

Minutes approved by the Board of Regents at the April 24, 2025, meeting.

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Thursday, January 16, 2025
Friday, January 17, 2025

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. Aaron Bautista
Mr. Patrick J. Boylan
Mrs. Susan Brager
Mr. Byron Brooks
Ms. Heather Brown
Mrs. Carol Del Carlo
Mr. Carlos D. Fernandez
Mr. Pete Goicoechea
Ms. Stephanie Goodman

Others Present:

Ms. Patricia Charlton, Interim Chancellor
Dr. Daniel Archer, Vice Chancellor for Academic and Student Affairs
Ms. Elizabeth Callahan, Public Information Officer
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
Ms. Kelly Scherado, Interim Chief Human Resources Officer
Mr. Chris Viton, Vice Chancellor, Budget and Finance and Chief Financial Officer
Dr. William L. Kibler, Acting President, CSN
Dr. Kumud Acharya, President, DRI
Dr. Vic Etyemezian (*sitting in for Dr. Kumud Acharya, President, DRI on 2nd day*)

Others Present:

(Continued)

Dr. Amber Donnelly, Interim President, GBC

Dr. DeRionne Pollard, President, NSU

Dr. Karin M. Hilgersom, President, TMCC

Dr. Jeffrey Alexander *(sitting in for Dr. Karin M. Hilgersom, President, TMCC on 2nd day)*

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)*; Mr. David Sexton, GBC; Dr. David Cooper, NSU; Mr. Glenn Heath, SA; Dr. Jinger Doe, TMCC; Dr. Deborah Arteaga, UNLV; and Dr. Aaron Hill, UNR. Student body presidents in attendance included the following individuals: Mr. Kevin Osorio Hernández, NSSA President, NSU *(Chair, Nevada Student Alliance)*; Mr. Allister Dias, CSUN President, UNLV; and Ms. Teresa Marie, GPSA President, UNLV. Classified council chairs in attendance included the following individual: 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 8:00 a.m. with all members present except Regents Arrascada, Boylan, and Brown. Vice Chair Downs led the Pledge of Allegiance and Chair Carvalho read the Land Acknowledgement.

1. Information Only – Welcome and Opening Remarks – Chair Amy J. Carvalho welcomed the new Regents and other participants to the meeting.
2. Information Only – Oath of Office – Judge Jacqueline M. Bluth conducted a ceremonial swearing-in of newly elected and reelected Regents.
 - Mr. Aaron Bautista
 - Mrs. Amy J. Carvalho
 - Mrs. Carol Del Carlo
 - Mr. Carlos D. Fernandez

The meeting recessed at 8:38 a.m. and reconvened at 8:55 a.m. with all members present except Regents Boylan and Brown.

3. Information Only – Public Comment

The following individual provided written public comment as an international student facing unfair treatment at UNLV and seeking punitive damages because of false accusations of international terrorism:

- Dhritiman Banerjee *(Ref. Dhritiman.Banerjee01.25 on file in the Board Office.)*

3. Information Only – Public Comment – (Continued)

The following individuals provided written public comment in support of the Architecture Program Differential fee included in Agenda Item 17 (*Procedures and Guidelines Manual* Revision, Differential Program Fees, UNLV):

- Alexander Kent (*Ref. Kent.Alexander01.25 on file in the Board Office.*)
- Cesar Prietto (*Ref. Prietto.Cesar01.25 on file in the Board Office.*)

The following individual provided written and in-person public comment explaining academic freedom and shared governance:

- Kent Ervin (*Ref. Ervin.Kent01.25 on file in the Board Office.*)

4. Approved – Consent Items – The consent items were considered separately and approved.

Chief Financial Officer Viton corrected the background information in *Ref. 4b* to delete the words *part-time non-resident tuition*. The fee is a per credit hour rate that applies to all students in the program.

- 4a. Approved – Minutes – The Board approved the minutes from the October 1, 2024, Board of Regents special meeting; October 11, 2024, ad hoc Chief Internal Auditor Search Committee meeting; and the October 18, 2024, Board of Regents special meeting. (*Refs. BOR-4a1, BOR-4a2 and BOR-4a3 on file in the Board Office.*)

Regent Brager moved approval of the minutes. Regent Del Carlo seconded. Motion carried. Regent Goicoechea abstained. Regents Boylan and Brown were absent.

- 4b. Approved – Procedures and Guidelines Manual Revisions, Part-Time Non-Resident Tuition and RN-BSN Program Part-Time Tuition, NSU – The Board approved corrections to the *Procedures and Guidelines Manual* (Chapter 7, Sections 1 and 9) concerning Nevada State University part-time non-resident tuition for Fall 2024 and RN-BSN Program part-time non-resident tuition for Fall 2026. (*Ref. BOR-4b on file in the Board Office.*)

Regent Brager moved approval of the corrections to the *Procedures and Guidelines Manual* (Chapter 7, Sections 1 and 9) concerning Nevada State University part-time non-resident tuition for Fall 2024 and RN-BSN Program part-time non-resident tuition for Fall 2026 including the additional correction made on the record. Regent Del Carlo seconded. Motion carried. Regents Boylan and Brown were absent.

