

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Friday, June 30, 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
Ms. Patty Charlton, Acting Vice Chancellor, Academic and Student
Affairs and Community Colleges
Mr. James J. Martines, Vice Chancellor and Chief General Counsel
Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
Ms. Sherry Olson, Director, Human Resources
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Dr. Karin M. Hilgersom, President, TMCC
Dr. Keith E. Whitfield, President, UNLV
Dr. Jeff Thompson (*sitting in for 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. David Sexton, GBC; Dr. Amy Cavanaugh, TMCC; Dr. Bill Robinson, UNLV; Dr. Eric Marchand, UNR; and Ms. Rachelle Bassen, WNC. Student body president in attendance was Ms. Nicole Thomas, GPSA President, UNLV. Classified council chair in attendance was Ms. Stacy Wallace, NSC (*President, Classified Council Executive Board*).

Chief Deputy Attorney General Rosalie Bordelove 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 1:00 p.m. with all members present. Regent Perkins led the Pledge of Allegiance.

1. Information Only – Public Comment

The following individuals provided in-person or written public comment in support of full implementation and funding of the Cost of Living Adjustment (COLA):

- Vicky Albert (*Albert.Vicky063023 on file in the Board Office.*)
- Misha Allen (*Allen.Misha063023 on file in the Board Office.*)
- Natasha Anderson
- Elise Aparicio (*Aparicio.Elise063023 on file in the Board Office.*)
- Rachelle Bassen
- Christine Beaudry
- Casey Bell (*Bell.Casey063023 on file in the Board Office.*)
- Joanna Blaszczak (*Blaszczak.Joanna063023 on file in the Board Office.*)
- Nadine Branco (*Branco.Nadine063023 on file in the Board Office.*)
- Pam Call (*Call.Pam063023 on file in the Board Office.*)
- Sudeep Chandra (*Chandra.Sudeep063023 on file in the Board Office.*)
- Ted Chodock
- Adam Csank (*Csank.Adam063023 on file in the Board Office.*)
- Courtney Danforth (*Danforth.Courtney063023 on file in the Board Office.*)
- Ben Davis
- Anna DeClouette (*DeClouette.Anna063023 on file in the Board Office.*)
- Paul Devereux (*Devereux.Paul063023 on file in the Board Office.*)
- Cherrice Dotson
- Kent Ervin (*Ervin.Kent063023 on file in the Board Office.*)
- Spencer Eusden (*Eusden.Spencer063023 on file in the Board Office.*)
- Linda Gannon (*Gannon.Linda063023 on file in the Board Office.*)
- Mary Gillespie (*Gillespie.Mary063023 on file in the Board Office.*)
- Miya Hannan (*Hannan.Miya063023 on file in the Board Office.*)
- Colleen Harrington (*Harrington.Colleen063023 on file in the Board Office.*)
- Kendall Hartley (*Hartley.Kendall063023 on file in the Board Office.*)
- Ian Hartshorn

1. Information Only – Public Comment – (Continued)

- Jennifer Hill (*Hill.Jennifer063023 on file in the Board Office.*)
- Emily Hobson (*Hobson.Emily063023 on file in the Board Office.*)
- Zeb Hogan (*Hogan.Zeb063023 on file in the Board Office.*)
- Keith Hooper (*Hooper.Keith063023 on file in the Board Office.*)
- Cody Hunter (*Hunter.Cody063023 on file in the Board Office.*)
- Morgan Iommi
- Sara Kiser
- Renata Keller (*Keller.Renata063023 on file in the Board Office.*)
- Saralinda Kiser (*Kiser.Saralinda063023 on file in the Board Office.*)
- Elizabeth Koebele (*Koebele.Elizabeth063023 on file in the Board Office.*)
- Deborah Leamy (*Leamy.Deborah063023 on file in the Board Office.*)
- Andrzej Lenard
- Joshua Levin (*Levin.Joshua063023 on file in the Board Office.*)
- Meaghan E. Lynch (*Lynch.MeaghanE063023 on file in the Board Office.*)
- Eric Marchand
- Teresa Marie
- Carlos Mariscal (*Mariscal.Carlos063023 on file in the Board Office.*)
- Shantal Marshall
- Jim Matovina
- Peter Miller (*Miller.Peter063023 on file in the Board Office.*)
- Dan Morse (*Morse.Dan063023 on file in the Board Office.*)
- Nevada Faculty Alliance (*NevadaFacultyAlliance063023 on file in the Board Office.*)
- Laura Naumann
- Paula J. Noble (*Noble.PaulaJ063023 on file in the Board Office.*)
- Elora Paik (*Paik.Elora063023 on file in the Board Office.*)
- Amy Pason
- Joy Patrick (*Patrick.Joy063023 on file in the Board Office.*)
- Nicole Paul
- Austin Pratt (*Pratt.Austin063023 on file in the Board Office.*)
- Bill Robinson
- Mikaela Rogozen-Soltar (*Rogozen-Soltar.Mikaela063023 on file in the Board Office.*)
- Todd Ruecker
- Mariana Sarmiento (*Sarmiento.Mariana063023 on file in the Board Office.*)
- Joel Scheingross (*Scheingross.Joel063023 on file in the Board Office.*)
- Diane Senecal (*Senecal.Diane063023 on file in the Board Office.*)
- Eugene Shapiro (*Shapiro.Eugene063023 on file in the Board Office.*)
- Tracy Sherman
- Robert Shriver (*Shriver.Robert063023 on file in the Board Office.*)
- Geoff Smith (*Smith.Geoff063023 on file in the Board Office.*)
- Neil Stotts (*Stotts.Neil063023 on file in the Board Office.*)
- Justine Stout
- Paul Sumby (*Sumby.Paul063023 on file in the Board Office.*)
- Jessica Teague (*Teague.Jessica063023 on file in the Board Office.*)
- Nicole Thomas

