

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

System Administration, Las Vegas
4300 South Maryland Parkway, Board Room

Friday, April 21, 2023

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:

Mr. Byron Brooks, Chair
Mr. Joseph C. Arrascada, Vice Chair
Mr. Patrick J. Boylan
Mrs. Susan Brager
Ms. Heather Brown
Mrs. Amy J. Carvalho
Dr. Michelee Cruz-Crawford
Mrs. Carol Del Carlo
Mr. Jeffrey S. Downs
Ms. Stephanie Goodman
Mr. Donald Sylvantee McMichael Sr.
Ms. Laura E. Perkins
Dr. Lois Tarkanian

Others Present:

Mr. Dale A.R. Erquiaga, Acting Chancellor
Ms. Crystal Abba, Executive Vice Chancellor and Chief of Staff
Dr. Natalie Brown, Assistant Vice Chancellor, Workforce
Development and Community Colleges
Ms. Patty Charlton, Acting Vice Chancellor, Academic and Student
Affairs and Community Colleges
Mr. Andrew Clinger, Chief Financial Officer
Mr. James J. Martines, Vice Chancellor and Chief General Counsel
Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
Mr. Alejandro Rodriguez, Director of Government Relations
Dr. Federico Zaragoza, President, CSN
Ms. Joyce M. Helens, President, GBC
Dr. DeRionne Pollard, President, NSC
Dr. Keith E. Whitfield, President, UNLV
Mr. Brian Sandoval, President, UNR
Dr. J. Kyle Dalpe, President, WNC

Faculty senate chairs in attendance were Ms. Tracy Sherman, CSN (*Chair, Council of Faculty Senate Chairs*); Mr. Ed Boog, SA; Dr. Amy Cavanaugh, TMCC; and Dr. Eric Marchand, UNR.

Deputy Attorney General Joel Bekker was also in attendance.

Land Acknowledgment

Before beginning, we take a moment to recognize that here in Nevada we stand on the land of the Wa She Shu – Washoe; Numu – Northern Paiute; Nuwe – Western Shoshone; and Nuwu – Southern Paiute. We take a moment to recognize and honor their stewardship that continues into today. With this recognition, we state an intention to rightfully include their voice and respect them as the 27 sovereign tribal nations of Nevada.

Chair Brooks called the meeting to order at 9:00 a.m. with all members present except Regent Brown. Regent Carvalho led the Pledge of Allegiance.

1. Information Only – Public Comment

Regent Brown entered the meeting.

The following individual provided written public comment sharing ideas for investing in classified staff within trades and skilled labor and increasing morale at the institutions:

- Brian Miller (*Miller.Brian0323 on file in the Board Office.*)

The following individual provided written public comment in support of programs that help students progress and achieve their goals (degree/transfer, certificate, lifelong learning, etc.):

- Angela Brown (*Brown.Angela0323 on file in the Board Office.*)

The following individuals provided written public comment in opposition to Agenda Item 5, Multi-Campus District Model, CSN:

- Tracy Sherman
- Staci Walters (*Walters.Staci0323 on file in the Board Office.*)

The following individual provided in-person public comment in support of Agenda Item 5, Multi-Campus District Model, CSN, but asked the Board to reexamine the financial aspects:

- Patrick Villa

The following individuals provided in-person public comment sharing their thoughts on Agenda Item 10, Roles of Chief of Staff and Special Counsel, Board of Regents, requesting that the Board consider splitting the position, name Keri Nikolajewski as Chief of Staff, and move forward with a search to find a Special Counsel to the Board of Regents:

- Winter Lipson
- Angela Palmer

1. Information Only – Public Comment – (Continued)

The following individuals provided in-person public comment in support of AB224, Collective Bargaining, and voiced concern with NSHE’s fiscal note:

- Kent Ervin
- Jim New
- Doug Unger

The following individual provided in-person public comment requesting NSHE, the Chancellor, and the Presidents to work with Legislative leadership and the Governor to fully fund the compensation package for NSHE classified and professional employees in state-allocated budgets:

