

Minutes approved by the Board of Regents at the December 4-5, 2024, meeting.

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Friday, August 23, 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
Dr. 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
Ms. Elizabeth Callahan, Public Information Officer
Mr. Eric Gilliland, Chief Human Resources Officer
Ms. Lynda P. King, Senior Associate General Counsel
Mr. James J. Martines, Vice Chancellor and Chief General Counsel
Mr. Christopher G. Nielsen, Special Counsel to the Board of Regents
Ms. Keri D. Nikolajewski, Chief of Staff to the Board of Regents
Mr. Alejandro Rodriguez, Director of Government Relations
Mr. Chris Viton, Vice Chancellor, Budget and Finance and Chief Financial Officer
Dr. William L. Kibler, Acting President, CSN
Dr. Kumud Acharya, President, DRI

Others Present: *(Continued)*
Dr. Amber Donnelly, Interim 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 individuals: Ms. Valerie Conner, CSN (*Chair, Council of Faculty Senate Chairs*); Dr. Jinger Doe, TMCC; Dr. Deborah Arteaga, UNLV; and Mr. Aaron Hill, UNR. Student body president in attendance included: Ms. Teresa Marie, GPSA President, UNLV. Classified council chair in attendance included: 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. Regent Brager led the Pledge of Allegiance, and Chair Carvalho read the Land Acknowledgement.

1. Information Only – Public Comment

Regent Tarkanian left the meeting.

The following individuals provided written public comment opposed to the UNLV parking permit fee increase without Board approval:

- Nasibeh Arabameri (*Arabameri.Nasibeh08.23.24 on file in the Board Office.*)
- Thomas Boes (*Boes.Thomas08.23.24 on file in the Board Office.*)
- Cole Jacobs (*Jacobs.Cole08.23.24 on file in the Board Office.*)
- Chrystal Nelson (*Nelson.Chrystal08.23.24 on file in the Board Office.*)
- Landon Netherton (*Netherton.Landon08.23.24 on file in the Board Office.*)
- Vikash Patel (*Patel.Vikash08.23.24 on file in the Board Office.*)
- Durlin Valle (*Valle.Durlin08.23.24 on file in the Board Office.*)
- Marco Valverde Paredes (*ValverdeParedes.Marco08.23.24 on file in the Board Office.*)

The following individual provided written public comment in support of the Board Chair's decision to remove Regent McMichael from the Inclusion, Diversity, Equity and Access Committee:

- Jolie Brislin (*Brislin.Jolie08.23.24 on file in the Board Office.*)

The following individual provided written public comment asking Regents to put some attention and effort into consistent and adequate Police coverage at NSHE institutions:

- Jon Carpineta (*Carpineta.Jon08.23.24 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

The following individual provided in-person public comment looking forward to the presentation on Item 4 (2025-27 Biennial NSHE State Operating Budget Request) and more stable and sustainable funding:

- Kent Ervin

The following individuals provided in-person public comment in support of the UNLV William S. Boyd School of Law legislative request on Item 28, 2025-27 Biennial Operating Budget, on the June Board of Regents Agenda, and student success initiatives:

- Chase Christensen
- Blanca Pena
- Andrew Yates

Jim New provided in-person public comment voicing concerns about continued campus demonstrations and administrative responses. While the safety of everyone within the campus community is a top priority, it must not be excessive nor infringe on the essential rights of free speech and academic freedom. The NFA endorses the principles outlined in the American Association of University Professors (AAUP) statement, “In Defense of the Right to Free Speech and Peaceful Protest on University Campuses.” The NFA will vigorously defend any faculty members targeted or accused of violating unjust principles and urges the campus administrations and this Board to exercise caution and restraint when responding to these demonstrations and provide the security needed without infringing on essential liberties.

Patrick Villa thanked the Board for finding new leadership for CSN. The faculty and staff are pleased with what they hear, and the changes and progress made.

