

Minutes approved by the Board of Regents at the September 28, 2023, meeting.

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Friday, July 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. Patricia Charlton, Acting Vice Chancellor, Academic and
Student Affairs and Community Colleges
Ms. Lynda P. King, Associate General Counsel
Ms. Keri D. Nikolajewski, Chief of Staff to the Board
Ms. Lindsey Sessions, Acting Chief Financial Officer
Mr. Rhett Vertrees, Assistant Chief Financial Officer
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Dr. DeRionne Pollard, President, NSU
Dr. Karin M. Hilgersom, President, TMCC
Dr. Keith E. Whitfield, President, UNLV
Mr. Brian Sandoval, President, UNR

Faculty senate chairs in attendance were Mr. Patrick Villa, CSN; Mr. JD Lancaster, DRI; Dr. Molly Appel, NSU; Mr. Ed Boog, SA; Dr. Bill Robinson, UNLV; and Dr. Peter S. Reed, UNR (*Chair, Council of Faculty Senate Chairs*). Classified council chairs in attendance were Mr. Joshua Rushing, CSN; and Ms. Stacy Wallace, NSU (*President, Classified Council Executive Board*).

Deputy Attorney General Chricy Harris 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.

1. Information Only – Public Comment

The following individuals provided in-person or written public comment in support of Item 3, Appointment, Chief of Staff to the Board of Regents (Keri D. Nikolajewski):

- Jon Carpineta (*Carpineta.Jon0723 on file in the Board Office.*)
- Dani Chandler (*Chandler.Dani0723 on file in the Board Office.*)
- Elizabeth Collins (*Collins.Elizabeth0723 on file in the Board Office.*)
- Deb Conrad (*Conrad.Deb0723 on file in the Board Office.*)
- Cedric Crear (*Crear.Cedric0723 on file in the Board Office.*)
- Dr. Jason Geddes
- Marclem Hernandez (*Hernandez.Marclem0723 on file in the Board Office.*)
- Dr. Kyle Kaalberg (*Kaalberg.Kyle0723 on file in the Board Office.*)
- Winter Lipson
- Dr. Theo Meek
- Kevin Melcher
- Toni Odom-McNeil (*Odom-McNeil.Toni0723 on file in the Board Office.*)
- Angela R. Palmer
- Dr. Bill Robinson
- David Singleton (*Singleton.David0723 on file in the Board Office.*)
- Iris Stewart (*Stewart.Iris0723 on file in the Board Office.*)
- Joe Sunbury (*Sunbury.Joe0723 on file in the Board Office.*)
- Nicholas Vaskov (*Vaskov.Nicholas0723 on file in the Board Office.*)
- Scott Wasserman (*Wasserman.Scott0723 on file in the Board Office.*)
- Scott Young (*Young.Scott0723 on file in the Board Office.*)

The following individuals provided written public comment in support of Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom:

- YeVonne Allen (*Allen.YeVonne0723 on file in the Board Office.*)
- Eric Bullis (*Bullis.Eric0723 on file in the Board Office.*)
- Yuli Chavez Camarena (*Chavez Camarena.Yuli0723 on file in the Board Office.*)
- Jody Covert (*Covert.Jody0723 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

The following individuals provided written public comment in support of Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

- Mindy Lokshin (*Lokshin.Mindy0723 on file in the Board Office.*)
- TMCC Leadership (*TMCCLeadership0723 on file in the Board Office.*)

The following individual provided written public comment in opposition of Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom:

- Lars Jensen (*Jensen.Lars0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom, voicing multiple concerns:

- Amy Cavanaugh (*Cavanaugh.Amy0723 on file in the Board Office.*)
- Connie Croysdill (*Croysdill.Connie0723 on file in the Board Office.*)
- Jim New (*New.Jim0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom, and thought that the evaluation process is important and required but should not impact the date of departure:

- Julia Hammett (*Hammett.Julia0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 11, NSHE Update on Dual Enrollment, voicing concerns regarding dual enrollment and the possibility of having college-level professors with only “high school instructor qualifications”:

- Bradley Summerhill (*Summerhill.Bradley0723 on file in the Board Office.*)

The following individual provided in-person or written public comment in favor of Item 11, NSHE Update on Dual Enrollment:

- Molly Appel
- Susan Enfield (*Enfield.Susan0723 on file in the Board Office.*)
- Sarah Keyes
- Jim Webber

The following individual requested assistance from the Board of Regents to make the necessary NSHE appointments to the Nevada State Apprenticeship Council:

- Toni Giddens

In response to a question from Regent Boylan related to employees providing public comment, Associate General Counsel Lynda P. King stated that it is a matter between the employee and supervisor and handled at the campus level.

Regent Brager led the Pledge of Allegiance.

2. Approved – Consent Items – The Board approved the Consent Items except for Item 2b (Code and *Handbook* Revisions, Definition of State College), which was considered separately.