1. Information Only – Public Comment – (Continued)

- Doug Unger (*Unger.Doug063023 on file in the Board Office.*)
- Patrick Villa
- Troy Wadsworth
- Staci Walters (*Walters.Staci063023 on file in the Board Office.*)
- Carolyn Warner (*Warner.Carolyn063023 on file in the Board Office.*)
- James Webber (*Webber.James063023 on file in the Board Office.*)
- Carolyn White (*White.Carolyn063023 on file in the Board Office.*)
- Glynda White (*White.Glynda063023 on file in the Board Office.*)
- Kinsey Wright
- Michael Zierten (*Zierten.Michael063023 on file in the Board Office.*)

The following individuals provided in-person or written public comment in support of Lawrence M. Drake II, Ph.D. as Chancellor of the Nevada System of Higher Education:

- Eliza Hallman
- Nathaniel Waugh (*Waugh.Nathaniel063023 on file in the Board Office.*)

The following individual provided in-person public comment encouraging the Board to give the next Chancellor the support they need to lead:

- Eric Marchand

The following individuals provided in-person public comment encouraging the Board to include institutional and System staff in further discussion related to the Chancellor Search:

- Bill Robinson
- Nicole Thomas

The following individual provided in-person public comment encouraging the Board to review the search process and the policies so choosing people for important roles is not so opaque:

- Tracy Sherman

The meeting recessed at 1:52 p.m. and reconvened at 1:56 p.m. with all members present except Regent Boylan.

2. Action Taken – Appointment, Chancellor of the Nevada System of Higher Education –
The Board approved discontinuing the Chancellor search process and beginning the process to appoint an interim Chancellor pursuant to Board policy. (*Refs. BOR-2a, BOR 2b, BOR 2c, and Supplemental Material on file in the Board Office.*)

Search Committee Chair Joseph C. Arrascada presented Lawrence M. Drake II, Ph.D. as the nominee recommended by the ad hoc Chancellor Search Committee at its June 29, 2023, meeting for the position of Chancellor of the Nevada System of Higher Education.

Regent Boylan entered the meeting.

2. Action Taken – Appointment, Chancellor of the Nevada System of Higher Education – (Continued)

Regent Goodman moved to appoint Lawrence M. Drake II, Ph.D. as Chancellor of the Nevada System of Higher Education. Regent Brager seconded.

Regent Goodman stated Dr. Drake is a leader who can communicate and heal this System. He is a strong and intelligent man who can lead staff. This appointment can be a great new beginning for NSHE.

Regent Brager implored the Board to move forward and support the motion. She asked the Board to let go of the past, move to the future, and take a chance on Dr. Drake.

Regent Boylan stated Dr. Drake is a nice man but does not know the System and cannot hit the ground running.

Regent Carvalho pointed out that her nay vote at the Committee meeting had nothing to do with the past. It was based on the candidates that were brought forward to the Committee. The search felt different and was not as transparent as others in the past. Higher education is about shared governance and listening to everyone at the table. She thought it was incumbent upon her to listen to the voices of the advisory members.

Regent Carvalho asked whether it was possible to have discussions with the candidate before a decision. Chief General Counsel James J. Martines stated the policy is vague, so usually he would say there is some discretion. But the policy also states that if the Board wants to divert from the process, it will require a two-thirds vote.

Regent Carvalho stated that no matter who the Chancellor is, she will work with them. She has questions about Dr. Drake's ability to step into this role, given his higher education experience.

Regent Perkins stated Dr. Drake is a proven leader, communicator, and partnership builder.

Regent Tarkanian expressed concern about whether Dr. Drake is a good fit for the position, given the small number of students served at his current university and preparedness to lead a system of institutions with much higher enrollment. She is impressed with his ability to converse and present his ideas.

Regent Del Carlo stated this is the most important decision the Board makes. It has been an interesting process. She noted she listened intently to all candidates. Dr. Drake was the best of the three, but she was concerned that there was no internal candidate and the reasons behind that. She added that she felt the timing of when the search began was wrong. It is important to listen to the advisory members.