5. Information Only – Discussion on the roles and responsibilities of the Board of Regents and the Chancellor – Chair Amy J. Carvalho and Interim Chancellor Patricia Charlton lead a discussion on the role of the Board of Regents as the governing body of the Nevada System of Higher Education (NSHE), the role and responsibilities of Regents in furthering the mission and goals of the NSHE and its institutions, and the role of the Chancellor as the Chief Executive Officer of the NSHE. *(Supplemental material on file in the Board Office.)*
6. Information Only – NSHE Data Dashboard Demonstration – Director of Institutional Research José Martinez presented a detailed demonstration of the NSHE data dashboards, including Awards Conferred, Outcome Measures, Employee Headcount, Fall Enrollment, College Readiness, Completion and Workforce, Dual Enrollment, Graduation Rates, Strategic Plan Metrics, Student Transfer, and Corequisite Outcomes. *(Ref. BOR-6 on file in the Board Office.)*

Regent Boylan entered the meeting.

Director Martinez and Interim Chancellor Charlton responded to questions and comments from Regents related to who holds the initial information that NSHE is using.

WNC President J. Kyle Dalpe and GBC Interim President Amber Donnelly responded to Regent Del Carlo's question on how the campuses interact with the dashboard.

Regent Brown entered the meeting.

WNC President Dalpe, CSN Acting President William L. Kibler, and GBC Interim President Donnelly responded to Chair Carvalho's question related to IPEDS outcome measures and whether they reflect what the institutions are doing.

Regent Brager stated Nevada is a unique state. Institutions need to do a better job of telling their stories so that the Legislature and the community will better understand there are many ways students can be successful.

Associate Vice Chancellor for Academic and Student Affairs Renee Davis responded to questions from Regent Fernandez related to the Millennium Scholarship and why the percentage has decreased.

7. Information Only – Artificial Intelligence Environment Within NSHE – Chief Information Officer Anne Milkovich presented on the status of Artificial Intelligence within the Nevada System of Higher Education. Dr. Milkovich discussed where NSHE has been in the environment of AI, where it is going, and the role of NSHE in supporting the System and its institutions. *(Ref. BOR-7 on file in the Board meeting.)*

Regent Goodman left the meeting.

SCS Chief Information Officer Milkovich responded to a question from Regent Del Carlo related to AI note-takers.

7. Information Only – Artificial Intelligence Environment Within NSHE – *(Continued)*

Regent Brager left the meeting.

Regent Goodman entered the meeting.

Regent Arrascada asked if the AI note-takers were unauthorized recordings of a conversation, with SCS Chief Information Officer Milkovich responding Zoom and Teams announce that the meetings are being transcribed. SCS will be issuing a recommendation discouraging participation in a meeting with an AI note-taker unless the individual hosting the meeting is controlling it, because we do not know yet how these note-takers operate.

Regent Brager entered the meeting.

Interim Chancellor Charlton clarified that software companies are building note-takers as an automatic feature that must be deactivated because sometimes there are sensitive conversations that must occur.

SCS Chief Information Officer Milkovich encouraged people to be cautious about AI note-takers that are transcribing everything said in a meeting.

Regent Goodman noted that she sees how valuable AI is and appreciated the discussion so the Board knows what to expect.

SCS Chief Information Officer Milkovich responded to a question from Regent Boylan related to how NSHE would control the biases within AI.

UNR Faculty Senate Chair Aaron Hill stated UNR has three pathways that the instructors can choose for the use of AI: 1) prohibit it; 2) allow it in limited circumstances; or 3) unlimited use with the express purpose to train people to use the technology.

Regent Brager left the meeting.

CSN Chief Information Officer Mugunth Vaithyalingam stated AI is making things easier. CSN has used it for approximately seven years. CSN has a task force from the faculty perspective. AI is made by people, used by people, and needs to be governed by people. NSHE needs to be proactive.

Regent Brager entered the meeting.

CSN Chief Information Officer Vaithyalingam responded to questions from Regent Boylan related to security and working with North and South Commands. He added there is a proposal on security protocol within the budget proposal.

The meeting recessed at 11:27 a.m. and reconvened at 12:02 p.m. with all members present except Regent Brooks.

8. Approved – University Police Services Critical Labor Shortage Designation (Agenda Item 14) – The Board approved the written findings that support designating a critical labor shortage for UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions based on the criteria set forth in NRS 286.523(5); and to designate UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions as critical need as defined in NRS 286.523 to address significant challenges in the recruitment and retention of critical positions. (Ref. BOR-14 on file in the Board Office.)

Interim Chief of Police-Southern Command Arnold Vasquez requested the following actions by the Board of Regents to address significant challenges in the recruitment and retention of critical positions:

1. Adoption of the written findings that support designating a critical labor shortage for UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions based on the criteria set forth in NRS 286.523(5); and
2. Approval to designate UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions as critical need as defined in NRS 286.523.

Interim Chief of Police-Southern Command Vasquez responded to questions from Regents Brager and Boylan related to how they persuade people to work for the commands, whether the officers are paid while training, and grandfathering of officers under the designation.

In response to a question from Regent Goicoechea related to PERS funding, Interim Chancellor Charlton stated there are fringe benefits provided for police and NSHE does receive funding for their PERS, but when they are at other agencies the entire amount of PERS is paid which is a different structure. Interim Chief of Police-Southern Command Vasquez said he is looking at ways to make NSHE more competitive in the market and able to retain employees. He does not want NSHE to be a training ground.

