

BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION
Desert Research Institute
Frank H. Rogers Science & Technology Building, Rotunda
755 East Flamingo Road, Las Vegas

Thursday, September 9, 2021
Friday, September 10, 2021

Video Conference Connection from the Meeting Site to:
System Administration, Reno
2601 Enterprise Road, Conference Room
and
Great Basin College, Elko
1500 College Parkway, Berg Hall Conference Room

Members Present:

- Mrs. Cathy McAdoo, Chair
- Dr. Patrick R. Carter, Vice Chair
- Mr. Joseph C. Arrascada
- Mr. Patrick J. Boylan
- Mr. Byron Brooks
- Ms. Amy J. Carvalho
- Mrs. Carol Del Carlo
- Dr. Mark W. Doubrava
- Dr. Jason Geddes
- Mr. Donald Sylvantee McMichael Sr.
- Mr. John T. Moran
- Ms. Laura E. Perkins
- Dr. Lois Tarkanian

Others Present:

- Dr. Melody Rose, Chancellor
- Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
and Community Colleges
- Dr. Constance Brooks, Vice Chancellor, Public Affairs and Advancement
- Mr. Caleb Cage, Vice Chancellor, Workforce Development and Chief
Innovation Officer
- Mr. Andrew Clinger, Chief Financial Officer
- Ms. Yvonne Nevarez-Goodson, Deputy General Counsel
- Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
- Mr. Joe Reynolds, Chief General Counsel
- Ms. Tina Russom, Deputy General Counsel
- Mr. Joe Sunbury, Chief Internal Auditor
- Mr. Michael B. Wixom, Special Counsel
- Dr. Federico Zaragoza, President, CSN

Others Present:

(Continued)

Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Dr. DeRionne P. Pollard, 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. Julian Smit, CSN; Dr. Dave Rhode, DRI; Mr. Kevin Seipp, GBC; Dr. Samantha Jewell, NSC; Mr. Glenn Heath, SA; Dr. Virginia Irintcheva, TMCC; Ms. Shannon Sumpter, UNLV; Dr. Amy Pason, UNR; and Mr. Jim Strange, WNC. Student body presidents in attendance were: Mr. Zachary Johnigan, ASCSN President, CSN; Ms. Tessa Espinosa, NSC (sitting in for Ms. Lauren Porter on September 9, 2021) and Ms. Lauren Porter, NSSA President, NSC; Ms. Darian Richards, SGA President, TMCC; Ms. Caren Yap, CSUN President, UNLV; Ms. Nicole Thomas, GPSA President, UNLV; Mr. Austin Brown, ASUN President, UNR; Mr. Matthew Hawn, GSA President, UNR; and Ms. Andrea Sanchez De Loza, ASWN President, WNC. Classified council chair in attendance was: Ms. Deana Wilson, UNLV (sitting in for Mr. Jim Boyer, UNLV).

Chair McAdoo called the meeting to order at 11:16 a.m. with all members present except Regents Boylan and Moran. Regent McMichael led the Pledge of Allegiance.

1. Information Only – Introductions and Campus Updates

Great Basin College (GBC) President Joyce M. Helens welcomed incoming Faculty Senate Chair Kevin Seipp and SGA Student Body President Zachary Stamp. President Helens also welcomed Northern Command Detective Rick Gruber to GBC. The GBC Health Sciences and Technology Building in Winnemucca is 50 percent complete and ahead of schedule. Twenty students have declared their major in GBC's new baccalaureate in Early Childhood Education. Nursing and Emergency Responder students along with faculty continue to carry out rural Nevada contact tracing. Enrollment is on an upward trajectory, and over the last two bienniums is up more than 15 percent. GBC is embedded in Nevada's rural communities and has successfully carried out a greater mission to build and support healthy communities. GBC is also teaching critical thinking, creating a safe place for civil discourse and skill-building. Unfortunately, the communities and school districts are in crisis. Faculty, staff, and students have families and children affected, and it is vital to help one another move through this storm with compassion, fact-based civil discourse, and deep listening. Higher education has a pivotal role in stabilizing healthy communities. President Helens thanked the GBC faculty and staff for staying steadfast in this mission. She considers the faculty and staff the frontline professionals who have shouldered tremendous responsibility and always deserve our most profound appreciation.

College of Southern Nevada (CSN) President Federico Zaragoza congratulated and recognized incoming Faculty Senate Chair Dr. Julian Smit, Classified Council President Colin Stewart, and Administrative Nevada Faculty Alliance Chairperson Nancy Webb.

1. Information Only – Introductions and Campus Updates – (Continued)

In addition, Luis Ortega will continue his role as Nevada Faculty Alliance Chapter President. It has been an exciting and historic fall semester. CSN kicked off its 50th anniversary with the opening of the CSN 50-year time capsule. CSN held its first hybrid convocation this semester to allow faculty and staff the option to attend in-person or virtually. CSN extended its appreciation to the hundreds of attendees and all the Regents that participated in the grand opening of the CSN and NSC Betty Engelstad Health and Sciences Building. The Fall 2021 enrollment is up approximately eight percent. CSN attributes the increase to an aggressive enrollment management approach that looks at enrollment trends weekly and takes corrective actions to address issues. Enrollment gains came from four initiatives designed to increase Fall enrollment and included: 1) opening of the Betty Engelstad Health and Sciences Building and the hiring of faculty in the labs; 2) AB 319 pilot that allowed CSN and the Clark County School District to create CTE pathways for approximately 1,000 dual-enrollment students; 3) new weekend college; and 4) short-term workforce training programs targeted at the region's displaced workers and underserved populations. CSN's instructional modalities included online, hybrid, and traditional face-to-face. On-campus safety protocols include mandatory face coverings inside all buildings, deep cleaning, sanitization stations, signage, plexiglass, and the establishment of testing and vaccine pods at each of the three campuses. CSN is ready to move forward with any NSHE or Board of Health testing directives. CSN plans to offer free telemedicine services to all students registered for nine credits or more this academic year. This service includes support for mental health services that are accessible via laptop, tablet, or smartphone. CSN will cover the monthly premium for the first year. After that, the student will have the option to continue coverage on their own. CSN has established a Student Leadership Academy to provide leadership development opportunities. Approximately 4,000 full-time, first-time college students will receive free laptops to support their studies at CSN.

University of Nevada, Las Vegas (UNLV) President Keith E. Whitfield reported Fall enrollment is expected to be more than 30,000 students. In addition, UNLV welcomed 4,000 first-time students and more than 250 new student Veterans and military family members. With the onset of the Delta variant, this semester will have approximately 60 percent of courses delivered in person and 40 percent delivered remotely. UNLV will begin the academic year with a host of new graduate programs, including an innovative Master of Education in Intercollegiate and Professional Sport Management. Students and faculty continue to receive local and national recognition. Recently, the College of Education faculty received \$1.37 million from the Nevada Department of Education to increase the pipeline of school counselors and psychologists. UNLV's Drone and Autonomous Systems Lab is one of 37 teams from 15 countries selected to advance as semi-finalists in the \$10 million ANA Avatar XPRIZE competition. The Lied Library is celebrating its 20th anniversary with a new exhibit called One Square Foot Larger. UNLV will host an MSI Student Success Summit to help underscore UNLV's commitment to helping all students regardless of their background and circumstances and to make sure they find ways to be successful. UNLV welcomed Eric Harper as the Interim Athletic Director and Ed Synakowski to the Provost's Office.

1. Information Only – Introductions and Campus Updates – (Continued)

Truckee Meadows Community College (TMCC) President Karin M. Hilgersom reported TMCC had a smooth opening with motivated students ready to change their lives and careers with the help of TMCC faculty, staff, and administration. President Hilgersom welcomed incoming Faculty Senate Chair Dr. Virginia Irintcheva, SGA Student Body President Darian Richards, and Classified Council Chair Tina May. New student enrollment is up 8 percent; however, continuing student enrollment has decreased. Outreach efforts continue to those students that chose not to return. TMCC celebrated the official grand opening of the TMCC Fitness Center to help reinforce TMCC values related to health, fitness, and the connections between healthy minds, healthy bodies, and a healthy world through sustainable actions and education. TMCC is participating in the SANDI Grant and is looking forward to HVAC in a virtual reality setting with the idea that potential students can see good career options. Meanwhile, the SANDI Grant helped fund and launch TMCC's new fast track coding program. The program began in May with 32 students enrolled and is expected to have its first student complete the program in approximately four weeks. The next cohort will start in one week with 15 participants, and recruiting is underway for future cohorts. The Technical Sciences Fall FTE is up 32 percent compared to Fall 2020, and more students are anticipated with partnerships strengthening in the area. The TMCC Safety Center reopened with steadily growing contracts for custom courses in hazardous materials handling. TMCC hosted a tour for the Silver State International Truck Dealership. The COVID Management Crisis Team continues to meet regularly, and TMCC is doing its best to balance public health with the needs of students and employees.

Nevada State College (NSC) President DeRionne P. Pollard introduced incoming Faculty Senate Chair Dr. Samantha Jewell, Classified Council President Phoebe Knight, and NSSA Student Body President Lauren Porter. President Pollard stated she is focused on what it is to become a Scorpion. She has worked with her team to craft a journey to become fully immersed in the institution's culture. In addition, she has engaged in numerous listen and learn sessions with internal and external constituents and participated in a semester-long boot camp in key areas and practices within the institution. NSC is launching a collegewide survey to offer perspective in understanding the organization. President Pollard assembled a Transition Advisory Committee to help her understand her observations and intentionalities of what they are saying to her. NSC is a resilient institution but is undoubtedly facing challenges. COVID should not be the defining narrative at NSC. The public health crisis is a dire one. The safest way to deliver in-person instruction, student services, and campus events is to advance generally accepted medical and public health directives and mandates for students and employees. President Pollard believed mandatory vaccines for students must be accompanied by a commitment to a hold harmless provision for the next biennium. The public health crisis dictates the actions taken and that NSHE institutions are not compromised by circumstances they have no control over. NSC's Fall 2021 headcount has increased less than one percent, but credit hours increased two percent in a similar comparison. A closer comparison of the data reveals specific populations trended in different directions. Enrollment will continue to be dynamic. NSC must help students reach their goals. NSC faculty and staff have adapted and transformed amid insurmountable odds and unrelenting challenges, often from their homes. While advancing the academic missions

1. Information Only – Introductions and Campus Updates – (Continued)

of the institution, they have managed family struggles, health care concerns, childcare, homeschooling, and many other pandemic byproducts. It is important to acknowledge and understand the experiences and struggles of employees and students to ensure NSC has a whole picture of the pandemic's impact. President Pollard appreciated the warm welcome to Nevada and Nevada State College.