2. Action Taken – Appointment, Chancellor of the Nevada System of Higher Education –
(Continued)

Regent Cruz-Crawford thanked her colleagues for their remarks on both sides. She had spoken to constituents who felt they would like a Chancellor with more experience within complex organizations.

Regent Brown stated advisory members believed that NSHE did not have a Chancellor in this search process. She reiterated that she did not like the process, and her requests have been ignored. She believed the search did not produce candidates who could understand the System's complexities and work with all the institutions.

Regent Boylan thanked The Bryan Group for their efforts, but the search did not produce what the Board was looking for.

Vice Chair Arrascada stated this is a high-level leadership position requiring diverse expertise in numerous fields. Dr. Drake is at a campus of only 3,000 students, but he was the CEO of Coca-Cola Africa, with over 100,000 employees. He has met all the specified criteria for Chancellor leader success. He can learn more about Nevada, NSHE, and research when he arrives. It is disappointing that no one within the System wanted to apply. All three of the candidates brought forward could do the job. The Board's job is to identify the best fit. Vice Chair Arrascada stated the search was conducted no differently than other searches. If the Board goes in the direction of seeking an interim Chancellor, by the time that person is hired, Dr. Drake would have already been up to speed and on his way to meeting NSHE's goals. Vice Chair Arrascada stated that he did not want NSHE to pass on this powerful leader that NSHE may not see again in the next search. He asked the Regents not to pass on a strong leader because they were frustrated with the process.

Regent Goodman reiterated and implored the Board to hire a proven leader and begin with positive change.

Regent Del Carlo stated Regents are elected to do their due diligence and listen to their constituents. She said NSHE has two Presidents who began as interims and are top Presidents. There are proven leaders within NSHE that can be interim.

Regent Downs noted he attended the meeting yesterday and listened to people expressing their opinions on the Chancellor position and the candidates. He voted to move a candidate forward but still has questions. He did not know if bringing someone from across the country with so many questions and mixed support was the right decision. He does support the idea of an interim.

In response to a question from Regent Boylan related to what happens if the Board does not recommend a candidate, Chief General Counsel Martines stated the Board could direct the Committee to continue the search process and recommend additional nominees or direct the Chair and Vice Chair to move forward according to policy for an interim appointment. It would be inappropriate to discuss individuals who have not been adequately noticed.

2. Action Taken – Appointment, Chancellor of the Nevada System of Higher Education – (Continued)

Regent Perkins asked if appointing Dr. Drake as Interim Chancellor is possible. Chief General Counsel Martines responded that the Board should end this process, then move forward with appointing an interim.

Regent Brown called the question. Regent Del Carlo seconded. Motion carried.

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

Chief General Counsel Martines stated another motion could be made to direct the Search Committee to bring back an additional nominee or nominees for Board consideration at a future meeting or create a separate motion to direct the Chair and Vice Chair to move forward with the interim or acting chancellor process.

Regent Boylan asked for clarification. Chief General Counsel Martines stated the agenda item includes language to discuss the possibility of the interim or acting process. The Board can trigger the process at this meeting, but an interim or acting appointment must be on a future agenda.

Regent Del Carlo moved to discontinue the Chancellor search process and begin the process to appoint an interim Chancellor pursuant to Board policy that includes consideration of Provost Chris Heavey of UNLV if he is contacted by staff and expresses interest in the position. Regent Brown seconded.

Regent Del Carlo clarified that she checked with legal counsel on the appropriateness of mentioning Dr. Heavey's name and it is okay because the Board is not discussing him or his character today. She noted that three Regents can request an agenda item and five can request a special meeting.

Chief Deputy Attorney General Rosalie Bordelove asked the Board to refrain from discussing anyone not listed on the agenda. The motion presented by Regent Del Carlo asks staff to reach out to the individual, and if interested, a future agenda item for consideration may come forward. There is also no problem for other Regents to make suggestions to staff between meetings.

Chair Brooks asked for a friendly amendment to bring back several names for consideration.

2. Action Taken – Appointment, Chancellor of the Nevada System of Higher Education –
(Continued)

Chief General Counsel Martines stated the current process for appointing an interim or acting Chancellor is for those individuals to be sought out, vetted, brought back to the Board, and then for the Board to appoint an individual. He did not think that the Board needed to worry about names at this point because it is inherent in the process.

Regent Goodman thought it was inappropriate to mention a name after denying someone else the position. It makes the Board look poor.

Regent Brager stated it sends the wrong message to fail a search and then give a name for the interim. She is wholeheartedly embarrassed.

Regent Downs offered a friendly amendment to remove the name from the motion.

Chief General Counsel Martines pointed out that the proper process would be to withdraw the motion and make a new one.

Regent Del Carlo withdrew her motion.

Regent Del Carlo moved to discontinue the Chancellor search process and begin the process to appoint an interim Chancellor pursuant to Board policy. Regent Downs seconded.