- Kent Ervin

The following individual provided in-person public comment voicing concerns with the funding formula and its adverse effects on community colleges and requested that it be suspended:

- Ted Choddock

The following individual provided in-person public comment speaking about the National Guard’s community engagement opportunities created over the last few years:

- Troy Armstrong

The following individual provided in-person public comment sharing his thoughts on Agenda Item 10, Roles of Chief of Staff and Special Counsel, Board of Regents:

- James Dean Leavitt

2. Approved – Minutes – The Board approved the following meeting minutes with a noted change to the February 3, 2023, minutes:

- January 12-13, 2023, Board of Regents special meeting (*Ref. BOR-2a on file in the Board Office.*)
- January 18, 2023, Board of Regents special meeting (*Ref. BOR-2b on file in the Board Office.*)
- February 3, 2023, Board of Regents special meeting (*Ref. BOR-2c on file in the Board Office.*)
- March 3, 2023, Board of Regents special meeting (*Ref. BOR-2d on file in the Board Office.*)

Regent Del Carlo stated the February 3, 2023, meeting minutes show her leaving the meeting, but she did return by phone and requested that her attendance be corrected.

Regent Del Carlo stated that she followed procedure and requested an agenda item be placed on the March Board of Regents agenda, not a special meeting on March 3, 2023. She was not contacted to obtain her availability to attend the March 3, 2023, special meeting. She noted on February 2, 2023, that she requested under New Business that staff identify a means of polling Regents on their availability for special meetings.

2. Approved – Minutes – (Continued)

Regent Boylan voiced his support for Regent Del Carlo and added that he was also not contacted for his availability to attend a special meeting.

Deputy Attorney General Joel Deputy Attorney General Bekker stated specifics about minutes could be addressed, such as Regent Del Carlo's reappearance at the meeting. Anything else should be raised under New Business.

Regent Boylan stated three Regents asked for an agenda item, not a special meeting. Deputy Attorney General Bekker said this agenda item pertains to approving or correcting past meeting minutes.

Regent Brager moved approval of the minutes with Regent Del Carlo's requested revision to the February 3, 2023, meeting minutes. Regent Perkins seconded. Motion carried.

3. Information Only – Legislative Report and Biennial Budget Update – Acting Chancellor Dale A.R. Erquiaga and Chief Financial Officer Andrew Clinger provided an update on the 2023-25 Biennial Budget Request submitted to the Governor, the Executive Budget, any new developments from the 2023 Legislative Session, and measures being considered by the Nevada Legislature that impact the Nevada System of Higher Education. *(Ref. BOR-3 on file in the Board Office.)*

In response to a question from Regent Downs asking how the fiscal note was derived for the collective bargaining bill, Acting Chancellor Erquiaga stated the neutral stance was because, historically, NSHE already has collective bargaining. The fiscal note was based on creating a labor relations unit. Acting Chancellor Erquiaga stood by his staff's analysis and the fiscal note. An amended fiscal note was offered to the bill sponsor, and NSHE will meet with them shortly.

Chair Brooks asked who is having conversations with the legislative body about COLA. Acting Chancellor Erquiaga stated NSHE as a whole is reiterating the concerns. It is a challenge, but the downstream effect is not what the Governor and Legislature intended. Chair Brooks did not want the Presidents returning with requests to raise student fees. He wanted this taken care of collaboratively and as quickly as possible.

Regent Carvalho agreed that she did not want to see additional increases in student fees. Regent Carvalho asked for clarification on NSHE's neutral stance on AB247, regarding 11th and 12th grade students, and AB401, regarding the ratio of faculty to students. Acting Chancellor Erquiaga stated NSHE is neutral on AB247 because the bill does many other things besides things that directly impact NSHE. The implication for college and career readiness is excellent, but the creation to write new tests is well outside NSHE's wheelhouse. AB401 is a controversial bill for NSHE educators because they worry about the ratios. A neutral stance allowed NSHE to provide information and testimony on the importance of nursing education.

