

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Thursday, April 29, 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
 Mr. Donald Sylvantee McMichael Sr.
 Ms. Laura E. Perkins

Members Absent: Mrs. Cathy McAdoo
 Mr. John T. Moran
 Dr. Lois Tarkanian

Others Present: Dr. Melody Rose, Chancellor
 Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
 Mr. Andrew Clinger, Chief Financial Officer
 Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
 Mr. Joe Reynolds, Chief General Counsel
 Mr. Michael B. Wixom, Special Counsel
 Dr. Federico Zaragoza, President, CSN
 Dr. Kumud Acharya, President, DRI
 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. Laura Naumann, NSC; Mr. Glenn Heath, SA; Ms. YeVonne Allen, TMCC; Dr. Vicki Rosser, UNLV; and Dr. Amy Pason, UNR. Student body president in attendance was: Ms. Gabrielle Clark, ASWN President, WNC.

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

1. Information Only – Public Comment

The following people provided Public Comment in favor of DeRionne P. Pollard, Ph.D. as the next Nevada State College (NSC) President:

- Erika Arballo (*Ref. Arballo.Erika04.29.21 on file in the Board Office.*)
- Shannon Bryant (*Ref. Bryant.Shannon04.29.21 on file in the Board Office.*)
- Pamela J. Call (*Ref. Call.PamelaJ04.29.21 on file in the Board Office.*)
- Glenn Christenson (*Ref. Christenson.Glenn04.29.21 on file in the Board Office.*)
- Amey N. Evaluna (*Ref. Evaluna.AmeyN04.29.21 on file in the Board Office.*)
- Kenneth Evans (*Ref. Evans.Kenneth04.29.21 on file in the Board Office.*)
- Laura Hinojosa (*Ref. Hinojosa.Laura04.29.21 on file in the Board Office.*)
- Tiffany L. Hudson (*Ref. Hudson.TiffanyL04.29.21 on file in the Board Office.*)
- Roxann McCoy (*Ref. McCoy.Roxann04.29.21 on file in the Board Office.*)
- Nicola Opfer (*Ref. Opfer.Nicola04.29.21 on file in the Board Office.*)
- Felicia Ortiz (*Ref. Ortiz.Felicia04.29.21 on file in the Board Office.*)
- Suman Randhawa (*Ref. Randhawa.Suman04.29.21 on file in the Board Office.*)
- Andrea Woods (*Ref. Woods.Andrea04.29.21 on file in the Board Office.*)

Sandy Emm provided Public Comment requesting the Board consider the Native American Tuition Waiver. (*Ref. Emm.Sandy04.29.21 on file in the Board Office.*)

Dr. Vicki Rosser provided Public Comment related to the expansion of land grants. UNLV, a minority-serving institution, has felt for years that it does not receive an equitable share of state resources. Rather than celebrating the fact that UNLV will become a land grant institution, the implication is to deny the institution of fair and equitable opportunities to compete. This lack of equity has given cause to move forward more aggressively to stop systemic oppression to squelch UNLV's equal opportunity and access. (*Ref. Rosser.Vicki04.29.21 on file in the Board Office.*)

Dr. Roberta Kaufman provided Public Comment in favor of Susan E. Borrego, Ph.D. and DeRionne P. Pollard, Ph.D. (*Ref. Kaufman.Roberta04.29.21 on file in the Board Office.*)

2. Information Only – Chancellor's Report – Chancellor Melody Rose reported campuses have been working diligently and collaboratively to plan Spring festivities, particularly commencements. She credited the campus teams for their hard work. In addition, Chancellor Rose stated the work of the statewide Mental Health Task Force is ongoing and has created best practices to support the communities' mental health.

3. Information Only – Board Chair's Report – Chair Doubrava thanked NSC for hosting the meeting and SCS for its coordination. He announced the June Board meeting will not be held at UNR. According to the Governor's Directive, it will be held virtually or as a hybrid meeting with more details to follow.

