

Minutes approved by the Board of Regents at the April 19, 2024, meeting.

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Friday, January 19, 2024

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

Members Present:

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

Others Present:

Ms. Patricia Charlton, Interim Chancellor
Dr. Daniel Archer, Vice Chancellor for Academic and Student Affairs
Dr. Natalie Brown, Assistant Vice Chancellor, Workforce Development and Community Colleges
Ms. Elizabeth Callahan, Public Information Officer
Mr. James J. Martines, Vice Chancellor and Chief General Counsel
Ms. Keri D. Nikolajewski, Chief of Staff to the Board of Regents
Ms. Carrie L. Parker, Deputy General Counsel
Mr. Alejandro Rodriguez, Director of Government Relations
Mr. Chris Viton, Vice Chancellor, Budget and Finance and Chief Financial Officer
Mr. Michael B. Wixom, Special Counsel to the Board of Regents
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI

Others Present: (Continued)

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
Dr. J. Kyle Dalpe, President, WNC

Faculty senate chairs in attendance included the following: Mr. Patrick Villa, CSN; Mr. David Sexton, GBC; Dr. Molly Appel, NSU; Mr. Ed Boog, SA; Dr. Bill Robinson, UNLV; Dr. Peter S. Reed, UNR (*Chair, Council of Faculty Senate Chairs*); and Ms. Rachelle Bassen, WNC. Classified council chairs in attendance included the following: Ms. Louellen Monte, GBC; and Ms. Stacy Wallace, NSU, ex-officio.

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 Carvalho called the meeting to order at 9:00 a.m., with all members present except Regents Arrascada, Brown, and Tarkanian. Regent Goodman led the Pledge of Allegiance and Chair Carvalho read the Land Acknowledgement.

1. Information Only – Public Comment

Regent Arrascada entered the meeting.

Kent Ervin provided in-person public comment stating that as the new budget cycle begins, every budget decision must follow strategic goals and enhance the core missions. The Nevada Faculty Alliance (NFA) pledges to work with the Board of Regents and partners at the colleges and universities throughout the legislative process. Legislators believe NSHE has plenty of money, and the only effective way to counter that belief is for NSHE and the institutions to become fully transparent in reporting revenues and expenditures for self-supporting budgets. As he noted at the December 2023 Board meeting, there is a \$375 million gap between NSHE's audited financial statements and what is reported to the Regents in the various budget reports. The Regents, Legislature, and the public need to know where the money comes from and how it is spent. This would be accomplished by generating the new reports required in response to the legislative audit. Dr. Ervin thanked the Board for approving the cost-of-living adjustments (COLA) for faculty. The state budget policy of only funding COLA for the state-funded portion of the NSHE personnel budget is unlikely to change. NSHE needs to plan for how to cover future COLA and merit increases.

Regent Tarkanian entered the meeting.

1. Information Only – Public Comment – (Continued)

Jim New provided in-person public comment expressing his gratitude to Interim Chancellor Patricia Charlton for including a representative from the NFA on the Committee for Public Safety. He appreciates that the committee will make recommendations for enhancing the physical safety of NSHE's campus communities but also recognizes that implementing the improvements will be costly. The NFA fully supports NSHE's efforts to secure funding from the Interim Finance Committee to offset the costs, and the NFA will do its best to make public comment in support. Nonetheless, the institutions will likely need to bear some of the costs. Campus security must be prioritized above all other proposed capital projects in the next legislative session. Adding new buildings doesn't make sense when existing buildings remain vulnerable. NFA also looks forward to the work of the ad hoc Committee on Higher Education Funding. NFA will advocate for a funding plan that prioritizes the core educational mission while recognizing the distinctions between the different institution types.

Doug Unger provided in-person public comment wishing to honor the memory of Regent Jason Geddes. He was an exemplary leader, cordial, and accessible. He always listened and respected faculty governance. He recalled sharing many moments of upbeat laughter because of a sense of humor that was all his. NFA appreciates the beginning of the budget process. NSHE will face budget challenges, including uncertainty of enrollment. He is optimistic, if NSHE can work together to assert the value of higher education to diversify the state's economy and provide wellsprings of opportunity for the students. In that case, NSHE must avoid zero-sum game funding issues, with K-12 by insisting on our interconnectedness, the concept of K-20, and beyond. On behalf of the Nevada Prisons Education Project, he asked for support for a proposed expansion of the prison education funding requested by CSN and WNC. He also asked the Board to keep an open mind to possible supplemental requests for worthy faculty-originated proposals. One is a new Center for Diversity, Race, and Ethnic Studies at UNLV and a statewide NSHE partnership, the Nevada Center for the Study of Gun Violence. Both are long-term responses to the December 6th mass shootings being discussed by faculty.

