

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Friday, April 16, 2021

This meeting was held via videoconference and teleconference only pursuant to Section 1 of the Declaration of Emergency Directive 006 ("Directive 006"), and extended through current Directive 043, 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
Mr. Joseph C. Arrascada
Mr. Patrick J. Boylan
Mr. Byron Brooks
Dr. Patrick R. Carter
Ms. Amy J. Carvalho
Dr. Jason Geddes
Mrs. Cathy McAdoo
Mr. Donald Sylvantee McMichael Sr.
Ms. Laura E. Perkins

Members Absent:

Mr. John T. Moran
Dr. Lois Tarkanian

Others Present:

Dr. Melody Rose, Chancellor
Mr. Andrew Clinger, Chief Financial Officer & Interim Director of
Government Affairs
Mr. Nate Mackinnon, Vice Chancellor, Community Colleges
Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
Ms. Sherry Olson, Director of Human Resources
Mr. Joe Reynolds, Chief General Counsel
Mr. Michael B. Wixom, Special Counsel
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Dr. Vickie Shields, Executive Vice President & Provost, NSC
(sitting in for NSC President Bart J. Patterson)
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; Mr. Brian Zeiszler, GBC; Dr. Laura Naumann, NSC; Mr. Glenn Heath, SA; Ms. YeVonne Allen, TMCC; Dr. Vicki Rosser, UNLV; Dr. Amy Pason, UNR; and Dr. Robert Morin, WNC. Student body presidents in attendance were: Mr. Will Carrasco, GSA President, UNR; and Ms. Gabrielle Clark, ASWN President, WNC. Classified council chair in attendance was: Mr. Jim Boyer, UNLV.

Chair Doubrava called the meeting to order at 1:00 p.m. with all members present except Regents Moran and Tarkanian. Chair Doubrava led the Pledge of Allegiance.

1. Information Only – Public Comment

The following were in favor of Assembly Bill (AB) 262 adding a Native American Tuition Waiver:

- Steven Anderson (*Anderson.Steven04.16.21 on file in the Board Office.*)
- Manual Ayala (*Ayala.Manuel04.16.21 on file in the Board Office.*)
- William Bauer (*Bauer.William04.16.21 on file in the Board Office.*)
- Brendan Alan Becker (*Becker.BrendanAlan04.16.21 on file in the Board Office.*)
- Mona C. Buckheart (*Buckheart.MonaC04.16.21 on file in the Board Office.*)
- Alvin Chan (*Chan.Alvin04.16.21 on file in the Board Office.*)
- Bethlehem Damena (*Damena.Bethlehem on file in the Board Office.*)
- Nellie Davis (*Davis.Nellie04.16.21 on file in the Board Office.*)
- Rahman Faridi (*Faridi.Rahman04.16.21 on file in the Board Office.*)
- Victoria Flores (*Flores.Victoria04.16.21 on file in the Board Office.*)
- Malcolm Greer (*Greer.Malcholm04.16.21 on file in the Board Office.*)
- Aimee Holdredge (*Holdredge.Aimee04.16.21 on file in the Board Office.*)
- Brendan Jones (*Jones.Brendan04.16.21 on file in the Board Office.*)
- Rory Kuykendall (*Kuykendall.Rory04.16.21 on file in the Board Office.*)
- Andrew Lin (*Lin.Andrew04.16.21 on file in the Board Office.*)
- Elveda Martinez (*Martinez.Elveda04.16.21 on file in the Board Office.*)
- Miguel Martinez (*Martinez.Miguel04.16.21 on file in the Board Office.*)
- Valerie Melendez (*Melendez.Valerie04.16.21 on file in the Board Office.*)
- Cesar Marquez (*Marquez.Cesar04.16.21 on file in the Board Office.*)
- Marla McDade Williams (*McDadeWilliams.Marla04.16.21 on file in the Board Office.*)
- Destiney McGrann (*McGrann.Destiney04.16.21 on file in the Board Office.*)
- Sandra Mitrovich (*Mitrovich.Sandra04.16.21 on file in the Board Office.*)
- Ashley Morris (*Morris.Ashley04.16.21 on file in the Board Office.*)
- Reggie Muth (*Muth.Reggie04.16.21 on file in the Board Office.*)
- Justin Nayak (*Nayak.Justin04.16.21 on file in the Board Office.*)
- Stacy Newman (*Newman.Stacy04.16.21 on file in the Board Office.*)
- Travis Sanderson (*Sanderson.Travis04.16.21 on file in the Board Office.*)
- Lorenzita Santos (*Santos.Lorenzita04.16.21 on file in the Board Office.*)
- Jackie Spicer (*Spicer.Jackie04.16.21 on file in the Board Office.*)
- Tiffany Stoik (*Stoik.Tiffany04.16.21 on file in the Board Office.*)
- Dianne Williams (*Williams.Dianne04.16.21 on file in the Board Office.*)
- Sam Winston (*Winston.Sam04.16.21 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