4. Approved – Appointment, Nevada State College President – The Board approved DeRionne P. Pollard, Ph.D. as President of Nevada State College, along with the proposed salary and contract terms. *(Ref. BOR-4d and Supplemental Material on file in the Board Office. Other references on file in the Board Office include Refs. BOR-4a, BOR-4b, BOR-4c and BOR-4d.)*

Committee Chair Carvalho thanked SCS for its technical assistance and NSC for its hospitality. She also thanked Interim Chief of Staff Keri Nikolajewski, Special Assistant and Coordinator Winter Lipson, and Chancellor Rose for their support and guidance throughout the process. Committee Chair Carvalho summarized the NSC President Search Committee meeting held on April 28, 2021. There was overwhelming support from the NSC campus community for Dr. DeRionne P. Pollard.

Dr. Vance Peterson, AGB Search, offered his congratulations on the superb choice of Dr. Pollard. It has been AGB's pleasure to assist in the process. Dr. Peterson provided an overview of the process and a description of Dr. Pollard's professional background.

Dr. Peterson reported AGB Search encountered a series of media reports from more than five years ago relating to alleged improper travel expenses during the due diligence process. Conversations with college leaders and the board chair at Montgomery College revealed the issue was raised by a small group of faculty and staff who were let go and continued a crusade against Dr. Pollard. The matter was thoroughly investigated by the college and the Montgomery County Inspector General, and the allegations were found to be without merit. There was no censure or sanction, and since then, Dr. Pollard has completed an additional five years as President.

Regent Carvalho moved approval of DeRionne P. Pollard, Ph.D. as President of Nevada State College.
Regent Perkins seconded.

Regent Boylan thanked the NSC Search Committee, the advisory members, and the Chancellor for their time and effort. He said it is easy to be a manager and executive, but you cannot be a leader without trust. He believed AGB Search was flippant about the accusations made against Dr. Pollard.

Regent Boylan asked why no Nevadans were included in the finalist pool of candidates and questioned Dr. Pollard's previous the travel expenditures.

Chancellor Rose reiterated that concerns over the 5-year-old travel expenditures had been thoroughly investigated by the Board of Trustees of Montgomery College, the Inspector General of Montgomery County, Maryland, and the AGB search firm. Dr. Pollard was fully cleared of any wrongdoing by every entity that reviewed the matter, and there was no merit to the allegations.

Chancellor Rose stated when she and Chief General Counsel Reynolds met with the constituents, they made it clear they wanted a national search and someone in the position that would continue NSC's trajectory with deep expertise in campus development, student success, and fundraising.

4. Approved – Appointment, Nevada State College President – (Continued)

Regent Boylan requested information that shows the matter was investigated and the conclusion from that investigation. He expressed concern that Dr. Pollard hired security and questioned whether NSHE would have to do the same.

Chancellor Rose provided that NSHE is in possession of evidence that the charges were cleared and she is happy to provide the information as a Regent request to all Regents. Chancellor Rose also addressed the need for personal protection in certain circumstances in the higher education setting.

In response to a question from Regent Boylan related to whether security and a driver would be provided in the contract, Chancellor Rose said the Agreement is not inclusive of security included in past positions.

Regent Boylan questioned why Dr. Pollard's salary was higher than President Patterson's salary after working at NSC for ten years.

Regent Carter made a point of order. The current motion is to approve the recommendation and not the terms of the contract. Chief General Counsel Joe Reynolds believed they had strayed from the present motion on the table.

Regent Geddes requested the Chancellor or AGB Search expand on the depth and diversity of the pool. Chancellor Rose responded there was an opportunity for candidates to provide demographic information, but it was not mandatory. A third of the candidates did share the information. One-half were leaders of color, a majority were women, and a handful identified as a part of the LGBTQ community. The pool's experience was unparalleled, and there was a depth of demographics.

Faculty Senate Chair Dr. Laura Naumann appreciated the conversation to acknowledge concerns related to Dr. Pollard's spending. It was a faculty concern, and it did warrant addressing. She was appreciative of the information that AGB Search provided. She thanked Chancellor Rose for standing behind Dr. Pollard.