Western Nevada College (WNC) President Vincent R. Solis welcomed incoming Faculty Senate Chair Jim Strange and ASWN Student Body President Andrea Sanchez De Loza. In addition, WNC has the following representation for the upcoming year: Lane Simonian, Adjunct Faculty; Holly O'Toole, Nevada Faculty Alliance; Lauren Slemenda, Academic Faculty Senate; and Amanda Godin, Classified Council. WNC headcount increased two percent and seven percent in semester credit hours. In addition, CTE has increased 23 percent in the workforce areas. Since July 1, WNC's external dollars have increased by \$1.1 million from different sources. President Solis thanked Regent Del Carlo and her husband for hosting a fundraising event at her home, raising \$63,000. The WNC Child Development Center has been chosen best-of-the-best in Carson City. President Solis invited the Regents to the Golf for Education Tournament. Jessica Rowe is now the Interim Director of the Fallon Campus, and Eric York is now the Interim Director of Strategic COVID Initiatives. The WNC website has a new virtual tour of the facilities, and the website has a new chatbot to answer questions. WNC now has a digital bookstore that delivers books to the students. The HVAC lab in Fallon will begin serving students this semester. WNC is adding online resources to support faculty. President Solis announced Dr. Robert Morin had passed away and that it was a tremendous loss for WNC. He acknowledged Dr. Morin's many years of service and dedication to WNC.

University of Nevada, Reno (UNR) President Brian Sandoval reported Fall enrollment increased by 1.5 percent, and students of color enrollment increased by 5.8 percent. He acknowledged the hard work in planning that led to the start of the semester. UNR held its annual academic preparatory program, NevadaFIT, that welcomed 3,208 new students. NevadaFIT is now a requirement for all freshmen except for a small number of students who have medical or military exemptions or late admits. NevadaFIT provided an opportunity for Apple learning professionals to teach the students technology skills, tips, and tricks for utilizing the iPads they received. The Student Health Center continues to offer free vaccinations and testing for students, faculty, and staff. President Sandoval joined Provost Jeff Thompson and Senior Vice President Jill Heaton for the Sierra Nevada University student orientation. Sierra Nevada University and the transition team are making good progress in preparing and submitting materials for accreditation. In response to a Department of Education request for additional information regarding UNR's proposed acquisition of Sierra Nevada University, various parties are preparing letters related to the intent and agreement for the acquisition. UNR's latest national merit and presidential scholar figures are 16 national merit finalists and 252 presidential scholars. In July, UNR announced a new partnership with the Pacific Northwest National Laboratory to foster joint research initiatives in several areas where the two organizations share expertise, including sustainable energy, national security, earth sciences, and climate change. With support from Tesla, UNR opened its K-12 Robotics Center, and

1. Information Only – Introductions and Campus Updates – (Continued)

this week UNR announced the establishment of a new Cooperative Fish and Wildlife Research Unit. President Sandoval welcomed new Vice President for Advancement Bill Johnson, Dean of the School of Public Health Dr. Muge Akpinar-Elci, and Dean of Libraries Catherine Cardwell.

Desert Research Institute (DRI) President Kumud Acharya stated it is DRI's honor to host the Board of Regents quarterly meeting. President Acharya welcomed incoming Faculty Senate Chair Dr. Dave Rhode. Dr. Philippe Vidon accepted the Division of Economic Sciences Executive Director position, and Kristin Burgarello is DRI's new Director of Advancement. In Fiscal Year 2020, DRI had \$39.5 million in awards, and for Fiscal Year 2021, that number increased to \$43.3 million. DRI faculty Daniel Kiser, Gai Elhanan, Jim Metcalf, and Joe Grzymiski recently published a paper on wildfire smoke and COVID risk that generated significant media coverage in major news outlets worldwide. Additionally, coverage of the drought that has gripped the western United States and the impact of wildfires, monsoons, cloud seeding, the formation of dangerous compounds by e-cigarettes, and urban heat island also generated coverage throughout the United States and internationally. Dr. Rishi Parashar in the Hydrologic Sciences Division received the prestigious NSF "Mid-Career Advancement" program award, and Dr. Andrey Khlystov was awarded an NIH R01 grant. Kristin VanderMolen, one of DRI's early-career female scientists, recently won the nationally, highly competitive EPA Star Early Career Grant. Each year the NSF recognizes the work of the country's most outstanding graduate students, and this year Natasha Wesely received a 2021 NSF Graduate Research Fellowship Program award. This fall, DRI launched the DRI Research Immersion Internship program to engage teams of Nevada two-year college students as interns at DRI.

2. Information Only – Institutional Student and Faculty Presentations – President Acharya introduced Ms. Molly Devlin, student presenter, and Mr. Ted Hartwell, faculty presenter. (PowerPoints on file in the Board Office.)

Ms. Devlin is a third-year Ph.D. student at UNLV, where she studies Microbiology at the School of Life Sciences. In addition, she is a graduate research assistant in Dr. Duane Moser's lab in the Division of Hydrologic Sciences. She studies microbial life in the shallow and deep sub surfaces using a combination of genomic, cultivation-based, and geochemical techniques. Ms. Devlin provided a PowerPoint overview of her work studying life in the deep subsurface.

Mr. Hartwell is an Associate Research Scientist of Archeology in DRI's Division of Earth and Ecosystem Sciences Division. For the last 40 years, DRI has been home to a program to engage citizens who live in the communities near the Nevada National Security Site (N.N.S.S). The Community Environmental Monitoring Program is designed to build trust with those who live and work near the N.N.S.S. by engaging people who live there to monitor the environment in their communities for any potential impacts from the site. Mr. Hartwell leads the Community Environmental Monitoring Program for DRI. He presented a PowerPoint overview of the program and the citizen scientists who made it possible.

The meeting recessed at 12:39 p.m. and reconvened at 1:13 p.m. with all members present.

3. Information Only – Regents’ Welcome, Introductions and Reports (Agenda Item 4)

Regent Moran welcomed Mr. Nicholas Fava, who is shadowing lawyers at his firm. Mr. Fava is a recent graduate from UNLV and will be starting his master’s program in January. In addition, he is a current student of the Las Vegas Business Academy. Regent Moran stated this is an opportunity for Mr. Fava to see the administrative process of the law. This is also the chance for the Regents and Presidents to see what the institutions are creating.

Regent Geddes reported meeting with Senator Jackie Rosen when he sat in for Chair McAdoo during roundtables regarding Deferred Action for Childhood Arrivals (DACA), fire prevention efforts, and graduate medical education.

Regent Boylan met with DRI and was impressed. He also visited the Southern Command that has outstanding employees and was well organized.

4. Information Only – Chair of the Nevada Student Alliance Report (Agenda Item 5) – Chair

of the Nevada Student Alliance and UNR GSA President Matthew Hawn reported Nevada Student Alliance met in person for the first time since the institutions started the Fall Semester. The Alliance discussed the UNR and UNLV Student Health Insurance Plan for undergraduates. The students at each institution were not in favor of paying a higher price tag for the suggested plan. However, it brought to light that some students do not have health insurance, leading to new student government initiatives at UNR and UNLV to address the issue. Collaboration with current student government-sponsored events and vaccine clinics with Health Plan Nevada and other health insurance alternatives has begun to help uninsured students. Students are thrilled to be back on the campuses and are ready to engage with campus communities, student-sponsored events, and institutional sporting events. In addition, student institutions have started to speak with their students to determine feelings related to COVID vaccine mandates. Most student populations are split on whether they agree or disagree with the mandate. Encouragingly, student governments are reinforcing informational guidelines on how, when, and where to get the vaccine. However, there is apparent worry about the weekly COVID testing in terms of overall institutional preparedness, submission of weekly tests, where to test, and the potential student cost if students cannot get the vaccine. Overall, students are worried that institutions will begin to switch to online studies if a new COVID spike occurs later in the semester - a fear which stems from losing out on in-person learning and participation in institution supported events. Students love being back on campus.

5. Information Only – NSHE Classified Council Report (Agenda Item 6) – Vice Chair of the UNLV Classified Employees’ Council Deana Wilson reported all Councils welcomed their 2021-2022 Executive Board Members:

College of Southern Nevada

- Collin Stewart, President
- Connie Jo Harris, Vice President
- Zoe Hardge, Secretary

5. Information Only – NSHE Classified Council Report (Agenda Item 6) – (Continued)

College of Southern Nevada – (Continued)

- Georgia Martini, Treasurer
- Ivana Viviano, Social Media Representative

Great Basin College

- Tasha Storla, Co-Chair
- Louellen Monte, Co-Chair
- Cheyene Stocks, Vice Chair
- Laurie Adams, Treasurer
- Cindy Holt, Secretary

Nevada State College

- Phoebe McKnight, Chair
- Shannon Bryant, Vice Chair
- Kris Schott, Secretary
- Stacy Wallace, Treasurer
- Susan Gearling, NSHE Classified Council Representative

Truckee Meadows Community College

- Tina May, President
- Sarah Gill, Vice President
- Helen Scott, Secretary
- Katt Warner, Treasurer
- Hannah Thomas-Gantar, Hospitality Officer
- Janet Bicker, 2021 NSHE Representative

University of Nevada, Las Vegas

- Jim Boyer, Chair
- Deana Wilson, Vice Chair
- Debra Coleman, Secretary
- Cristina Scoble, Treasurer
- Elisa Emmett-Watts, NSHE Representative
- Phil Louis, Social Media Coordinator

University of Nevada, Reno

- Jill Short, Chair
- Prisilia Maldonado-Masegian, Treasurer
- Naomi Dominguez, Secretary
- Heather Lara, Public Relations Coordinator
- Tanya Wells, Past Chair

Western Nevada College

- Amanda Godin, Chair
- Teri McKinney, Vice Chair
- Katy Edmunds, Secretary
- Delia Bottoms, Treasurer

Ms. Julia Bledsoe and Ms. Donna Healy will serve as Ex-Officio Executive Committee Members, and Ms. Wilson thanked them for their guidance and historical knowledge. In addition, the NSHE Classified Council Executive Board welcomed NSHE Human Resources Director Sherry Olson to its meeting. Director Olson provided a timeline related to the

5. Information Only – NSHE Classified Council Report (Agenda Item 6) – (Continued)

upcoming “Regents Outstanding Classified Staff Award” recommendation process and answered questions related to the process.

The Executive Board reaffirmed its commitment toward equitable Grant-in-Aid benefits for all NSHE Classified Employees and their dependents via a shared governance process. In addition, the NSHE Classified Council extended its appreciation to the Board of Regents for its support of classified employees and the opportunity to share its collective voice at Board meetings.