The following were in favor of Assembly Bill (AB) 262 adding a Native American Tuition Waiver: *(Continued)*

- Minnie Wood (*Wood.Minnie04.16.21 on file in the Board Office.*)
- Mike Young (*Young.Mike04.16.21 on file in the Board Office.*)
- Ephraim Zamora (*Zamora.Ephraim04.16.21 on file in the Board Office.*)

2. Approved – Minutes – The Board approved the minutes from the January 15, 2021, Board of Regents special meeting. (*Ref. BOR-2 on file in the Board Office.*)

Regent Perkins moved approval of the minutes from the January 15, 2021, Board of Regents special meeting. Regent Boylan seconded. Motion carried. Regents Moran and Tarkanian were absent.

3. Approved – Donation of Medical Education Building to Rename the UNLV School of Medicine and Medical Education Building in Honor of Kirk Kerkorian, UNLV – The Board approved naming the UNLV Medical Education Building the "Kirk Kerkorian Medical Education Building" and to rename the UNLV School of Medicine the "UNLV Kirk Kerkorian School of Medicine." (*Ref. BOR-3 and Jan. 2020 background material on file in the Board Office.*)

UNLV President Keith E. Whitfield presented the request. Mr. Kerkorian was an impressive businessman and philanthropic figure in Las Vegas. He has not attached his name to any of his contributions until now. The Nevada Health and Bioscience Asset Corporation (NHBAC) has proposed this name per the Memorandum of Understanding previously approved by the Board. President Whitfield introduced Maureen Schafer.

Regent McMichael moved approval to name the UNLV Medical Education Building the "Kirk Kerkorian Medical Education Building" and to rename the UNLV School of Medicine the "UNLV Kirk Kerkorian School of Medicine." Vice Chair Del Carlo seconded.

Regent Boylan stated he has great respect for Mr. Kerkorian and his significant contributions. He was concerned that the agreement says the naming would be mutually agreed upon, but the name was already announced at a press conference before the Board's approval. Regent Boylan stated the Board is here to support constituents, not powerful corporations. It is a matter of trust.

President Whitfield stated the agreement is based on trust. The School of Medicine and students will significantly benefit from this generosity. UNLV is benefiting from private philanthropy.

Chief General Counsel Joe Reynolds stated the NHBAC has met or exceeded every legal benchmark pursuant to the agreement to date.

3. Approved – Donation of Medical Education Building to Rename the UNLV School of Medicine and Medical Education Building in Honor of Kirk Kerkorian, UNLV – (Continued)

Regent Geddes stated there were a lot of starts and stops and disagreements during this process. He is comfortable with the project and he assumed this would be the name when the gift was made.

Regent Carvalho thanked NHBAC for the extraordinary gift to southern Nevada.

Chair Doubrava stated this is the culmination of hard work. He shared his gratitude and sincere appreciation. He hopes that this demonstration of philanthropy will encourage others to come forward.

Regent Carter stated NSHE created safeguards and entered this with good faith and it should be an example for future projects for higher education.

Regent Geddes added the naming rights in the agreement are subject to the Board's approval.

Vice Chair Del Carlo stated this a tremendous gift from the NHBAC.