Regent Del Carlo requested this process begin on Monday. She believes there is still time to get someone on board by August 1.

Vice Chair Arrascada believed this charade was contrived to sabotage the search. NSHE has a person that can begin on August 4. Today's actions seem deliberate and do not sit well with him.

In response to a question from Regent Perkins about the process, Chief General Counsel Martines responded that the Chancellor has an officer in charge list that is kept on file. The officer in charge would continue the day-to-day operations until an appointment is made. Regent Perkins requested a copy of the list.

Motion carried via a roll call vote. Chair Brooks, Vice Chair Arrascada, and Regents Boylan, Brager, Brown, Carvalho, Cruz-Crawford, Del Carlo, Downs, Goodman, McMichael, Perkins, and Tarkanian voted yes.

The meeting recessed at 3:07 p.m. and reconvened at 3:20 p.m.

3. Approved – Fiscal Year 2024 Cost-of-Living Adjustment for Professional Employees –
The Board approved an increase in the base salaries of all NSHE professional staff as a cost-of-living adjustment in the amount of 12 percent, effective on July 1, 2023. *(Ref. BOR-3 and Supplemental Material on file in the Board Office.)*

Acting Chancellor Dale A.R. Erquiaga and the Council of Presidents presented a request for an increase in the base salaries of all NSHE professional staff as a cost-of-living adjustment of 12 percent, effective on July 1, 2023.

Regent Downs disclosed he is an employee of Western Nevada College. Because the independence of judgment of a reasonable person would not be materially affected, he will vote on Item 3 (Fiscal Year 2024 Cost-of-Living Adjustment for Professional Employees). He disclosed the relationship under NRS Chapter 281A.

Regent Brager moved approval of an increase in the base salaries of all NSHE professional staff as a cost-of-living adjustment in the amount of 12 percent, effective on July 1, 2023. Regent Perkins seconded.

Regent Del Carlo thanked the faculty and staff for all their hard work. One of the first problems she saw when she came on the Board was an \$88 million salary compression issue. NSHE had repeatedly gone to the Legislature requesting a salary increase but did not receive it. In corporate business, salary surveys are done yearly to update salaries in order to retain and recruit the best talent. She believes that this salary increase is the right thing to do.

In response to a question from Regent Boylan asking if NSHE has the money for 12 percent, Acting Chancellor Erquiaga said the Legislature did not give enough money to fund a 12 percent COLA. Still, NSHE will adjust spending to support the 12 percent COLA.

Regent Boylan asked if there was a plan for those with higher salaries not to take the full 12 percent. Acting Chancellor Erquiaga stated to cap or differentiate the COLA could cause implications that could lead to litigation. He did not recommend that action. He can only recommend that those in highly compensated positions voluntarily take a lessor COLA. Regent Boylan stated he would vote no to a 12 percent COLA increase across the board.

Regent Cruz-Crawford echoed that she has received a lot of contact about the difference this 12 percent will make in people's lives, and she will support it.

Regent Downs also echoed the comments. Everyone in NSHE has endured pay stagnation over the past decade, and he is grateful this is an opportunity to go in the right direction. He encouraged the Regents to support this item.

Regent Carvalho thanked the faculty for their hard work. This vote is a rare opportunity for the Regents to reset what NSHE lacks. She is in full support. From a fiscal point of view, she hopes this will be restored to the base in the next biennium.

3. Approved – Fiscal Year 2024 Cost-of-Living Adjustment for Professional Employees – (Continued)

Regent Perkins liked the idea of the executive salary schedule employees not accepting the COLA because they received a salary increase approximately one year ago.

Regent Brown stated the Legislature made a mistake last session and didn't correct it this session. She thanked institutional leadership for taking this seriously and making recommendations for the faculty. She also challenged the executives to forgo the increase. She will support the increase to do what is right for faculty and staff.

Regent Del Carlo asked if the institutions must freeze positions and how that affects upcoming budgets. Acting Chancellor Erquiaga stated the pay bill appropriates money for the salary increases. Then, at the year's end, the Governor's Finance Office, through the State Board of Examiners, reconciles against positions and money spent. NSHE is in conversations with the administration about codifying what the procedures will look like because it is possible that this could hurt NSHE in the end.

Regent Goodman stated the Legislature should have rectified the mistake, and there should be no reason why NSHE was denied the funding. She will support the COLA increase.

Acting Chancellor Erquiaga stated there are employees in the System, mainly at the medical schools and athletics, with different employment contracts prohibiting COLA.

Acting Chancellor Erquiaga thanked Chief Financial Officer Andrew Clinger and the business officers.

Regent McMichael voiced his disappointment in the Legislature. He will support the 12 percent COLA.

Chair Brooks stated he is in support. He also recognizes that this is being presented because the Presidents recommended it. He invited comments from the Presidents.

