

BOARD OF REGENTS
UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA
Sarah Winnemucca Hall, Aspen Building
Western Nevada Community College
Wednesday-Thursday, March 19-20, 2003

Members Present:

Mr. Douglas Seastrand, Chair
Dr. Stavros Anthony
Ms. Marcia Bandera
Dr. Jill Derby
Mrs. Thalia Dondero
Mr. Douglas Roman Hill
Mrs. Linda Howard
Dr. Tom Kirkpatrick
Dr. Jack Lund Schofield
Mr. Howard Rosenberg
Mr. Steve Sisolak
Mr. Bret Whipple

Members Absent: Mr. Mark Alden

Others Present:

Chancellor Jane Nichols
Vice Chancellor, Finance & Administration Dan Miles
Vice Chancellor, Academic & Student Affairs Richard Curry
General Counsel Tom Ray
President Ron Remington, CCSN
President Stephen Wells, DRI
President Paul Killpatrick, GBC
President Kerry Romesburg, NSC
President Philip Ringle, TMCC
President Carol Harter, UNLV
President John Lilley, UNR
President Carol Lucey, WNCC
Chief Administrative Officer Suzanne Ernst

Also present were faculty senate chairs Dr. Joan McGee, CCSN; Ms. Lynn Fenstermaker, DRI; Dr. Erika Beck, NSCH; Dr. Eun-Woo Chang, TMCC; Dr. Bill Robinson, UNLV; Ms. Bourne Morris, UNR; Ms. Winnie Kortemeier, WNCC; and Mr. John Tully, System Administration. Student government leaders included Ms. Kerri Hamrick, CCSN; Mr. Steve Houk, GBC; Ms. Janell Mihelic, NSCH; Mr. Kiyoshi "Teddy" Noda, TMCC; Ms. Monica Moradkhan, UNLV; Ms. Alicia Lerud, UNR; Ms. Marilou Woolm, UNR-GSA; Mr. Kenneth Stanfield, WNCC; and Ms. DeeAnn Jaeger, representing TMCC's dental assisting program.

Chair Douglas Seastrand called the meeting to order at 12:05 p.m. on March 19, 2003 with all members present except Regent Alden.

1. Information Only – Regents' Awards

1.1 Approved-Closed Session – In compliance with NRS 241.030, a closed session was held for purposes of discussion of the character, alleged misconduct, professional competence, or physical or mental health of persons.

Regent Rosenberg moved approval of moving to a closed session. Regent Kirkpatrick seconded. Motion carried. Regent Alden was absent.

The meeting recessed at 12:07 p.m. and reconvened at 1:00 p.m. with all members present except Regent Alden.

1.2 Information Only-Return to Open Session - The Board returned to open session

2. Chair's Report – Chair Seastrand reported that air strikes had begun in Iraq and requested a moment of silence to honor the troops. He reported that agenda items #15 (Attorney General v. the Board of Regents, Update on Appeal) and #26

(Request for Bonding Authority, WNCC) had been withdrawn. Chair Seastrand announced that he was expanding the Board's committee membership to six and made the following appointments:

- Regent Marcia Bandera – Academic, Research, and Student Affairs Committee.
- Regent Bret Whipple – Audit Committee.
- Regent Stavros Anthony – Finance & Planning Committee.
- Regent Douglas Roman Hill – Investment Committee.
- Regent Thalia Dondero – Executive Evaluation & Compensation Committee.

Chair Seastrand related that hearts and prayers were with those in harm's way.

3. Chancellor's Report –

- Chancellor Nichols introduced a new System Administration staff member, Mrs. Carla Henson, Director of Human Resources.
- Chancellor Nichols reported that this would be the last Board meeting for three Faculty Senate Chairs: Ms. Winnie Kortemeier, WNCC; Ms. Bourne Morris, UNR; and Dr. Bill Robinson, UNLV. She related that it had been a pleasure working with them.
- Chancellor Nichols announced the retirement of Associate Vice Chancellor for Academic & Student Affairs, Dr. Sherwin Iverson, at the end of March. She recalled that Dr. Iverson had also served as Interim Vice Chancellor for Academic & Student Affairs. She related that Dr. Iverson had initiated the System's data warehouse. For the first time in Nevada, UCCSN has valid information regarding students and faculty on which to base sound decisions. Chancellor Nichols presented Dr. Iverson with a crystal platter in recognition of his outstanding service to UCCSN. Regent Dondero provided a collection of maps of state parks where Dr. Iverson will be able to utilize his new camper. Dr. Iverson related that he came to Nevada 5 years ago and had thoroughly enjoyed his time with the UCCSN. He said the System was comprised of a great collection of institutions, a superb Chancellor, a terrific administrative staff, hard-working students, and the most committed faculty he had ever met.