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

Regent Brown acknowledged and thanked Acting Chancellor Erquiaga, Chief Financial Officer Clinger, and Director of Government Relations Alejandro Rodriguez for their hard work and dedication.

In response to a question from Regent Del Carlo relating to AB431, Acting Chancellor Erquiaga responded it is about funds to build large health-related institutions in the north and south. The bill focused solely on UNR, UNLV, and DRI and left out community colleges. The Board has a capital improvement process, which would have disrupted that.

Regent Goodman asked if it would be helpful for the Regents to write letters to the legislators about the COLA disparities. Acting Chancellor Erquiaga appreciated the offer, but he would like to see how the upcoming meetings with leadership go.

Regent Cruz-Crawford thanked the legislative team for supporting AB323 and AB428 that she co-presented. She feels both bills will impact the K-12 and NSHE communities. Acting Chancellor Erquiaga thanked her for her work on the teacher pipeline bills.

The meeting recessed at 10:05 a.m. and reconvened at 10:16 a.m. with all members present except Regent Cruz-Crawford.

4. Information Only – Strategic Plan Implementation: Next Steps for NSHE – Acting Chancellor Dale A.R. Erquiaga led a discussion with the Board on next steps for the System related to significant issues the Board needs to address in the coming year, including, but not limited to, enrollment trends, equity in staffing, mission differentiation of NSHE institutions, and the potential for a legislative study on the NSHE funding formula and governance model. (Ref. BOR-4 on file in the Board Office.)

Regent Cruz-Crawford entered the meeting.

Regent Del Carlo asked if non-degree seeking students are undeclared majors and whether the figures include dual enrollment. Executive Vice Chancellor and Chief of Staff Crystal Abba stated that most non-degree seeking students were dual enrollment.

In response to a question from Regent Carvalho related to how the System drives economic prosperity for residents, Acting Chancellor Erquiaga stated that Nevada's population is growing and will continue to do so. Still, if you look at the Clark County School District (CCSD) data, their enrollment census is declining. The System must determine and be prepared on how to offer services to the population and to what end. Regent Carvalho believed it was important for the Board to understand policy decisions and where it needs to go to support those students.

Regent Boylan asked why NSHE doesn't hire from within to analyze the formula. Acting Chancellor Erquiaga responded that he chose this particular outside firm because it has completed all the funding analysis for K-12 in the last 15 years, and he felt that hiring NSHE researchers to complete the analysis may be suspect to legislators.

4. Information Only – Strategic Plan Implementation: Next Steps for NSHE – (Continued)

Regent Brager stated CCSD is losing students, and the problem is that the needs of the students are not being met, so parents and grandparents are looking at other ways to educate them. NSHE does not do all it can with the CCSD students to see where they want to go and what they want to do.

Regent Cruz-Crawford stated that it isn't that students don't want to do something. It is that they haven't been asked how they can be helped. Mentorship needs to be job-embedded into all careers.

Regent Perkins stated if NSHE wants students to come and receive their certificates, they must put the certificates in the same category as degree-seeking students.

Regent Goodman stated NSHE needs to think about the students that automatically opt out of higher education. A student ambassador program is needed.

Regent Brager stated Nevada is unique. NSHE must find ways to increase student achievement.

In response to a question from Regent Downs related to enrollment management, Acting Chancellor Erquiaga believed that NSHE could do more by working jointly across the institutions to aggregate the data for best practices.

Chair Brooks asked how NSHE is setting up students and supporting the institutions. NSHE must provide a clear picture of what the individual institutions provide. The Board needs to discuss whether dual enrollment is a statewide mission or service area based when it talks about strategy.

Regent Perkins left the meeting.

Regent Brown stated she is invested in building the strategic plan for the System, and she appreciates that the Board and Chancellor are ready to do a deep dive into how to raise retention rates and make college more accessible by creating more exposure. She believed NSHE needed a better working relationship with school board trustees. Regent Brown is optimistic that a funding study will take into account that community colleges have very different needs than universities. She wanted to include stackable credentials in that discussion. Regent Brown believed the SANDI program was a way to make college more accessible to Nevada students.