Caesar Lopez provided in-person public comment stating he was unsure how to create a statewide policy for allowing undocumented students to serve in student government. It is the duty and right of undocumented students to participate in civic engagement, whether in local government or on the campuses. Everybody should be allowed to participate in student government. He did not want young students to begin their college experience this way. He requested the Board take action.

Patrick Villa provided in-person public comment voicing worries about CSN's current direction and who will take over after CSN President Zaragoza leaves. The timeline is too short to run a permanent search. He asked the Board to consider an acting president who can begin on July 1, just in case a search is not done.

Bill Robinson provided in-person public comment noting that this is the third scheduled meeting since December 6th, and campus security and safety issues have not been discussed. He appreciated that Chair Carvalho, Regent Cruz-Crawford, Regent Perkins

1. Information Only – Public Comment – (Continued)

and Interim Chancellor Charlton have reached out and are willing to talk with him. People were prepared to comment publicly at the Inclusion, Diversity, Equity and Access Committee meeting, but it was not held. The faculty must know the Board is not forgetting about statewide issues, such as faculty who were not notified through the security app of the December 6 incident. The campuses have the same problems, including door locks and security upgrades. He asked the Board to begin the discussion. Diversity issues have already been raised that perhaps the shooter was not randomly shooting. Even if the shooter was randomly shooting, all diversity issues need to be addressed.

Anthony Gracza provided telephone public comment touching on the disrepair of the EMS program at WNC. In Spring 2023, the paramedic class had to be absorbed by the TMCC midsemester due to a mass exodus of staff. The Board should find out why that happened. WNC has top of the line equipment for paramedicine training and once had a flourishing EMS program. This Board needs to work with WNC President J. Kyle Dalpe and Vice President of Academic and Student Affairs Dana Ryan to provide them with the support and resources to fix the WNC EMS program. It is no secret that the EMS industry is facing a shortage of people to fill jobs, and there are 20 students eager to fill the vacancies, but they have been delayed for three to four months. Mr. Gracza had two jobs lined up to start in December but had to forgo the opportunities. The delays are due to staffing shortages, and he urged the Board to work with the state to find a solution. Nevada is a rural state outside Clark and Washoe counties, and pre-hospital care is essential to the communities. He met with WNC President Dalpe and Vice President Ryan to discuss students' issues. There is an egregious communication breakdown between the Director of Allied Health and leadership. If swift action had been taken in November 2023 when he brought the matter to the school's attention, they would not be in this position.

2. Approved – Consent Items – The Board approved the consent items separately.

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

- October 20, 2023, Board of Regents special meeting (*Ref. BOR-2a1 on file in the Board Office.*)
- October 20, 2023, Board of Regents workshop (*Ref. BOR-2a2 on file in the Board Office.*)
- November 1, 2023, Board of Regents special meeting (*Ref. BOR-2a3 on file in the Board Office.*)

Regent Del Carlo asked that the two national organizations she mentioned, the Association of Governing Boards and the Association of Community College Trustees, be listed in the October 20, 2023 workshop minutes.

Regent Brager moved approval of the minutes with Regent Del Carlo's requested addition. Regent Tarkanian seconded. Motion carried by unanimous vote. Regent Brown was absent.

2. Approved – Consent Items – (Continued)

2b. Approved – Appointments, Task Force on Power-Based Violence at Institutions of Higher Education – The Board approved the appointment of the following individuals to the Task Force on Power-based Violence at Institutions of Higher Education (NRS 396.141(1)). (Ref. BOR-2b on file in the Board Office.)

- Jordan Fischette, UNLV
- Lindsey Wolterbeek, UNR

Regent Brown entered the meeting.

Regent Boylan stated he would appreciate the individuals' background information and asked why they were chosen for the task force. Interim Chancellor Charlton clarified that the language and appointments are specific regarding the legislation passed in the 2023 Legislative Session. Information on the two individuals is included in the agenda materials. The legislation specifically calls out for the types of representatives that needed to be included on this task force: one is a student who identifies as a victim of power-based violence; and a second is a person who represents an organization that governs fraternities and sororities at an institution within the NSHE.

Regent Boylan asked what experience the two people have so that NSHE can specifically say that their knowledge and abilities will help NSHE. Chair Carvalho stated the agenda item does have reference material attached for review, and she believed due diligence was done in finding people with appropriate experience to serve on the task force.

Vice Chair Downs moved approval of the recommended appointments to the Task Force on Power-based Violence at Institutions of Higher Education (NRS 396.141(1)). Regent McMichael seconded. Motion carried. Regent Boylan voted no.

3. Approved – Procedures and Guidelines Manual Revision, FY 25 Registration Distribution, School of Dental Medicine, UNLV – The Board approved a revision to the *Procedures and Guidelines Manual (Chapter 7, Section 21)* concerning the distribution of the Registration Fee for FY25 for the UNLV School of Dental Medicine. The proposed change will increase Student Access Funds to the minimum fifteen percent (15%) as required by Board policy (*Title 4, Chapter 18, Section 8 (B)*). (Ref. BOR-3 on file in the Board Office.)