Donald S. McMichael Sr. provided in-person public comment related to Item 7, Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee.

Regent Tarkanian entered the meeting.

Regent Boylan requested Items 7, Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity, and Access Committee, and 8, Discussion of the Process for the Appointment and Removal of Officers of Standing Committees of the Board, be moved to earlier in the Board meeting.

Chair Carvalho appreciated the request but stated she would like the Presidents to be present during the Biennial Budget request and Title IX discussions. Chair Carvalho added that she did not feel it was necessary to move the items.

Regent Tarkanian left the meeting.

2. Approved – Consent Items – The Board approved the consent items.
 - 2a. Approved – Minutes – The Board approved the minutes from the May 23, 2024, special meeting. (Ref. BOR-2a on file in the Board Office.)
 - 2b. Approved – Code Revision, Vacancy in the Office of President – The Board approved a revision to the Code (Title 2, Chapter 1, Section 1.5.5(g)) clarifying the chair of a presidential search committee is responsible for the initial screening process to determine candidates for consideration by the search committee. Pursuant to the Code (Title 2, Chapter 1, Section 1.3.3(a)), the proposed revision was first presented for information at the July 11-12, 2024, meeting of the Board of Regents. (Ref. BOR-2b on file in the Board Office.)

Vice Chair Downs moved approval of the consent items. Regent Del Carlo seconded. Motion carried by unanimous vote. Regent Tarkanian was absent.

3. Approved – Handbook and Code Revisions, Policy Against Unlawful Discrimination and Harassment, Complaint Procedures – The Board approved a revision to Board policy (Title 4, Chapter 8, Section 14) necessary to comply with the U.S. Department of Education’s 2024 Title IX regulations governing sex discrimination and approval of conforming amendments to the Code (Title 2, Chapters 6 and 10) on a temporary emergency basis, pursuant to the Code (Title 2, Chapter 1, Section 1.3.3(b)). (Refs. BOR-3a and BOR-3b on file in the Board Office.)

Chief Human Resources Officer (CHRO) Gilliland summarized the item history and presented a revision to Board policy necessary to comply with the U.S. Department of Education’s 2024 Title IX regulations governing sex discrimination and amendments to the Code (Title 2, Chapters 6 and 10) on a temporary emergency basis, pursuant to the Code.

Regent Tarkanian entered the meeting.

Regent Arrascada requested a comparison of the changes made. Chief Human Resources Officer Gilliland stated this was a high-level comparison related to changes in Title IX regulations for 2020-2024, not necessarily what it looks like regarding NSHE’s policy.

Regent Tarkanian left the meeting.

In response to a question from Regent Goodman related to athletics, Senior Associate General Counsel Lynda P. King responded that they would follow the current 2020 regulations to the extent that the regulations or any other guidance applies. There are proposed rules regarding athletics that still need to be finalized.

Regent Tarkanian entered the meeting.

Regent Boylan asked if it was possible to have computer-based training. Senior Associate General Counsel King responded that they do have computer-based training that all employees take. They have looked at an NSHE group rate for computer-based training, and almost all institutions can afford it and will be joining the effort.

3. Approved – Handbook and Code Revisions, Policy Against Unlawful Discrimination and Harassment, Complaint Procedures – (Continued)

Regent Brooks left the meeting.

Regent Perkins asked to hear from institutional Title IX personnel.

Chair Carvalho also thought it would be helpful to hear which institutions are still following the 2020 regulations versus the new 2024 regulations.

Senior Associate General Counsel King stated that the 2024 regulations are in limbo nationwide. NSHE is not subject to one of these injunctions. CSN, UNLV, and UNR general counsel offices have researched the injunction's applicability and advised their presidents on what laws they should be filing. The Department of Education went to the Supreme Court and requested a stay to modify the injunctions, which was denied.

Regent Brooks entered the meeting.