6. Information Only – Chair of the Faculty Senate Chairs Report (Agenda Item 7) – Chair of

the Faculty Senate Chairs and UNR Faculty Senate Chair Dr. Amy Pason stated faculty are excited to be back in classrooms with students and to reconnect with colleagues in their offices and departments. Faculty are aware that fulfilling the educational mission this year will be challenging. The ongoing pandemic and the constantly changing mitigation measures to ensure safe learning and working environments have made jobs more complex, compounded by budget cuts that have left vacancies across the institutions. Chair Pason recognized the hard work of the faculty. Faculty are in support of student and employee vaccine mandates. Faculty know that this is a step that can lessen the disruption to students’ education and continue providing teaching, research, and service to the communities. At the same time, mitigation measures come at a cost. The institutions have dwindling public support. The past Legislative Session left NSHE with drastic budget cuts. Faculty are frustrated and doing the best they can in challenging circumstances. To give a sense of how work has been going, consider:

- Faculty endured the past year working more to cover position vacancies while taking furloughs. When furloughs ended, work related to the pandemic mitigations increased.
- Human Resources is working overtime to implement the employee vaccination mandate or weekly testing, with incomplete vaccination information and attempting to find third-party contractors to engage for the testing.
- Student Services is working overtime with the campus move-in, getting students registered and enrolled, and financial aid packages finalized for the first weeks of the semester while working toward a system to verify student vaccinations.
- Instructional faculty have planned to be flexible. For example, some put courses online at the last minute or adjusted to students who must be absent due to isolation, quarantine, or unhealthy air quality.
- All institutions are attempting to sustain normal operations with a reduced workforce.

The institutions cannot sustain in this manner. The Legislature must recognize the work of faculty and utilize American Rescue Plan Act funding to make higher education budgets whole. Faculty hope that Nevada will value higher education and invest in the institutions instead of cutting or reducing state allocations. Faculty support the Chancellor’s efforts to involve community stakeholder groups in larger NSHE strategic planning. Given the conditions, the Faculty Senates’ focus is to support and retain the faculty that remain. Retaining faculty has become more challenging with shrinking benefits and the rising cost of living. Professional staff are moving to new, better-compensated opportunities, leaving campuses further understaffed. Faculty Senates are

6. Information Only – Chair of the Faculty Senate Chairs Report (Agenda Item 7) – (Continued)

working tirelessly to update procedures related to performance raises and recognize this as an essential step to compensate faculty who have persisted through this ongoing crisis. Finding money to support raises will be challenging. Everyone must implore the Legislature to support higher education.

7. Information Only – Chancellor’s Report (Agenda Item 8) – Chancellor Melody Rose stated she is grateful for the work that has gone on through this pandemic. She thanked the Regents, Presidents, faculty, staff, and students. She acknowledged the frustration, ambiguity, and uncertainty that NSHE continues to face. The crisis has been effectively managed because NSHE has stayed true to its values of shared governance, transparency and is consistently guided by science and public health evidence.

8. Information Only – Board Chair’s Report (Agenda Item 9) – Chair McAdoo reported at the request of GBC and the collaborative work of GBC and UNR, the June 2022 meeting will be at GBC, and the September 2022 meeting will be at UNR. GBC will hold its Grand Opening of the Health Sciences and Technology Building in Winnemucca on June 10, 2022.

9. Information Only – Public Comment (Agenda Item 3)

The following individuals provided written public comment in opposition to the COVID-19 vaccine mandate for NSHE employees:

- Adam McMillen (*McMillen.Adam09.21 on file in the Board Office.*)
- Peter Miller (*Miller.Peter09.21 on file in the Board Office.*)

The following individual provided written public comment in favor of the COVID-19 vaccine mandate for NSHE employees:

- Douglas Unger (*Unger.Douglas09.21 on file in the Board Office.*)

The following individual provided written public comment in opposition to the COVID-19 vaccine mandate for students:

- Lisa Halper (*Halper.Lisa09.21 on file in the Board Office.*)

The following individuals provided written public comment in opposition of the COVID-19 vaccine mandate for Oasis Academy Charter School students:

- Melissa Mackedon (*Mackedon.Melissa09.21 on file in the Board Office.*)

Nicholas Snead provided written public comment related to the Consolidated Appropriations Act of 2021 (CAA), which authorizes employers to contribute up to \$5,250 per employee per year in student loan repayment assistance. (*Snead.Nicholas09.21 on file in the Board Office.*)

10. Approved – Consent Items – The Board approved the consent items.
- 10a. Approved – Minutes – The Board approved the following meeting minutes.
- June 10-11, 2021, Board of Regents meeting (*Ref. BOR-10a1 on file in the Board Office.*)
 - June 24, 2021, ad hoc Fiscal Sustainability Committee meeting (*Ref. BOR-10a2 on file in the Board Office.*)
 - July 23, 2021, Board of Regents special meeting (*Ref. BOR-10a3 on file in the Board Office.*)
- 10b. Approved – Tenure Granted to Academic Faculty Upon Hire – The Board approved the annual reports from the President of each institution naming any individual to whom tenure upon hire was granted pursuant to the provisions of NSHE Code (Title 2, Chapter 3, Section 3.3.1(b2) and Title 2, Chapter 4, Section 4.3.1(b2)). (*Ref. BOR-10b on file in the Board Office.*)
- 10c. Approved – Handbook Revision, Selection of Peer and Aspirational Institutions for DRI – The Board approved a revision to Board policy (Title 4, Chapter 11, new Section 13) formalizing a distinct process and frequency for selecting peer and aspirational comparison institutions for DRI that is separate from the process approved by the Board at its June 10-11, 2021, meeting for the teaching institutions. DRI is not a degree-granting institution, and its unique mission and research endeavors require that it utilize separate criteria from that of the teaching institutions in identifying appropriate comparison institutions. Additionally, the Board approved a revision to Board policy (Title 4, Chapter 14, Section 4) to clarify that the provisions of that section are applicable to the teaching institutions only. (*Ref. BOR-10c on file in the Board Office.*)

Regent Perkins moved approval of the Consent Items. Regent McMichael seconded. Motion carried.

11. Information Only – Institutional Metrics, WNC – WNC President Solis presented a PowerPoint that included data and metrics on WNC’s progress in achieving the strategic goals adopted by the Board, including 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-11 and PowerPoint on file in the Board Office.*)

Regent Perkins stated it was great to hear WNC’s successes, and she appreciated the innovative thinking. She asked for a report on the non-traditional semesters after the first cycle. President Solis anticipated it would be a popular option.

Regent Moran left the meeting.

11. Information Only – Institutional Metrics, WNC – (Continued)

Regent Del Carlo stated WNC is the state model for dual enrollment. President Solis said it is not without its challenges, but the success rates are incredible. Regent Del Carlo stated the Mobile Tech Express is a beautiful example of thinking outside the box. President Solis thanked the WNC faculty for the team effort and the community partners for their \$800,000 investment.

12. Approved – Donation of Office Building, NSC – The Board approved that the NSC Foundation accept a donation of a modular building from Donors Rick and Jeri Crawford, the title of which will be immediately transferred to the Board of Regents for the benefit of NSC. (Ref. BOR-12 on file in the Board Office.)

NSC President Pollard thanked Senior Vice President for Finance and Business Operations Kevin Butler. This unique opportunity will bring 15,000 square feet of office modular space to the campus through a philanthropic gift. In addition, President Pollard provided biographical information on Donors Rick and Jeri Crawford.

In response to a question from Regent Geddes related to Chancellor's Office recommendations for Agenda Items 12-14, Chancellor Rose responded she recommended approval of all three items.

Regent Moran entered the meeting.

Regent Carvalho thanked the donors for their generous gift.

Regent Carvalho moved approval that the NSC Foundation accept a donation of a modular building from Donors Rick and Jeri Crawford, the title of which will be immediately transferred to the Board of Regents for the benefit of NSC. Regent Brooks seconded. Motion carried via a roll call vote. Chair McAdoo, Vice Chair Carter, and Regents Arrascada, Boylan, Brooks, Carvalho, Del Carlo, Doubrava, Geddes, McMichael, Moran, Perkins, and Tarkanian voted yes.

President Pollard introduced Donors Rick and Jeri Crawford. Mr. Crawford stated they are honored to do this for NSC and blessed to help provide the opportunity.

13. Approved – Handbook Revision, Budget Revisions – The Board approved a revision to Board policy (Title 4, Chapter 9.C, Sections 2.4(b) and 2.4(b)(2)) which will designate self-supporting budget revisions to the institution presidents or their designee. (Ref. BOR-13 on file in the Board Office.)

Chief Financial Officer Andrew Clinger presented the policy revision to designate institutional President approval with a report to the Board.

13. Approved – Handbook Revision, Budget Revisions – (Continued)

Vice Chair Carter asked for clarification on the different approval thresholds. Chief Financial Officer Clinger reported that any change of \$100,000 or greater on a budget over \$400,000 must be approved by the President, and if the budget is less than \$400,000, it will be based on 25 percent of the change. So, either way, it will require approval.

Regent McMichael moved approval of a revision to Board policy (Title 4, Chapter 9.C, Sections 2.4(b) and 2.4(b)(2)) which will designate self-supporting budget revisions to the institution presidents or their designee. Regent Perkins seconded. Motion carried.

14. Approved – Handbook Revision, Budget Transfers – The Board approved a revision to Board policy (Title 4, Chapter 9.C, Section 2.5(c)) which will designate approval of budget transfers to the institution presidents or their designee with reporting to System Administration. (Ref. BOR-14 on file in the Board Office.)

Chief Financial Officer Clinger presented the policy revision to designate institutional President approval with a report to System Administration

Regent McMichael moved approval of a revision to Board policy (Title 4, Chapter 9.C, Section 2.5(c)) which will designate approval of budget transfers to the institution presidents or their designee with reporting to System Administration. Regent Carvalho seconded. Motion carried.

The meet recessed at 2:36 p.m. and reconvened at 2:47 p.m. with all members present.

15. Information Only – NSHE Strategic Initiative Coordination Effort – Chancellor Rose and Vice Chancellor for Workforce Development and Chief Innovation Officer Caleb Cage presented a PowerPoint on the coordination process for upcoming strategic initiatives for the System. (Refs. BOR-15a, BOR-15b, BOR-15c, and PowerPoint on file in the Board Office.)