Chief General Counsel Reynolds noted for the record that any comments disparaging a prospective or current employee based upon race are unacceptable, intolerable, unethical, and illegal, regardless of who says them. As NSHE General Counsel, he will take whatever action is necessary to ensure accountability for anyone making those suggestions or statements.

Dr. Peterson stated Dr. Pollard was judged excellent by 61 of the 85 survey respondents, which was well beyond the results of any other candidate. AGB Search was satisfied with the conversations and evidence they were able to obtain regarding the allegations against Dr. Pollard.

President Patterson pledged his full support to Dr. Pollard, and said it was great to see the campus rally around her.

4. Approved – Appointment, Nevada State College President – *(Continued)*

Chair Doubrava stated it was great to see stakeholder support for Dr. Pollard, and he offered his support.

Committee Chair Carvalho reiterated her support for Dr. Pollard. She trusted the search process and AGB Search's work leading to the conclusion. Dr. Pollard will be an excellent addition to NSC.

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

Chancellor Rose presented the contract terms.

Regent Carvalho moved approval of the proposed salary and contract terms for DeRionne P. Pollard, Ph.D. Vice Chair Del Carlo seconded. Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo, and Regents Arrascada, Boylan, Brooks, Carter, Carvalho, Geddes, McMichael, and Perkins voted yes. Regents McAdoo, Moran, and Tarkanian were absent.

Chair Doubrava welcomed Dr. Pollard to NSC and the NSHE.

Dr. Pollard stated she was profoundly grateful and looked forward to serving NSC. Education is the only thing that can transform a life, family, and community. She chose to apply for the position because of NSC's compelling mission. She will lead with integrity. Dr. Pollard introduced her family and noted that as she was leaving the day before, she found out her father had passed away, and she would not have made it through the past 24 hours without their love and support. She also thanked the Montgomery College community and the Board of Trustees.

Chair Doubrava offered NSHE's condolences.

Regent Carvalho presented Dr. Pollard with a gift for her and her family.

The meeting recessed at 2:30 p.m. and reconvened at 2:42 p.m. with all members present except Regents McAdoo, Moran, and Tarkanian.

5. Approved – First Amendment to the Joint Use Agreement, University of Nevada, Las Vegas – The Board approved the First Amendment to the Joint Use Agreement (JUA) between UNLV and the Las Vegas Raiders, which would extend the term of the master lease from 30 years to 31 years. *(Refs. BOR-5a and BOR-5b on file in the Board Office.)*

5. Approved – First Amendment to the Joint Use Agreement, University of Nevada, Las Vegas – (Continued)

UNLV President Keith E. Whitfield presented the First Amendment to the Joint Use Agreement (JUA) between UNLV and the Las Vegas Raiders to extend the term of the master lease from 30 years to 31 years. The JUA allows the UNLV football team to use Allegiant Stadium for home games for 30 years alongside the Raiders.

Regent McMichael moved approval of the First Amendment to the Joint Use Agreement (JUA) between UNLV and the Las Vegas Raiders, which would extend the term of the master lease from 30 years to 31 years. Regent Perkins seconded.

Regent Carter disclosed he was previously a student in the Gaming Innovation course at UNLV, where he developed a casino game. If the game is marketed and sold, he will be required to pay remuneration to UNLV in the form of shared royalties pursuant to a standard contract that all students in the course were required to sign. He will receive no remuneration from UNLV. He disclosed the relationship under NRS Chapter 281A, as recommended by the Nevada Commission on Ethics. He will vote.

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

6. Information Only – Affiliation Agreement with Renown Health, University of Nevada, Reno and University of Nevada, Reno School of Medicine – UNR President Brian Sandoval discussed the Affiliation Agreement with Renown Health. (Refs. BOR-6a and BOR-6b on file in the Board Office.)

Chair Doubrava disclosed that in his role as a physician in private practice in Las Vegas, a small amount of his practice consists of patients insured by Hometown Health, a health insurance product owned by Renown Health. His medical practice sees very few patients insured by Hometown Health, and the practice revenue from Hometown Health is considered negligible and does not constitute a significant pecuniary interest. He is self-employed and not employed by any insurance company. His practice's minimal business relationship with Hometown Health does not affect his ability to be objective in this matter. It will not interfere with any private commitment that he has with another person or business. He disclosed the relationship under NRS Chapter 281A.