In response to a question from Regent Arrascada asking if the designation is for Northern Command also, Interim Chancellor Charlton responded it is a NSHE designation and Northern Command would be able to take advantage as well if needed.

Regent Goodman moved to adopt the written findings that support designating a critical labor shortage for UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions based on the criteria set forth in NRS 286.523(5); and to designate UPD University Police Officer 1, University Police Officer 2, and Public Safety Dispatcher positions as critical need as defined in NRS 286.523 to address significant challenges in the recruitment and retention of critical positions. Regent Brown seconded. Motion carried. Regent Brooks was absent.

9. Information Only – Nevada Open Meeting Law (Agenda Item 8) – Nevada Chief Deputy Attorney General Rosalie Bordelove provided an overview of the Nevada Open Meeting Law and related issues. *(Supplemental material on file in the Board Office.)*

Nevada Chief Deputy Attorney General Bordelove responded to questions from Regents related to quorum, the definition of a collective body, something improperly agendaized, a member giving public comment, minimum requirements of public comment, time limits of public comment, and public comment restrictions.

10. Information Only – Nevada Ethics in Government Law (Agenda Item 9) – Nevada Commission on Ethics Outreach and Education Officer Sam Harvey provided an overview of the Nevada Ethics in Government Law and related issues. *(Ref. BOR-9 on file in the Board Office.)*

Outreach and Education Officer Harvey responded to questions related to disclosures and abstentions, disclosures and abstentions related to former lobbying practices, and public officers lobbying in their daily jobs.

11. Information Only – Public Comment (Agenda Item 10) – None.

The meeting recessed at 2:44 p.m. on Thursday, January 16, 2025, and reconvened on Friday, January 17, 2025, at 9:00 a.m. with all members present except Regent Arrascada.

Jim New provided in-person public comment urging the Board to include human capital metrics in the NSHE strategic vision for higher education in Nevada since every metric included depends on such. He also requested the Board to advocate with the Nevada Faculty Alliance for legislative cost-of-living adjustments (COLA) of 5 percent in FY26 and 3 percent in FY27.

Kent Ervin provided in-person public comment stating the Board set a clear principle that student fees should be used to support the programs they are designated for, and they should benefit the students who pay them. Policies were put into place to limit balances and for better reporting. That is how the UNLV fee balance was flagged in December and back today to approve remediation plans. Policy changes with a systemic solution could include 1) requiring annual reporting of individual accounts with balances over 100 percent; 2) if the balance is over 100 percent for two consecutive years, imposing an automatic fee reduction; and 3) if a course fee account has no spending for three years transfer the funds to the general improvement. This will provide the departments with an opportunity to spend the money appropriately but also allows reasonable exceptions with proper documentation and approvals.

12. Information Only – Public Comment (*Agenda Item 11*)

Bill Robinson provided in-person public comment noting that the Strategic Plan does not reference graduate students, doesn't talk about the impact that research has on the community and workforce development, there are no metrics that represent the quality of what NSHE does, and there's no reference to resources that are needed. NSHE has lots of planning experts and the Board should take advantage of the fact. NSHE doesn't have a real security plan and doesn't allocate money toward security. Thirteen months ago, NSHE found out just how ineffective its security measures were. He added every time there's a budget problem it is blamed on COLA. He also requested that he be allowed to talk about shared governance, faculty senates, student government leadership, and how higher education works at the next Regent training.

Teresa Marie provided in-person public comment stating she has talked about the fact that graduate students aren't always brought up until somebody is bringing them up after the fact. She has been the graduate students' voice but that doesn't mean that the next person will have the same power and voice that she does. She asked the Board to consider graduate students when writing plans that affect the NSHE.

Deborah Arteaga provided in-person public comment letting the Board know that the Public Employee Benefits Program will hear an agenda item to eliminate the HMO and convert the lower deductible PPO to a standard PPO. These issues touch many people throughout NSHE. This will be NSHE's last chance to voice concerns. The elimination of the HMO will be devastating to employees and their families with chronic health conditions. She welcomed all NSHE members to voice their concerns by providing public comment at the upcoming meeting.

13. Approved – NSHE 2025-2031 Strategic Plan (*Agenda Item 12*) – The Board approved the NSHE 2025-2031 Strategic Plan. (Refs. BOR-12a and BOR-12b on file in the Board Office.)

Vice Chancellor for Academic and Student Affairs Daniel Archer presented the NSHE 2025-2031 Strategic Plan, which included the development of a strategic framework and how the strategic framework addresses NSHE's goals, as well as defined targets for 2031.

Interim Chancellor Charlton and Vice Chancellor Archer responded to questions and comments posed by the Regents asking why there is a 10 percent difference between Nevada and the national average for the college-going rate, will NSHE be lowering its standards by accepting nontraditional experience/learning, what percentage of dual credit students graduate from college, are there cases that prior learning can be applied to a four-year degree, how does NSHE fix the 350:1 academic advisor to student ratio to keep students on track, how to address barriers, acknowledging apprenticeships, how credit for prior learning is being utilized to address Nevada's high demand occupations, and are there specific industries or roles that these pathways are being prioritized.

Regent Brown thanked the staff for compiling the document. She participated in the Board of Regents workshop that was held in July and the things she heard at that time have carried through to the document. This is a good way to acknowledge what a system looks like.