Regent Carvalho requested a report to share information related to the impacts this will have on the community.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Arrascada, Boylan, Brooks, Carter, Carvalho, Geddes, McAdoo, McMichael, and Perkins voted yes. Regents Moran and Tarkanian were absent.

Chair Doubrava extended the Board's thanks and congratulations. Ms. Schafer stated all should be proud of this accomplishment. The project is a template for success. She thanked the colleagues at UNLV and NSHE for all their help. Trust is how this project moved forward.

4. Approved – Engineering Building Financing Sale Resolution, UNLV – The Board approved a Resolution authorizing the preparation and circulation of a preliminary official statement for a tax-exempt financing for the UNLV Engineering Building. (Ref. BOR-4 on file in the Board Office.)

President Whitfield recalled at the Board's March meeting, UNLV provided a two-step plan to expedite financing for UNLV's share of the Engineering Building project. The state's portion is still under consideration at the Legislature, but UNLV wanted to make sure its part is ready. The Resolution will allow UNLV, the NSHE Chief Financial Officer, and NSHE's Financial Advisors and Bond Counsel to prepare the preliminary statement. If the Legislature approves the funding, UNLV will present the financing

4. Approved – Engineering Building Financing Sale Resolution, UNLV – (Continued)

Resolution at the June Board meeting. The estimated debt service of \$1.84 million will be funded through a combination of donor funds and Capital Improvement Fee revenues.

Regent Carter moved approval of a Resolution authorizing the preparation and circulation of a preliminary official statement for a tax-exempt financing for the UNLV Engineering Building. Regent McAdoo seconded.

Regent Perkins stated the Engineering Building is long overdue and she appreciated the hard work that has gone into this.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Arrascada, Boylan, Brooks, Carter, Carvalho, Geddes, McAdoo, McMichael, and Perkins voted yes. Regents Moran and Tarkanian were absent.

5. Approved – UNLV Exclusive Negotiating Agreement with G2 Capital Development for a Potential UNLV Shadow Lane Campus Property Development – The Board approved entering into the Exclusive Negotiating Agreement (ENA) with G2 Capital Development for a potential UNLV Shadow Lane Campus property development, which would be in coordination with a potential adjacent City of Las Vegas property development. (Ref. BOR-5 on file in the Board Office.)

President Whitfield presented the developed ENA to work in conjunction with the City of Las Vegas and G2. UNLV has worked with the City on a collaborative plan to redevelop City-owned land parcels adjacent to the Shadow Lane Campus. The City ultimately went in a different direction and entered into an ENA with G2. UNLV remains interested in collaborating on this redevelopment effort and, to do so, must work with G2. If due diligence efforts yield a redevelopment plan and practical terms, UNLV will create development and implementing agreements with G2 and the City for future Board consideration.

Regent Perkins moved approval to enter into the Exclusive Negotiating Agreement (ENA) with G2 Capital Development for a potential UNLV Shadow Lane Campus property development, which would be in coordination with a potential adjacent City of Las Vegas property development. Regent McMichael seconded.

In response to a question from Regent Geddes related to the review of the ENA, Chief General Counsel Reynolds and Special Counsel Michael B. Wixom both reviewed.

5. Approved – UNLV Exclusive Negotiating Agreement with G2 Capital Development for a Potential UNLV Shadow Lane Campus Property Development – (Continued)

Special Counsel Wixom noted the System has authority to enter into sole source contracts in certain circumstances. G2 is the sole provider for the City of Las Vegas in connection to the property adjacent to the property UNLV is seeking to develop, therefore, this is one of those circumstances where the only party with whom UNLV can negotiate with in respect to redevelopment, is G2. Therefore, a sole source contract is permitted by Board policy in these circumstances.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Arrascada, Boylan, Brooks, Carter, Carvalho, Geddes, McAdoo, McMichael, and Perkins voted yes. Regents Moran and Tarkanian were absent.

6. Information Only – NSC President Search Update – Regent Carvalho provided an update on the Search for the next President of Nevada State College. AGB Search received over 90 applications for the position. In consultation with the Search Consultants, Chancellor Melody Rose considered the applicants and narrowed the pool to the top 11 semifinalists. The Chancellor and AGB Search conducted semifinalist interviews and further narrowed the pool to four finalists for consideration at the NSC President Search Committee meeting on April 28, 2021. The Committee's recommendation will be brought forward for full Board approval on April 29, 2021.

