI; 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. Karli McFarling-Kelly, ASCSN President, CSN; Ms. Alyssa Fromelius, SGA President, TMCC; Mr. Sidath Kapukotuwa, GPSA Vice President, UNLV; Ms. Dominique Hall, ASUN President, UNR; Mr. Will Carrasco, GSA President, UNR; and Ms. Gabrielle Clark, ASWN President, WNC. Classified council chair in attendance was: Ms. Julia Bledsoe, TMCC.

Chair Doubrava called the meeting to order at 10:00 a.m. on Friday, November 13, 2020, with all members present except Vice Chair Del Carlo and Regents McAdoo, Moran, and Perkins. Chair Doubrava led the Pledge of Allegiance.

Regent Perkins entered the meeting.

1. Information Only – Public Comment

Vice Chair Del Carlo and Regent McAdoo entered the meeting.

Public Comment from the following individuals who were in opposition to Dr. Sandra Owens' termination and in favor of a lesser personnel action:

- Kent Ervin (*Ref. Ervin.Kent11.13.20 on file in the Board Office.*)
- Scott Huber (*Ref. Huber.Scott11.13.20 on file in the Board Office.*)
- Roberta Kaufman (*Ref. Kaufman.Roberta11.13.20 on file in the Board Office.*)
- Shari Lyman (*Ref. Lyman.Shari11.13.20 on file in the Board Office.*)
- Dmitri Shalin (*Ref. Shalin.Dmitri11.13.20 on file in the Board Office.*)
- Melva Thompson-Robinson (*Ref. ThompsonRobinson.Melva11.13.20 on file in the Board Office.*)
- Douglas Unger (*Ref. Unger.Douglas11.13.20 on file in the Board Office.*)

Public Comment from the following individuals who were in favor of extending the satisfactory/unsatisfactory grading system:

- Sara Adnan (*Ref. Adnan.Sara11.13.20 on file in the Board Office.*)
- Mustafa Ansary (*Ref. Ansary.Mustafa11.13.20 on file in the Board Office.*)
- Vanessa Aponte (*Ref. Aponte.Vanessa11.13.20 on file in the Board Office.*)
- Giselle Arellano (*Ref. Arellano.Giselle11.13.20 on file in the Board Office.*)
- Kyra Audino (*Ref. Audino.Kyra11.13.20 on file in the Board Office.*)
- Naseem Benjelloun (*Ref. Benjelloun.Naseem11.13.20 on file in the Board Office.*)
- Noah Calvert (*Ref. Calvert.Noah11.13.20 on file in the Board Office.*)
- Rafael Canizalez (*Ref. Canizalez.Rafael11.13.20 on file in the Board Office.*)
- Olivia Cheche (*Ref. Cheche.Olivia11.13.20 on file in the Board Office.*)
- Carrisa Dutra (*Ref. Dutra.Carrisa11.13.20 on file in the Board Office.*)
- Jesse Fager (*Ref. Fager.Jesse11.13.20 on file in the Board Office.*)
- Jorge Fonseca (*Ref. Fonseca.Jorge11.13.20 on file in the Board Office.*)
- Chad Freeman (*Ref. Freeman.Chad11.13.20 on file in the Board Office.*)
- Catherine Funcion (*Ref. Funcion.Catherine11.13.20 on file in the Board Office.*)
- Ben Gamer (*Ref. Gamer.Ben11.13.20 on file in the Board Office.*)
- Markiece Givens (*Ref. Givens.Markiece11.13.20 on file in the Board Office.*)
- Aimee Gomez (*Ref. Gomez.Aimee11.13.20 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

Public Comment from the following individuals who were in favor of extending the satisfactory/unsatisfactory grading system: – (Continued)