13. Approved – NSHE 2025-2031 Strategic Plan (Agenda Item 12) – (Continued)

Regent Del Carlo stated this was the first time since she has been on the Board that they are looking at things from a system approach. Being a system is NSHE's greatest strength, and it has not leveraged that. She appreciated the pages of research and the meticulous documentation.

Regent Arrascada entered the meeting.

Regent Goodman stated this will positively impact and make access better for NSHE students.

Regent Brager left the meeting.

Regent Fernandez asked how credit for prior learning is being utilized to address Nevada's high-demand occupations and are there specific industries or roles that the pathways are being prioritized.

Regent Brager entered the meeting.

TMCC Vice President for Academic Affairs Jeffrey Alexander stated TMCC launched a credit for prior learning program formally in December 2024, with a soft launch in October 2024. The program evaluates credit for prior learning in different ways whether it's the evaluation of a portfolio of work, prior professional experience and the evaluation of credit for prior learning through workforce certification. For example, paramedic training is a standardized curriculum across the country so if a person earns the designation of paramedic or takes paramedic training courses perhaps with the fire agency that is the same learning that they would experience at a college. It is important to validate that learning.

Regent Brown left the meeting.

It is key that faculty be the ones to evaluate whether a student has mastered the learning outcomes in a course. Learning outcomes of any course are critical and if the faculty can evaluate that work and see that those learning outcomes have been mastered then they are the ones to green light whether the student is deserving of that credit for prior learning for that course and then it is transcribed by the registrar.

Regent Brown entered the meeting.

Vice Chair Downs left the meeting.

Regent Brooks understood the urgency to try to get something together, but it would have been his preference to have seen action items. Interim Chancellor Charlton stated it is the strategy to present the plan and get approval from the Board on its direction. Then at the March meeting institutional metrics presentations will resume with institutions presenting quarterly. The presentations will support this Strategic Plan. Then on an annual basis, the

13. Approved – NSHE 2025-2031 Strategic Plan (Agenda Item 12) – (Continued)

Chancellor's Office will bring back the progress they are seeing to reevaluate whether they are moving in the direction of continuous improvement. Each institution builds its plans from the goals that the Board has set and many of them are deeply engaged in the accreditation process, which serves as the framework for a lot of what they do.

Regent Del Carlo suggested that they place the Strategic Plan on the NSHE website and allow people to voice their concerns to be brought back to the Board to be incorporated.

Regent Del Carlo moved to approve the NSHE 2025-2031 Strategic Plan. Regent Brown seconded. Motion carried. Vice Chair Downs was absent.

The meeting recessed at 11:09 a.m. and reconvened at 11:26 a.m. with all members present except Vice Chair Downs.

14. Approved – Annual Evaluation Summary, President DeRionne P. Pollard, NSU (Agenda Item 13) – The Board accepted the annual evaluation summary and new evaluation goals for Nevada State University President DeRionne P. Pollard. (Ref. BOR-13 on file in the Board Office.)

Pursuant to the *Procedures and Guidelines Manual* (Chapter 2, Section 2, Subsection 1.A.4), Interim Chancellor Patricia Charlton presented the annual evaluation summary and new evaluation goals for Nevada State University President DeRionne P. Pollard.

Regent Boylan praised NSU President Pollard.

Regent Boylan moved to accept the annual evaluation summary and new evaluation goals for Nevada State University President DeRionne P. Pollard. Regent Brown seconded.

Regent Del Carlo stated NSU President Pollard is a truly unique and talented person and a jewel of the system. She is happy to support the motion and looks forward to NSU President Pollard's continued achievements.

Regent Brown thanked NSU President Pollard for being a truly wonderful representation of what a leader in higher education means.

Chair Carvalho stated she appreciates NSU President Pollard's passion for higher education and the compassion she has for students. She also appreciates that the culture at NSU is a model across the nation and she looks forward to having NSU President Pollard as a leader in the NSHE for a very long time.

14. Approved – Annual Evaluation Summary, President DeRionne P. Pollard, NSU (Agenda Item 13) – (Continued)

Regent Fernandez echoed the sentiments mentioned. As a new Regent working with NSU President Pollard, he has seen her ensuring that students are involved and that the institution has great growth opportunities. It is exciting to see where this institution will be years from now thanks to NSU President Pollard's leadership and the legacy she will leave behind.

Motion carried. Vice Chair Downs was absent.

15. Information Only – Student Fee Account Balances, UNLV – University of Nevada, Las Vegas President Keith E. Whitfield and various UNLV personnel presented an update on student fee account balances in follow up to the report presented at the December 4-5, 2024, Board of Regents meeting, and answered follow-up questions from Regents. (Ref: BOR-15 on file in the Board Office.)

Regent Brown asked for clarification whether the approval to cap fees reaching 50 percent has to be approval by the President, Provost, and CFO collectively or just one of the three. UNLV President Whitfield responded that since the December meeting, they've had a lot of conversations about which fees are necessary. All three provide a different perspective but in the end, it is about student success. All three need to sign off. Regent Brown acknowledged that it felt like the Board was heard and she thanked them for the breakdown. She still thinks there are things that need to be addressed such as the percentage of money that was left over. The carryovers have been systemic at UNLV since 2021.