Regent Brooks asked if additional staff would be hired to complete the work. Chancellor Rose noted that the Cabinet has been analyzing this to get to this launch point. The planning group consists of external and internal volunteers who are diverse and represent different interests and industries. The strategy steering team are friends of NSHE who want to utilize their time and effort to help NSHE move forward. NSHE had an open position that was no longer needed which was revised into a permanent, full-time project manager role within NSHE. Based on NSHE's size and complexity, it does not have enough project managers. The Gunter Group will do some of the logistical work to take the burden off internal staff.

15. Information Only – NSHE Strategic Initiative Coordination Effort – (Continued)

Chancellor Rose believed that not having a strategic plan is irresponsible as a higher education organization going through so much change.

Regent Brooks clarified that the project manager and The Gunter Group would be the two bodies paid to support the strategic plan implementation. Chancellor Rose stated The Gunter Group is a consultant used as needed and not full-time. The project manager is a full-time, paid position. The Cabinet will devote time to this endeavor so there will be an impact on current staffing.

Regent Brooks was concerned with the implementation timeframe and the amount of work to be done. Chancellor Rose stated Chief General Counsel Joe Reynolds would focus primarily on COVID policy implementation, which is why you do not see him playing a significant role. The only time that NSHE can take on comprehensive strategic planning is between legislative sessions. NSHE will need the friends developed through this process for the next session.

Regent Moran liked the idea of integrating innovation into the current strategic initiatives. Chancellor Rose is discussing a long-term plan and the execution of that plan. There is a lot of work ahead with future discussions in terms of logistics and resources. Chancellor Rose is being creative and looking outside the box to ultimately benefit the students and their success.

In response to a question from Vice Chair Carter related to the contract cost for The Gunter Group, Chancellor Rose stated the estimate is under \$100,000 for the 15-month project.

Vice Chair Carter asked Chancellor Rose to review the System led initiatives. Chancellor Rose drew everyone's attention to the initiative updates included in the reference material. Two examples include:

- Dual Credit/Enrollment – The expansion of dual enrollment is the number one strategy to close the achievement gap, improve student success, and improve access. In the end, NSHE will have a state-of-the-art dual enrollment program for every kid in Nevada regardless of where they live and be the model for the nation.
- Workforce Development – Accessible career and educational pathways developed and implemented for Nevada's in-demand industries.

Regent Del Carlo stated the right timing is now, between legislative sessions. A lot of people in the State do not know what NSHE does.

Regent Carvalho believed capacity and funding are valid concerns. However, any successful organization will have its eye on the short-term issues and think of the future. The work so far is exemplary.

Regent Tarkanian stated when you have a big idea like this, you must begin someplace.

16. Approved – Redistricting and Reapportionment, Final Proposal to Nevada Legislature – The Board approved a final proposal for the redistricting and reapportionment of the 13 Regent electoral districts pursuant to updated U.S. Census Bureau data for submission to the Nevada Legislature. (*PowerPoint on file in the Board Office.*)

Chief General Counsel Joe Reynolds presented a PowerPoint for the redistricting and reapportionment of the 13 Regent electoral districts pursuant to updated U.S. Census Bureau data for submission to the Nevada Legislature.

In response to a question from Regent Del Carlo related to a proposal for nine districts, Chief General Counsel Reynolds stated this is the proposal NSHE is presenting for consideration, and he believed it is a good-faith, legally sound proposal.

Regent Del Carlo asked if the Legislature decided to reduce the number of districts would they wait ten years to redraw the lines. Chief General Counsel Reynolds believed they would use this census information to draw the lines.

In response to Regent Moran's question about when the final census information was received, Chief General Counsel Reynolds responded he received the information one week ago.

Regent Moran asked if the Governor's Office has veto power of what is ultimately approved. Chief General Counsel Reynolds was unsure of the answer and would consult with the Governor's Office and the Legislative Counsel Bureau's legal team. President Sandoval stated while he was Governor, he did veto two redistricting bills.

In response to a question from Regent Geddes related to communities of interest, Chief General Counsel Reynolds stated there are two majority/minority Hispanic districts in the proposal.

Regent Geddes moved approval of a final proposal for the redistricting and reapportionment of the 13 Regent electoral districts pursuant to updated U.S. Census Bureau data for submission to the Nevada Legislature. Regent Moran seconded. Motion carried via a roll call vote. Chair McAdoo, Vice Chair Carter, and Regents Arrascada, Boylan, Brooks, Carvalho, Del Carlo, Doubrava, Geddes, McMichael, Moran, Perkins, and Tarkanian voted yes.

17. Approved – Appointments, Task Force on Sexual Misconduct at Institutions of Higher Education (SB 347) (Agenda Item 24) – The Board approved the ten individuals to be appointed to the Task Force on Sexual Misconduct at Institutions of Higher Education as required by Senate Bill 347, which was passed during the 81st (2021) Session of the Nevada Legislature.

17. Approved – Appointments, Task Force on Sexual Misconduct at Institutions of Higher Education (SB 347) (Agenda Item 24) – (Continued)

Chancellor Rose presented a proposed list of 10 individuals recommended for appointment to the Task Force on Sexual Misconduct at Institutions of Higher Education as required by Senate Bill 347, which was passed during the Nevada Legislature's 81st (2021) Session. The individuals were nominated and approved by the Council of Presidents to fulfill positions of representation and expertise as members of the Task Force and as required by the Bill.

One representative of a state college:

- Elizabeth Gunn, Ph.D., Dean, Professor of Humanities (NSC)

One representative of a community college:

- Kristen Demay, M.A., Counselor (TMCC)

One representative of a university:

- Michelle Sposito, J.D., Director and Title IX Coordinator (UNLV)

One Title IX coordinator:

- Maria Doucettperry, J.D., Director, Equal Opportunity and Title IX (UNR)

One student who represents a group or organization that focuses on multiculturalism, diversity, or advocacy at a state college or community college:

- Zachary Johnigan, Student Body President (CSN)

One student who represents a group or organization that focuses on multiculturalism, diversity, or advocacy at a university:

- Leslie Ramirez, ASUN Senator (UNR)

One researcher with experience in the development of climate surveys on sexual misconduct:

- Tabor Griswold, Ph.D., Director, Nevada Health Workforce Research Center (UNR)

One researcher of statistics, data analytics, or econometrics with experience in survey analysis in higher education:

- Kavita Batra, Ph.D., Biomedical Biostatistician, Office of Research, School of Medicine (UNLV)

One medical professional from the UNLV or UNR School of Medicine:

- Alison Netski, M.D., Professor, Department of Psychiatry and Behavioral Health (UNLV)

One person who serves as a victim's advocate at an institution within the System:

- Gwyndelyn Thompson, Campus Victim Advocate, Crisis Support Services of Nevada (TMCC/DRI/WNC)

Regent Perkins moved approval of the 10 individuals to be appointed to the Task Force on Sexual Misconduct at Institutions of Higher Education as required by Senate Bill 347, which was passed during the 81st (2021) Session of the Nevada Legislature. Regent McMichael seconded. Motion carried.

18. Information Only – Fiscal Year 2021 Student Fee Account Balance Report (Agenda Item 25) – In accordance with Board policy (Title 4, Chapter 10, Section 19), all NSHE institutions reported the following FY 21 actuals: student fee revenue, student fee expenditures and balances as of July 1, 2021. Chief Financial Officer Clinger presented the first report representing institutions’ actuals and explanation if the account balances exceed one year of revenues. (Ref. BOR-25 on file in the Board Office.)

Regent Geddes asked for further clarification of Capital Improvement Fees. Chief Financial Officer Clinger stated that Capital Improvement Fees are a part of the registration fee used for capital construction or maintenance. The institutions will designate the fees for a specific project.

Regent Geddes stated the reason the policy was created was because of excess credit fee balances. It causes him concern to see CSN’s balance at 325 percent. President Zaragoza pointed out that CSN is spending more than it is bringing in. This is because CSN continues to spend the balance and will no longer be collecting the fees.

19. Information Only – Attorney General Open Meeting Law Findings of Fact and Conclusions of Law OAG File No. 13897-384 (Agenda Item 26) – Chief General Counsel Reynolds provided notice to the Board of the Findings of Fact and Conclusions of Law issued by the Nevada Attorney General on August 6, 2021, in OAG File No. 13897-384. The Attorney General concluded that the Board did not violate the Open Meeting Law (OML) in the personnel proceedings held on November 13, 2020. However, the Attorney General concluded that the OML was violated post-meeting when the complainant was only provided an audio recording of the closed portion of the proceedings and was not timely provided written minutes and/or a transcript of the meeting as well. This matter is moot, and no action by the Board is necessary. (Ref. BOR-26 on file in the Board Office.)

Chair McAdoo recognized Board Staff for all they do.

Regent Boylan appreciated that Chief General Counsel Reynolds accepted responsibility in a public forum.

9. Information Only – Public Comment (Agenda Item 3) – (Continued)

None.

The Board meeting recessed at 4:32 p.m. and reconvened on Friday, September 10, 2021, at 11:10 a.m. with all members present except Regent Moran.

Chair McAdoo asked for a moment of silence in remembrance of September 11.

20. Information Only – Public Comment (Agenda Item 17)

Dr. Kent Ervin stated the Nevada Faculty Alliance supports vaccinations for students, faculty, and staff. Everyone on campus should be subject to identical science-based mitigation measures. There should be reasonable medical and religious exemptions for both students and employees. Recommendations by public health experts should be

20. Information Only – Public Comment (Agenda Item 17)

followed regarding testing or accommodations for the unvaccinated. Anxiety and increased workloads are hurting faculty morale. Faculty are concerned that sufficient testing is still not in place after the August 15 mandate from the State. He believes NSHE has been too complacent in waiting for state or local mandates, then implementing only the minimum requirements.

The following individuals provided written public comment in opposition to the COVID-19 vaccine mandate for NSHE employees:

- Angela Ashe (*Ashe.Angela09.21 on file in the Board Office.*)
- Erin Haertling (*Haertling.Erin09.21 on file in the Board Office.*)
- Erika Noltie (*Noltie.Erika09.21 on file in the Board Office.*)

The following individuals spoke or provided written public comment in favor of the COVID-19 vaccine mandate for NSHE employees:

- Dana Rider (*Rider.Dana09.21 on file in the Board Office.*)
- Todd Ruecker (*Ruecker.Todd09.21 on file in the Board Office.*)
- Emily Sawan (*Sawan.Emily09.21 on file in the Board Office.*)
- Douglas Unger

Serena Evans provided a written public comment acknowledging the Task Force on Sexual Misconduct at Institutions of Higher Education will be beneficial in enhancing prevention work, providing supportive measures for victim-survivors, and making NSHE campuses throughout the State more trauma-informed. She also appreciated efforts taken by the Board of Regents to adopt and amend the current policy to include an amnesty provision for reporting students and requiring annual training for campus law enforcement relating to the nuances of sexual violence. (*Evans.Serena09.21 on file in the Board Office.*)

Regent Moran entered the meeting.