- Maria Gonzalez (Ref. Gonzalez.Maria11.13.20 on file in the Board Office.)
- Isaac Greenberg (Ref. Greenberg.Isaac11.13.20 on file in the Board Office.)
- Karen Guthrie (Ref. Guthrie.Karen11.13.20 on file in the Board Office.)
- Lili Haddad (Ref. Haddad.Lili11.13.20 on file in the Board Office.)
- Cole Harter (Ref. Harter.Cole11.13.20 on file in the Board Office.)
- Kailee Henry (Ref. Henry.Kailee11.13.20 on file in the Board Office.)
- Alexiz Hicks (Ref. Hicks.Alexiz11.13.20 on file in the Board Office.)
- Delaney Howard (Ref. Howard.Delaney11.13.20 on file in the Board Office.)
- Michelle Inocencio (Ref. Inocencio.Michelle11.13.20 on file in the Board Office.)
- Sean Keely (Ref. Keely.Sean11.13.20 on file in the Board Office.)
- Tyler Kelly (Ref. Kelly.Tyler11.13.20 on file in the Board Office.)
- John Kermanshahi (Ref. Kermanshahi.John11.13.20 on file in the Board Office.)
- Lauryn Kern (Ref. Kern.Lauryn11.13.20 on file in the Board Office.)
- Peter Kilonzo Jr. (Ref. Kilonzo.Peter11.13.20 on file in the Board Office.)
- Taylor Knowles (Ref. Knowles.Taylor11.13.20 on file in the Board Office.)
- Robin Lee (Ref. Lee.Robin11.13.20 on file in the Board Office.)
- Christopher Lewis (Ref. Lewis.Christopher11.13.20 on file in the Board Office.)
- Kraus Lipa (Ref. Lipa.Kraus11.13.20 on file in the Board Office.)
- Jason Liu (Ref. Liu.Jason11.13.20 on file in the Board Office.)
- Elvia Lomeli (Ref. Lomeli.Elvia11.13.20 on file in the Board Office.)
- Carson Loosbrock (Ref. Loosbrock.Carson11.13.20 on file in the Board Office.)
- Joshua Luers (Ref. Luers.Joshua11.13.20 on file in the Board Office.)
- Darin Mains (Ref. Mains.Darin11.13.20 on file in the Board Office.)
- Vannia Manrique (Ref. Manrique.Vannia11.13.20 on file in the Board Office.)
- Justin Martin (Ref. Martin.Justin11.13.20 on file in the Board Office.)
- Zachary Materne (Ref. Materne.Zachary11.13.20 on file in the Board Office.)
- Zachary Mensonides (Ref. Mensonides.Zachary11.13.20 on file in the Board Office.)
- Hadley Mitchell (Ref. Mitchell.Hadley11.13.20 on file in the Board Office.)
- Imani-Allyse Mitchell (Ref. Mitchell.Imani-Allyse11.13.20 on file in the Board Office.)
- Arielle Molloy (Ref. Molloy.Arielle11.13.20 on file in the Board Office.)
- Brian Moreno-Lopez (Ref. MorenoLopez.Brian11.13.20 on file in the Board Office.)
- Phi Nguyen (Ref. Nguyen.Phi11.13.20 on file in the Board Office.)
- Melissa Pardo (Ref. Pardo.Melissa11.13.20 on file in the Board Office.)
- Abbey Pike (Ref. Pike.Abbey11.13.20 on file in the Board Office.)
- Maryam Qazi (Ref. Qazi.Maryam11.13.20 on file in the Board Office.)
- Sohail Qureshi (Ref. Qureshi.Sohail11.13.20 on file in the Board Office.)
- Cristian Ramirez (Ref. Ramirez.Cristian11.13.20 on file in the Board Office.)
- Anthony Ronca (Ref. Ronca.Anthony11.13.20 on file in the Board Office.)
- Daniel Shehab (Ref. Shehab.Daniel11.13.20 on file in the Board Office.)
- Chloe St George (Ref. StGeorge.Chloe11.13.20 on file in the Board Office.)
- Christy Tran (Ref. Tran.Christy11.13.20 on file in the Board Office.)
- Samantha Turner (Ref. Turner.Samantha11.13.20 on file in the Board Office.)
- Vincent Vuong (Ref. Vuong.Vincent11.13.20 on file in the Board Office.)
- Evan White (Ref. White.Evans11.13.20 on file in the Board Office.)