2a. Approved – Minutes – The Board approved the following meeting minutes:

- April 21, 2023, Board of Regents special meeting (*Ref. BOR-2a1 on file in the Board Office.*)
- May 16, 2023, Board of Regents special meeting (*Ref. BOR-2a2 on file in the Board Office.*)

2c. Approved – Clarification, UNR and UNLV Schools of Medicine Fiscal Year 2024 Cost of Living Adjustment for Clinical Faculty – The Board approved the application of the fiscal year 2024 cost of living adjustment as applied to their respective School of Medicine clinical faculty base salaries in the amount of four percent (4%). (*Ref. BOR-2c on file in the Board Office.*)

University of Nevada, Reno President Brian Sandoval and University of Nevada, Las Vegas President Keith E. Whitfield requested approval of the application of the fiscal year 2024 cost of living adjustment as applied to their respective School of Medicine clinical faculty base salaries in the amount of four percent (4%). At its June 30, 2023, special meeting, the Board discussed and assented to the bases for the differential cost of living adjustments due to clinical activity. Since then, Dr. Marc J. Kahn, Dean of the UNLV Kirk Kerkorian School of Medicine, and Dr. Paul J. Hauptman, Dean of the UNR School of Medicine, and their teams, have arrived at a consensus of four percent (4%) cost of living adjustment applicable to clinical faculty base salaries.

Regent Boylan moved approval of the Consent Items except for Item 2b (Code and *Handbook* Revisions, Definition of State College). Regent Downs seconded. Motion carried.

Consent item considered separately.

2b. Approved – Code and Handbook Revisions, Definition of State College – The Board approved the proposed revisions to amend Board policy (Title 2, Chapter 1, Section 1.1 and Title 4, Chapter 1, new Section 41) to define “state college” to mean the state college known as Nevada State University and for the Board to direct its Chief of Staff to search and replace all *Handbook* references to “Nevada State College” with “Nevada State University.” (*Ref. BOR-2b on file in the Board Office.*)

Acting Chancellor Dale A.R. Erquiaga requested revisions to amend Board policy to define “state college” to mean the state college known as Nevada State University and for the Board to direct its Chief of Staff to search and replace all *Handbook* references to “Nevada State College” with “Nevada State University.” The amendments proposed herein revise the *Handbook*

Consent item considered separately – (Continued)

2b. Approved – Code and Handbook Revisions, Definition of State College – (Continued)

to align with *Nevada Revised Statutes* 396.005, which defines “state college” to mean all of the state colleges within the Nevada System of Higher Education, including, without limitation, the state college known as Nevada State University. This proposal includes a Code revision requiring two hearings before the Board. It was first presented for information at the June 9, 2023, quarterly meeting.

Regent Perkins moved approval of Consent Item 2b (Code and *Handbook* Revisions, Definition of State College). Regent Carvalho seconded.

Regent Perkins congratulated the faculty, NSU President Pollard, and everyone who made this happen.

Regent Carvalho congratulated Nevada State University.

Motion carried.

3. Approved – Appointment, Chief of Staff to the Board of Regents – The Board approved the appointment of Interim Chief of Staff Keri D. Nikolajewski as the permanent Chief of Staff effective at the next Board of Regents meeting, special or otherwise, at which time the contractual terms, including compensation, will be considered. (*Supplemental Material on file in the Board Office.*)

Regent Goodman moved approval of the appointment of Interim Chief of Staff Keri D. Nikolajewski to serve as Chief of Staff to the Board of Regents. Regent Brager seconded.

Associate General Counsel King clarified whether the motion included the proposed contract terms.

Regent Goodman moved approval of the appointment of Interim Chief of Staff Keri D. Nikolajewski to serve as Chief of Staff to the Board of Regents and the proposed contract terms. Regent Brager seconded.

Regent Boylan stated the proposed salary is twice to three times the wages of some faculty members. He added the position had not been evaluated. Human Resources has not supplied the Board with a position description questionnaire or provided an option for a competitive search. This appointment is about stopping the Board from having its Chief of Staff and Special Counsel position.

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

In response to a question from Regent Boylan asking whether the applicant has been evaluated for the position, Associate General Counsel King responded Ms. Nikolajewski did have evaluations while in the Interim position and throughout her 21 years of service. The briefing paper indicates that the position description questionnaire was completed at the request of the General Counsel's Office to ensure a current review of the position. Human Resources determined the position of Chief of Staff, without the Special Counsel, remains in the Grade 3 NSHE Executive Salary Schedule. The position without legal duties was initially classified in the current range in 2007. Interim roles are generally distinguished from acting roles so that an interim candidate can be considered for permanent appointment without a search. The *Handbook* supports internal promotions for administrative faculty positions without any search. This is an appropriate action from a legal perspective.

Regent Boylan asked for clarification on the definition of administrative faculty. Associate General Counsel King clarified there are different classes of employees: administrative faculty, academic faculty, and classified employees. Administrative faculty, such as Chief General Counsel and Chief Internal Auditor, are on a contract. For those positions, when in an interim status, the Board can make a permanent appointment with a thorough justification and Human Resources evaluation without a competitive search.

Chair Brooks clarified there is no process or procedure in which Regents can table an item via email. It is quite possible that placing more than five Regents in an email and asking for something specific is a potential violation of the Open Meeting Law.

Regent Boylan stated it was a request by three Regents. He said there is no Chief of Staff position in the *Handbook*. There is a Chief of Staff and Special Counsel to the Board of Regents position in the *Handbook*.