In response to a question from Regent Brown related to unbudgeted and budgeted, Chief Financial Officer Viton responded that the distinction between unbudgeted and budgeted is based on the Board's policies that provide for required accounts that exceed the \$250,000 a year expenditure level to be budgeted and then leave to the campus the option to budget or not budget the accounts under the policy. The fact that they're not budgeted does not mean that they're not categorized or managed. The accounts are assigned to a unit and allocated to the program. There are fiscal account managers who manage the accounts on a balance-controlled basis. Depending on the nature of the expenditures and the timing or the level of revenue that's going into the accounts, they may choose not to budget the account, but it would not necessarily mean that someone is not managing the funds.

Regent Brown stated she understood the policy, but she did not understand being over 185 percent, which is not in Board policy. She is concerned with the balance-controlled accounts, the large amounts, and that this is systemic.

UNLV President Whitfield addressed the distance education fee spend-down, noting that a Regent brought up that this was from pandemic money that kept hitting, and so the planning has happened more recently. In preparation for the meeting, he and his team did not think about giving that level of detail because the units control that level of detail. So, leadership went back to them and asked for clarification on what the most recent plan was. Speaking to the multicultural piece, UNLV President Whitfield stated they discuss a lot of things that don't get brought to the Board until they are ready to be discussed and approved.

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

UNLV is ranked in the top five universities in the country in terms of diversity, but UNLV does not have a multicultural center. The planning is happening, but it just isn't ready to be presented to the Board.

In response to a question from Regent Brooks related to reasonable account balance levels, UNLV President Whitfield responded the levels set by the Board, and are not supposed to exceed 100 percent. What UNLV has offered is that they are going to go a step further and start looking more closely and bring the account balances into compliance.

Regent Brooks clarified he was looking for a number that if there are reductions, they are taking place until a specific number is hit. UNLV Vice President for Business Affairs and Chief Financial Officer Casey Wyman stated the 50 percent threshold is a viable spend-down plan threshold. UNLV is looking to see whether they are under the Board's 100 percent threshold with continued progress toward the 50 percent threshold that UNLV would set internally. UNLV would then reassess to determine if that fee either continues as is or if there should be a potential fee reduction to maintain the 50 percent target. UNLV President Whitfield added he understood the point of dollar amount versus percentage. One of the challenges with the over 200 accounts is that there are different amounts in them, which is why the Board has chosen to use a percentage.

UNLV Executive Vice President and Provost Chris Heavey commented on the online education fee which is one of the larger balances. The spend-down plan for those dollars has been systematically developed and UNLV has recognized it is an ongoing challenge. UNLV has been very successful in the online education space, and they are proud of the team that they have built with the funds. UNLV will have 16 fully online programs, but that has led to additional revenue and they want to be very careful about how they allocate those funds. All of the funds that are currently in that account are accounted for in terms of the spend-down plan to spend it to zero. One of the challenges is when the funds are expended. UNLV wants to make sure that the funds are used systematically to benefit students. The plan will lower the income into that account by \$1 million into the spring. UNLV is spending \$2 million more each year than the revenue that comes into that account. As the President has said, UNLV expects to be at the 50 percent ending target by the end of this year. But if they don't get down to the 50 percent ending balance in terms of the rate of burn versus the rate of additional funds coming into the account then they continue for another semester.

Regent Brooks stated he is looking at two very distinct areas, the School of Dental Medicine and online learning. He would like to hear from the School of Dental Medicine to have a better understanding of what the unintended consequences are for a 25 percent reduction. UNLV School of Dental Medicine Associate Dean for Finance and Administration Ron Blaze stated that the account in question with the special program fee is what the School of Dental Medicine uses primarily as its clinic operating fund. The School of Dental Medicine runs the largest dental practice in the state of Nevada with a large infrastructure and aging facilities that need to be maintained. With this particular

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

account, they've identified replacements for instruments, dental equipment that students use, and an IT infrastructure upgrade. This 25 percent reduction was not anticipated and not factored into the spend-down plan. A good part of that fund is used for operating reserves. The School of Dental Medicine runs a year-round practice clinic and the best practice in the industry is to have about six months of operating reserves on hand. By way of example, the school just had its compressors go down. They are still waiting on quotes to replace the compressors, but the school is estimating half a million. Compressors are essential in running a dental practice. Another example of the need for reserves is that in the prior year, the sterilizer systems went down and that was a \$1 million replacement cost. They cannot account for the unanticipated costs. They are trying to manage the best they can.

Regent Brooks said he does not know if 25 percent is the right percentage based on things they would need operationally. It sounded like they were making concessions that they might not necessarily be able to afford. UNLV Associate Dean Blaze responded that is an accurate statement and that it would be disingenuous to say it wouldn't have some effects that would entail modifications to plans.

Regent Brooks was curious to understand the process of how 25 percent came to fruition. UNLV Executive Vice President Heavey stated there was a discussion between the president, dean, CFO, and himself and they felt that the \$400,000, or 25 percent, was something they were able to absorb.

Regent Goodman stated the concern is how UNLV can come forward with \$80 million in reserves and then ask for new student fees. She is grateful they came back with more information, but at the same time making a 25 percent cut from the School of Dental Medicine is detrimental. The point of student fees is a student pays the fee and then reaps those benefits while in school.

Regent Del Carlo was curious about what the students had to say because it was their money.

UNLV CSUN President Allister Dias stated they met with the UNLV administration in early January to talk about what that dynamic looks like. One thing that CSUN touched on when creating the spend-down plans is how to get students involved. Because it is student fee money, he suggested they follow CSUN's model to keep students in the discussion by bringing them in and asking them questions. CSUN was interested in discovering and understanding ways to have more transparency, but at the same time seeing more line-by-line details on the different colleges.