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

Public Comment from the following individuals who were in favor of extending the satisfactory/unsatisfactory grading system: – *(Continued)*

- Paul Wolf *(Ref. Wolf.Paul11.13.20 on file in the Board Office.)*
- Polly Wong *(Ref. Wong.Polly11.13.20 on file in the Board Office.)*
- Trevor Woo *(Ref. Woo.Trevor11.13.20 on file in the Board Office.)*
- Bianca Wright *(Ref. Wright.Bianca11.13.20 on file in the Board Office.)*
- James Wright *(Ref. Wright.James11.13.20 on file in the Board Office.)*
- Caren Royce Yap *(Ref. Yap.CarenRoyce11.13.20 on file in the Board Office.)*
- Zhuqi You *(Ref. You.Zhuqi11.13.20 on file in the Board Office.)*

Public Comment from the following individuals who opposed the 12 percent reduction proposal for the 2021-23 Biennial State Operating Budget Request:

- John E. Jones *(Ref. Jones.John11.13.20 on file in the Board Office.)*
- Drew Nemeth *(Ref. Nemeth.Drew11.13.20 on file in the Board Office.)*
- Emily Sandoval *(Ref. Sandoval.Emily11.13.20 on file in the Board Office.)*

Public Comment from the following individuals who were opposed to UNLV reducing hours of 46 full-time classified staff in Athletics by 45 percent or choose to resign:

- Julia Bledsoe *(Ref. Julia Bledsoe on file in the Board Office.)*
- Brett Booker *(Ref. Booker.Brett11.13.20 on file in the Board Office.)*
- Stephanie Dube *(Ref. Dube.Stephanie11.13.20 on file in the Board Office.)*
- Mark Horn *(Ref. Horn.Mark11.13.20 on file in the Board Office.)*
- John E. Jones *(Ref. Jones.John(2)11.13.20 on file in the Board Office.)*
- Karen Jones *(Ref. Jones.Karen11.13.20 on file in the Board Office.)*
- Sandra Moore *(Ref. Moore.Sandra11.13.20 on file in the Board Office.)*

Public Comment from Scott Beckstrand asked how full-time faculty take a furlough day while teaching and if the reduction reimbursement dates will be in writing. *(Ref. Beckstrand.Scott11.13.20 on file in the Board Office.)*

Public Comment from Savanna Vacek opposed to excess fees added to tuition, fewer services, classes, and equipment for use in the Recreation Center, and closed dining establishments in the Student Union while room and board costs have remained the same. *(Ref. Vacek.Savanna11.13.20 on file in the Board Office.)*

Public Comment from Jeffrey Morris opposed to surcharges for classes graded on a pass/fail basis and those held virtually. *(Ref. Morris.Jeffrey11.13.20 on file in the Board Office.)*

The meeting recessed at 11:35 a.m. and reconvened at 11:45 a.m. with all members present except Regent Moran.

2. Information Only – Chancellor's Report – Chancellor Melody Rose provided an update on NSHE's response to COVID-19 and its current upsurge, the Chancellor's Office's perspective to satisfactory/unsatisfactory grading, and external relations.

3. Withdrawn – Board Chair's Report – Chair Doubrava withdrew the item.

4. Approved – Minutes – The Board approved the following meeting minutes:
- July 22, 2020, ad hoc UNLV President Search Committee meeting (Ref. BOR-4a on file in the Board Office.)
 - July 23, 2020, Board of Regents special meeting (Ref. BOR-4b on file in the Board Office.)
 - August 7, 2020, Board of Regents special meeting (Ref. BOR-4c on file in the Board Office.)
 - August 21, 2020, Board of Regents special meeting (Ref. BOR-4d on file in the Board Office.)

Regent Geddes moved approval of the minutes. Vice Chair Del Carlo seconded. 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.