Chair Brooks stated receiving supplemental material 24 hours before the meeting is not unusual, especially when staff are away from work. The supplemental material references prior action taken by the Board to separate the two positions.

Regent Boylan believed changes to the *Handbook* must be approved by $\frac{3}{4}$ of the Board and asked when that took place to change the position to Chief of Staff in the policy. Associate General Counsel King stated the Bylaws provide Regents access to the agenda. Since the item being discussed was already on the agenda, any action concerning the item has to happen in the meeting. She reiterated that Legal had requested a recommendation from Human Resources. One individual staffs the Human Resources department at System Administration and she was on vacation. At the April 21, 2023, special meeting, the Board voted to separate Special Counsel, which will now be a position under the Chief General Counsel's Office. Supplemental information was provided with the agenda discussing the differences between the roles. Chief General Counsel Martines explained on the record why the Board has *Handbook* references that call the two positions Chief of Staff and Special Counsel. The words Special Counsel were added to the Bylaws, where the Chief of Staff position and duties are described, by a predecessor. The Special Counsel reference

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

was added outside of a public meeting, which makes the action void. The *Handbook* does have a description of the Chief of Staff duties. When the former employee made the change, it was made under a provision that allows for non-substantive changes, usually correcting grammatical or housekeeping changes. Adding or changing the title of a position is not non-substantive, so the action is void. Chief General Counsel Martines noted at the April meeting that necessary revisions would come forward at a future meeting. In August, an agenda item will state that the action was void and ask the Board to provide direction to staff to go back and make the necessary revisions. The General Counsel's Office is also working with Human Resources to put together a position description for the Special Counsel position in the General Counsel's Office, which is a shared position and will provide legal counsel to the Board of Regents.

Regent Perkins believed by precedent that the Board had codified the position because the Board had taken action on the position since 2014. Associate General Counsel King stated that as legal counsel, it is not the position of the Chief General Counsel's Office that there has been a codification of the Chief of Staff and Special Counsel position, and even if there had been, the Board has now voted to separate the position.

Regent Perkins stated the process had been overlooked to fit a dynamic. She is interested in the position description because how can the Board determine a salary if the duties have not been provided. Regent Perkins stated she needs the job description to make an informed decision.

Associate General Counsel King reiterated that the duties of the Chief of Staff position are listed in the Bylaws and included in the April 21 supplemental material. That is the material that Human Resources utilized to prepare the position description for the comp and class evaluation to determine that the Chief of Staff position should remain in Grade 3 of the NSHE Executive Salary Schedule. Associate General Counsel King added that the recommendation for Grade 3 is based 100 percent on the Chief of Staff. The legal duties have been separated and will be evaluated as a position that provides legal services to the Board and System Administration. The Special Counsel position's division of labor will be determined.

Vice Chair Arrascada called the question.

Chair Brooks observed there was no second to the motion to call the question. Therefore, discussion on the agenda item will continue.

Regent Goodman stated the discussion is an excellent point as to why Regents should receive briefings before meetings to alleviate many questions. Regent Goodman stated she has learned to trust staff. Regent Goodman made the motion because the office needs someone at the helm. Ms. Nikolajewski has been in the position for 27 months and is doing an excellent job. She believed it was imperative to move forward and bring people into permanent positions to work more effectively as a System.

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

Regent Downs felt very rushed and was concerned about the pay. He noted that some vice presidents are paid significantly less than this proposed salary. This is a generous salary.

Chair Brooks reiterated that the two positions were separated in April. In terms of compensation, Huron completed an equity study. Human Resources examined the position classifications, and the Chief of Staff was placed at the minimum of Grade 3. Associate General Counsel King offered that the Chief of Staff position has been in the current grade since 2007.

Associate General Counsel King stated from a legal perspective, she did not have anything further to place on the record.

Regent Brown stated that she expressed her concerns with this agenda item earlier in the week. She also asked for a summary of the roles to match them to the current job description seven hours before the Board received the supplemental material.

Regent Brown offered a friendly amendment to remove the proposed contract terms from the motion and debate whether the Board wants to proceed with the appointment.

Associate General Counsel King stated Robert's Rules of Order govern the Board's proceedings. Because the Board has begun discussing the motion, a friendly amendment is not appropriate.

Regent Brown asked Regent Goodman to withdraw her motion and make a new motion to separate the appointment and the proposed contract terms.

Regent Goodman amended her motion to approve Keri D. Nikolajewski as Chief of Staff and to discuss the human resources components of the contract at a future meeting.

Deputy Attorney General Chricy Harris reiterated that the motion should be withdrawn, as well as the second.

Regent Goodman withdrew her motion. Regent Brager withdrew her second.

Regent Goodman moved to approve Keri D. Nikolajewski as Chief of Staff to the Board of Regents. Regent Brager seconded.

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

Associate General Counsel King recommended that the motion include an effective date to discuss the other contract terms.

Regent Goodman amended her motion to approve Keri D. Nikolajewski as Chief of Staff to the Board of Regents and to discuss the contract's salary and human resources components effective at the next meeting. Regent Brager seconded.

The meeting recessed at 10:30 a.m. and reconvened at 10:43 a.m. with all members present.