President Sandoval welcomed Dr. Pollard and offered his condolences on her loss.

President Sandoval, UNR School of Medicine Dean Thomas L. Schwenk, M.D., and CEO of Renown Health Anthony Slonim, M.D. presented the Affiliation Agreement and a detailed summary that captures the main points of the Agreement.

6. Information Only – Affiliation Agreement with Renown Health, University of Nevada, Reno and University of Nevada, Reno School of Medicine – (Continued)

In response to a question from Regent Perkins related to what they had learned from reviewing other agreements in other states, Dean Schwenk responded some arrangements were slow to evolve. Still, none to his knowledge were severed, and some were not as robust as they could have been.

Regent Perkins asked Dean Schwenk to touch on the residencies made available because of this Agreement. Dean Schwenk stated that having medical students track into local residencies nearly guarantees they will stay in the community. Current residencies include faculty medicine, internal medicine, psychiatry, and a couple of small fellowships. If the Agreement is approved, the first residency will be pediatrics, hopefully, followed by cardiology and general surgery fellowships.

Vice Chair Del Carlo thanked all those involved in providing the details needed for a successful integration. She appreciated the scholarships that Renown has included. Dr. Slonim stated the engagement between the two organizations is so important. Vice Chair Del Carlo questioned why the agreement was for such a long duration.

Renown Health is committed to and happy to advance the scholarships based on the cost of living.

In response to a question from Vice Chair Del Carlo related to the goal number of medical students, Dean Schwenk responded they had not placed a specific number in the Agreement because they must understand the total capacity that comes with the integration and the volunteer physicians in the community. The length of the agreement is a forever integration that cannot be severed on a whim. The contract was purposely drafted to bind the parties together through the inevitable glitches that will come along. These types of contracts need a long-term commitment. The Medical School will be integrating its curriculum and practices. Renown Health is investing in electronic medical records. The Agreement was purposely written to bind the organizations and work through inevitable glitches.

Regent Carvalho agreed this is a generational opportunity and something that should not be taken lightly. She was concerned that there was not more than a cautious approach to an increase in class size. She preferred a more constructive approach to increased class size. Dean Schwenk stated there are discussions about forming a medical education workgroup to attack the issues of curriculum, planning, career advising, and teaching capacity. Class size would factor into that.

Regent Carvalho asked what impact this will have on research at the Medical School. Dean Schwenk stated that the Medical School's clinical study and Renown's clinical trials offer enormous opportunities to develop a whole menu of clinical research activities. Dr. Slonim added to capitalize on excellent basic science research and to integrate and augment the clinical research will be a win for both organizations.

6. Information Only – Affiliation Agreement with Renown Health, University of Nevada, Reno and University of Nevada, Reno School of Medicine – (Continued)

In response to a question from Regent Carvalho related to aspirational organizations that the Medical School would like to emulate, Dean Schwenk stated some institutions look like this, such as the University of South Carolina and Commonwealth in New York.

Regent Arrascada asked how this Agreement affects all the other health care programs at UNR. Dean Schwenk believed this was an affiliation between Renown Health and the entire University that will lead to new clinical programs and collaborations.

Regent Arrascada asked if this Agreement will reduce or eliminate the residency or clinical opportunities for a nurse practitioner student. Dean Schwenk stated they have already included the Nursing Dean in the conversations, and the nurse practitioner students will be accounted for in the training programs. One of the critical parts of the integrated governance is for the Dean to serve as the Chief Academic Officer at Renown and be responsible for all teaching.

In response to a question from Regent Arrascada related to rural residencies, Dean Schwenk responded that the partnership enhances the opportunities to reach out to rural communities for clinical service, telemedicine, and telehealth which will inevitably connect with the students placed in rural areas. Students and residents will see a more cohesive clinical and academic statewide partnership. Dr. Slonim added that Renown Health is a significant referral recipient for the rural hospitals in Nevada. He shared his excitement about the innovative parts of curriculum design as the parties move forward. As clinical programming is built out, new and robust educational opportunities will exist.