5. Approved – Procedures and Guidelines Manual Revision, Furlough Policy for Faculty and Employees Due to COVID-19 Budget Shortfall During Fiscal Year 2021 – The Board approved a revision to the *Procedures and Guidelines Manual* (Chapter 4, new Section 20) concerning a furlough policy for faculty and employees due to the COVID-19 budget shortfall during Fiscal Year 2021. (Refs. BOR-5a and BOR-5b on file in the Board Office.)

Chief General Counsel Joe Reynolds presented a revision to the *Procedures and Guidelines Manual* (Chapter 4, new Section 20) concerning a furlough policy for faculty and employees due to the COVID-19 budget shortfall during Fiscal Year 2021. The policy was drafted pursuant to Assembly Bill 3, passed into law by the Nevada State Legislature during the 31st Special Session in July 2020. The policy will require full- and part-time faculty and employees to take a 4.6 percent monthly reduction in pay for six pay periods beginning January 1, 2021, through June 1, 2021. The policy will also require full-time faculty and employees to take six days of furlough leave from December 1, 2020, through June 30, 2021, and part-time faculty and employees to take a proportional amount of leave during that same period.

In response to a question from Regent Geddes related to the exemption of grant-funded employees, Chief General Counsel Reynolds stated the recommendation was made in May, but it was not adopted. The requirements of Assembly Bill 3 apply regardless of funding source.

NSC Faculty Senate Chair Dr. Laura Naumann understood the policy is intended to imply shared sacrifice but asked what is considered part-time for contracts that are letters of appointment. Chief General Counsel Reynolds responded letters of appointment are employees. The policy would apply but at a prorated furlough time. Dr. Naumann clarified that it did not matter how many units the employee was teaching. Chief General Counsel Reynolds stated yes, Assembly Bill 3 applies to all NSHE employees.

5. Approved – Procedures and Guidelines Manual Revision, Furlough Policy for Faculty and Employees Due to COVID-19 Budget Shortfall During Fiscal Year 2021 –
(Continued)

Director of Human Resources Sherry Olson stated the institutional human resource departments are working together to determine the best way to apply Assembly Bill 3 to all employee groups. Director Olson provided an example.

Dr. Naumann encouraged all to make their voices heard about the impacts of the Legislature's broad sweeping proclamations on higher education.

Vice Chair Del Carlo moved approval of a revision to the *Procedures and Guidelines Manual* (Chapter 4, new Section 20) concerning a furlough policy for faculty and employees due to the COVID-19 budget shortfall during Fiscal Year 2021. Regent Page seconded.

In response to a question from Regent Perkins related to graduated furlough rates, Director Olson stated it is an even distribution of 4.6 percent across the board.

Regent Levine stated it was important for the Board to understand that this affects real people that are not making a lot of money. Regent Levine pointed out a clause that does provide an opportunity for NSHE to have flexibility and asked whether NSHE could have a progressive furlough model. Chief General Counsel Reynolds responded no, not as Assembly Bill 3 is written.

Chancellor Rose stated she has been meeting with the Nevada Legislature members, but the meetings have been introductory in nature. NSHE is keeping an open mind and should be a good partner to the state and doing its part while advocating for higher education needs.

In response to a question from Regent Levine related to flexibility under Assembly Bill 3, Chancellor Rose responded it had come up in a few conversations so she could understand the intention of the Bill. She has had a few robust discussions as to the impact on higher education. Many have the perspective that this must be a shared experience.

Regent Levine asked how much grant money will be lost under the furlough model. Chief Financial Officer Andrew Clinger stated only a couple of institutions have put together information on the furlough's impact on federally funded positions.

Chief Financial Officer Clinger stated he had put together a model for what a progressive furlough model might look like, but he had not shared it.

Regent Carvalho asked whether insurance premiums will be discounted by the furlough amount, with Director Olson responding insurance premiums will not be reduced. The only time there is an adjustment to insurance premiums is during open enrollment.

5. Approved – Procedures and Guidelines Manual Revision, Furlough Policy for Faculty and Employees Due to COVID-19 Budget Shortfall During Fiscal Year 2021 – (Continued)

Regent Carter left the meeting.