UNLV President Keith E. Whitfield stated he wholeheartedly favors the 12 percent. The disparate impact may affect the schools of medicine. UNLV School of Medicine (UNLVSOM) Dean Marc. J. Khan stated he has had several discussions about this. Clinical faculty salaries are funded partly by state funding; the rest is a percentage of earned income from seeing patients. The earned income does not come from the state. The UNLVSOM has separate contracts with physicians that make this clear. It is not unreasonable to come up with a different salary increase percentage for those on these types of contracts; UNLVSOM is estimating four percent (4%), not twelve percent (12%). Dean Kahn stated that he has been articulating this to his faculty as has Dean Hauptman.

Regent Boylan asked whether Dean Kahn was recommending a graduated scale. UNLVSOM Dean Khan clarified the 12 percent increase should apply to state source income, and earned income should be subject to a different percentage based on the performance of the practice plan.

3. Approved – Fiscal Year 2024 Cost-of-Living Adjustment for Professional Employees – (Continued)

Regent Carvalho noted that DRI has stated it can fund the increase. DRI President Kumud Acharya reported DRI has three distinct categories of employees at DRI: administrators funded by the state, faculty funded by self-supporting grants and contracts, and administrative faculty funded by self-supporting grants and contracts. DRI's state portion is very high because DRI gets about 98 percent of the increased COLA based on the general fund contributions. However, self-supporting faculty relying on grants and contracts must charge extra money. The rule will apply uniformly across all three groups of faculties at DRI. It will not be easy for faculty that have already budgeted for next year, but he thinks it will be fine. DRI President Acharya stated he is not worried about the 12 percent this year but is concerned about the increase next year.

UNLV SOM Dean Khan added that they review the clinicians' salaries annually, benchmark them to the Association of American Medical College Salaries and make annual equity adjustments.

Regent Tarkanian left the meeting.

TMCC President Karin M. Hilgersom felt it important to note that TMCC has been planning for this 12 percent, and TMCC's plan is very responsible. She stated this is the right thing to do for the employees.

Motion carried. Regent Tarkanian was absent.

Agenda Items 4 (*Handbook* Revision, Purple Heart Fee Waiver), 5 (*Handbook* Revision, Fee Waivers for Native Americans), and 6 (*Handbook* Revision, Regulations Determining Residency and Tuition Charges) were taken together.

4. Approved – Handbook Revision, Purple Heart Fee Waiver – The Board approved a revision to Board policy (Title 4, Chapter 17, Section 14) to align with provisions of Assembly Bill 279, which revises provisions governing the fee waiver for a veteran of the Armed Forces of the United States who has been awarded a Purple Heart to include a child of such veteran. (*Ref. BOR-4 on file in the Board Office.*)
5. Approved – Handbook Revision, Fee Waivers for Native Americans – The Board approved a revision to Board policy (Title 4, Chapter 17, Section 15) to align with provisions of Assembly Bill 150, which revises provisions governing the fee waiver for certain Native Americans, addressing residency requirement, the types of programs for which the waiver can be used, and calculation of the waiver amount. (*Ref. BOR-5 on file in the Board Office.*)
6. Approved – Handbook Revision, Regulations Determining Residency and Tuition Charges – the Board approved a revision to Board policy (Title 4, Chapter 15, Section 3) intended to comply with the revised provisions of Assembly Bills 226 and 150 and a proposal that contains updated language replacing the term 'alien' with 'noncitizen' (Title 4, Chapter 15, Sections 1-3, 5 and 6, and Title 4, Chapter 11, Section 3). (*Ref. BOR-6 on file in the Board Office.*)

4. Approved – Handbook Revision, Purple Heart Fee Waiver – (Continued)
5. Approved – Handbook Revision, Fee Waivers for Native Americans – (Continued)
6. Approved – Handbook Revision, Regulations Determining Residency and Tuition Charges – (Continued)

Acting Vice Chancellor for Academic and Student Affairs and Community Colleges Patty Charlton presented the Purple Heart Fee Waiver, *Handbook* revision to Board policy (Title 4, Chapter 17, Section 14) to align with provisions of Assembly Bill 279.

Regent Perkins moved approval of a revision to Board policy (Title 4, Chapter 17, Section 14) to align with provisions of Assembly Bill 279, which revises provisions governing the fee waiver for a veteran of the Armed Forces of the United States who has been awarded a Purple Heart to include a child of such veteran. Regent Boylan seconded.

In response to Regent Carvalho's question about whether the fee waiver is mentioned on the applications, Acting Vice Chancellor Charlton responded they engage with the various offices at the institutions to communicate the waivers as best they can. Still, NSHE believes marketing of all the fee waivers should be increased.

Chair Brooks asked if there is a box for a veteran to mark. Acting Vice Chancellor Charlton believed there is a process within PeopleSoft, but she would confirm.