UNLV GPSA President Teresa Marie stated she is lucky to have an understanding of graduate and professional programs and to be a graduate assistant. Fees are big for graduate assistants because \$700 in course fees is half of a graduate student's stipend and for Ph.D. students, which is about 1/3 of a paycheck. She stated she was thankful that leadership included them in the discussion. She was happy to see the School of Dental Medicine

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

working on the spend-down plan and providing the updated resources they need because they have an amazing active clinic that helps the community. She was also happy to see graduate scholarships as a part of the spend-down plan. She agreed with UNLV CSUN President Dias that transparency is important. A better understanding of where the fees are allocated, how they are allocated, and how they affect the entire student body, and not just one subset, is important. Leadership is listening and working on transparency. She did appreciate the pressure that is being placed on the administration so that students have a better understanding.

Regent Brager stated what was bothering her was that they were talking about the reduction at the same time that the School of Dental Medicine needed major things. She didn't understand how that would benefit students. UNLV Vice President Wyman noted they had reached out to industry leaders for professional development and higher education to determine a target rate for carryover versus just spending it down to zero. They offered that the target would be roughly 30-50 percent. It is important to note that when there is a fee that goes toward base salary and fringe and the positions are vacant, the surplus can increase quickly.

Regent Arrascada asked who made the arbitrary decision to not fully report auxiliary fees such as the student life and mental health fee.

Associate Vice President, Financial Planning, Budget and Analysis Elise Bunkowski stated she came to UNLV during that reporting period. The LCB audit raised concerns that UNLV was not reporting everything. When UNLV got that report, they decided to go through the *Handbook* and realign the fees so that they were being properly reported. UNLV has approximately \$13 million in student life fees and \$9 million in student health fees, which were considered self-supporting programs before FY23 and that's why UNLV made the reporting change to the Board.

Regent Arrascada asked if this would have been reported if the LCB had not found it. Associate Vice President Bunkowski stated she could not speak to previous reporting but when she started at UNLV she had concerns, she agreed with the LCB audit, and collaboratively decided to realign the accounts. Regent Arrascada did not think it was necessary to place the School of Dental Medicine as the scapegoat.

Regent Arrascada asked how many of the 37 spend-down plans have been initiated or completed. UNLV Vice President Wyman stated the plans are assessed quarterly because the health of the programs is dictated based on the revenue that they bring in and how they're able to accomplish the desired end state. UNLV has asked for those plans at the account level, whereas in the December meeting, they were rolled up into a larger amount based on the template received. He tried to provide a lower level of detail for this meeting to articulate the plans that are in current action. UNLV's commitment to the Board is to be able to report back at the desire of the Board or to come back at either the March or June meeting. UNLV Vice President Wyman stated he would have to go back and talk to the account managers to determine the level of completion associated with the plans.

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

Regent Fernandez asked how the information is collected regarding funds categorized as dedicated in light of what UNLV President Whitfield said in his introduction of the 50 percent cap policy and how the units across UNLV will be reporting their plans to comply with the policy. UNLV Vice President Wyman noted that after the December meeting, they went to each of the business managers and deans to ensure that leadership understood fully their intent for the spend-down plan. UNLV aggregated that information and presented it through the executive summary. UNLV is going to look at it monthly from the analysts, and every quarter through the Academic Council and dean oversight.

Regent Brooks left the meeting.

Regent Fernandez asked for clarification on whether the \$14 million revenue reported under the distance education fee encompasses the revenue share accounts listed under the specific colleges, with UNLV Vice President Wyman responding yes.

Regent Brooks entered the meeting.

Chair Carvalho stated that \$80 million in fees at any organization is extraordinary and she was concerned with the casual responses. She appreciated that UNLV has come forward with a plan. She wanted to concentrate on online education and School of Dental Medicine balances. Chair Carvalho clarified that when UNLV says online education, they are talking about the amount of money that a student pays when they take an online class. UNLV Executive Vice President Heavey responded yes, it is the \$34 per credit distance education fee. The refund to students as part of the spend-down will be \$8.50 per credit and UNLV has been working on the logistics of how to make sure that the money is added back into student accounts. Chair Carvalho clarified that the item is for information only and the credit could have already been made. Chair Carvalho wanted to ensure that the students know this is going to happen. These are student funds and UNLV owes them an explanation.

Chair Carvalho stated in January 2024, the Board approved an increase of student access funds to a minimum of 15 percent, which means a 15 percent increase in student scholarships and today there is this large balance. She asked for clarification. UNLV Executive Vice President Heavey responded yes, she was correct. He further clarified that the change in access funds was to correct a longstanding oversight where Board policy mandates that 15 percent of student registration fees get returned to students via scholarships and the School of Dental Medicine had been returning a smaller percentage. It was to bring the School of Dental Medicine into compliance with Board policy. The large balance in the two accounts is independent of that. As previously mentioned, the School of Dental Medicine has had many vacancies this year, which has led to increased salary savings. That was part of the genesis of the idea of slowly reducing the income to that account for a short period to make sure that they bring those balances back into line with the expected Board policy of being less than 100 percent. The use of the funds is vital to the functioning of the School of Dental Medicine, and so they're trying to see what is

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

the right level of adjustment in terms of reducing that flow into that account while allowing the School of Dental Medicine to make sure they meet all of their vital needs for compliance.