In response to a question from Regent Carvalho related to the UNLV employees that recently had their hours reduced, Chief General Counsel Reynolds stated the employees mentioned in the Public Comment are classified employees and will fall under state guidelines. Chief General Counsel Reynolds noted it was a UNLV decision to reduce salaries outside of Assembly Bill 3.

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

6. Approved – Presidential Vacancy, NSC – The Board approved beginning a national search and hiring a search consultant. (Refs. BOR-6a and BOR-6b on file in the Board Office.)

Regent Carter entered the meeting.

Chancellor Rose reported she joined Chair Doubrava, Vice Chair Del Carlo, and Chief General Counsel Reynolds for two open forums at NSC to ask stakeholder groups whether they preferred to launch a national search or select an interim president. An overwhelming majority supports a national search. Chancellor Rose recommended that the Board of Regents commence with a national search for the next NSC President. If a national search is approved, Chancellor Rose, in consultation with the Board Chief of Staff and Chief General Counsel, will identify a search consultant before the end of the calendar year with intentions of having a President in place before President Patterson leaves next summer.

Dr. Naumann thanked leadership for coming to NSC to solicit feedback.

Regent Carter moved approval to begin a national search and hire a search consultant. Regent Perkins seconded.

Regent Levine asked how much a national search costs and where the funds come from. Chancellor Rose stated the cost of a national search is not insignificant. The group that will review search firm proposals will be comparing price points. Chief General Counsel Reynolds said the institution is responsible for the costs of the search.

Chair Doubrava clarified the motion.

6. Approved – Presidential Vacancy, NSC – (Continued)

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.

7. Approved – Argenta Hall Emergency Response: Extension of Master Leases for Replacement Student Housing, UNR – The Board approved amendments to the Master Lease Agreements for replacement student housing with the Uncommon and Canyon Flats apartment complexes to extend the terms for the 2021-22 academic year due to the continued unavailability of Argenta Hall. *(Ref. BOR-7 on file in the Board Office.)*

UNR President Brian Sandoval outlined amendments to the Master Lease Agreements for replacement student housing with the Uncommon and Canyon Flats apartment complexes to extend the terms for the 2021-22 academic year due to the continued unavailability of Argenta Hall.

Regent Page left the meeting.

Regent Geddes moved approval of amendments to the Master Lease Agreements for replacement student housing with the Uncommon and Canyon Flats apartment complexes to extend the terms for the 2021-22 academic year due to the continued unavailability of Argenta Hall. Regent McMichael seconded.

Regent Levine asked for clarification about whether this was student housing in a private development, with President Sandoval responding yes. Regent Levine wanted to make sure students have eviction protections during the pandemic. Vice President for Student Services Dr. Shannon Ellis stated it is a year-long lease run by UNR. UNR will not evict any student.

In response to a question from Vice Chair Del Carlo, President Sandoval stated insurance would cover every dollar, and UNR is well below the maximum threshold of the policy.

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

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens

- 8.1 Action Taken – Open Session – The Board approved entering a closed session to hear an appeal of Dr. Sandra Owens from employment action taken by UNLV. (Ref. BOR-8 on file in the Board Office.)

Deputy General Counsel Zelalem Bogale stated this is an appeal filed by Dr. Sandra Owens of employment action taken against her by UNLV. *Board of Regents' Handbook* Title 2, Chapter 6 sets forth the rules and procedures that govern faculty discipline. The Code provides that the President is the final decision maker on employment actions. In cases of termination for cause, the Code allows for appeals to the Board of Regents.

UNLV President Marta Meana terminated the employment of Dr. Owens upon the recommendation of a Special Hearing Committee. Dr. Owens then filed a timely appeal.

Under the Nevada Open Meeting Law (specifically NRS 241.030, 241.033, and 241.034), closed sessions of a public body may be held to consider the character, alleged misconduct, or professional competence of a person. Dr. Owens' termination involves such considerations.

No action may be taken during the closed session. When the closed session concludes, the Board will reconvene in an open session to consider and decide Dr. Owens' appeal.