Regent Perkins entered the meeting.

Acting Chancellor Erquiaga believed that dual enrollment is an area ripe for further research, and the institutions can be asked for that data. He thanked the Board for this conversation which provides the guidance he needs to discuss with the next Chancellor. This conversation gives a starting point to work with the Presidents.

4. Information Only – Strategic Plan Implementation: Next Steps for NSHE – (Continued)

Regent Boylan suggested a joint meeting between the Board and the State Board of Education.

Regent Del Carlo stated this was one of the healthiest conversations had as a Board, and she stated there is much more to discuss.

Regent Downs thanked Acting Chancellor Erquiaga for the presentation. He asked that retention be explored more.

5. Information Only – Multi-Campus District Model, CSN – CSN President Federico Zaragoza and Vice President and Provost Clarissa Cota, North Las Vegas Campus, updated the Board on the multi-campus district model utilized at CSN. (Refs. BOR-5a and BOR-5b on file in the Board Office.)

Regent Goodman left the meeting.

Regent Perkins asked if there were advisors at the North Las Vegas Campus. Vice President and Provost Sonya Pearson, West Charleston Campus, stated that subsequent organizational charts list advisors. Although advisors are not listed for the North Las Vegas Campus, the chart will be updated to include the advisors.

In response to a question from Regent Perkins related to grants, Vice President Pearson stated CSN intentionally makes sure all grants apply to all the regions in order for all students to benefit. CSN President Zaragoza stated most of the grants require multiple municipalities.

Regent Goodman entered the meeting.

Regent Cruz-Crawford asked what requirements advisors must have to become an advisor. Interim Associate Vice President and Officer in Charge, Henderson Campus, Rebecca Gates responded an academic advisor requires a bachelor's degree.

Regent Cruz-Crawford asked what CSN does for new student onboarding. Vice President Pearson stated the onboarding process is comprehensive. CSN works extensively with the central team to instigate outreach campaigns with students. There are prescribed steps as they enter. In addition, the retention team is on the front line to ensure the students know they have people around them as they go through the process.

Regent Downs acknowledged he was trying to understand the multi-campus district model and asked if the vice presidents are not academic, how do they grow the programs. CSN President Zaragoza stated program development is centralized and through the Vice President of Academic Affairs.

5. Information Only – Multi-Campus District Model, CSN – (Continued)

Regent Downs asked for clarification on the graduation rates, and CSN President Zaragoza responded all the bullets pertain to the early colleges. He acknowledged they had problems putting the PowerPoint together.

Regent Boylan believed there were too many administrators. CSN President Zaragoza stated that all the multi-campus model positions are cost-neutral because they were already in the structure. The positions have now been reallocated to the individual campuses.

Regent Brager left the meeting.

Regent Carvalho asked if this makes it difficult for students to get what they need at their closest campus. CSN President Zaragoza stated the pathways are at all campuses, and CSN is always looking for better ways to provide a student experience.

Regent Del Carlo noted that CSN has done great with its resources and model. CSN President Zaragoza stated the intent with capacity funding is that once the investment is received, the enrollment growth will be able to sustain it.

Regent Goodman stated from a business perspective that the Vice Presidents are working as the CEOs of their campus and municipalities.

In response to Regent Boylan's question about the number of Vice Presidents, CSN President Zaragoza believed it was six total, but he would confirm the number.

Regent Brager entered the meeting.

Chair Brooks asked how the student experience data was aggregated. Vice President Cota stated the campuses have a program that when students log in, they will receive an email asking how the service was and their impression. Chair Brooks stated that was a solid testament to how CSN is set up and the student's experiences.

In response to a question from Chair Brooks about programs that may cost less, CSN President Zaragoza believed that this was the optimum model in mind with current resources. Other models have low graduation rates, low attachment to the communities, and a lack of alignment with the workforce.

The meeting recessed at 12:35 p.m. and reconvened at 12:51 p.m. with all members present except Regent Tarkanian.