Regent Goodman withdrew her motion to restate. Regent Brager withdrew her second.

Regent Goodman moved to appoint Keri D. Nikolajewski as the permanent Chief of Staff effective at the next Board of Regents meeting, special or otherwise, at which time the contractual terms, including compensation, will be considered. Regent Brager seconded.

Regent Del Carlo voiced her support for Ms. Nikolajewski. She felt the process was backwards, and it would have been helpful to have some of the April 21, 2023, reference material brought forward to this meeting. She requested that all the material be brought forward to the next meeting.

Regent Carvalho believed that many Regents thought additional information would come to this meeting, including the PDQ. She stated it was alarming that substantive changes were made to the Bylaws without Board approval. She appreciates the willingness of her colleagues to change the motion to suit everyone's concerns, as well as Ms. Nikolajewski's demeanor, grace, and professionalism during the process.

Regent Cruz-Crawford told Ms. Nikolajewski that she is respected, the Regents appreciate her work, and no one is discounting her. She believed there were clarity issues but did not think they were intentional. She acknowledged that the salary took her breath away but she needed time to process and understand the job description. She believes the Board cares and can work together effectively if it takes the time to listen, learn, and come to a consensus.

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.

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

Chief of Staff Nikolajewski thanked those who provided the heartwarming public comment. She thanked Angela Palmer, Winter Lipson, Juliana Kennedy, and all the Board members for their supportive comments.

4. Approved – Handbook Revision, NSHE and Member Institution Foundations’ and Affiliated Groups Administrative and Accounting Policies – The Board approved a revision to Board policy (Title 4, Chapter 10, Section 10) to implement an annual review of foundation related gift accounts as a result of the Legislative Counsel Bureau 2022 Performance Audit of Institution Foundations, with added verbiage to require a report of any results and an action plan be presented to the Audit, Compliance and Title IX Committee annually. (Ref. BOR-4 on file in the Board Office.)

Acting Chancellor Dale A.R. Erquiaga presented a revision to Board policy (Title 4, Chapter 10, Section 10) to implement an annual review of foundation related gift accounts as a result of the Legislative Counsel Bureau 2022 Performance Audit of Institution Foundations. He acknowledged the working groups’ hard work over the last few months. Acting Chancellor Erquiaga recognized Lindsay Sessions as the Acting Vice Chancellor for Finance and Budget and Chief Financial Officer. The other policy recommendations will come forward at a future meeting.

Regent Tarkanian moved approval of a revision to Board policy (Title 4, Chapter 10, Section 10) to implement an annual review of foundation related gift accounts as a result of the Legislative Counsel Bureau 2022 Performance Audit of Institution Foundations. Regent Perkins seconded.

Regent Carvalho asked for clarification on where the documentation of the results and action plan will be. Acting Chancellor Erquiaga stated this section of the *Handbook* deals with the President’s responsibility for maintaining a system of internal accounting and records. The Board receives an annual accounting at its December meeting.

Chair Brooks asked Regent Carvalho how she wanted to see the information presented to the Board. Regent Carvalho felt the Board should have more oversight in this area and asked if it was appropriate for the information and action plan to be reported to the Audit, Compliance and Title IX Committee.

Regent Brown echoed Regent Carvalho’s comments. Regent Brown asked for an example of what an aging gift looks like.

Regent Carvalho offered a friendly amendment to include a review of all gift accounts. The results of that review and an action plan would return to the Audit, Compliance and Title IX Committee annually.

4. Approved – Handbook Revision, NSHE and Member Institution Foundations’ and Affiliated Groups Administrative and Accounting Policies – (Continued)

Associate General Counsel King asked that the motion and second be withdrawn and a new motion be provided.

Regents Tarkanian and Perkins withdrew the motion and second.

Acting Chancellor Erquiaga provided examples of aging gifts at UNR and UNLV for Regent Brown. Assistant Chief Financial Officer Rhett Vertrees added sometimes the aging gifts are donations for scholarships that have strict criteria, and it is difficult to identify individuals that meet the requirements. The donor often passes, and getting permission to change the criteria or redirect the funds to a general scholarship account is problematic.

Regent Tarkanian moved approval of the motion with the friendly amendment offered by Regent Carvalho. Regent Perkins seconded.

Deputy Attorney General Harris believed it would be easier for Regent Carvalho to make the motion.

Regents Tarkanian and Perkins withdrew the motion and second.

Regent Carvalho moved approval of a revision to Board policy (Title 4, Chapter 10, Section 10) to implement an annual review of foundation related gift accounts as a result of the Legislative Counsel Bureau 2022 Performance Audit of Institution Foundations, with added verbiage to report any results and an action plan to the Audit, Compliance and Title IX Committee annually. Regent Tarkanian seconded. 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.

5. Approved – Handbook Revision, Enhanced 12-Month Contracts for Academic Nursing Faculty, UNR – The Board approved a revision to Board policy (Title 4, Chapter 3, Section 37) to include UNR for enhanced 12-month contracts for academic nursing faculty. (Ref. BOR-5 on file in the Board Office.)