Dr. Owens has received written notice as required by NRS 241.033.

Deputy General Counsel Bogale noted the closed session would occur by way of a separate, closed-session link that has been provided to those permitted to attend the closed session. Everyone else will be asked to log out of the public meeting so the Board can move into the closed session. The individuals identified to participate in the closed session will log into the closed session with the closed session link.

Chair Doubrava asked for any disclosures.

Regent Levine disclosed that she is not in any way related to Dr. Owens' legal counsel Adam Levine, Esq., to the best of her knowledge.

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – (Continued)

8.1 Action Taken – Open Session – (Continued)

Regent Geddes moved to enter a closed session to hear an appeal of Dr. Sandra Owens from employment action taken by UNLV. Regent McMichael seconded. Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, Levine, McAdoo, McMichael, Perkins, and Trachok voted yes. Regents Moran and Page were absent.

Chair Doubrava announced those authorized to attend the closed session.

Chair Doubrava noted the closed session would occur by way of a separate, closed-session link that has been provided to those permitted to attend the closed session. Everyone else will be asked to log out of the public meeting so the Board can move into the closed session. The individuals identified to participate in the closed session will log into the closed session with the closed session link.

The meeting recessed at 12:50 p.m. to enter a closed session (Item 8.2) and reconvened in an open session (Item 8.3) at 3:18 p.m. with all members present except Regents Moran and Page.

8.3 Action Taken – Open Session – Following the closed session, the Board reconvened in open session to consider and decide the appeal of Professor Sandra Owens. The Board affirmed the charge and upheld UNLV's decision to terminate Dr. Owens' employment

Deputy General Counsel Bogale reported the Board of Regents conducted a closed session to hear arguments on the appeal submitted by Dr. Owens.

Pursuant to the NSHE Code, Title 2, Chapter 6, Section 6.13.2(d), the Board's action is limited to:

- 1) dismiss the charge – i.e., overturn Dr. Owens' termination;
- 2) affirm the charge – i.e., uphold Dr. Owens' termination;
- 3) impose a lesser sanction; or
- 4) propose a new hearing.

Deputy General Counsel Bogale stated that in discussing this matter and acting, the Board should not discuss, in open session, any confidential facts learned during the closed session.

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – (Continued)

8.3 Action Taken – Open Session – (Continued)

Regent Levine moved to dismiss the charge and impose a lesser sanction of a warning. Regent McMichael seconded.

Regent Geddes understood that the Board could dismiss the charge or impose a lesser sanction. Deputy General Counsel Bogale clarified to impose a lesser sanction implies a dismissal of the termination.

Regent Levine reworded her motion.

Regent Levine moved to impose a lesser sanction of a warning. Regent McMichael seconded.

In response to a question from Vice Chair Del Carlo as to who the lesser sanction will come from, Deputy General Counsel Bogale responded that the Board's decision would be sent to UNLV to proceed consistent with the sanction.

Regent Geddes stated he would not support the motion. He has faith that campus leadership has weighed all factors and made an appropriate decision.

Regent Levine reminded the Board that if it voted against the motion on the table and in turn dismissed Dr. Owens, it will be voting to fire the only African American faculty member at the Urban Affairs College. Furthermore, there are only 4 percent African American tenured faculty members at UNLV, one of the most diverse institutions in the country, and only 2 percent are female.

Regent Geddes clearly understands the numbers, but gender and race do not affect his decision.

Regent Carter will not support this motion because the sanction is not a severe enough penalty.

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

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – (Continued)

8.3 Action Taken – Open Session – (Continued)

Regent Perkins moved to impose a lesser sanction of suspension that will end on November 13, 2020, and to reinstate her employment at the earliest possible date. Regent Levine seconded.

Deputy General Counsel Bogale clarified the motion with Regent Perkins that the suspension would end today, which would result in reinstatement of employment as soon as possible.