In response to a question from Chair Carvalho asking why the School of Dental Medicine is not treated more like the School of Medicine, UNLV Associate Dean Blaze responded they are not like the School of Medicine because its education piece is separate from the Practice Plan which is a 501(c)(3). Whereas the School of Dental Medicine is a hybrid educational model in the clinical care piece that is integrated into the student's education. The student dentists are learning under the faculty's supervision. The School of Dental Medicine was previously only collecting 5 percent in student access fees. The School of Dental Medicine has an upcoming meeting with the Scholarship Committee to finalize plans to disburse the remainder of those funds. Chair Carvalho believed that was appropriate.

Regent Brown asked how many of the plans began since the December meeting. UNLV Vice President Wyman said there is always a spend-down plan when a budget is submitted that includes any carryover balance. He assumes that it started at the beginning of the fiscal year as they laid out their spend-down plan. Regent Brown clarified it was July 1, with UNLV Vice President Wyman stating last year. She requested the start dates.

Regent Brown commented on UNLV's cavalier way of handling these funds and asked how long it will be until UNLV gets to a reasonable number. UNLV President Whitfield stated the plans are designed to achieve compliance by the end of the fiscal year. UNLV President Whitfield asked for the Board to be cognizant that some of the \$80 million is allowable in the accounts. The spend-down piece is not always the entire amount in the categories. UNLV Executive Vice President Heavey stated they understand the concern and have received the message that the Board wants the carryover balances to be lower. He added there was \$140 million worth of revenue coming into 200 accounts, which represented a 57 percent carryover. UNR had an extremely low carryover balance of roughly 10 percent, but every other institution had a higher carryover balance as a percentage of revenue compared to UNLV's 57 percent. A helpful way to think about this is what level of carryover the Board finds acceptable. UNLV is targeting 50 percent or less which will still leave a July 1st balance of \$70 million each year. UNLV's first concern is making sure that the dollars are spent in compliance with Board policy. Each of the 200 accounts has very specific uses and UNLV wants to make sure the dollars are spent in compliance with Board policy. He clarified that UNLV President Whitfield mentioned that of the \$80 million, they expect to spend \$50 million for a balance of \$30 million by the end of the fiscal year. However, there will be new money coming into the accounts so the total will not drop below \$30 million. UNLV's expectation is it will be below 50 percent, which is below any other institution other than UNR.

UNLV Vice President Wyman stated he has heard repeatedly about the comparison to similar institutions. One of the important facts is that based on the LCB audit findings, UNLV leaned forward to increase their reporting. He would defer to NSHE to determine

15. Information Only – Student Fee Account Balances, UNLV – (Continued)

if this increased reporting was pushed across to all NSHE institutions and if there is standardized reporting associated with the definitions. Regent Brown stated she does have a new business item that will address that. Chief Financial Officer Viton stated he has met with the business officers and reviewed the requirements for the report. He has also gone over their fee distributions into the financial system and the classification of accounts within the funds. In some cases, they will probably find some accounts that have to be reorganized in a way that is consistent with the work that UNLV has done. They are working to improve the report for the June 2025 reporting cycle. He stated he would be happy to provide an interim update ahead of the June 2025 report.

Regent Brown stated this 25 percent cut for a much-needed department feels like the easy way out to appease the Board versus a strategic way to balance the budget. UNLV Executive Vice President Heavey responded that the Dean assured him the School of Dental Medicine could easily absorb a \$425,000 reduction in a \$12 million balance and meet all the urgent needs of the department. UNLV Associate Dean Blaze shared some of Regent Brown's concerns and said that the Dean has made it a part of the strategic plan to grow programs, student enrollment, and additional offerings as growth is projected in Southern Nevada. Dental is one of the areas in which there will be a need. More specifically, the Dean has had forums with practicing dentists in the local community to talk about workforce issues and the need for dental assistants and hygienists, in particular.

UNLV Executive Vice President Heavey thanked Regent Brown for the feedback and appreciated all her support for the UNLV School of Dental Medicine and the vital role it plays in the community. He offered that in consultation with the President they will leave the decision to the discretion of the Dean to decide whether they want to move forward with the 25 percent reduction in the Spring term.

In response to a question from Regent Goodman asking who made the decision about a 25 percent reduction, UNLV President Whitfield responded the decision was made collectively.

Regent Goodman asked why people are not being hired at the UNLV School of Dental Medicine to fill vital positions. UNLV President Whitfield provided several reasons and stated they were thankful for the Board's thoughtfulness as to other kinds of strategies that they can be put in place.

16. Approved – Procedures and Guidelines Manual Revision, Student Fees, UNLV – The Board approved revisions to the *Procedure and Guidelines Manual* (Chapter 7, Section 11) addressing student fee changes at UNLV for the upcoming 2025-2026 academic year. (Ref. BOR-16 on file in the Board Office.)

Chair Carvalho disclosed she and a member of her household are students at UNLV. Because the independence of judgment of a reasonable person would not be materially affected, she will vote on this matter. She disclosed the relationship under NRS Chapter 281A.

16. Approved – Procedures and Guidelines Manual Revision, Student Fees, UNLV – (Continued)

Chief Financial Officer Chris Viton presented proposed revisions to the *Procedure and Guidelines Manual (Chapter 7, Section 11)* addressing student fee changes at UNLV for the upcoming 2025-2026 academic year.