Chancellor Rose stated the pool was robust and spoke to the opportunity at NSC. She complimented the campus and Search Committee on the position profile that expressed NSC's values, mission, and priorities. Of the 92 applications received, 37 candidates submitted their demographic information. Of the 37 candidates, 15 self-reported Caucasian, while 22 self-reported as leaders of color. The finalists are exceptionally qualified professionals of diverse professional and personal backgrounds.

7. Information Only – Institutional Metrics, GBC – GBC President Joyce M. Helens presented data and metrics on GBC's progress in achieving the strategic goals adopted by the Board. The metrics included those identified by the Board designed to compare the performance of NSHE and its institutions to other states or respective peers in five key areas: 1) Access; 2) Success; 3) Closing the Achievement Gap; 4) Workforce; and 5) Research. (Ref. BOR-7 and Supplemental Material on file in the Board Office.)

Regent McAdoo greatly appreciated the presentation. There are so many in the area excited about the Mining Center of Excellence. She thanked President Helens for her work as President.

Regent Perkins asked how GBC increased out-of-state and out-of-country students and can the process be replicated and expanded to increase revenues. President Helens stated GBC created a new Department of Communications and it worked to create interest in social media and advertising. President Helens believed GBC could charge more for out-of-state and still be the best value for students.

7. Information Only – Institutional Metrics, GBC – (Continued)

Regent Boylan thanked President Helens for the presentation.

Regent Arrascada thanked President Helens for a well-done presentation and asked President Helens to expand on mandatory advisement. President Helens noted the Board discussed the importance of mandatory advisement. GBC at the time had one advisor, which made mandatory advising impossible. GBC reorganized and took salary savings from unfilled positions and placed the savings into advising. GBC also created a student academic plan that is advising intensive.

In response to a question from Regent Carvalho related to succession planning for faculty, President Helens stated GBC is just beginning succession planning as a part of the strategic planning.

Regent Carter stated many community colleges are struggling across the country and he was happy to see GBC's positive progress toward mandatory advising.

Vice Chair Del Carlo appreciated the fact that President Helens is constantly raising the bar.

8. Approved – Board of Regents Special Counsel – The Board approved filling the current vacancy in the position of Chief of Staff and Special Counsel to the Board of Regents with a combined full-time Special Counsel and Chief of Staff and to establish a Regents' Search Committee to conduct the Search.

Chair Doubrava asked for guidance and possible authorization to fill the Chief of Staff and Special Counsel to the Board of Regents vacancy. Authorization may include direction on whether to maintain a combined Chief of Staff and Special Counsel position, establish a full-time or part-time Special Counsel position that is separate from the Chief of Staff position, direction on whether to enter into a contractual agreement with outside legal counsel to fill a separate Special Counsel position or to establish a Regents' Search Committee and conduct a search for either a permanent combined Chief of Staff and Special Counsel or a separate Special Counsel.

Regent McAdoo moved to fill the current vacancy in the position of Chief of Staff and Special Counsel to the Board of Regents with a combined full-time Special Counsel and Chief of Staff and to establish a Regents' Search Committee to conduct the Search. Regent Carter seconded.

Regent Geddes believed it was prudent to begin the search, but other actions may need to be taken depending on NSHE budget outcomes at the end of the legislative session.

Regent Carter stated this had been a successful model and he will support the motion. He further expressed that if the budget is not there, this can come back to the Board.

8. Approved – Board of Regents Special Counsel – (Continued)

Regent Brooks agreed counsel for the Board of Regents was needed. He was concerned with the search timeline and when someone may be hired. Due to budget constraints, he asked what it may look like to have contract or part-time counsel. He also asked how Ms. Nikolajewski's current position would change. Chair Doubrava stated if authorized, he could establish the Search Committee in the next few weeks. He would anticipate the Search process could finish before August.