WNC Chief of Staff, Chief Human Resources Officer, and Title IX Coordinator Melody Dooley stated that WNC follows the 2024 regulations. For the institution, there will be a change in the type of caseload.

Regent Tarkanian left the meeting.

UNR Title IX Coordinator Zeva Edmonson stated that UNR cannot comply with the 2024 regulations. However, with the broadening of the jurisdiction and definitions, they expect a higher caseload, which means they will have to add additional staff and processes.

Regent Goodman asked how the regulations apply to restrooms and locker rooms. Chief Human Resources Officer Gilliland stated that all institutions have gender-neutral restrooms to allow individuals to use the most comfortable restrooms. These regulations would protect individuals from discrimination or harassment because of the restrooms they use.

Regent Goodman asked how it would apply to a women's restroom and if a woman could file a complaint. Senior Associate General Counsel King responded that they could file a complaint, but Nevada does not have a state law, so the answers are unclear.

In response to a question from Regent Goodman related to the proper use of pronouns, Senior Associate General Counsel King responded that yes, a complaint could be brought, and it would be analyzed under the definition of sex-based harassment and whether it is sufficiently severe or pervasive.

Regent Boylan requested clarification that nothing can be done if a male enters a woman's locker room. Senior Associate General Counsel King clarified that anyone could use a restroom that aligns with their gender identity. Senior Associate General Counsel King stated she would need more facts about specific cases to provide a legal opinion.

3. Approved – Handbook and Code Revisions, Policy Against Unlawful Discrimination and Harassment, Complaint Procedures – (Continued)

Regent Brooks stated that the agenda item says this is being done on a temporary emergency basis. Senior Associate General Counsel King stated that Title 4, Chapter 8 policy revisions would be permanent. Code amendments require two readings, and NSHE has institutions subject to the 2024 regulations, which is why the Code amendments are on an emergency basis.

In response to a question from Regent Brooks about complaint procedures, Senior Associate General Counsel King responded that the policy is more streamlined. They all want a policy that is easy to understand so that staff and students know where to go and what they need to do.

Regent McMichael asked if there had ever been a complaint about gender-associated restrooms. Senior Associate General Counsel King did not have the information. Regent McMichael believed it was essential to know and requested the information. UNR Title IX Coordinator Edmonson responded that UNR has not had a complaint.

Regent Perkins asked for clarification of approval on an emergency basis. Senior Associate General Counsel King noted that the emergency basis is for 120 days. The proposal will have to be brought back.

Regent Goodman was torn as she felt there were insufficient protections for women.

Vice Chair Downs appreciated everyone's effort and hard work on this.

Regent Brager noted she had the same concerns as Regent Goodman and asked if an agenda item could be brought forward to protect women in sports. Senior Associate General Counsel King stated that a new business item could be requested. The Department of Education has indicated that participation and eligibility rules related to athletics are coming. There are many challenges and changes across the nation concerning transgender individual participation in collegiate athletics.

Regent Tarkanian entered the meeting.

Regent Del Carlo agreed with Regents Goodman and Brager. Senior Associate General Counsel King stated that the counsel would like to work with the Regents on anything that comes forward because it would have to comply with the regulations.

Regent McMichael stated he would like the requested information before voting on the item and asked that the item be set aside for a future meeting. Chair Carvalho noted that the regulations are set forth federally and must be approved to retain federal funding. Senior Associate General Counsel King added that regardless of approval, the legal advice on campuses is to comply with federal regulations.

3. Approved – Handbook and Code Revisions, Policy Against Unlawful Discrimination and Harassment, Complaint Procedures – (Continued)

Vice Chair Downs moved approval of a revision to Board policy (*Title 4, Chapter 8, Section 14*) necessary to comply with the U.S. Department of Education's 2024 Title IX regulations governing sex discrimination and approval of conforming amendments to the Code (*Title 2, Chapters 6 and 10*) on a temporary emergency basis, pursuant to the Code (*Title 2, Chapter 1, Section 1.3.3(b)*). Regent Brown seconded.