6. Approved – Code Revision, Vacancy in the Office of Chancellor – The Board approved a revision to the NSHE Code (Title 2, Chapter 1, Section 1.5.3) outlining the process the Board will follow in selecting an acting or interim Chancellor in the event there is a vacancy in the Office of the Chancellor. This is a Code revision requiring two hearings before the Board and was first presented at the March 10, 2023, regular meeting. (*Ref. BOR-6 on file in the Board Office.*)

6. Approved – Code Revision, Vacancy in the Office of Chancellor – (Continued)

Acting Chancellor Dale A.R. Erquiaga presented a revision to the NSHE Code (Title 2, Chapter 1, Section 1.5.3) outlining the process the Board will follow in selecting an acting or interim Chancellor if there is a vacancy in the Office of the Chancellor. The revisions include a timeline for certain decisions and the opportunity for the Board to interview the recommended candidate at a public meeting during which the Board considers the appointment.

Regent Perkins moved approval of a revision to the NSHE Code (Title 2, Chapter 1, Section 1.5.3) outlining the process the Board will follow in selecting an acting or interim Chancellor in the event there is a vacancy in the Office of the Chancellor. Regent Del Carlo seconded. Motion carried. Regent Tarkanian was absent.

7. Approved – Multi-Year Employment Contract, Dr. Patrick Scheffler, Otolaryngologist, Kirk Kerkorian School of Medicine, UNLV – The Board approved a multi-year employment contract for Dr. Patrick Scheffler. (Ref. BOR-7 on file in the Board Office.)

Kirk Kerkorian School of Medicine Dean Marc J. Kahn presented a multi-year employment contract for Dr. Patrick Scheffler. Pursuant to the NSHE Code (Title 2, Chapter 5, Section 5.4.2), an employment contract for a term in excess of twelve (12) months or which overlaps a fiscal year requires approval of the Board prior to being issued or becoming binding. The position is 87.5 percent self-supporting and 12.5 percent state-funded by the School of Medicine.

Regent Brager moved approval of a multi-year employment contract for Dr. Patrick Scheffler. Regent Perkins seconded.

Regent Perkins asked what the fixed initial expense is. Dean Kahn responded there is a salary associated with the position. He reminded the Board that most of the contract is earned income through the practice plan.

Regent Del Carlo welcomed Dr. Scheffler to Nevada.

Motion carried. Regent Tarkanian was absent.

UNLV President Whitfield stated this is the second time this type of action has come to the Board, and he offered that the Board might delegate this authority to the Universities.

8. Approved – Food Services Agreement Amendment, UNR – The Board approved an amendment to the Compass Group USA, Inc. food service contract at UNR for the provision of food services to the Lake Tahoe location commencing May 20, 2023. (Ref. BOR-8 on file in the Board Office.)

8. Approved – Food Services Agreement Amendment, UNR – (Continued)

UNR President Brian Sandoval presented an amendment to the Compass Group USA, Inc. food service contract at UNR for providing food services to the Lake Tahoe location commencing May 20, 2023.

Regent Brager moved approval of an amendment to the Compass Group USA, Inc. food service contract at UNR for the provision of food services to the Lake Tahoe location commencing May 20, 2023. Regent Boylan seconded.

Regent Goodman clarified that because of the timeframe UNR would like this to be approved, and the audit issues will be dealt with later. UNR President Sandoval stated that corrective action had begun.

In response to a question from Regent Carvalho related to the audit findings, Vice President for Student Services Shannon Ellis stated the findings stem from Chartwells lack of compliance with specific commitments and UNR's lack of oversight and follow-up as a University. There are no health inspection concerns or financial discrepancies, particularly after the audit findings. What is most relevant to this item today is the final audit report has recommendations to improve Chartwells performance and UNR's monitoring of that performance, as well as action plans and responses.

Vice Chair Arrascada thanked Vice President Ellis for her honesty during the conversation. Vice President Ellis stated the most significant thing UNR has done is hire one staff member to oversee the contract. She has hired another staff member responsible for the more significant budget picture to ensure the detail is provided and that they are being fiscally responsible with student money.