University of Nevada, Reno President Brian Sandoval presented a revision to Board policy to include UNR for enhanced 12-month contracts for academic nursing faculty. UNR

5. Approved – Handbook Revision, Enhanced 12-Month Contracts for Academic Nursing Faculty, UNR – (Continued)

President Sandoval added the Orvis School of Nursing cannot offer 12-month contracts within the nursing program, and this amendment would allow it.

Regent Carvalho asked why the revisions only applied to specific institutions and not all institutions. Associate General Counsel King was unsure of the policy history. Still, she surmised that it was applicable to certain institutions when drafted, and now it applies to another. Acting Vice Chancellor Patricia Charlton stated the provision was added many bienniums ago when the Legislature requested NSHE to double the nursing output.

Regent Carvalho moved approval of a revision to Board policy (Title 4, Chapter 3, Section 37) to include UNR for enhanced 12-month contracts for academic nursing faculty. Regent Boylan seconded.

In response to a question from Regent Downs as to whether faculty would be forced to enter a 12-month contract, Orvis School of Nursing Interim Dean Dr. Cameron Duncan responded that most nursing faculty wanted to change this type of contract. Most faculty are teaching overload during off-contract, so filling the courses more consistently made more sense. He believed the best approach would be to allow current faculty who want to stay on a 9-month contract to stay.

Vice Chair Arrascada asked if a 12-month contract is more attractive while hiring, with Dr. Duncan responding yes.

Dr. Duncan reiterated that most faculty members pick up an extra course during the off-contract semester. This will guarantee consistent faculty members and compensation for their work.

In response to a question from Regent Cruz-Crawford asking which institutions have a 12-month contract, Dr. Duncan responded UNLV, NSU, and CSN.

Motion carried.

6. Approved – Procedures and Guidelines Manual Revision, Distribution of Student Fees, Academic Years 2023-24 and 2024-25, UNLV – The Board approved a revision to the Procedures and Guidelines Manual (Chapter 7, Section 17) to reallocate the distribution of the registration fee at UNLV for academic years 2023-24 and 2024-25. (Ref. BOR-6 on file in the Board Office.)

University of Nevada, Las Vegas President Keith E. Whitfield requested a revision to the *Procedures and Guidelines Manual* to reallocate the distribution of the registration fee for academic years 2023-24 and 2024-25.

6. Approved – Procedures and Guidelines Manual Revision, Distribution of Student Fees, Academic Years 2023-24 and 2024-25, UNLV – (Continued)

In response to a question from Regent Perkins asking how this will affect capital improvement plans, UNLV President Whitfield stated there will still be funds in the account, just not as much. UNLV will have to prioritize different actions to be taken.

Regent Perkins stated this was a creative way to fund the cost of living adjustment (COLA).

Regent Brown agreed this is a smart way to deal with the COLA gap and commended UNLV for this action.

In response to a question from Regent Boylan related to proceeds from property sales, UNLV President Whitfield stated different categories of funds are specified for certain activities. Capital improvement funds are for enhancements at the University.

Regent Perkins moved approval of a revision to the *Procedures and Guidelines Manual* (Chapter 7, Section 17) to reallocate the distribution of the registration fee at UNLV for academic years 2023-24 and 2024-25. Regent McMichael seconded. Motion carried.

7. Approved – Refunding Series 2013 Certificates of Participation, NSU – The Board approved the adoption of a Resolution approving documents pertaining to the issuance of obligations for the purpose of refinancing certain facilities for NSU and authorizing the Chancellor to finalize and approve any necessary modifications and to execute certain lease purchase documents in conjunction with the refinancing. (Ref. BOR-7 on file in the Board Office.)

Chair Brooks left the meeting.

NSU Senior Vice President Kevin Butler requested the adoption of a Resolution approving documents on the issuance of obligations for the purpose of refinancing certain facilities for NSU and authorizing the Chancellor to finalize and approve any necessary modifications and to execute certain lease purchase documents in conjunction with the refinancing.

Chair Brooks entered the meeting.

Regent Carvalho moved approval of the adoption of a Resolution approving documents pertaining to the issuance of obligations for the purpose of refinancing certain facilities for NSU and authorizing the Chancellor to finalize and approve any necessary modifications and to execute certain lease purchase documents in conjunction with the refinancing. Regent Del Carlo seconded. Motion carried.

The meeting recessed at 11:37 a.m. and reconvened at 11:55 a.m. with all members present.

8. Information Only – Salary Equity Study – Senior Director Kurt Dorschel, Huron Consulting Services, presented an overview of compensation study results and recommendations recently conducted for System Administration, which included a review of pay grade assignments and pay equity for all System Administration and System Computing Services employees and an analysis of the compensation for institutional presidents. (Ref. BOR-8 on file in the Board Office.)

Key points for NSHE Staff included:

- Did not identify systemic compensation inequity based on gender or race. NSHE should consider creating policies and practices to ensure equitable compensation.
- Did identify some individual positions for potential review related to compression issues.
- An individualized analysis will look at additional data points.

Key points for institutional Presidents included:

- Did not identify systemic disparate impact based on gender or race.
- All market ratios were at or above the market median.
- NSHE should consider creating policies, structures, and practices to ensure equitable compensation in pay setting and adjustments.