Regent Boylan was happy to hear the Regents standing up for the safety of female athletes.

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

4. Approved – 2025-27 Biennial NSHE State Operating Budget Request – The Board approved NSHE's 2025-27 biennial state operating budget request for the 2025 Legislative Session. (Refs. BOR-4a and BOR-4b on file in the Board Office.)

Interim Chancellor Patricia Charlton and Chief Financial Officer Chris Viton presented NSHE's 2025-27 biennial state operating budget request for the 2025 Legislative Session, including information on the base, maintenance, and enhancement budget requests. The state operating budget request is due to the Governor's Finance Office by August 30, 2024.

Regent Tarkanian left the meeting.

In response to a question from Regent Del Carlo asking whether the Governor was putting COLA funding in at 80 percent, Chief Financial Officer Viton responded that they were requesting an adjusted base that includes the COLA adjustments for 2024-25 at the minimum of 80 percent.

Regent Tarkanian entered the meeting.

Regent Del Carlo asked if the transfer from hospital affiliates is the Practice Plan. Chief Financial Officer Viton responded that Renown's revenue is program support for the University and replaces funds that are being used to balance the budget through revenue received from Renown as an offset to fund the Medicaid program. Regent Del Carlo asked if the South has the same program. Chief Financial Officer Viton stated there is a similar program, but it is smaller.

4. Approved – 2025-27 Biennial NSHE State Operating Budget Request – (Continued)

UNR President Sandoval added that this is one of the benefits of affiliation. Renown would not have been able to apply for the Medicaid program without this affiliation. This provides higher reimbursements to Medicaid providers and more patient access.

Regent Brown believed that UNLV should have more athletic scholarships because of population growth and size. The budget does not reflect reality.

Regent Del Carlo believed that the athletic departments were close in size. UNR Vice President of Administration and Finance Andrew Clinger noted that overall enrollments do not determine athletic funding. Both schools have the same number of sports programs, athletes, and scholarships. Up to 2008, the programs were virtually identical in state funding. In 2008, that funding changed, but this request is to bring them to parity.

Chair Carvalho stated she had received questions about graduate student stipends. UNR Vice President Clinger noted that as they prepared the priority list for the Chancellor, graduate stipends did not rise to the top. UNLV Vice President for Business Affairs and Chief Financial Officer Casey Wyman stated that UNLV polled the graduate students to determine the priority, and they prioritized safety and security over stipends.

In response to a question from Regent Perkins looking for UNR Cooperative Extension, Chief Financial Officer Viton responded that this is an example of a non-formula budget that is not called out individually.

Regent Del Carlo stated the Board has mandated student advising at 350:1 and asked if this request will get CSN to the student advising ratio. CSN Vice President for Academic Affairs James McCoy responded that this would add thirty new academic advisors to CSN.

Regent Brown left the meeting.

WNC President Dalpe noted that WNC's student advising rate was 350:1, but it has drifted to 450:1 because of rapid enrollment.

Interim GBC President Donnelly stated that GBC has also experienced a significant enrollment increase this year and has exceeded the ratio.

TMCC President Hilgersom reported that TMCC has closed in on 350:1, but enrollments are increasing quickly. TMCC relies on an advising model in which faculty advise discipline-specific students. Faculty are enhancing what advisors do and encouraging the students in their disciplines to finish their program of study.

In response to Chair Carvalho's question about immersive learning, UNLV President Whitfield stated this request is to ensure they have the additional lab fees that accompany DreamScape and other things related to immersive learning.

4. Approved – 2025-27 Biennial NSHE State Operating Budget Request – (Continued)

Regent Arrascada asked UNLV President Whitfield to expand upon the K-12 teacher pipeline for \$43 million. UNLV President Whitfield responded that \$32 million is for the Teacher Pathway Program (TPP), which allows people already in the Clark County School District to finish their degrees and become teachers. The first class just graduated, with 143 graduates.