Regent Brown moved to approve revisions to the *Procedure and Guidelines Manual (Chapter 7, Section 11)* addressing student fee changes at UNLV for the upcoming 2025-2026 academic year. Regent Boylan seconded.

Regent Brooks stated this item came before the Board in December and he did not think that today provided a better perspective on the things that are happening at UNLV related to potential fee increases for students and asked Chief Financial Officer Viton for guidance. Chief Financial Officer Viton noted that the student accounting and registration systems for the Fall 2025 term are being published now, which is why fees come to the Board in December. He appreciated the Board's continuing concerns with the UNLV account balances, which is why they recommended quarterly monitoring. As the Provost mentioned, while there are accounts with balances, those balances are not commingled, and they are not the same accounts or programs being discussed today.

In response to a question from UNLV CSUN President Dias related to process, Special Counsel Nielsen recommended that discussion be limited to the proposed revisions. If there is anything new for discussion it could be presented at New Business.

Chair Carvalho further clarified that UNLV CSUN President Dias was speaking on behalf of the students regarding the UNLV student association fee for undergraduates and as he explained during the December meeting there was a lot of student input involved.

Motion carried by roll call vote. Chair Carvalho and Regents Bautista, Boylan, Brager, Brown, Del Carlo, Fernandez, Goicoechea, and Goodman voted yes. Regents Arrascada and Brooks voted no. Vice Chair Downs was absent.

17. Approved – Procedures and Guidelines Manual Revision, Program Fees, UNLV – The Board approved postponing consideration of the proposed differential program fees at UNLV to the January 31, 2025, Board of Regents special meeting. (Ref. BOR-17 on file in the Board Office.)

Regent Fernandez disclosed a potential conflict of interest as it relates to his employment as the Executive Director of the Las Vegas Nevada Chapter of the American Institute of Architects, the professional association for architects. While the matter benefits students and does not directly impact the organization, he is disclosing to ensure transparency and maintain public trust. Because the independence of judgment of a reasonable person would not be materially affected, he will vote on this matter. He disclosed the relationship under NRS Chapter 281A.

17. Approved – Procedures and Guidelines Manual Revision, Program Fees, UNLV – (Continued)

Chair Carvalho disclosed she and a member of her household are students at UNLV. Because the independence of judgment of a reasonable person would not be materially affected, she will vote on this matter. She disclosed the relationship under NRS Chapter 281A.

University of Nevada, Las Vegas President Keith E. Whitfield presented revisions to the *Procedures and Guidelines Manual (Chapter 7, Section 10)* proposing differential program fees at UNLV.

Regent Brown noted that UNLV's differential program fee account balance is at 45 percent, which is well within the Board's policy. Cybersecurity is one of the most sought-after jobs and companies looking at Southern Nevada are in this field. With respect to architecture, the valley has a need for more housing. Engineering is a necessary part of Las Vegas. All of the healthcare items go back to her previous statements about wanting to support the healthcare industry. She voiced her frustration because the Board holding off on its decisions in December was the right thing to do and, again, the Board showed up today but still did not receive the answers it deserves. However, the six programs in this item are unequivocally important to the economic future of Southern Nevada.

Regent Brown moved to approve revisions to the *Procedures and Guidelines Manual (Chapter 7, Section 10)* proposing differential program fees at UNLV. Regent Bautista seconded.

Regent Goicoechea believed the proposed differential program fees could come back to the March meeting and UNLV could still fit them into the budget. He would like more answers, and will be opposing the motion.

Regent Brooks asked if this is not voted on today, what does it mean for the institution. Chief Financial Officer Viton stated programs are preparing their fee schedules for the fall and students are applying for admission to the program.

Regent Del Carlo agreed with her colleague and asked if the items could come to the January 31st special meeting so UNLV could bring answers forward so the Board can make an informed decision.

Regents Brown and Bautista withdrew the motion.

Chair Carvalho stated there is an interest in giving UNLV a little bit more time to answer questions. UNLV President Whitfield asked what the questions are related to this item.

Regent Brooks stated it is obvious that the Board is not satisfied with the information that has been provided regarding budget issues at UNLV, particularly with student fees.

17. Approved – Procedures and Guidelines Manual Revision, Program Fees, UNLV –
(Continued)

Regent Del Carlo moved to postpone consideration of the proposed differential program fees at UNLV to the January 31, 2025, Board of Regents special meeting. Regent Boylan seconded. Motion carried. Vice Chair Downs was absent.

18. Information Only – New Business

Regent Brager requested a discussion on PERS for the University Police Department.

Regent Brown requested to see financial transparency and consistency across all institutions within NSHE and proposed that the System Office lead an initiative to standardize fee structure and reporting methodologies and, within this initiative, include a directive to eliminate unbudgeted line items in financial reports.

Regent Del Carlo requested the Board have a policy discussion on student fees to include the timing of fees and how they are determined.

Regent Arrascada requested monthly or quarterly updates on UNLV's 37 spend-down plans described in the narrative and that they remain in accordance with the Board's policy.

Regent Brooks requested an agenda item related to an audit of student fees at UNLV that would be overseen by the System Office.

19. Information Only – Public Comment – None.

The meeting adjourned at 2:17 p.m.

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