Regent Perkins asked for examples of descriptive versus statistical differences. Senior Director Dorschel stated that statistical differences determine how confident the variation results from a particular variable, while descriptive differences look at an overall pattern.

In response to a question from Regent Downs related to whether the analysis was adjusted by the market cost of living for the different communities, Senior Director Dorschel responded no because the focus of equity was a comparison across positions within the organization, not based on geography.

Regent Cruz-Crawford requested that the data analysis tools used be noted in the future.

Regent Carvalho asked if the individual positions for potential review of compression issues will come to the Board. Acting Chancellor Erquiaga stated adjustments for System Administration positions will be handled during the normal budget process. Acting Chancellor Erquiaga recommended that those related to Presidents include a more in-depth analysis.

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – The Board approved (1) a one-year extension of TMCC President Karin M. Hilgersom’s current Employment Agreement through July 1, 2025, and authorized the Acting Chancellor to execute an Employment Agreement upon review and approval by the Chief General Counsel; and (2) waiver of the periodic evaluation pursuant to the *Procedures and Guidelines Manual*, Chapter 2, Section 2.2, with an annual evaluation to be performed consistent with the *Procedures and Guidelines Manual*, *Board of Regents Handbook*, Title 4, Chapter 3, Section 28.1.c, and the current Employment Agreement, Section 5.1.c, in lieu of the waived periodic evaluation. (Ref. BOR-9 on file in the Board Office.)

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

Truckee Meadows Community College President Karin M. Hilgersom requested a one-year extension of her current Employment Agreement through July 1, 2025.

Regent Downs stated the Board received a climate survey from the Nevada Faculty Alliance (NFA) and asked that the item be postponed allowing sufficient time to review it.

Regent Downs moved to postpone consideration of the item to allow the Board time to review the results of the NFA climate survey. Regent Boylan seconded.

Vice Chair Arrascada asked for clarification on whether Regent Downs was asking for additional time to review the climate survey results or conduct another survey. Regent Downs responded that he is requesting time to review what had already been completed.

Acting Chancellor Erquiaga provided information related to the president evaluation procedures that were recently changed by the Board, which is where the 12-month announcement period with intent to retire or separate comes from. In the past, this was not a part of the process. There were many discussions on the order of operations and how to craft the agenda language to provide the different options.

Regent Downs stated he would not be opposed to asking NSHE to conduct a climate survey for all institutions if the validity of the NFA's climate survey is being disputed, but then the Board should move forward with the periodic evaluation. Associate General Counsel King noted the *Procedures and Guidelines Manual* sets forth the criteria for president evaluations. She did not think it excluded consideration of the NFA survey and the Board could take action to consider the information, but fellow Regents have expressed concerns about the entities preparing the information.

Acting Chancellor Erquiaga added the policy specifically says that a survey during a periodic evaluation is conducted through the faculty senate. The faculty senate has a representative on the evaluation committee responsible for preparing that survey and bringing the results to the evaluation committee.

Regent Del Carlo was concerned that they may be treating Dr. Hilgersom differently than other presidents in the past.

Regent Tarkanian pointed out that an evaluation is used to figure out what has and has not worked, and she believed that the evaluation should go forward.

Acting Vice Chancellor Charlton stated the Code has changed multiple times since the referenced extensions of other presidents.

Associate General Counsel King agreed there had been changes, but she had not been asked to analyze the differences.

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

In response to a question from Regent Brager related to grandfathering within provisions, Associate General Counsel King and Interim Chief of Staff Nikolajewski agreed that it would need to be expressly provided in the provision.

TMCC President Hilgersom reiterated that the Board voted on a more transparent evaluation process in December 2022. She pointed out she has received two thorough multi-month periodic reviews and, most recently, an annual evaluation conducted by Acting Chancellor Erquiaga. She encouraged the Board to treat her equitably. TMCC President Hilgersom hoped it would not be necessary to point out that the timing for the periodic evaluation changed when the Board voted on the new Code provisions. It now says, “within the year.” That would have the Board considering renewal of a four-year contract in December 2023, which would have been good because most community college president searches are advertised in January and February, with interviews conducted from February through April. Because there is a delay in the process, this could put her and the institution in a very uncomfortable position. She believed she had earned the privilege to ask for a one-year extension.

Acting Chancellor Erquiaga pointed out that TMCC President Hilgersom had positive evaluations in calendar years 2021 and 2022. He began the periodic evaluation process for three community college presidents. Two reported they did not intend to request an extension and would comply with the policy to announce their departures. He started TMCC President Hilgersom’s periodic evaluation, which was paused due to the Legislative Session. Had the process begun on July 1, it would have been done by December. But, instead of the periodic evaluation, TMCC President Hilgersom asked for a one-year extension and to forgo the periodic process. If the periodic evaluation were to move forward, it would be feasible to complete by December, but it would be a tight timeline.

Regent Brown believed TMCC President Hilgersom had provided a good case, something that this Board has done in the past.

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

Chair Brooks restated the original motion.