UNLV President Keith E. Whitfield presented a revision to the *Procedures and Guidelines Manual* concerning the distribution of the Registration Fee for FY25 for the UNLV School of Dental Medicine, which will increase Student Access Funds to the minimum fifteen percent (15%) as required by Board policy.

3. Approved – Procedures and Guidelines Manual Revision, FY 25 Registration Distribution, School of Dental Medicine, UNLV – (Continued)

Regent McMichael moved approval of a revision to the *Procedures and Guidelines Manual (Chapter 7, Section 21)* concerning the distribution of the Registration Fee for FY25 for the UNLV School of Dental Medicine. Regent Perkins seconded. Motion carried by unanimous vote.

4. Information Only – 2025-27 Biennial Budget Planning Overview – Chief Financial Officer Chris Viton provided an overview of the planning process for developing the NSHE 2025-27 biennial operating budget request and 2025 capital priorities for the 2025 Session of the Nevada Legislature. The presentation included the process for preparing the 2025-27 biennial budget, a summary of the 2023-25 biennial budget, a starting point for the 2025-27 biennial budget, the risks, the primary funding formula drivers, a walk-through of the formula calculations, and the performance pool. (*Ref. BOR-4 on file in the Board Office.*)

Regent Brooks appreciated all the work done to bring this forward.

In response to a question from Regent Del Carlo related to slide five and the \$111 million figure, Chief Financial Officer Viton stated that the \$368 million is the total cost over two years for the entire COLA. The two columns compare the current biennial actual appropriations approved by the Legislature and the base budget with only the COLA moving forward. The difference between the two columns is \$111 million. He was trying to show that fully funding the COLAs would be challenging for the state based on how the statewide revenues are forecasted.

CSN President Federico Zaragoza wanted to take an opportunity to inform the Board of some of the challenges that the community colleges have with the funding formula. The funding formula is based on absolute numbers, so fewer people are in the pool with declining enrollment. Performance may go up, but the formula penalizes the institution because of the way it was established. The performance pool does not work for community colleges during declining enrollment.

Chair Carvalho wondered whether there would be a change to this budget when the recommendations from the ad hoc Committee on Higher Education Funding come forward. Interim Chancellor Charlton stated that NSHE is fortunate that three Board members are on the ad hoc Committee on Higher Education Funding and participating in the process. The performance pool was one of the most discussed items at the first meeting. Typically, the way the process works is that NSHE will run the components of the budget request as they are currently and submit that to the Governor's Office. The two processes will work in tandem. It is an important process that does not come around very often.

5. Information Only – New Business

Regent Brager requested a review of the process for suggested New Business items.

5. Information Only – New Business

Regent Boylan asked what the Board was going to do about safety. Special Counsel to the Board of Regents Michael B. Wixom stated he was making substantive comments on an item that is not agendaized, which is a violation of the Open Meeting Law. He could suggest an item for a future agenda.

Regent Boylan requested that the suggestions brought forward by faculty to keep people safe be placed on the next agenda for discussion. It is important that these items be discussed and that difficult questions be asked. Special Counsel Wixom cautioned Regent Boylan that he was violating the Open Meeting Law. He may suggest an item for a future agenda. Regent Boylan stated he was suggesting an item and providing the background. Regent Boylan requested a discussion on campus safety measures.

Regent Del Carlo requested that the Board take a position on Question 1 on its next agenda.

Regent Tarkanian requested that System Staff commence a study analyzing the existing benefits and shortcomings of programs that NSHE provides to improve the lives of Native American students, faculty, and staff. Special Counsel Wixom stated she was welcome to suggest an item for the next agenda, but any substantive discussion violates the Open Meeting Law.

Regent Arrascada requested the Board rename the Rising Researcher Award to the Jason Geddes Rising Researcher Award.

Regent Boylan requested a thorough discussion of what can be said under New Business per the Nevada Open Meeting Law.

Regent Goodman requested the Board investigate a policy where individuals must receive approval from the Board Chair to attend meetings remotely.

6. Information Only – Public Comment

Anthony Gracza provided telephone public comment continuing his earlier public comment. If swift action had been taken in November when he brought the matter to WNC's attention they would not be in this position. Vice President Ryan contacted him and the other students to advise them of solutions to remedy the problem. He thanked WNC President Dalpe and Vice President Ryan for swiftly providing an available solution. He also commended Natasha Anderson, who has been instrumental in assisting the students throughout the process. He wanted to assure the Board that the EMS instructors and staff were not the problem. The EMS staff are passionate and experienced, and he commends them. He urged the Board to reach out to the Chair of the Emergency Medical Services state office.

The meeting adjourned at 10:17 a.m.

Prepared by:

Angela R. Palmer
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to the Board of Regents

Submitted for approval by:

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