In response to a question from Regent Brown related to the process, Chief General Counsel Martines stated that once the Legislature passes the law, NSHE needs to go into the *Handbook* and make the appropriate revisions to the policy. Acting Vice Chancellor Charlton said typically, when the bill comes forward from the Legislature, the institutions, and NSHE are asked if there is a fiscal impact. She added that this is an unknown population, so they do not have a quantified amount of the fiscal impact. Acting Chancellor Erquiaga stated they do not have a fiscal impact on this population, but that is slightly different on the next item. If NSHE did not do this, then the law would control it, but the institutions may not know, so processes would not be updated.

Regent Brown suggested Items 4 (*Handbook* Revision, Purple Heart Fee Waiver), 5 (*Handbook* Revision, Fee Waivers for Native Americans), and 6 (*Handbook* Revision, Regulations Determining Residency and Tuition Charges) be combined and considered together.

4. Approved – Handbook Revision, Purple Heart Fee Waiver – (Continued)
5. Approved – Handbook Revision, Fee Waivers for Native Americans – (Continued)
6. Approved – Handbook Revision, Regulations Determining Residency and Tuition Charges – (Continued)

Regent Perkins amended her motion to include approval of Items 4 (*Handbook* Revision, Purple Heart Fee Waiver), a revision to Board policy (Title 4, Chapter 17, Section 14) to align with provisions of Assembly Bill 279, which revises provisions governing the fee waiver for a veteran of the Armed Forces of the United States who has been awarded a Purple Heart to include a child of such veteran; 5 (*Handbook* Revision, Fee Waivers for Native Americans), a revision to Board policy (Title 4, Chapter 17, Section 15) to align with provisions of Assembly Bill 150, which revises provisions governing the fee waiver for certain Native Americans, addressing residency requirement, the types of programs for which the waiver can be used, and calculation of the waiver amount; and 6 (*Handbook* Revision, Regulations Determining Residency and Tuition Charges), a revision to Board policy (Title 4, Chapter 15, Section 3) intended to comply with the revised provisions of Assembly Bills 226 and 150 and a proposal that contains updated language replacing the term ‘alien’ with ‘noncitizen’ (Title 4, Chapter 15, Sections 1-3, 5 and 6, and Title 4, Chapter 11, Section 3). Boylan seconded.

Acting Vice Chancellor Charlton presented the Fee Waivers for Native Americans *Handbook* revision (Title 4, Chapter 17, Section 15) to align with provisions of Assembly Bill 150, which revises provisions governing the fee waiver for certain Native Americans, addressing residency requirement, the types of programs for which the waiver can be used, and calculation of the waiver amount.

Acting Vice Chancellor Charlton presented the Regulations Determining Residency and Tuition Charges *Handbook* revision (Title 4, Chapter 15, Section 3) intended to comply with the revised provisions of Assembly Bills 226 and 150 and a proposal that contains updated language replacing the term ‘alien’ with ‘noncitizen’ (Title 4, Chapter 15, Sections 1-3, 5 and 6, and Title 4, Chapter 11, Section 3).

Regent Del Carlo was happy NSHE is updating language, replacing the term ‘alien’ with ‘noncitizen.’ Acting Vice Chancellor Charlton highlighted the work of the IDEA Council.

4. Approved – Handbook Revision, Purple Heart Fee Waiver – (Continued)
5. Approved – Handbook Revision, Fee Waivers for Native Americans – (Continued)
6. Approved – Handbook Revision, Regulations Determining Residency and Tuition Charges – (Continued)

Regent Boylan stated he was confused about fee waivers and grants. Acting Vice Chancellor Charlton reported what changed in the legislation is the order in which the funding is provided. Previously a student would complete the FAFSA, and that funding would be applied to any of the assessments. Then any other federal benefits (fee waivers) would then be applied. But this change in legislation means that the fee waiver will be applied first. Acting Vice Chancellor Charlton clarified that a student might be eligible for other federal financial aid even after receiving the fee waiver.

Regent Carvalho thanked the Legislature for passing AB 226. She asked why the last dollar provision was removed from the legislation. It is always a good practice to encourage students to fill out the FAFSA and get federal money before using other funds. Acting Vice Chancellor Charlton clarified that the student fills out the FAFSA. It is just the order in which the waiver is applied. This is the first time NSHE has received an appropriation to support the fee waiver. Acting Chancellor Erquiaga stated that the Legislator who sponsored the bill specifically, at the request of the tribes, asked that they move to the first dollar instead of the last dollar. They still must buy books, pay for a dormitory, and a meal plan. The tribes pointed out that the Foster Youth Fee waiver adopted by this Board is a first-dollar program.

Regent Del Carlo agreed that true fiscal impact needs to be assessed on all the unfunded mandates.

Motion carried. Regent Tarkanian was absent.

7. Approved – Appointment, Interim Chief Auditor, and Commencement of Search – The Board approved the appointment of current Internal Audit Manager Lauren Tripp to serve as Interim Chief Internal Auditor, as recommended by Audit, Compliance and Title IX (AC & Title IX) Committee Chair Laura E. Perkins and the proposed employment contract. (Refs. BOR-7a, BOR-7b, and Supplemental Material on file in the Board Office.)