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

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

Regent Perkins moved approval of (1) a one-year extension of TMCC President Karin M. Hilgersom's current Employment Agreement through July 1, 2025, and authorizing the Acting Chancellor to execute an Employment Agreement upon review and approval by the Chief General Counsel; and (2) waiver of the periodic evaluation pursuant to the *Procedures and Guidelines Manual*, Chapter 2, Section 2.2, with an annual evaluation to be performed consistent with the *Procedures and Guidelines Manual, Board of Regents Handbook*, Title 4, Chapter 3, Section 28.1.c, and the current Employment Agreement, Section 5.1.c, in lieu of the waived periodic evaluation. Vice Chair Arrascada seconded.

In response to a question from Regent Boylan related to concerns about a periodic evaluation, TMCC President Hilgersom stated her first concern is related to timing and how two-year college presidencies are happening nationally. She is more concerned that periodic evaluations have recently been waived for other presidents and that she is treated equitably.

Regent Del Carlo stated the president evaluation system is broken. The last general counsel was reviewing the process and reviewing other states' best practices.

Regent Downs stated his concern is whether the current policy is being followed. The policy allows a president to skip the periodic evaluation if they are in the final year of employment. He asked if it allows for an extension and forgoing the periodic evaluation. Associate General Counsel King stated two requests are being made: the one-year extension and skipping the periodic evaluation. Certain conditions must exist for the periodic review to be waived, including a retirement announcement.

In response to a question from Regent Downs related to the retirement announcement, Associate General Counsel King noted the briefing paper indicates an intent to retire.

TMCC President Hilgersom stated she intends to retire or separate on July 1, 2025.

Regent Boylan stated policy is more critical than precedent.

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

10. Withdrawn – Great Basin College and University of Nevada, Reno Consolidation – The item was withdrawn at the request of GBC President Joyce Helens and UNR President Brian Sandoval.
11. Information Only – NSHE Update on Dual Enrollment – Acting Vice Chancellor for Academic and Student Affairs and Community Colleges Patricia Charlton reported on the status of various policies, procedures, and protocols related to dual/concurrent enrollment including course pricing, stipends for high school instructors teaching concurrent courses, and qualifications for high school instructors teaching college-level courses. Several of these policy matters originated in recommendations from the Dual Enrollment Task Force established in December 2020. (*Ref. BOR-11 on file in the Board Office.*)

Regent Cruz-Crawford asked if the dual enrollment chart includes concurrent enrollment, with Acting Vice Chancellor Charlton responding yes, the institutions provide the data points to NSHE.

Regent Downs left the meeting.

In response to a question from Regent Boylan related to the Supreme Court's decision on affirmative action, Associate General Counsel King believed the scope of the ruling has to deal with race-based admissions and not data collection.

Regent Downs entered the meeting.

Regent Brager appreciated the fee schedule but asked if the opportunity was being taken from the wrong students. She inquired about ways to ensure students in 11th grade who want to go to college are not met with roadblocks because they will have to pay according to the fee schedule. Interim Chancellor Charlton stated there are two things put in place: one is a reduced registration fee and the second is that the Department of Education also put money toward the institutions for dual and concurrent enrollment. She also pointed out that many Presidents are involved in philanthropic work toward dual and concurrent enrollment programs.

In response to a question from Regent Brager related to how high school students find out this information, Interim Chancellor Charlton noted that NSHE partners with the school districts to get the information to the schools and students. Ms. Gia Moore, CCSD Director of College and Career Readiness and School Choice, stated that the district had made systemic changes over the last few years. There was a recommendation process that they believed was limiting access and equity initiatives. The CCSD now takes a multi-tiered approach to address students' goals and provide the opportunities available to them at the middle school level. CCSD high schools must work with students and further develop the four-year plans. The classes they take should align with their college goals.

Regent Del Carlo stated the dual enrollment program has blown her away since becoming a Regent. She believes the Board should discuss mission differentiation.

Regent Downs stated dual enrollment is such a rewarding opportunity for students.

11. Information Only – NSHE Update on Dual Enrollment – (Continued)

Regent Goodman asked if there is a way to talk to the students and parents who automatically opt out of college to let them know this is something they can do.

Regent Perkins left the meeting.

Regent Tarkanian noted she was on the school board when the initiative began at Clark High School. The program gave the students an incentive to go to college. All children should have the ability to reach their full potential.

Regent Carvalho asked that the demographics be compared to Nevada's total high school student population. Regent Carvalho noted barriers to the program while her daughter was attending, including fees and reading tests to ensure they were ready, as well as the ability to get to the campus to take the tests. Regent Carvalho commended UNR for its program, but she wondered what support is given to the students who do not attend a university.

Regent Brager left the meeting.

In response to a question from Regent Carvalho related to the performance or readiness testing, CSN President Zaragoza stated they must set up the student to succeed. The findings at the national level show that historically underutilized populations are the ones that are not getting to these programs. CSN President Zaragoza stated he would argue that NSHE is falling behind nationally in this space. Many states have a statewide policy framework in place for dual enrollment. Mission differentiation should be discussed, as the community colleges do not have a level field in Nevada.

Regent Brager entered the meeting.