Chair Brooks asked if, logistically, this is the only option the University has. UNR President Sandoval responded he was correct.

Regent Brager requested a 3-6 month written report of the corrections made.

Motion carried. Regent Tarkanian was absent.

The meeting recessed at 1:13 p.m. and reconvened at 1:24 p.m. with all members present except Regent Tarkanian.

9. Approved – Annual Athletics Reports, UNLV, UNR, CSN, and TMCC – The Board approved the UNLV, UNR, CSN, and TMCC Athletics Report for Fiscal Year 2021-2022. (Reference material on file in the Board Office.)

UNLV President Keith E. Whitfield introduced Athletic Director Erick Harper. Athletic Director Harper presented the UNLV Athletics Report. (BOR-9a on file in the Board Office.)

9. Approved – Annual Athletics Reports, UNLV, UNR, CSN, and TMCC – (Continued)

In response to a question from Regent Brager related to hockey, Athletic Director Harper noted that hockey is a club sport at UNLV.

Regent Cruz-Crawford stated that children engaged in poverty don't participate in organized sports because they are expensive. She thanked Athletic Director Harper for supporting her students who could attend a UNLV Basketball game and were given a UNLV t-shirt.

Regent Del Carlo stated the discrepancies in head coach salaries are unfair. Athletic Director Harper stated UNLV does review each year.

Regent Carvalho commended UNLV Athletics for its successful year. Service outreach events are impactful for all in attendance.

Regent Carvalho stated operating revenues were approximately \$10 million more, but projections go backward. Athletic Director Harper noted anomalies such as season ticket holders opting out of the season due to mask requirements and game guarantees.

Regent Del Carlo moved approval of the UNLV Athletics Report for Fiscal Year 2021-2022. Regent Brager seconded. Motion carried. Regent Tarkanian was absent.

Regent Cruz-Crawford left the meeting.

UNR President Brian Sandoval introduced Athletic Director Stephanie Rempe. Athletic Director Rempe presented the UNR Athletics Report. *(BOR-9b on file in the Board Office.)*

Vice Chair Arrascada moved approval of the UNR Athletics Report for Fiscal Year 2021-2022. Regent Goodman seconded. Motion carried. Regents Cruz-Crawford and Tarkanian were absent.

10. Approved – Roles of Chief of Staff and Special Counsel, Board of Regents – The Board approved to establish: 1) a Chief of Staff position and 2) a new position in the Office of NSHE General Counsel that supports the Board of Regents and reports to the Chief General Counsel. (Ref. BOR-10 on file in the Board Office.)

Regent Cruz-Crawford entered the meeting.

Acting Chancellor Erquiaga presented the item. The Board discussed the current vacancy in the Chief of Staff and Special Counsel position and whether to retain the roles in one position or split the position into two jobs.

10. Approved – Roles of Chief of Staff and Special Counsel, Board of Regents – (Continued)

Regent Perkins stated fiscal responsibility would be to keep the position combined. She did not believe there was enough work to justify a full-time attorney. She also noted the needs of the System and the Board are different.

Regent Brager stated she was comfortable with Chief General Counsel Martines. If the Board is looking for efficiency, Ms. Nikolajewski and her staff are admirable. She did not think it was necessary to spend more money, and she was against a new search at this time.

Regent Downs stated he was open to hearing whether it was cost-effective to split the position versus not.

Regent Goodman stated legal counsel is not a corporate secretary. There needs to be two separate positions. The person holding the role is incredibly efficient and hardworking, and her staff has testified on her behalf. The Board has someone doing a great job and should move forward in that direction.

Regent Boylan stated this is one position in the Code. He did not understand why they keep changing the Code. The Board has spent nearly \$1 million on private lawyers and paying out contracts. The position should remain as one position.

Regent Carvalho stated she was unsure the General Counsel's Office was equipped to take on the Board's responsibilities. Ms. Nikolajewski has done an excellent job, but she is concerned about changing the Code and whether there would be 40 hours of work per week for a special counsel if the positions were separated.