Regent Cruz-Crawford shared that the TPP resulted from her doctoral research, where she identified gaps. Paraprofessionals were making less than minimum wage and relying on social services. This increased the teacher demographics, making the teachers more representative of the state demographics.

In response to Regent Boylan's question about the Thomas and Mack Legal Clinic, UNLV Williams S. Boyd School of Law Dean Leah Chan-Grinvald stated that this enhancement will help expand the clinics. Chair Carvalho added that this is backed by Assembly Bill 328.

Regent McMichael moved approval of NSHE's 2025-27 biennial state operating budget request for the 2025 Legislative Session. Regent Perkins seconded.

Regent Del Carlo applauded the work of the higher education funding committee. She believed NSHE was finally telling its story.

Regent Boylan left the meeting.

Chair Carvalho extended thanks to the Regents who participated on the committee.

Motion carried by unanimous roll call vote. Regents Boylan and Brown were absent.

The meeting recessed at 11:42 a.m. and reconvened at 12:02 p.m. with all members present except Regents Brown and Perkins.

5. Information Only – Northwest Campus Capital Planning Progress Update, CSN – College of Southern Nevada Acting President William L. Kibler and CSN Vice President for Academic Affairs James McCoy presented an update on advanced planning efforts conducted to date associated with the development of the first building on the CSN Northwest Campus, a Center for Excellence in Public Safety, and the associated development on the parcel of land dedicated to the CSN Northwest Campus from the \$4.5 million in appropriated funds from the 2023 Nevada Legislature to engage such planning activities. (Ref. BOR-5 on file in the Board Office.)

5. Information Only – Northwest Campus Capital Planning Progress Update, CSN – (Continued)

In response to a question from Regent Del Carlo asking how CSN will cross Durango Drive, CSN Vice President McCoy responded that they are not developing that side in the first phase, but the master plan does include a bridge to the other side.

Regent Boylan asked when the building would be open. CSN Vice President McCoy responded that it was dependent on the Legislative Session.

In response to a question from Regent Brager related to daycare, CSN Vice President McCoy noted that the community has voiced the idea of daycare.

Regent Goodman noted that the BLM had given the land and she asked when the building had to be built. CSN Vice President McCoy responded that the land conveyance date is September 28, 2020, which means that the deadline to commence construction is eight years past, which is September 28, 2028. Then, there is a significant progress or completion date of September 28, 2032.

6. Information Only – Student Success Programs and Activities, DRI and TMCC – Student success is a strategic goal of the Board of Regents that is intended to direct strategies across the NSHE that support student engagement and the successful accomplishment of every student’s educational goal(s). DRI Vice President for Research Vic Etyemezian, DRI Program Director Vera Samburova, and TMCC President Hilgersom presented information on programs at their respective institutions that support student engagement and success. (Refs. BOR-6a and BOR-6b on file in the Board Office.)

Regent Boylan stated he is impressed with the excellent work that DRI does.

Vice Chair Downs applauded TMCC for the presentation. It was interesting and helpful, and he was happy to see students taking a practical approach to their education.

7. Information Only – Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee – This agenda item came forward at the request of Regents McMichael, Boylan, Del Carlo, and Perkins pursuant to the *Bylaws of the Board of Regents (Title 1, Article V, Section 7)*. (Supplemental material on file in the Board Office.)

Pursuant to Title 1, Article VI, Section 2 of the *Bylaws of the Board of Regents* and Sections 50:14, 50:13(d), and 13:23 of *Robert’s Rules of Order Newly Revised (12th ed.)*, appointment and removal of standing committee officers is at the discretion of the Chair of the Board.

Chair Carvalho provided the circumstances and procedures that led her to remove Regent Donald Sylvantee McMichael Sr. as the Vice Chair of the Inclusion, Diversity, Equity and Access (IDEA) Committee.