UNLV General Counsel Elda Sidhu, Esq., pointed out a protective order was issued that Dr. Owens not be on the UNLV campus or contact any UNLV employee through July 2021. UNLV Counsel Daniel Aquino, Esq., stated the court ruled a protective order for harassment in the workplace against Dr. Owens. Under criminal penalty, if Dr. Owens has any contact with any UNLV or NSHE employee or enters UNLV or NSHE property, she is subject to arrest.

Regent Carter clarified the protective order expires in July. Counsel Aquino responded it does expire July 2021.

Regent Perkins stated the protective order prevents her from going on campus, but most instructors are not on campus during COVID. Counsel Aquino said a main component of the protective order is that Dr. Owens cannot contact UNLV employees, which would make it hard to perform her duties as an employee.

Regent Perkins clarified that even if Dr. Owens cannot contact UNLV employees, she could still teach virtually. Counsel Aquino did not understand how a professor would teach classes but not have contact with UNLV employees. Counsel Aquino stated the protective order does not only bar physical contact. It bars any form of communication, including emails, messages, or talking to someone virtually.

Regent Perkins asked if the protective order could be rescinded. Counsel Levine stated a protective order could be rescinded at any point by the moving party. If it is the Board's pleasure for Dr. Owens to return to work, it could end the protective order. Counsel Aquino stated he would question whether the Board can make a motion to remove the protections that are afforded to the protected employees without consulting the courts.

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – (Continued)

8.3 Action Taken – Open Session – (Continued)

In response to a question from Regent McAdoo related to the protective order, Chief General Counsel Reynolds stated the basis for the protective order was due to serious threats and concerns for the health and safety of UNLV and NSHE employees and Regents. An independent judge reviewed the evidence and believed a protective order was warranted. Chief General Counsel Reynolds stated Counsel Levine is correct that NSHE and UNLV could request the court to remove the protective order.

Regent Geddes stated he would not support the motion because there was enough evidence for a protective order, and he wants to make sure UNLV employees are protected.

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

Chair Doubrava moved to affirm the charge and uphold UNLV's decision to terminate Dr. Owens' employment. Regent Trachok seconded.

Regent Hayes stated these are always tough decisions to make, and he asked the institutions to look at their processes and find ways to deescalate these types of situations.

Regent Levine asked Chair Doubrava to rescind the motion and asked that a new motion be made to order a new hearing. She did not think the Board should be terminating faculty members with a long-standing career.

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

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request – The Board approved the 12 percent budget reduction targets for all NSHE state operating budgets based on Option B outlined in the Supplemental Material and to bring forward for the Board's consideration a temporary progressive salary reduction for all employees. (*Ref. BOR-9 and Supplemental Material on file in the Board Office.*)

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request – (Continued)

Chancellor Rose stated a consequence of the pandemic is the ramifications on the economy. Businesses have been badly hit, and revenues continue to underperform. The Governor's Office requested NSHE provide a 12 percent budget reduction scenario for the upcoming biennium based upon the budgets submitted to the Governor's Office in August. This budget reduction request assumes no additional federal assistance from Washington. NSHE is making the best of the situation amid a very fluid situation. NSHE understands that its responsibility is to be good stewards of the budget and communities affected by the budget, making it a very painful and challenging exercise.

Chief Financial Officer Clinger presented budget reduction proposals to NSHE's 2021-23 biennial state operating budget request to comply with the Governor's Office request to provide 12 percent cuts for the upcoming biennium included in the Supplemental Material. NSHE must submit budget reduction proposals to the Governor's Office by November 20, 2020.

In response to a question from Regent Carter related to taking an average of all three options instead of the Regents having to choose one, Chief Financial Officer Clinger stated the Board could set the targets as they see fit.

Vice Chair Del Carlo asked to hear which option the Presidents preferred.

CSN President Federico Zaragoza stated Option B is the one CSN feels most comfortable with. It is the most conservative but also provides the most known environment to move forward in.

GBC President Joyce M. Helens stated GBC would also pick Option B. GBC had tremendous caseload growth during the last count year and thinks the reduction would be better pre-caseload, which is Option B.

NSC President Bart J. Patterson stated NSC would pick Option B. It is the most predictable.