Chair Brooks stated from his perspective, there is adequate time efficiency with the General Counsel's Office. He noted that the position of Special Counsel does not account for 40 hours per week of work. There is a process in which the Board could contract someone for part-time Special Counsel or bring someone in that would fall under the General Counsel's Office to be sole counsel for the Board but, in their remaining time, help the System. He also added that the current Chief of Staff is on a contract until the end of the year.

In response to a question from Regent Carvalho asking about a shared position, Chief General Counsel Martines stated his office is currently understaffed, but there could be some opportunity to share a position. The Attorney General's Office is not currently charging NSHE, but it is not intended to be a long-term solution.

Chief General Counsel Martines stated that even though the current Bylaws say Chief of Staff and Special Counsel, the Board never voted to amend the Bylaws to add the special counsel title to the Bylaws.

Regent Boylan did not understand. Chief General Counsel Martines stated it is problematic. The previous Chief of Staff and Special Counsel made an administrative change within the Bylaws. Chief General Counsel Martines added that his office has no position on how this Board moves forward.

10. Approved – Roles of Chief of Staff and Special Counsel, Board of Regents – (Continued)

Regent Del Carlo stated there are only four Regents left on the Board who know what it is like to have the position combined. The Board has been left vulnerable without its own legal counsel. Regent Del Carlo appreciated the job that Ms. Nikolajewski has done but does not favor a part-time counsel position.

Regent Downs asked if there would be a level of independence if an attorney were hired that worked for the Board and then filled the gap in the General Counsel's Office. Chief General Counsel Martines stated that this is a critical piece of the position that has always been missing. This is an excellent opportunity for the Board to define the duties. The Board is the acting body of the organization. There should not be a time when there is a conflict between the Board and the General Counsel's Office. If a conflict arises, loyalty stays with the Board.

Regent Brown stated she would like to see a separate position and did not believe it was fair for the Board to keep operating this way. She would like someone to represent the Board, provide guidance, and help make the changes the Regents want to see.

Regent Brown left the meeting.

Regent Brager believed that this 13-member non-paid entity is hugely understaffed. Regent Brager suggested hiring a counsel that can be equally distributed while keeping the Chief of Staff position.

Regent McMichael moved approval to split the Chief of Staff and Special Counsel position into two positions. Regent Goodman seconded.

Regent Tarkanian stated they had a part-time lawyer while on the school board. She believed that the Board should have two positions.

Chair Brooks asked Regent McMichael whether he was asking for Option 2a or 2b.

Regent McMichael stated he favored Option 2a to establish: 1) a Chief of Staff position and 2) a new position in the Office of NSHE General Counsel that supports the Board of Regents and reports to the Chief General Counsel.

Chief General Counsel Martines stated two options were provided, and Regent McMichael favored Option 2a.

Regent Goodman agreed with Option 2a.

10. Approved – Roles of Chief of Staff and Special Counsel, Board of Regents – (Continued)

Regent Cruz-Crawford asked Chief General Counsel Martines to explain the differences between the two options. Chief General Counsel Martines clarified that the motion would provide direction from the Board to staff to bring back the *Handbook* revisions that are necessary to effectuate the changes. Option 2a establishes the Chief of Staff and a new position in the NSHE General Counsel's Office dedicated directly to the Board of Regents. Option 2b establishes the Chief of Staff as a separate position and a new position in the Board Office as Special Counsel that reports directly to the Board.

Vice Chair Arrascada asked what percentage of responsibility for the new position would be dedicated to the Board. Chief General Counsel Martines stated that would be figured out at the staff level and brought back to the Board for approval.

Regent Boylan noted he is not in favor of a split position and clarified that if this passes, changes to the Bylaws will return for approval by the Board. Chief General Counsel Martines stated this would be direction from the Board to bring back amendments to the Board for approval.

Regent Carvalho clarified that no one is changing positions today. Chief General Counsel Martines stated that is correct because any changes require Bylaw and *Handbook* revisions.