21. Information Only – Update on Affiliation with Renown Health, UNR Med (Agenda Item 18) – UNR President Sandoval, through UNR Med Dean Emeritus Thomas L. Schwenk, M.D. and Acting Dean Melissa Piasecki, M.D., provided a summary of the progress achieved in operationalizing and implementing the clinical and academic affiliation between UNR Med and Renown Health. (*Ref. BOR-18 on file in the Board Office.*)

Regent Moran thanked Dean Emeritus Schwenk for all he has done for UNR Med. He also noted his appreciation for his work with the team from UNLV Medicine.

Vice Chair Carter appreciated the donor coming forward to help with the Pediatric Residency. Vice Chair Carter thanked Dean Emeritus Schwenk for everything he had taught him about healthcare.

Regent Arrascada asked for an update on the Renown scholarship opportunities. Dean Emeritus Schwenk noted the current commitment is \$350,000 annually and will be administered through the Office of Student Affairs.

21. Information Only – Update on Affiliation with Renown Health, UNR Med (Agenda Item 18) – (Continued)

Chair McAdoo stated NSHE would miss Dean Emeritus Schwenk, but they are grateful for Acting Dean Piasecki's service.

Dean Schwenk stated it was an honor to work with the Board, and he looks forward to the future.

The meeting recessed at 11:42 a.m. and reconvened at 12:17 p.m. with all members present.

22. Information Only – Status Report on the UNLV Campus Master Plan Update (Agenda Item 19) – UNLV President Whitfield and Associate Vice President of Planning, Construction, and Real Estate David Frommer presented a PowerPoint status report on the UNLV Campus Master Plan Update. (Ref. BOR-19 and PowerPoint on file in the Board Office.)

Regent Moran noticed the 42 acres were not accounted for in the short or long-term planning and asked if UNLV has ideas to monetize the property. Associate Vice President Frommer stated the 42 acres was a strategic acquisition, and UNLV is looking at strategies. One strategy is to generate revenue to invest in other campus priorities within the Maryland Parkway corridor.

Regent Moran stated he was pleased to see elements from past leadership moving forward. Regent Moran pointed out he likes the open space concept that UNLV is moving toward.

In response to a question from Regent Boylan related to the Loop Station, Associate Vice President Frommer responded the Master Plan was created before the Loop Station project.

Regent Boylan noted UNLV is prone to flooding and asked if there was a flood plan. Associate Vice President Frommer stated it is considered in the Master Plan. Clark County is working with the Regional Flood Control District to engineer a detention basin at Paradise and Tropicana to pick up the water and detain it before it hits the campus.

Vice Chair Carter asked if the transportation plan would include rideshare drop-off/pickup zones. Associate Vice President Frommer stated the idea is to have hubs at each entry to the campus.

Regent Carvalho stated parking structures are toward the outskirts of campus, and she was concerned with accessibility for those students, staff, and faculty that require it. Associate Vice President Frommer stated the idea was to distribute campus parking to the campus perimeter and create accessible paths from the parking.

In response to a question from Regent Arrascada related to how many buildings are currently under construction, Associate Vice President Frommer stated 6-8 facilities are presently under construction or renovation.

22. Information Only – Status Report on the UNLV Campus Master Plan Update (Agenda Item 19) – (Continued)

Regent Perkins stated signage looked like it was for the outside of campus and asked if the interior campus would be addressed. Associate Vice President Frommer said the signage package includes a whole new series of building identification signs and directional signs for the entire campus.

Regents Brooks and Moran left the meeting.

23. Information Only – The Boring Company Vegas Loop Station at UNLV (Agenda Item 20) – UNLV President Whitfield presented information regarding The Boring Company Vegas Loop at UNLV. (Ref. BOR-20 on file in the Board Office.)

Regent Perkins was glad to see this opportunity moving forward.

Regent Moran entered the meeting.

24. Information Only – UNLV North Campus Background Information and Status Update (Agenda Item 21) – UNLV President Whitfield presented background information and a status update on the UNLV North Campus initiative related to remediation activities, Bureau of Land Management (BLM) land conveyance, along with the timing thereof, and UNLV North Campus master planning. (Ref. BOR-21 on file in the Board Office.)

Regent Brooks entered the meeting.

Vice Chair Carter understood that CSN and GBC have parcels in the land conveyance and asked for the progress or timeline. CSN Campus Vice President and Provost Patty Charlton stated CSN received a BLM transfer for the Northwest Campus parcel identified in the legislation.

Regent Boylan asked who would be responsible for cleaning up the sites. Associate Vice President Frommer stated a part of the process is that NSHE and UNLV will not take title to the land until it is remediated.

GBC Vice President for Business Affairs Sonja Sibert stated GBC is continuing to pursue the land development for a new Pahrump campus. It was presented as a Capital Improvement Planning Project but was not included in the Governor's Recommended Budget. As a result, GBC is pursuing other avenues of funding.

25. Approved – UNLV North Campus Letter of Intent to Initiate Federal Land Transfer (Agenda Item 22) – The Board approved the Letter of Intent (“LOI”) to initiate the federal land transfer process with the Bureau of Land Management (“BLM”) for the BLM’s conveyance of the UNLV North Campus site to the Board of Regents and that the Chancellor be granted authority to execute the LOI, and any ancillary documents deemed necessary and appropriate by the NSHE Chief General Counsel, to complete the land conveyance process for the proposed UNLV North Campus. (Ref. BOR-22 on file in the Board Office.)

25. Approved – UNLV North Campus Letter of Intent to Initiate Federal Land Transfer (Agenda Item 22) – (Continued)

UNLV President Whitfield presented the Letter of Intent. Under the terms of the federal legislation, NSHE and UNLV must pay all administrative costs and expenses for environmental, wildlife, cultural, or historical resources studies needed to complete the BLM conveyance. The previously estimated figure for these costs was \$50,000, but that figure could increase based on an updated budget that the BLM will prepare. UNLV land acquisition reserves will fund the costs required to complete the BLM land transfer. Any unused funds will be returned to UNLV by the BLM.

In response to a question from Regent Geddes, Chancellor Rose stated she recommends approval of the item.

Regent Geddes moved approval of the Letter of Intent (“LOI”) to initiate the federal land transfer process with the Bureau of Land Management (“BLM”) for the BLM’s conveyance of the UNLV North Campus site to the Board of Regents and that the Chancellor be granted authority to execute the LOI, and any ancillary documents deemed necessary and appropriate by the NSHE Chief General Counsel, to complete the land conveyance process for the proposed UNLV North Campus. Regent Moran 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 on this item and all additional UNLV items.

In response to a question from Regent Brooks related to the proposed costs for the conveyance process, President Whitfield responded approximately \$50,000.

Motion carried.

26. Approved – Handbook Revision, Policy Against Discrimination and Sexual Harassment (SB 327 and SB 347) (Agenda Item 23) – The Board approved a revision to Board policy (Title 4, Chapter 8, Section 13) concerning discrimination and sexual harassment pursuant to Senate Bills 327 and 347, which were passed during the 81st (2021) Session of the Nevada Legislature. (Ref. BOR-23 and Supplemental Material on file in the Board Office.)

Deputy General Counsel Tina Russom and UNR Title IX Director Maria Doucettperry presented the proposed revisions to the Board of Regents’ *Handbook*, Title 4, Chapter 8, Section 13 (Policy Against Unlawful Discrimination and Harassment, Complaint Procedure) as contained in the Supplemental Material. Since submitting the original

26. Approved – Handbook Revision, Policy Against Discrimination and Sexual Harassment (SB 327 AND SB 347) (Agenda Item 23) – (Continued)

proposed policy changes, there have been important changes to the federal Title IX law. The team has since realized the need to align Title 4, Chapter 8, Section 13, timelines to existing timelines in Title 2, Chapter 6 (Rules and Disciplinary Procedures for Faculty, Except DRI, and Degree Revocations). This is crucial since Title 2, Chapter 6, governs faculty contractual rights regarding employee discipline.

Deputy General Counsel Russom thanked Director Doucettperry, UNR General Counsel Mary Dugan, and UNLV Assistant General Counsel Debra Pieruschka for their hard work.

Deputy General Counsel Russom noted that NSHE institutions must comply with Title IX of the Education Amendments Act of 1972. Following changes to Title IX in 2020, the Board of Regents approved changes to the *Handbook*, Title 4, Chapter 8, Section 13, to align the policy with federal law. The revisions presented for consideration are driven by the passage of State Senate Bills 327 and 347 and new developments in the federal Title IX law.

Deputy General Counsel Russom stated this is the first regularly scheduled Board meeting since the passage of the two bills and since NSHE received the Department of Education's Office of Civil Rights guidance regarding enforcement of the federal Title IX provision.

The driving forces behind the proposed changes include:

- Senate Bill 327 amended state law to prohibit certain types of discrimination relating to race in employment and education.
- Senate Bill 347 added to state law some provisions regarding Sexual Misconduct at Institutions of Higher Education.
- The federal Title IX law may broaden the scope of testimony that a hearing officer may consider at a live hearing regarding sexual harassment, as afforded by federal law.
- Proposed changes do not address Sections 12-15 of Senate Bill 347 because development and implementation of the tools discussed are best suited for placement in the *Procedures and Guidelines Manual*.

It is important to note that Board policies and the Federal Title IX laws continue to be in a state of evolution. The United States Department of Education's Office of Civil Rights reminded that it is undertaking a comprehensive review of existing Title IX regulations.

Director Doucettperry pointed out current policy is compliant with federal law.

However, there are state changes that need to be implemented. Changes are as follows:

- The NSHE Non-Discrimination Statement will incorporate hair texture and protective hairstyle definitions and protections afforded through Senate Bill 327.
- The Statement was updated to include indecent exposure.
- Definitions were added to different sections.
- A training requirement was added for all University or campus Law Enforcement.

26. Approved – Handbook Revision, Policy Against Discrimination and Sexual Harassment (SB 327 AND SB 347) (Agenda Item 23) – (Continued)

- Clarification of timelines to ensure parties are informed of the conclusion and decisions made.
- Students asked for language to encourage complainants and witnesses to report incidents of sexual harassment without fear of negative consequences.
- Language added that respondents would be informed if a complainant indicated they did not want an investigation or that the person not be disciplined.
- Provisions added to afford students the right to share information as part of their learning experience without fear of an investigation being initiated because of what they shared.
- Freedom of expression provision was added.