DRI President Kumud Acharya stated DRI supports Option B.

TMCC President Karin M. Hilgersom stated TMCC also supports Option B.

UNLV President Keith E. Whitfield stated UNLV chose Option C, which is most consistent with how the Governor's Office initially calculated the 12 percent, but UNLV can also support Option B.

UNR President Brian Sandoval stated UNR supports Option B and wants to be good partners with the other institutions but would like to reserve the right to revisit if the Governor's Office recommendation comes back with surprises that are not anticipated.

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request – (Continued)

WNC President Vincent R. Solis stated Option B is the best choice for WNC.

Regent Geddes stated what is approved to submit on November 20, 2020, will put NSHE in compliance with the request, but the Board will have opportunities to adjust through the Legislative Session. Chancellor Rose agreed.

Regent Levine asked Chief Financial Officer Clinger to elaborate if there are opportunities to change the language related to student fee surcharges, so institutions have more flexibility to use in other ways. Chief Financial Officer Clinger stated Chapter 7, Section 16 of the *Procedures and Guidelines Manual*, says how registration fees are distributed. The Board approves the distribution of registration fees. The Board could consider a reallocation or give the institutions the authority to bring reallocation proposals to the Board. Chief Financial Officer Clinger stated he did talk to the institutional Business Officers about this, and they believe they need the student surcharge and the redistribution of the fees.

Regent Levine stated it broke her heart to hear the students' public comments at the beginning of the meeting, and she was sorry to the Presidents, but she could not support the continuation of the student surcharge.

Regent Hayes agreed that students and their families are struggling, and he also could not vote to continue the student surcharge.

Regent Carvalho reminded the Board that it passed a Predictable Pricing Model, and in the 21/22 school year, there will be a tuition increase of approximately 2.8 percent. She did not think it was acceptable to have a tuition increase and the student surcharge. Students are suffering. She was in favor of Option B for submittal to the Governor's Office.

Regent Perkins did not like balancing the budget on the backs of students. She was in favor of Option B.

Regent Trachok understood that no matter the chosen option, it is just a number that the institutions and System Office will have to reduce their budgets and return to the Board with specifics.

Regent Trachok believed the Regents should consider a temporary progressive salary reduction across the board. Chancellor Rose agreed conceptually, but it would have to be looked at carefully. Chief General Counsel Reynolds stated for the Board to make a salary reduction pursuant to Title 2, there would have to be a Code amendment if there was no declaration of financial exigency before July 1, 2021.

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request – (Continued)

Regent Trachok moved approval of the 12 percent budget reduction targets for all NSHE state operating budgets based on Option B outlined in the Supplemental Material and to bring forward for the Board's consideration a temporary progressive salary reduction for all employees. Regent Levine seconded.

Chief Financial Officer Clinger clarified Option B does not include the student surcharge. Option B establishes each institutional target to ensure that NSHE meets the state's overall target.

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

Chancellor Rose stated this satisfies the significant components needed for the campuses to finalize their preparations. Chancellor Rose complimented Presidents Whitfield and Sandoval for their consideration of Option B because it does require their respective institutions to take a more considerable reduction.

10. Information Only – New Business

Regents McAdoo and McMichael requested a discussion on the satisfactory/unsatisfactory grading system.

Regent Levine requested the following:

- Discussion on the satisfactory/unsatisfactory grading system.
- Discussion related to providing annual diversity and inclusion training for Board members.
- Report on employment situation at different athletic departments at each institution.
- Discussion related to rescission of the memorandum requiring institutions to provide free tickets to Regents for athletic events.
- Report from NSHE Chief General Counsel related to laws surrounding gifts for public officials.
- Budget Reduction Response Committee needs to come forward to the Board.
- Provide a status report on CARES act dollars.
- Report on childcare services for students, faculty, and staff.

Regent Hayes requested NSHE staff work with the institutions to mitigate issues before a Chapter 6 comes before the Board.

11. Information Only – Public Comment – None.

The meeting adjourned at 4:32 p.m.

Prepared by:

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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 January 15, 2021, meeting.