AC & Title IX Committee Chair Perkins appreciated the Board recognizing that NSHE has quality personnel within its ranks who need to be recognized and supported. Committee Chair Perkins questioned the recommended salary as it was approximately \$50,000 less than the previous Chief Internal Auditor made.

Chair Brooks welcomed Lauren Tripp to the meeting. Chair Brooks stated the employment contract was sent to Ms. Tripp through Human Resources, along with the stipulations of what the job will look like. He asked Ms. Tripp if she had agreed with the employment contract, and Ms. Tripp responded yes, she had.

7. Approved – Appointment, Interim Chief Auditor, and Commencement of Search –
(Continued)

AC & Title IX Committee Chair Perkins reiterated that the previous Chief Internal Auditor's salary was approximately \$50,000 higher, and Ms. Tripp has been with NSHE for ten years. She added that the main difference is that one was male and Ms. Tripp identifies as female.

Chair Brooks believed it to be uncareful wording if Committee Chair Perkins was stating there is a salary discrepancy based on gender.

NSHE Human Resources Director Sherry Olson stated the previous incumbent of this position made \$156,728 annually. The salary proposed today is \$130,000. They came to this number by looking at Title 4, Chapter 3, Section 27.2, which provides guidelines on the initial salary of new hires. They applied the policy because this is a new role for Ms. Tripp. The minimum for Grade E is \$123,474, and Q1 is \$164,632, so they placed Ms. Tripp above the minimum and took her experience into account. Additionally, employees within NSHE that accept additional responsibilities outside the normal scope of work receive a stipend of 9 percent. In this situation, Ms. Tripp is receiving a 41 percent increase.

AC & Title IX Committee Chair Perkins requested the salary for Ms. Tripp be set at the Grade E, Q1 level. Human Resources Director Olson stated a salary of \$164,632 would be more than the previous incumbent was making.

Regent Tarkanian entered the meeting.

Regent Del Carlo stated this is a unique position with two bosses. She also indicated that she had done her due diligence and Joe Sunbury had a glowing review of Ms. Tripp.

In response to a question from Regent Boylan related to who determines the interim appointment, Chief General Counsel Martines stated it is evident in policy that the Board appoints, but in this instance, it was unclear who makes the recommendation to the Board. After reviewing the current reporting structure and the search process, they produced a joint recommendation from the AC & Title IX Committee Chair and the Board Chair.

Regent Goodman moved approval to appoint current Internal Audit Manager Lauren Tripp to serve as Interim Chief Internal Auditor, as recommended by Audit, Compliance and Title IX Committee Chair Laura E. Perkins. Regent Tarkanian seconded.

Chief General Counsel Martines clarified that a motion should include both the appointment and approval of the proposed employment contract.

7. Approved – Appointment, Interim Chief Auditor, and Commencement of Search – (Continued)

Regent Goodman amended her motion to include the appointment of current Internal Audit Manager Lauren Tripp to serve as Interim Chief Internal Auditor, as recommended by Audit, Compliance and Title IX Committee Chair Laura E. Perkins and approval of the proposed employment contract. Regent Tarkanian seconded. Motion carried.

Ms. Tripp thanked the Board for the opportunity. She has been with the department for 11 years, was hired as Senior Internal Auditor, became Internal Audit Manager, and was lucky enough to work with the former Chief Internal Auditor for 7 ½ years. She believed in the direction and changes he made to the department, and she hoped that she could continue the momentum.

Regent Carvalho recommended putting the Chief Internal Auditor search on hold to allow the Interim Chief Internal Auditor a chance in the role.

Regent Brager agreed with Regent Carvalho and suggested bringing the item back in one year.

The meeting recessed at 5:04 p.m. and reconvened at 5:15 p.m. with all members present.

8. Approved – Nomination, Nevada State Board of Education – The Board approved the nomination of Vice Chair Joseph C. Arrascada for consideration and selection by the Governor for reappointment to the Nevada State Board of Education. (*Ref. BOR-8 on file in the Board Office.*)

Regent Boylan nominated Vice Chair Joseph C. Arrascada. Regent Brager seconded.

Regent Brown nominated Regent Michele Cruz-Crawford.

In response to a question from Regent Del Carlo asking if, under the Open Meeting Law, the Board was able to do a written vote. Deputy Attorney General Bordelove stated there is no anonymous voting under the Open Meeting Law.

Interim Chief of Staff Keri Nikolajewski added that Robert's Rules of Order allows ballot voting if the ballots are read into the record. Chief General Counsel Martines stated if that is how the Board would like to proceed, he recommends a recess to figure out the proper way.

8. Approved – Nomination, Nevada State Board of Education – (Continued)

Vice Chair Arrascada stated that the State Board of Education has been working on college and career readiness for the past year and he felt that progress would be disrupted if he was not reappointed. Additionally, they have been working diligently on new start times for schools. He did not like his integrity and participation questioned. He has been committed and takes the responsibility heavily on his shoulders to represent the Board of Regents with the most tremendous respect.