Motion carried via a roll call vote. Chair Brooks, Vice Chair Arrascada, and Regents Brager, Carvalho, Cruz-Crawford, Del Carlo, Downs, Goodman, McMichael, and Tarkanian voted yes. Regents Boylan and Perkins voted no. Regent Brown was absent.

11. Withdrawn – Search for Chief of Staff and Special Counsel, Board of Regents – The item was withdrawn. (Ref. BOR-11 on file in the Board Office.)

The meeting recessed at 2:44 p.m. and reconvened at 2:53 p.m. with all members present except Regents Brown and Perkins.

9. Approved – Annual Athletics Reports, UNLV, UNR, CSN, and TMCC – (Continued)

CSN President Federico Zaragoza introduced Athletic Director Dexter Irvin. Athletic Director Irvin presented the CSN Athletics Report. (BOR-9c on file in the Board Office.)

Regent Brager thanked Athletic Director Irvin for his report.

In response to Regent Carvalho's question about increased ticket sales, Athletic Director Irvin said they anticipate more people will come to the games as they build the basketball program.

Regent Downs stated it is an excellent service to the community to have 80% of the athletes local.

9. Approved – Annual Athletics Reports, UNLV, UNR, CSN, and TMCC – (Continued)

Regent Brager moved approval of the CSN Athletics Report for Fiscal Year 2021-2022. Regent Carvalho seconded. Motion carried. Regents Brown and Perkins were absent.

TMCC President Karin M. Hilgersom introduced Athletic Director Geoffrey Hawkins. Athletic Director Hawkins presented the TMCC Athletics Report. *(BOR-9d on file in the Board Office.)*

In response to a question from Regent Carvalho related to revenue and expenditure projections, Budget Director Crista Jorgensen, stated without better information at the time, the trend for 2023 was continued out for several years.

Regent Cruz-Crawford moved approval of the TMCC Athletics Report for Fiscal Year 2021-2022. Vice Chair Arrascada seconded. Motion carried. Regents Brown and Perkins were absent.

12. Information Only – Bylaw Revision, Standing Committees and Their Duties –Acting Chancellor Dale A.R. Erquiaga presented an initial proposal that attempts to balance the available staffing resources with the desires of the Board and proposes the elimination of two committees (the Health Sciences System Committee and the Security Committee); the consolidation of the Workforce Committee into the Academic, Research and Student Affairs Committee; and the creation of two new committees (the Governance Committee and the Athletics Committee). *(Ref. BOR-12 on file in the Board Office.)*

Regent Boylan believed there was a lot of work to be done by the Health Sciences System Committee. Acting Chancellor Erquiaga agreed that the Committee is not limited to the medical schools, but it has been focused there.

Regent Brager stated she could talk about student achievement all day but does not like to hear a presentation read to the Regents that is provided as reference material.

Regent Carvalho did not want to lose sight that the Security Committee had an action item pulled in December related to consolidation. She also appreciated that the Governance Committee and Athletics Committee are included in the proposal.

13. Information Only – New Business

Regent Carvalho requested to direct staff to strengthen, align, and develop policies for Title IX-related matters to provide additional support to students and employees who have been victims of sexual or power-based misconduct. She also requested an update be presented to the Board of Regents in October 2023, and that an item for approval be brought to the Board by the end of the calendar year 2023.

13. Information Only – New Business – (Continued)

Vice Chair Arrascada requested a follow-up on the food services report for the Lake Tahoe campus.

Regent Downs requested a position breakdown of administration, academic, and classified positions, with a full-time and part-time breakdown, as well as the structure of the executive level.

14. Information Only – Public Comment

Regent Goodman acknowledged a statement made during the first public comment period that some faculty were intimidated to come to the Board meeting today and stated she will be looking into that.

UNLV Kirk Kerkorian School of Medicine Dean Kahn stated that a former student and current internal medicine intern was murdered by her significant other. This brings into account that domestic violence is not limited to any group of people. The School has held multiple meetings with students, residents, faculty, and staff and made clear the resources that are available to the community. A moment of silence was held.

The meeting adjourned at 3:45 p.m.

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Approved by the Board of Regents at its July 21, 2023, meeting.