7. Information Only – Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee – (Continued)

The Board discussed the statements made by Regent McMichael, including those made at the June 6-7, 2024, Board of Regents meeting.

Regent Boylan supported Regent McMichael's First Amendment right to freedom of speech.

Regent McMichael believed the process used was faulty. He wanted to tell his side of the story, but unfortunately, the agenda item he submitted was changed and does not reflect what he requested. He believes that the government has no responsibility to chill free speech and that the Chair has no authority to make this decision. The Chair and Vice Chair of a committee are considered standing members of a committee for a one-year term.

Special Counsel to the Board of Regents Christopher G. Nielsen noted his opinion, other counsel's opinion, and consistent with advice given to prior Chairs on the same issue, is that the *Bylaws* do not specifically address the removal issue as it relates to committee membership and officers of a committee. However, the *Bylaws* have also adopted *Robert's Rules of Order*, which states that the appointing authority can remove or replace. He added that Chief General Counsel James J. Martines provided an opportunity for Regent McMichael to reach out to a third-party parliamentarian for another opinion.

Chief General Counsel Martines stated that the Chair and Vice Chair of a standing committee are appointed in those administrative capacities by the Board Chair. Hence, the role of a committee member is separate from that of an officer of the committee. That is why *Robert's Rules of Order* sets different standards. The term of membership in the *Bylaws* is a one-year membership as a committee member. The *Bylaws* do not put forth the same membership term for the Chair and Vice Chair. Regent McMichael disagreed that there is no separation between the officers and members of a standing committee.

Chair Carvalho clarified for the record that there have been numerous requests made of Regent McMichael for the information he wants to provide in order for the letter to go out to the parliamentarian. She also noted that there was no meeting regarding Regent McMichael's removal and that it was solely her decision.

Chair Carvalho stated that she did not frame the agenda item but only approved it, as is her duty as Board Chair.

Regent McMichael read his agenda item request into the record.

Special Counsel Nielsen noted that regardless of the agenda item request, from an Open Meeting Law standpoint the Board must limit the scope of discussion to what has been agendized. He cautioned Regent McMichael that NRS 241.040 states that each member

7. Information Only – Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee – (Continued)

of a public body who attends a meeting of that public body where any violation of this chapter occurs, has knowledge of the violation, and participates in the violation is guilty of a misdemeanor. In paragraph six, there is also a safe harbor. Regent McMichael stated that since there was no penalty, he would continue.

Chair Carvalho stated that the Chair of the Board is granted specific duties and legal authority.

Regent McMichael continued to provide his stance on the dismissal process.

Chief General Counsel Martines stated that the Board had no authority to take action with respect to the decision to remove. The Chair has the authority to appoint and remove an officer, and it would violate the *Bylaws* to put something on the agenda to have the full Board vote on the appointment or removal of a committee officer.

Regent Brager left the meeting.

Regent McMichael continued his discussion on the Chair's decision-making process.

Special Counsel Nielsen stated there is an obligation to keep to what has been posted on the agenda item.

Regent McMichael continued discussing why he was singled out amongst other Board members for removal from his committee position.

Regent Boylan agreed that the original agenda item request was changed, and Regent McMichael should be allowed to discuss it.

Regent Tarkanian left the meeting.

Special Counsel Nielsen stated that he did not suggest that Regent McMichael violated the Open Meeting Law; he was advising him of the posted agenda language.

Regent Brager entered the meeting.

Regent Del Carlo also viewed this as a free speech issue. One may disagree with what is said, but they have the right to say it, so she was willing to place her name on the agenda item request.

Regent Goodman stated she supports the Chair's decision. She made it based on legal advice, which is good enough for her.

Regent Goodman voiced her concerns with the statements that Regent McMichael made.

7. Information Only – Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee – (Continued)

Vice Chair Downs stated he respects the counsel that has been received.