Director Doucettperry pointed out the federal law changes as follows:

- Add provision within the NSHE policy that would automatically remove or invoke policies made by the federal government within NSHE's policy.
- For consistency, timelines were amended to align with other timelines related to faculty matters and hearings.

Regent Moran moved approval of a revision to Board policy (Title 4, Chapter 8, Section 13) concerning discrimination and sexual harassment pursuant to Senate Bills 327 and 347, which were passed during the 81st (2021) Session of the Nevada Legislature. Regent McMichael seconded.

In response to a question from Regent Perkins related to climate surveys, Deputy General Counsel Russom responded Senate Bill 347 implements climate surveys based upon student review and input. In addition, portions of Senate Bill 347 lay out the individuals that will create the climate survey and parameters of what type of questions to be included.

Regent Perkins asked if a complainant has a further course of action if something is not solved at the institutional level. Deputy General Counsel Russom responded that all campuses must comply with Title IX, subject to specific mandates that entitle individuals to certain opportunities to file a complaint or receive supportive measures. However, these mandates do not preclude an individual from seeking to file a complaint outside the institution. Director Doucettperry added all resources are published and made available to all students, complainants, and respondents. The purpose of the Task Force is to have a robust conversation to understand concerns to serve all students better.

Motion carried.

The meeting recessed at 1:30 p.m. and reconvened at 1:43 p.m. with all members present except Regent Moran.

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) would be taken together as one item.

27. Approved – Community College Committee Report – The Board accepted the Community College Committee report and approved the Committee recommendation. (*Committee report on file in the Board Office.*)

The Community College Committee met on July 30, 2021, and heard the following:

Information items

- Committee Chair Del Carlo discussed current community college events and her activities as Committee Chairwoman. Remarks included taking the new academic year to review the Committee charge and creating a draft of recommendations for consideration by the December meeting. Moving forward, the Committee will be scheduled in concert with regular quarterly Board meetings in June and December. Committee Chair Del Carlo pointed out this meeting's agenda had a clear workforce and student success focus. Looking to December's Community College Committee agenda, the Chair requested a report from each community college on efforts being made to increase skills and achievement certificates. The Chair also asked a report to be given of the AB450 Task Force. Committee Chair Del Carlo gave an overview of her attendance at the Association of Community College Trustees (ACCT) meeting in Minneapolis, wherein she was appointed to represent the Pacific region. October 13-16, 2021, will be the next leadership conference with ACCT, and she encouraged Regents to attend with permission from the Chair of the Board of Regents. Committee Chair Del Carlo will be running for a position on the ACCT Board of Directors as an at-large member.
- Vice Chancellor for Workforce Development and Chief Innovation Officer Cage and Assistant Vice Chancellor for Workforce Development and Community Colleges Craig von Collenberg presented on initiatives planned to align the degree and certificate programs offered by NSHE community colleges with the economic development goals identified by the Governor's Office of Economic Development. The presentation included an overview of the composition and charge of the NSHE Workforce and Talent Development Task Force and outlined the inventory being utilized to gather data, the goal to formalize a strategic plan, and the expectation of plan implementation. (*Ref. CC-4 on file in the Board Office.*)
- Vice Chancellor for Academic and Student Affairs and Community Colleges Abba presented information on community college awards conferred in critical workforce areas. The presentation highlighted the number of awards conferred across NSHE community colleges, areas of notable growth and decline by award type across all institutions, and award productivity by institution and award type. Using student warehouse data, areas of growth were identified over ten years. The presentation acknowledged how progress and policy have led to improved productivity.

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) – (Continued)

27. Approved – Community College Committee Report – (Continued)

Vice Chancellor Abba then suggested areas that need further dialogue. (*Ref. CC-5 on file in the Board Office.*)

- Director of Strategic Programs, Governor’s Office of Economic Development, Karsten Heise; SANDI (Supporting and Advancing Nevada’s Dislocated Individuals) Coordinator, Governor’s Office of Economic Development, Tammy Westergard; and Program Development and Engagement Specialist, Governor’s Office of Workforce Innovation, Amy Fleming presented on the Reimagine Workforce Preparation Discretionary Grants Program. The presentation included pre-pandemic workforce development trends and challenges, pandemic-induced workforce development challenges, and opportunities to address challenges. In addition, the presentation highlighted the partnership with the NSHE community colleges established through the grant that will utilize virtual reality and 3D interactive training tools focused on short-term industry credentials to reskill and upskill students for jobs in STEM fields. An invitation to participate in a virtual reality demonstration after the meeting was extended to all meeting attendees. (*Ref. CC-6 on file in the Board Office.*)

New business items

- None

Action items

The Board approved the following recommendation of the Community College Committee:

- The minutes from the January 15, 2021, meeting of the Community College Committee. (*Ref. CC-2 on file in the Board Office.*)

28. Approved – Academic, Research and Student Affairs Committee Report – The Board accepted the Academic, Research and Student Affairs Committee report and approved the Committee recommendations. (*Committee report on file in the Board Office.*)

The Academic, Research and Student Affairs Committee met on September 9, 2021, and heard the following:

Information items

- NSHE Associate Vice Chancellor and Director of Student Affairs Renee Davis presented highlights from the 2019-2020 NSHE Financial Aid Report, including total financial aid disbursed by institution, financial aid by ethnicity and institution, financial assistance by program, financial aid by category (loans, student employment, grants, scholarships, etc.), source (federal, State, etc.), and disbursement by need versus non-need. She also provided information on financial aid concepts, including Cost of Attendance (COA) and Estimated Family Contribution (EFC), as well as

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) – (Continued)

28. Approved – Academic, Research and Student Affairs Committee Report – (Continued)

sample financial aid offers. The presentation concluded with an overview of the Higher Education Emergency Relief Fund (HEERF I) disbursements by institutions under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Refs. ARSA-9a, ARSA-9b, and PowerPoint on file in the Board Office.)

- Brandon Protas, Strategy Director, Complete College America (CCA); Anne Flesher, Dean, TMCC Division of Math and Physical Sciences; and Laura Decker, Assistant Professor of English, NSC, presented on the NSHE implementation of corequisite instruction. The presentation included information on the CCA model, corequisite reform, and NSHE timeline; highlights of the mathematics and English corequisite implementation experience across the System; and the support received by institutions from CCA. Board policy (Title 4, Chapter 16, Section 1) adopted in June 2019 required NSHE institutions to implement corequisite instruction at full-scale by Fall 2021. (Ref. ARSA-10 and PowerPoint on file in the Board Office.)
- Vice Chancellor for Academic and Student Affairs and Community Colleges Abba introduced Laura Obrist, Foster Youth Ambassador, NSHE, who presented a report on the foster youth waiver adopted by the Board of Regents in June 2019, which allows qualifying foster youth to register at any NSHE institution without registration and certain laboratory fees. The presentation included an overview of fee waiver implementation; information on the number of students that have received the waiver and the total dollar amount that has been waived by institutions since the program's inception; grant funding received to support the NSHE Foster Youth Success Initiative; and highlights of program progress. (Refs. ARSA-11a, ARSA-11b, and PowerPoint on file in the Board Office.)

New business items

- None.

Action items

The Board approved the following recommendations of the Academic, Research and Student Affairs Committee:

- The minutes from the June 10, 2021, meeting of the Academic, Research and Student Affairs Committee. (Ref. ARSA-2a on file in the Board Office.)
- The deactivation of the Master of Science (MS) in Exercise Physiology program at UNLV allows students to be admitted exclusively to the MS in Kinesiology, which offers additional flexibility with Thesis or Non-Thesis tracks. (Ref. ARSA-2b on file in the Board Office.)

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) – (Continued)

28. Approved – Academic, Research and Student Affairs Committee Report – (Continued)

- The deactivation of the Master of Design program at UNLV while updating its curriculum. Currently, enrolled students will have the opportunity to complete the program. (*Ref. ARSA-2c on file in the Board Office.*)
- The elimination of the Master of Transportation program at UNLV due to low enrollment and graduates for the last several years. (*Ref. ARSA-2d on file in the Board Office.*)
- The elimination of the Nevada Center for Advanced Mobility at UNLV due to lack of funding to sustain its efforts. There are currently no employees or expenses related to the Center. (*Ref. ARSA-2e on file in the Board Office.*)
- The creation of the Patent and Trademark Resource Center (PTRC) within the UNLV University Libraries. The PTRC will serve as a centralized resource for faculty, staff, students, and local community members to receive assistance in establishing intellectual property through access to the U.S. Patent and Trademark Office resources and training. (*Ref. ARSA-3 on file in the Board Office.*)
- A Bachelor of Science (BS) in Kinesiology at UNR converts the existing specialization into a major. This will help clarify the distinction between it and the Public Health curriculum and help students envision a clearer path toward future education and careers. (*Ref. ARSA-4 on file in the Board Office.*)
- A Bachelor of Science (BS) in Public Health at UNR converts the existing specialization into a major. The BS Public Health will prepare students for jobs in local or State health departments for non-profit businesses, community-based organizations, clinical settings, and academic settings. (*Ref. ARSA-5 on file in the Board Office.*)
- A Bachelor of Science (BS) in Chemistry at NSC is designed to prepare students for career success in various fields and deliver a strong foundation in different facets of chemistry with a particular focus on medical/biological aspects of chemistry. (*Ref. ARSA-6 on file in the Board Office.*)
- An Associate of Arts (AS) in Computer Science at CSN designed for students planning to transfer to baccalaureate-level institutions. This major will also provide employment opportunities for students upon completion. (*Ref. ARSA-7 on file in the Board Office.*)
- Conversion of the following emphases to a primary field of study at TMCC: Associate of Arts (AA) in Business; Associate of Arts (AA) in Entrepreneurship; Associate of Arts (AA) in Political Science; and Associate of Arts (AA) in Social Work. (*Refs. ARSA-8a, ARSA-8b, ARSA-8c and ARSA-8d on file in the Board Office.*)

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) – (Continued)

29. Approved – Business, Finance and Facilities Committee Report – The Board accepted the Business, Finance, and Facilities Committee report and approved the Committee recommendations. (*Committee report on file in the Board Office.*)

The Business, Finance and Facilities Committee met on September 9, 2021, and heard the following:

Information items

- The Fourth Quarter Fiscal Year 2020-2021 Report of Fiscal Exceptions of Self-Supporting Accounts was presented. (*Ref. BFF-3 on file in the Board Office.*)
- Fourth Quarter Fiscal Year 2020-2021 Budget Transfers, State Supported or Self-Supporting Operating Budgets. There were no transfers between functional areas greater than \$500,000 during the fourth quarter of Fiscal Year 2020-2021.
- Summary of Board of Regents Approved Issuance of Bonds in Fiscal Year 2020-2021. There were no issuances of University Revenue Bonds, refinancing activities, and issuances of Certificates of Participation for NSHE-wide projects in Fiscal Year 2020-2021.
- Assignment and Amendment of Lease at 5190 Neil Road to Renown Health – UNR. This item was withdrawn. (*Ref. BFF-12 on file in the Board Office.*)

New business items

- None.