Regent Carter asked if there are areas that NSHE would lose the ability to audit related to this Agreement. Senior Associate Dean for Legal Affairs Matthew Milone, UNR School of Medicine, believed that would have to be a discussion with the auditors because there must be a determination that there is a level of control. There have been discussions related to the audit standards to be applied. Under the Agreement, the Practice Plan entity will undergo a member substitution that transfers the controlling interest to Renown Health. Once that occurs, the auditors may reconsider what control means for purposes of the audit. There are provisions in the Agreement to have updates and guidance provided to the Regents. Dean Schwenk expressed that this is a partnership of the clinically facing parts of the school and those will continue as a state funded medical school would, so all of the state and medical school audits will continue to apply to the school as a whole.

Chair Doubrava thanked all for the transparency during the process. This partnership is vital for the Medical School and will increase the number of physicians, physician assistants, nurse practitioners, and nurses.

Chair Doubrava asked for clarification of Page 15, Section 1.1.79. Mr. Milone stated the clinical practice is a separate 501c3. The 501c3 has an agreement with each faculty physician in which University Health supports the salary of the position in return for the exclusive practice of the physician in the clinics. Occasionally the physician has

6. Information Only – Affiliation Agreement with Renown Health, University of Nevada, Reno and University of Nevada, Reno School of Medicine – (Continued)

something they would like to do outside of the practice. A member practice exception would be created to obtain permission under specific terms to work in that separate practice. The Section maintains the physician's right to do that, but Renown would now provide the consent.

In response to a question about the basket and indemnification clause, Mr. Milone clarified that the basket and indemnification clause only apply to indemnification by University Health back to Renown. University Health is exploring the option to purchase insurance for its past operations. The basket provision was recommended by outside counsel and should not give rise to any liability of the system except for malpractice claim circumstances.

Chair Doubrava asked if the Board of Regents should be included in the decision to increase class size since the state must now accommodate two public medical schools. Dean Schwenk stated the decision must be based on quality and not quantity. The provision in the Agreement brings Renown into the decision-making.

Chair Doubrava asked how telemedicine is affected by Section 7.8. Dean Schwenk responded Project Echo is a telehealth project that gives skills and knowledge to practitioners in underserved communities and has tremendous value throughout the state. Dr. Slonim added Renown has a robust telemedicine service that is clinical in nature and has become stronger over the past 15 months. While this is a clinical resource, it will provide new educational opportunities such as training students in telemedicine.

In response to a question from Chair Doubrava related to a declaration of financial exigency, Mr. Milone responded a shortfall of more than 20 percent, adjusted for inflation, would trigger certain rights on the part of Renown.

Vice Chair Del Carlo thanked President Sandoval for his involvement in the process.

Chair Doubrava asked for clarification about what would happen to the Agreement if a different entity purchases Renown. Mr. Milone stated the intent is that the Agreement would be binding. Renown is allowed to assign the Agreement without permission if it is to another 501c3 entity.

Dean Schwenk appreciated the Board's interactions and hoped for speedy approval of the Agreement when presented.

President Sandoval appreciated the Board's time and consideration. He acknowledged the bill had passed unanimously out of the State Senate, was considered by the Assembly Education Committee, and should be in a work session soon.

7. Information Only – New Business – Regent Perkins requested an update on the scope of the Mental Health Task Force and how Regents can be a part of it.

8. Information Only – Public Comment

The following people provided Public Comment in favor of DeRionne P. Pollard, Ph.D. as the next Nevada State College (NSC) President:

- Heidi Batiste (*Ref. Batiste.Heidi04.29.21 on file in the Board Office.*)
- Rosemary Q. Flores (*Ref. Flores.RosemaryQ04.29.21 on file in the Board Office.*)

Regent Cathy McAdoo offered congratulations to Dr. DeRionne P. Pollard and welcomed her to Nevada. (*Ref. McAdoo.Cathy04.29.21 on file in the Board Office.*)

The meeting adjourned at 3:55 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.