Regent Cruz-Crawford shared her perspective as the IDEA Committee Chair. She sent a letter to the Board Officers condemning the antisemitic statements and stating how, as the IDEA Chair, it is important to advocate for all groups. She does not accept the statements made but has concerns about freedom of speech. Regents Boylan and McMichael made harmful comments, but only one member was removed from his duties. Setting a precedent by removing one Regent of responsibilities is a dangerous practice, and she was concerned with the discrepancy. She requested conversations regarding the IDEA Committee to be run through the IDEA Council as they are subject-matter experts.

Regent Tarkanian entered the meeting.

Regents Brager and Brooks left the meeting.

Regent Arrascada recalled the following statement made during a prior Board of Regents meeting: words matter, and what the Board does or fails to do as a body reflects who we are. The words that were spoken do matter. As a representative of a marginalized class, there is no reason for anyone to wait in line. The Board must focus on students, faculty, and staff.

Regent Brooks entered the meeting.

Interim Chancellor Charlton clarified that when Regent Cruz Crawford sent materials to the IDEA Council, it referenced that this item would be heard today; she did recommend that the Chair, Vice Chair, and counsel attend the IDEA Council meeting.

Regent Goodman left the meeting.

Regent Brooks believed that the Chair made the correct decision regarding Regent McMichael's removal as Vice Chair of the IDEA Committee. In his opinion, the statements made are not inclusive of all students, and Regent McMichael should have been removed entirely from the Committee. He is appalled and disheartened by the remarks that minimized the Holocaust. The redirect was factually incorrect and helped perpetuate stereotypes, which is harmful. There is no place in society for antisemitism to exist, let alone on the campuses. Rather than doubling down on what was said, Regent McMichael should apologize for the statements and not create more issues.

Regents Brager and Goodman entered the meeting.

Regent McMichael pointed out that he still needed to address some of the comments.

7. Information Only – Discussion of the Removal of Regent Donald Sylvantee McMichael Sr. from the Inclusion, Diversity, Equity and Access Committee – (Continued)

Regent Brager stated she respects legal's opinion, and this discussion must end. She respects Regent McMichael's freedom of speech, but she does not respect the statements made.

Regent McMichael stated he acknowledged the Holocaust and the tortuous events. He stated he did not intend to harm anyone with his statements.

8. Information Only – Discussion of the Process for the Appointment and Removal of Officers of Standing Committees of the Board – This agenda item comes forward at the request of Regents McMichael, Boylan, Del Carlo, and Perkins pursuant to the *Bylaws of the Board of Regents (Title 1, Article V, Section 7)*. The Board of Regents reviewed and discussed the process for the appointment and removal of standing committee officers pursuant to the *Bylaws of the Board of Regents*, Title 1, Article VI, Section 2, which states that the “members of a standing committee, its Chair and Vice Chair shall be appointed by the Chair of the Board.”

Regent Boylan stated that the *Bylaws* do not indicate that the Chair can remove a member from a committee, only that they can appoint members. The process is concerning and should be clarified.

Chair Carvalho noted that the *Bylaws* are silent on removal. The Board would then refer to *Robert's Rules of Order*. She agreed that for future consideration, there needs to be an expressed policy that defines how an officer of a committee can be removed if deemed necessary.

Chief General Counsel Martines stated that this is not a new interpretation. The current *Bylaws* set forth that the Chair of the Board appoints the members and officers of standing committees. It then says that members serve for a term of one year. For any supplemental rules of parliamentary procedure, the Board would refer to *Robert's Rules of Order*. If the Board wishes to address the *Bylaw* provisions, staff will take the Board's consideration and draft a revision to Title 1, Article VI, Section 2 of the *Bylaws* for consideration at a future meeting.

Regent McMichael made a point of order asking where that is written. Chief General Counsel Martines read Title 1, Article VI, Section 2.