Action items

The Board approved the following recommendations of the Business, Finance and Facilities Committee:

- The minutes from the June 10, 2021, meeting of the Business, Finance and Facilities Committee. (*Ref. BFF-2a on file in the Board Office.*)
- The report of transfers of expenses from non-state budgets to state budgets that occurred after May 1, 2021, for Fiscal Year 2020-2021. (*Ref. BFF-2b on file in the Board Office.*)
- The Third Amendment of Lease Agreement with Sierra Pacific Power Company for portions of 6100 Neil Road, Reno, Nevada. (*Ref. BFF-2c on file in the Board Office.*)
- Endorsement of two additional management candidates, CA Ventures and Cardinal Group Management, for future management of the next phase of the U District student housing property. (*Ref. BFF-6 and PowerPoint on file in the Board Office.*)
- The Lease with First Right of Refusal for 50,530 RSF of space and associated Parking at Campus Village Project owned by G2, located at 4440 South Maryland Parkway, 4482 South Maryland Parkway, and 1220 East Harmon Avenue. Committee Chair Carvalho disclosed her

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29. Approved – Business, Finance and Facilities Committee Report – (Continued)

ownership of 7-11 locations, but not the ones located within the Campus Village Project. (Ref. BFF-7 on file in the Board Office.)

- The Assignment and Amendment of Lease at 6130 Plumas Street, Reno, Nevada to Renown Health, pursuant to the Affiliation Agreement with Renown Health. (Ref. BFF-8 on file in the Board Office.)
- The Lease of Nell J. Redfield Building #122, Reno, Nevada to Renown Health, pursuant to the Affiliation Agreement with Renown Health. (Ref. BFF-9 on file in the Board Office.)
- The Lease of 745 W. Moana Lane, Building #935, Reno, Nevada to Renown Health, pursuant to the Affiliation Agreement with Renown Health. (Ref. BFF-10 on file in the Board Office.)
- The Lease of Sports Medicine Complex Building #101 (SMC-101), Reno, Nevada to Renown Health, pursuant to the Affiliation Agreement with Renown Health. (Ref. BFF-11 on file in the Board Office.)

30. Approved – Audit, Compliance and Title IX Committee Report – The Board accepted the Audit, Compliance and Title IX Committee report and approved the Committee recommendations. (Committee report on file in the Board Office.)

The Audit, Compliance and Title IX Committee met on September 9, 2021, and heard the following:

Information items

- Committee Chair Carter provided general remarks to the Committee regarding audit, compliance and Title IX efforts.
- Chief Internal Auditor Sunbury provided general remarks regarding internal audit departmental updates, including the upcoming Quality Assurance Review, Compliance updates including hotline benchmark information and year-over-year comparisons, and Title IX updates related to recent district court rulings that affect higher education and will be discussed later during the full Board agenda. (Ref. A-9 on file in the Board Office.)

New business items

- None.

Action items

The Board approved the following recommendations of the Audit, Compliance and Title IX Committee:

- The minutes from the June 10, 2021, meeting of the Audit, Compliance and Title IX Committee. (Ref. A-2 on file in the Board Office.)

Chair McAdoo stated that Agenda Items 27-32 (*Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee*) – (Continued)

30. Approved – Audit, Compliance and Title IX Committee Report – (Continued)

- The following Internal Audit Reports: (*Ref. Audit Summary on file in the Board Office.*)
 - E.L. Cord Foundation Child Care Center. (*Ref. A-4 on file in the Board Office.*)
 - Change in Leadership, NSHE. (*Ref. A-5 on file in the Board Office.*)
 - Change in Leadership, UNLV. (*Ref. A-6 on file in the Board Office.*)
 - Hosting, UNLV. (*Ref. A-7 on file in the Board Office.*)
- The NSHE Internal Audit Department Work Plan for the six-month period ending December 31, 2021, and Status Report (aka the “Audit Exception Report”) for the six-month period ended June 30, 2021. (*Ref. A-8 on file in the Board Office.*)

31. Approved – Health Sciences System Committee Report – The Board accepted the Health Sciences System Committee report and approved the Committee recommendation. (*Committee report on file in the Board Office.*)

The Health Sciences System Committee met on September 10, 2021, and heard the following:

Information items

- Committee Chair Doubrava mentioned that there were two essential items for the Chair’s Report. One is an update on NSHE and the COVID response, provided in Agenda Item 7. The other essential item is the recognition of the retirement of Dean Thomas Schwenk. The Chair publicly expressed gratitude for Dr. Schwenk’s ten years of service to the State of Nevada. Committee Chair Doubrava thanked Dean Schwenk for his ten years of service to Nevada and his dedication and hard work to improve medical education and healthcare in Nevada.
- Dean of the University of Nevada, Las Vegas School of Medicine Marc J. Kahn provided announcements, a report, and updates related to strategic planning for the UNLV Academic Health Center, academic affairs, admissions, graduate medical education, faculty affairs, research (including grants), diversity and inclusion and development. UNLV Medicine is now doing business as UNLV Health. UNLV School of Medicine updates were also provided by Dr. Michael Gardner, including specifics related to COVID-19 vaccines and NSHE PODs (thanking all those who assisted in the success), information was also shared regarding clinical affairs, the practice plan, network development, partnerships, and financial performance. Dr. Gardner also spoke about patient satisfaction and employee culture surveys and implementing “MyChart.” In

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31. Approved – Health Sciences System Committee Report – (Continued)

conclusion Dr. Gardner informed the Board that payments from UNLV Medicine to UNLV are current for the first time. (*Ref. HSS-4 and PowerPoint on file in the Board Office.*)

- Dean of UNLV School of Dental Medicine Lily T. Garcia provided a report and offered general remarks on activities and “rebounding” involving the UNLV School of Dental Medicine, including activities that have occurred under new leadership; safety of patients, best practices, mission alignment within UNLV, and vision moving forward. Specific comments were given on the White Coat ceremony and strategic planning as well.
- Dean of the University of Nevada, Reno, School of Medicine Schwenk noted that this is his last meeting and introduced Acting Dean Melissa Piasecki, who currently serves as Associate Dean/Vice Dean, and turned the presentation over to Dean Piasecki. Dean Piasecki then provided a brief overview of UNR Med; the students, the White Coat ceremony, admissions, and the COVID-19 impact and stress level for students. In addition, information was also provided on residencies and the Physician Assistant program. Dean Piasecki also provided information on the practice plan, the partnership with Renown; the clinical operations, medical student events, undergraduate and graduate medical education, clinical network development, research (including grant activity), and partnerships. (*Ref. HSS-5 on file in the Board Office.*)
- NSHE COVID-19 Task Force Co-Chairs Chief General Counsel Reynolds and Vice Chancellor for Workforce Development and Chief Innovation Officer Cage provided an overview of COVID-19 directives, guidance, and pending issues applicable to NSHE. Co-Chair Reynolds opened his comments stating he would like to focus on three things, the timeline overview to set a baseline where we’ve been and where we are going; a by the numbers update on current statistics, and the overall state of play. Co-Chair Reynolds noted that there have been 50 emergency directives by Governor Sisolak; that NSHE transitioned to remote instruction for all institutions and to remote work, which was a remarkable feat. Further, Co-Chair Reynolds spoke to the emergency implementations and the measures taken by the Board of Regents. Further information was provided related to graduations, thinking outside the box regarding virtual formats, COVID capacity restrictions, testing, the resurgence of the Delta variant, and pivoting quickly as needed. Co-Chair Reynolds also provided the data by the numbers, self-reporting, COVID-19 Task Force meetings, working with the State on the Web ID program, and integration. Co-Chair Reynolds also noted that Dr. Hug-English and Director Adam Garcia,

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31. Approved – Health Sciences System Committee Report – (Continued)

University Police Services, Southern Command were also in attendance and would be providing updates. Co-Chair Reynolds then introduced Co-Chair Cage for his additional comments.

- Dr. Cheryl Hug-English, Director, UNR Student Health, updated recent COVID-19 developments and responses involving NSHE campuses, communities, and counties. Sharing that in the 18 months after the first COVID-19 case, the virus continues to challenge, frustrate, and anger the global community. We continue to problem solve, strategize, and pivot in an ever-changing landscape. Noting that much has changed since the update last June. With the Delta variant, the surge in case numbers, hospitalizations, and deaths, daily cases at 300 percent were seen following Labor Day, compared to last year's numbers – the daily deaths are twice as high as last year. Washoe County continues to be in a high-risk category. Dr. Hug-English noted that on a positive note that vaccination numbers are increasing and that UNR makes every effort to mitigate the spread of the virus with daily vaccinations and PODS, and the Vax the Pack campaigns, all these efforts are to increase vaccination as student health and safety is the campuses' primary goal. Dr. Hug-English concluded that there is great hope, the means are available, and vaccination is the most successful tool.
- Sonja Sibert, Vice President, Administration, Great Basin College, provided a brief update under the direction and leadership of Amber Donnelly. Ms. Sibert provided information related to contact tracing, the steady incline of cases in rural counties, after a relatively stable summer, noting that hospitals have seen that most patients are those that are unvaccinated; community announcements continue to be made to get vaccinated. Additional information was provided regarding transfers to hospitals, rural hospitals being taxed; straining resources, limited testing, and the 29-39 age group is still the group with the highest rates of the COVID-19 virus.
- Director Garcia updated COVID-19 for the Southern Nevada institutions, including COVID-19 testing and vaccinations, the operations, and current trends, noting that the 25-49 age group are reporting the highest numbers, followed by the 5-17 age group. Further, Director Garcia provided information about NSHE as a key partner with the Clark County Health District to support testing and vaccination across the region. NSHE currently operates four testing sites. Director Garcia also noted that although conditions are improving slowly in Clark County, he does anticipate seeing an increase after Labor Day gatherings

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31. Approved – Health Sciences System Committee Report – (Continued)

New business items

- None.