UNR President Sandoval responded to Regent Carvalho that they were working to broaden the pipeline to provide more opportunities for high school students to access dual credit. State law specifically says community colleges, colleges, and universities. Thousands of students did not have access to dual credit programs, which was the genesis of UNR getting engaged in the area, particularly in Clark County. Whether UNR or some other institution provides the class it is \$75. UNR has chosen to use every penny to compensate the teachers and pay the maximum amount properly. UNR also provides \$500 stipends. After assessments, UNR has found that the high school students are performing as well and, in some cases, better than those on the UNR campus.

Regent Cruz-Crawford stated dual enrollment is the access piece that NSHE is missing. She pointed out that AB 428, a concurrent enrollment bill passed in the Legislature, will start in the Clark County School District. This bill is the tip of the iceberg and will expand to multiple concurrent enrollments. Soon, there will be an opportunity for every student in Nevada to be offered concurrent enrollment where they are in their high school and the classes are taught by their teacher. The Board can make decisions and enact policies to ensure the System is prepared.

11. Information Only – NSHE Update on Dual Enrollment – (Continued)

Regent Brown noted she was happy to hear that tuition prices, faculty requirements, and compensation rates are set. However, she wanted to know more about student eligibility to sign up for a dual enrollment class and how the System will help the students who sign up for dual enrollment but graduate with a GPA that is lower than the admitted GPA to get into one of the institutions. Secondly, she requested a conversation about regions and how the state will be divided so it makes the most sense for students, as well as a discussion on mission differentiation.

Interim Chancellor Charlton agreed that conversations on how students will be made aware in their high school or community college will develop over time. She stated they need to contact all the districts to see how they make the opportunities available to students. Conversations on resources will also be held with the institutions. Awareness will be the key to making sure that students have access.

UNLV President Whitfield stated that students can use a couple of paths if their GPA does not qualify. NSHE is trying to get students college-ready and college-oriented. The NSHE System is particularly important if a student starts in their senior year and does not have the background or the grades, they can begin at the community college. The first part of dual enrollment uplifts and supports the student's confidence. Then, if the pathway they seek needs a four-year degree, they become better prepared to address the issues and challenges at a four-year institution. One of the things the pandemic did was create alternative ways to do admissions. There was a point during the pandemic that a student could not take the SAT. Those procedures still exist. There are alternative measures for students to get into a four-year college if that interests them.

CSN President Zaragoza clarified that CSN accepts all students that the high school endorses.

UNR President Sandoval pointed out that if a student has a GPA lower than the level of admission but has demonstrated they can successfully manage college work, it will be relevant in terms of their ability to be admitted to the University.

Ms. Moore stated the target group is typically underrepresented students who would not otherwise have an opportunity to be a part of the programs. Dual enrollment has grown by over 2100 percent.

In response to a question from Regent Boylan related to college readiness, Interim Chancellor Charlton stated dual enrollment is a way for a student to see if they like college and are on the right pathway.

Vice Chair Arrascada asked how the compensation for teachers in the high school works. Interim Chancellor Charlton stated a cap is placed on each course of not more than \$1,000.

11. Information Only – NSHE Update on Dual Enrollment – (Continued)

Ms. Moore said they work diligently with all NSHE partners on how to engage with the schools. There is a strategic plan for every school. In response, Vice Chair Arrascada asked why CCSD reached out to UNR. Ms. Moore stated the district has 97,000 enrolled students and it comes down to the sheer volume of students that need access to the programs and the individual needs of each student. That is why CCSD expanded the partnership to include UNR.

In response to a question from Regent Boylan about compensation, Interim Chancellor Charlton stated they are paid in addition to their regular salary. UNR President Sandoval said faculty are paid for their time consulting with the high school faculty teaching dual credit courses.

12. Information Only – New Business

Regent Cruz-Crawford requested a decision on the distinction between what institutions serve what high schools and programs with respect to dual/concurrent enrollment; a discussion on teacher stipends for dual enrollment; attendance at the October 2023 NACEP dual/concurrent enrollment conference; and that the IDEA Committee look into Syndio, a workplace equity analytics platform.

Regent Brager requested a discussion to calendar special meetings on the third or fourth Thursday of every month so Regents know when the meeting will occur for scheduling purposes.

Regent McMichael requested that the foundations reach an agreement with gift donors that unused funds go into scholarships; a discussion of host accounts for Regents and that anything remaining in the account at the end of each fiscal year be placed into a scholarship fund; and that the Board look into legacy admissions and determine how NSHE can disavow itself from such an antiquated practice.

Vice Chair Arrascada requested a presentation on the data dashboard and recommended that the Regents attend the October 2023 NACEP conference on dual and concurrent enrollment.

Regent Boylan requested the Board bring a plan forward to increase the salaries of adjunct instructors.

Regent Del Carlo reminded the Board about the ACCT Leadership Congress in October to be held in Las Vegas, Nevada. She requested a presentation on the president evaluation process, and that the System gather data on dual enrollment students and reengage the Dual Enrollment Task Force to provide recommendations.

13. Information Only – Public Comment

The following individual provided written public comment in support of Item 3, Appointment, Chief of Staff to the Board of Regents (Keri D. Nikolajewski):

- Laura Obrist (*Obrist.Laura0723 on file in the Board Office.*)

The meeting adjourned at 3:00 p.m.

Prepared by:

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

Submitted for approval by:

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