Chief General Counsel Martines clarified that the legal counsel's advice was consistent, and the Chair followed that advice.

In response to a question from Regent Boylan asking what the advice was, Chief General Counsel Martines responded that there are members and officers. The Chair appoints officers who have separate administrative duties from the rest of the individual members. All committee members are members, regardless of who the officers are. All members

8. Information Only – Discussion of the Process for the Appointment and Removal of Officers of Standing Committees of the Board – (Continued)

have a one-year term. The officers can change, but they are members. The Chair has the authority to change the administrative duties within the membership body. Still, the Chair does not have unilateral authority to change the membership before the one-year term ends.

Regent Cruz-Crawford did not believe this was done with ill intention; there are just different views and interpretations. She requested that the Board revisit Title 1, Article VI, Section 2, to consider that the removal of committee officers be by a majority vote of the Board.

Regent Del Carlo and Chair Carvalho favored revisiting the policy for a clear direction.

Regent Brooks believed that the Chair needing to come forward to the Board to remove an officer would take a lot of work to navigate. He suggested that the policy specify a decision to remove is made by the Chair in consultation with the Vice Chair, or strictly just the Chair.

Regent McMichael suggested a review or appeals committee.

Regent Boylan suggested a governance committee.

Regent Brooks left the meeting.

Chair Carvalho appreciated the governance committee reminder.

9. Information Only – New Business

Regent Del Carlo requested agenda items related to the UNLV parking fees, a review of committees, and establishing a governance committee.

Regent Goodman requested an agenda item that obligates the NSHE to create a policy that only biological women can participate in women's sports.

Regent McMichael made a motion to rescind the removal letter.

Special Counsel Nielsen stated that New Business is an information only agenda item and action cannot be taken during informational items such as New Business. He cautioned Regent McMichael not to make a motion.

Regent McMichael stated that according to *Robert's Rules of Order*, he can make this motion in New Business.

9. Information Only – New Business – (Continued)

Regent McMichael made a motion to rescind the removal letters dated June 20 and August 15, 2024. Regent Boylan seconded.

Special Counsel Nielsen stated that under the Attorney General's Opinion, 99-03, agenda items, including items such as president's reports, committee reports, or New Business, must not be listed for possible action. He advised that no action be taken. Open Meeting Law rules are in Chapter 241 of the *Nevada Revised Statutes*.

Regent McMichael stated that the Attorney General is referencing a generic agenda item. This item has been discussed, and according to *Robert's Rules of Order* under New Business, this motion can be made.

Chief General Counsel Martines added that all action items must be agendized with an explicit action noted so the public can participate in the public process, which is why New Business items cannot be acted on. The Attorney General has confirmed that no New Business can have any action, only on a future agenda.

Chief General Counsel Martines stated his advice is that if Regent McMichael insists on making a motion and calling for action against legal advice, the Board should not participate and move forward with its meeting.

In response to a question from Regent Boylan related to citations, Chief General Counsel Martines responded that he would provide them.

10. Information Only – Public Comment

Kent Ervin provided in-person public comment related to Title IX. The policy should be evidence-based, but despite multiple Nevada Faculty Alliance requests, there is no uniform systemwide statistical reporting on the complaints, outcomes, and final dispositions of Title IX complaints and all other complaints. With full reporting, the Board can identify and correct systematic issues.

Regent Brager left the meeting.

Donald Sylvantee McMichael Sr. provided in-person public comment reiterating that words have meaning. He stated that if his words were hateful, disgusting, and considered antisemitic and he was removed from his committee position, what happens to a Regent that threatens the entire Board of Regents, as happened at the June 2024 meeting? A Regent said he would put them all "on blast." That only has one definition: to publicly shame or humiliate someone on the Board to affect the vote. When a threat is made and brought to the attention of the Chair, and nothing is done, where is the fairness in that?

The meeting adjourned at 3:02 p.m.

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