Action items

The Board approved the following recommendation of the Health Sciences System Committee:

- The minutes from the June 11, 2021, meeting of the Health Sciences System Committee. (*Ref. HSS-2 on file in the Board Office.*)

32. Approved – Security Committee Report – The Board accepted the Security Committee report and approved the Committee recommendations. (Committee report on file in the Board Office.)

The Security Committee met on September 10, 2021, and heard the following:

Information items

- Opening Remarks by Chair. Committee Chair McMichael expressed his appreciation to all the health directors providing for everyone's health and safety during today's meeting. Chair McMichael further expressed his gratitude to the security personnel and canine members who contributed to the security during the Board meeting.
- NSHE Southern Command. Adam Garcia, Director, NSHE Southern Command, presented an update on the Southern Command's public safety activities, the establishment of the public safety advisory board (which fosters relationship and partnership for all stakeholders); security activities, including the NSHE's efforts and coordination regarding the administration of the COVID-19 vaccine and testing for the southern campus communities. Additional information was provided on grant funding applications and awards, including traffic safety; police activity updates, including training (the ABLE project and HOPE Unit), accountability, and events and activities with officers. Director Garcia also spoke about the National De-Escalation Training Center and the Southern Command being invited to house and become the regional De-Escalation Center.
- NSHE Northern Command. UNR President Sandoval introduced Director Eric James, NSHE Northern Command, in this new position and highlighted Director James's background and career. Director James provided information on Northern Command's security activities, including their officer health and wellness program, department initiatives, northern campus updates, community initiatives, and the coordination and administration of the COVID-19 vaccine to northern and rural campus communities. Director James also discussed de-escalation, training,

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32. Approved – Security Committee Report – (Continued)

and implementation; the diversity summit, assisting veterans and peer support. Director James concluded his presentation with information on their canine unit, Clery compliance, the Dean’s future scholars program and their HEAT program. (Ref. SEC-5 PowerPoint on file in the Board Office.)

- NSHE Cybersecurity. NSHE Chief Information Security Officer Theresa Semmens provided information and an overview of cybersecurity matters, including efforts to protect data integrity and issues raised by greater reliance on technology due to COVID-19. Additional information was provided regarding “patching”; and reviewing vulnerability to the System and the effective provisions, measures, training, and workshops, including focus given to ransomware attacks. Further, Ms. Semmens provided information on an external penetration test recently conducted (related to network vulnerability) and was happy to report that our network was found to be adequately protected.

New business items

- None.

Action items

The Board approved the following recommendations of the Security Committee:

- The minutes from the March 5, 2021, meeting of the Security Committee. (Ref. SEC-2 on file in the Board Office.)

Regent McMichael moved acceptance of the report and approval of the Committee recommendations for Agenda Items 27-32 (Agenda Item 27, Community College Committee; Agenda Item 28, Academic, Research and Student Affairs Committee; Agenda Item 29, Business, Finance and Facilities Committee; Agenda Item 30, Audit, Compliance and Title IX Committee; Agenda Item 31, Health Sciences System Committee; Agenda Item 32, Security Committee). Regent Perkins seconded. Motion carried. Regent Moran was absent.

33. Approved – Authorization to Draft Emergency Policy Amendments to Require a COVID-19 Vaccination for all NSHE Employees – The Board authorized the Office of the Chancellor to draft new emergency policies and procedures for the *Code*, *Handbook*, and *Procedures and Guidelines Manual* that are necessary to mandate to all NSHE employees, including faculty, classified staff, adjunct professors, LOA employees, irrespective of tenure status, working on campus or remotely, to receive a complete COVID-19 vaccination series on or before December 1, 2021, or be subject to expedited discipline. The policies would include medical and religious exemptions and that the amendments be brought back to the Board of Regents before October 1, 2021.

Regent McMichael moved approval to authorize the Office of the Chancellor to draft all policies and procedures, including emergency amendments to the *Code*, *Handbook*, and *Procedures and Guidelines Manual*, that are necessary to implement and enforce a mandate that all NSHE employees, including but not limited to all academic and administrative faculty, and irrespective of job title or tenure status, be required to complete a COVID-19 vaccination series on or before December 1, 2021. Regent Carvalho seconded.

Regent Geddes offered a friendly amendment: Authorize the Office of the Chancellor to draft new emergency policies and procedures for the *Code*, *Handbook*, and *Procedures and Guidelines Manual* that are necessary to mandate to all NSHE employees, including faculty, classified staff, adjunct professors, LOA employees, irrespective of tenure status, working on campus or remotely, to receive a complete COVID-19 vaccination series on or before December 1, 2021, or be subject to expedited discipline. The policies would include medical and religious exemptions and that the amendments be brought back to the Board of Regents before October 1, 2021.

Regents McMichael and Carvalho accepted the friendly amendment.

Regent Geddes stated the World Health Organization, Centers for Disease Control and Prevention, American Medical Association, American Pediatric Association, State Board of Health, Governor's Medical Advisory Team, and the NSHE Task Force have all recommended this action. He encouraged everyone to support the motion.

Regent Doubrava stated he would support the motion. It is good medicine and good public health policy.

33. Approved – Authorization to Draft Emergency Policy Amendments to Require a COVID-19 Vaccination for all NSHE Employees – (Continued)

Regent Tarkanian asked what happens to a person's salary if they do not get the vaccination. Chair McAdoo pointed out this action authorizes the development of the policy, and further details of the policy will come back to the Board for approval. Chief General Counsel Reynolds indicated she was correct. He further pointed out that consistent with the motion, expediated discipline would be authorized, and his advice is that non-compliance would result in termination.

Regent Perkins asked for consideration that if the infection rate decreases below a certain level, the mandate not be mandatory. She also asked how often testing will be required if an exemption is approved.

Chief General Counsel Reynolds stated it is his advice that medical and religious exemptions are recognized, and testing accommodations and mitigations are required if an exemption is authorized. Emergency Code revisions will be effective for 120 days.

Regent Brooks stated the State Board of Health has already created a policy for students. He did not believe it would be best practice to have two separate policies. Chief General Counsel Reynolds pointed out the legal framework is different because NSHE is an employer versus the policy for students created by the State Board of Health. Regent Brooks did not want division between what is expected of students and employees. Chief General Counsel Reynolds stated the motion does not put a threshold in place. A threshold for testing requirements for state employees was put in place by the Governor's Office.

Chief General Counsel Reynolds clarified that everyone that receives an NSHE paycheck would be required to be vaccinated, except those that apply for and are approved for an exemption. Likewise, the State Board of Health mandated students be vaccinated, except those that apply for and are approved for an exemption.

Regent Boylan asked for further clarification on the religious exemption. Chief General Counsel stated a religious exemption is recognized by the United States Supreme Court and precedent in Nevada law. The standard is a sincerely held religious belief. However, there is difficulty in interpreting what that means. He was not aware of any major recognized religion with a doctrine prohibiting receiving the vaccination. The intent is that this is a narrow exception but also one that an employee can validly raise.

Chancellor Rose believed vaccine requirements for all NSHE faculty and staff who are not eligible for an exemption are necessary to the collective health and to maintain in-person learning. Her position is consistent with previous public statements on the matter, particularly with respect to science, safety, and national best practices. Vaccines are the best tool in the fight against COVID-19 and therefore provide the best opportunity to protect the health and safety of the communities and ensure in-person learning. Given the State Board of Health voted to require in-person students to be vaccinated, it is only fair for employees. She and the Presidents understand that this matter is controversial

33. Approved – Authorization to Draft Emergency Policy Amendments to Require a COVID-19 Vaccination for all NSHE Employees – (Continued)

and will have consequences that may present challenges. Some institutions are concerned about employees who may voluntarily separate based on this requirement. The emergency policy change will mean a rapid policy development and implementation plan and will have its challenges. Despite the challenges, Chancellor Rose recommended approval of the item. She profoundly values and respects the principles of input from all stakeholders. The Cabinet has prepared a stakeholder input process which will be expedited should the item pass.

In response to a question from Regent Carter related to contractors, Chief General Counsel Reynolds responded he would recommend that all new independent contractors be required to be fully vaccinated to perform work on any of the campuses.

Regent Brooks asked who is liable for an adverse reaction that any employee may have to the vaccine. Chief General Counsel Reynolds stated an employee has a personal choice to decide where to work. He did not believe NSHE or the Board would be liable for that choice, and he would defend any litigation brought forward on that basis.

In response to a question from Regent Arrascada related to when the policy would be received for review, Chair McAdoo responded that if the item passes, she will call a special Board meeting on September 30, 2021, at 9:00 a.m. to discuss, deliberate, and decide on the proposed policy. Chief General Counsel Reynolds stated if this item is approved, expedited stakeholder meetings will begin next week.

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

Chair McAdoo thanked DRI President Acharya and his team for hosting the meeting, as well as SCS and Board staff for their hard work.

34. Information Only – New Business

Chair McAdoo announced a special Board meeting on September 30, 2021, at 9:00 a.m. and Investment Committee at 3:00 p.m.

Regent McMichael asked for a New Business item related to measures to combat the use of false vaccination cards by individuals.

Regent Brooks asked for a New Business item to consider hiring a Director of Communications specifically for the Board of Regents that will report to the Chief of Staff and Special Counsel to the Board.

35. Information Only – Public Comment

The following individual provided written public comment in opposition to the COVID-19 vaccine mandate for students:

- Angela Ashe (*Ashe.Angela(2)09.21 on file in the Board Office.*)

Mason Van Houweling provided written public comment related to UNLV Health's fundamental business deficiencies. UMC and Clark County have supported UNLV Medicine since its inception. Every dollar given to UMC by CMS to cover the costs associated with academic medicine is provided fully to UNLV, including UMC's allocation. Furthermore, UMC currently operates at \$8 million over the allotted cap for direct and indirect medical education expenses. Uncompensated care only represents a small portion of UNLV's business at UMC. UNLV occupies many of the highest-revenue-generating service lines at UMC, including Trauma, Surgical Services, and Burn. To ensure fair compensation UMC's professional service agreements consider UMC's payor mix. Within these contracts, UMC provides additional funds to offset uncompensated care. UNLV's challenges come because of Nevada's economy, not UMC. Nevada has the second-highest unemployment rate in the nation, and the State's Medicaid enrollment recently increased by 20 percent. Among uninsured inpatients at UMC, the hospital successfully converts 90 percent of these individuals to reimbursement sources. The excuse of uncompensated care that Dr. Michael Gardner provided was an attempt to absolve UNLV Health of any financial responsibility. (*VonHouweling.Mason09.21 on file in the Board Office.*)

The meeting adjourned at 2:26 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 December 2-3, 2021, meeting.