Regent Brooks wondered whether a full-time counsel position was needed. A part-time or outside position may reduce the costs and potentially speed up the process to fill the position. Chair Doubrava stated he could direct the Search Committee to evaluate the role and determine the best fit for the Board, whether that is full-time, part-time, or outside counsel. In discussions with Ms. Nikolajewski, it was determined she would return to her position as Deputy Chief of Staff when the position is filled.

Regent Carvalho was not in favor of a combined Chief of Staff and Special Counsel position due to everything that has happened during the pandemic. The Board has enacted furloughs, severe budget cuts, tuition increases, and increased fees. NSHE leaders, staff, faculty, students, and their families were asked to share in sacrifices that the pandemic has forced NSHE to make. This is an opportunity for the Board of Regents to show that it is genuinely acting in the best interest of NSHE and its constituents. She would be more comfortable with a part-time position to work on the Board's behalf as needed.

Regent Geddes recommended the Search Committee review the job description and budget and bring back a recommendation to the Board. He believed the Board needed someone in the position, whether it is full-time or part-time.

Regent Brooks asked for clarification of the motion. Chief General Counsel Reynolds stated the motion is for a committee to search for a combined Chief of Staff and Special Counsel position. If it is determined that costs are prohibitive or there is a failed search, the Chair will report back to the Board of Regents.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Boylan, Brooks, Carter, Geddes, McAdoo, and Perkins voted yes. Regents Arrascada, Carvalho, and McMichael voted no. Regents Moran and Tarkanian were absent.

9. Information Only – Legislative Report and Biennial Budget Update – Chancellor Rose and Interim Director of Government Affairs and Chief Financial Officer Andrew Clinger provided an update on the 2021-23 Biennial Budget Request submitted to the Governor, the Executive Budget, developments from the 2021 Legislative Session, measures being considered by the Nevada Legislature that impact the NSHE, and the Nevada Legislature's K-12/Higher Education/CIP Subcommittee meeting held on March 17, 2021. (Supplemental Material on file in the Board Office.)

9. Information Only – Legislative Report and Biennial Budget Update – (Continued)

In response to a question from Regent Geddes, Chief General Counsel Reynolds stated the item is for information only to allow for discussion and questions.

Regent Geddes asked that the next item be an action item so action may be taken if needed.

Regent Geddes asked for clarification of Assembly Bill (AB) 262 related to Native Americans. Chief Financial Officer Clinger stated the original language would allow Native Americans who graduate from a Nevada high school and are federally recognized Native Americans to receive in-state tuition. The amendment has a provision that they are a resident for one year and a federally recognized Native American. The person can also be a descendant of a tribe. The amendment language is much broader.

Regent Geddes reported he testified against Senate Bill (SB) 287. His concern was due to the financial impact and that UNLV, UNR, and DRI did not bring this item forward. UNLV and DRI do not have land grant in their strategic or master plans. An outside entity is pushing this.

Vice Chair Del Carlo asked that the Board understand the impact of tuition fee waivers. There is a cost to all tuition fee waivers.

Chief Financial Officer Clinger stated based on an estimated 900 students, AB 262 will cost \$2.8 million per year. The current National Guard tuition waiver costs \$2.4 million per year. Historically the state has not funded those. NSHE is concerned with the fiscal impact on the institutions.

Chancellor Rose believed it was important for the Board to have a conversation related to the cumulative impact of tuition waivers.

Chair Doubrava reopened Agenda Item 8 (Board of Regents Special Counsel).

8. Approved – Board of Regents Special Counsel – Regent Brooks appreciated the Board's latitude. He had asked for clarification of the motion and wanted to make sure that the fiscal considerations were included in the motion and not just a thought process going into the search.

Regent Brooks moved to reconsider. No second received.

Chair Doubrava affirmed the comments provided by Regent Brooks were heard by the Board and believed that the Search Committee would take its fiduciary responsibility to heart.

10. Information Only – New Business – Regent Perkins requested that the CSN rolling entry program expand to the other institutions. She also asked that the Board consider freezing tuition for at least the current year since students are suffering.

11. Information Only – Public Comment – None.

The meeting adjourned at 3:48 p.m.

Prepared by:

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

Submitted for approval by:

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

Approved by the Board of Regents at its July 23, 2021, meeting.