Regent Cruz-Crawford stated she has been a K-12 educator for 20 years. She pointed out that she works actively with the dual enrollment programs. She also understands the complexity of the testing for college and career readiness and sees how it looks in a classroom and how it transfers from the teaching and learning of the student to the student outcomes of their SAT scores. She is a huge proponent of the Millennium Scholarship to ensure students get a 21 on their SAT. She knows how that transfers to students being more successful at the undergraduate level. Because she works at the state level developing policies that directly affect students, K-20 and above, she sees the policy development and how it looks in the classroom when it transfers to the students. She would be able to help give guidance to the State Board of Education regarding what the policy would look like in K-12 and how it will affect NSHE institutions. She commended Vice Chair Arrascada for his work but wanted to share that she feels more than prepared for this appointment.

Regent Del Carlo thanked Vice Chair Arrascada for his work, but all Regents have talents and skills and this appointment seems like an excellent fit for Regent Cruz-Crawford. She added that if the intent is for the appointment to be for two years, then the Board needs to change its policy.

Regent Boylan asked if the policy states the Chair is supposed to make the appointments. Chief General Counsel Martines noted that the Bylaws state in the Chair's duties that the Chair make the appointments. Chair Brooks chose to bring this back to the Board, not because it was a process requirement.

Interim Chief of Staff Nikolajewski clarified that NRS requires that the Governor make this appointment; the Board nominates to the Governor.

Chair Brooks felt there was confusion at the last meeting regarding how the Board was moving, so he thought it best to bring the item back. It does not negate the fact that this position typically sits with the State Board of Education for two years. Vice Chair Arrascada is passionate about the work they have been doing and has expressed an interest in continuing the work.

Regent Brown stated it isn't that she thought the appointment of Vice Chair Arrascada was bad, just that Regent Cruz-Crawford is a professional, works in education, is up to speed, and will represent the Board well.

Regent Goodman moved to table the item.

8. Approved – Nomination, Nevada State Board of Education – (Continued)

Chair Brooks noted there was a motion on the table.

Chief General Counsel Martines recommended that the Board vote on the motion.

Regent Carvalho clarified that for NRS and the purposes of the State Board of Education, it is a one-year term, but traditionally the Board appoints with the anticipation of a two-year term.

Regent Del Carlo stated, historically, this is a position that nobody wanted because the appointed representative has a voice but no vote.

In response to a question from Regent Downs related to the process, Chief General Counsel Martines stated there was a motion and a second made before the second nomination was made.

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

9. Information Only – New Business

Regent Downs requested a review of the chancellor and executive search processes.

Regent Brager requested a policy proposal where once an item has been voted on, it cannot be brought back for a year without a super-majority vote. She also requested that staff look into a professional voting system.

Regent Del Carlo requested a policy review for the State Board of Education position for a two-year term.

Regent Goodman requested an agenda item for the full-time appointment of Keri Nikolajewski as the permanent Chief of Staff.

Regent Carvalho requested an update on the supreme court decision on affirmative action.

Regent Perkins requested estimates on moving to a digital agenda process, a digital calendaring process, a doodle poll for scheduling meetings, regularly scheduled agenda briefings, a cheat sheet with dates and timeline for agendas and reference material, and a digital voting system with a speaking queue.

Regent McMichael requested that the fee waiver for veterans awarded the Congressional Medal of Honor be extended to the children of such veterans.

10. Information Only – Public Comment

The following individuals provided in-person or written public comment in support of full implementation and funding of the Cost of Living Adjustment (COLA):

- Cydney Giroux (*Giroux.Cydney063023 on file in the Board Office.*)
- Laura Naumann
- Bill Robinson
- Tracy Sherman
- Bradley Summerhill (*Summerhill.Bradley063023 on file in the Board Office.*)
- Asherian Vartouhi (*Vartouhi.Asherian063023 on file in the Board Office.*)

The following individual provided in-person public comment voicing concern that Governor Joe Lombardo vetoed AB 224, collective bargaining, which had bipartisan support in the Legislature:

- Kent Ervin (*Ervin.Kent063023 on file in the Board Office.*)

The following individuals provided in-person public comment thanking the Board for its support of full implementation and funding of the Cost of Living Adjustment (COLA):

- Shantal Marshall
- Laura Naumann
- Bill Robinson
- Tracy Sherman
- Patrick Villa

The following individuals provided in-person public comment requesting the Presidents to engage the faculty and students in the discussions on the upcoming COLA:

- Bill Robinson
- Patrick Villa

The following individual provided in-person public comment in support of hiring a search firm with a more extensive history in higher education searches and to find ways to convince the Legislature to reinvest in education:

- Laura Naumann

The meeting adjourned at 6:04 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 September 9, 2023, meeting.