Chancellor Nichols requested a report from WNCC President Carol Lucey.

President Lucey noted WNCC's new Library Student Center at the campus entrance, which will be opening soon. She introduced Mr. Ken Sullivan, Library Director-WNCC.

Mr. Sullivan expressed WNCC's pride in the new library building. He reported that a book entitled "Mountain City" by Gregory Martin had been provided to each Board member. He related that WNCC conducts a community reading program featuring prominent authors. The book chosen was felt to have wide appeal in an effort to connect people with literature. "Mountain City" is a non-fiction memoir written about a small community 84 miles north of Elko, Nevada. Mr. Martin proved to be a very cooperative and personable author and agreed to participate in the program. After 1½ years of planning, the reading program debuted at the Pyramid Lake Paiute Reservation with 28 participants, followed by an evening in Fallon with 80 people. Seventy-six high school students will participate on the Carson campus this day, followed by an evening program at the Brewery Arts Center in Carson City. The program will then travel to Yerington and Minden, Nevada.

President Lucey reported that the books had been autographed by the author and she invited Board members to attend the Carson City session that evening.

4. Introductions – President Lilley expressed his thanks to outgoing Faculty Senate Chair Bourne Morris, adding that she had done a superb job. He introduced UNR's Faculty Senate Chair Elect, Dr. Trudy Larson. President Lilley observed that the Nevada Wolfpack would be playing Texas Tech that evening, adding that Regent Hill was a Texas Tech alumnus. Regent Hill assured President Lilley that he would wear the appropriate colors.

President Harter announced that Dr. Dick Jensen, Senior Advisor to the President-UNLV, would return to his senior faculty position in Communications and to an Associate Deanship in the Honor's College on June 30, 2003. Taking his place will be Dr. John Filler. She thanked Dr. Jensen for his work and welcomed Dr. Filler aboard.

5. Public Comment – Chair Seastrand introduced and welcomed Assemblyman Wendell Williams.

Assemblyman Williams stated that the legislature and the Board of Regents share the responsibility of providing higher education to Nevada's citizens and encouraged a joint effort in that regard. He related that he had spoken with Speaker Perkins to reiterate his support for Nevada State College, adding that he still felt strongly about the college's mission. He felt that, even with Nevada State College, there would still be a large void for preparing individuals for degrees in the education, health science, and health fields. He recommended reviewing other alternatives for providing such 4-year degree programs without diluting the efforts of Nevada State College. He felt that CCSN possessed the infrastructure, history, and population to address that need. He reported that CCSN has the fastest growing student population in the country, which has increased 85% in the last 10 years. He observed that a number of community forums on education had been held within the community, which allowed for public input. A tremendous community response was expressed for opportunities to pursue 4-

year degree programs in education and science. Many people in the community are current CCSN students, have begun to raise families, are grandparents, or long-time employees, unlike typical university students. In order to address the teaching and nursing shortages, he felt it was necessary to consider future programs allowing the development of other parts of town, particularly in Clark County. He felt that NSC's mission was clear and that he and his colleagues still strongly supported the college. He suggested the need to look 5-10 years towards the future and developing these types of programs throughout the valley. He noted that President Remington had similar success with 4-year programs while at GBC. He reported that many people might not have, nor want, the opportunity to travel to NSC's campus in Henderson, but deserved to be educated close to the geographic area in which they live. He proposed developing a collective partnership to review areas and ways to develop programs that would allow access throughout the state and suggested the Board and legislature work together on this effort.

Chair Seastrand thanked Assemblyman Williams, adding that he felt they were on the same page and following UCCSN's Master Plan. He said that he was encouraged by the current partnership between higher education and the legislature.

Regent Sisolak thanked Assemblyman Williams for offering his support for higher education throughout Nevada, adding that the students were the ultimate beneficiaries. Assemblyman Williams encouraged the Board to look beyond its current position, adding that once NSC was operational there would still be a need for programs. He felt that a joint effort would be more successful.

Regent Howard thanked Assemblyman Williams for supporting the Board's efforts. She related that their constituents had requested increased access through CCSN for selected programs (i.e., teaching, nursing, and technology). Assemblyman Williams offered to share letters from organizations throughout the valley who would like to see these types of program developed.

Regent Dondero asked whether his constituents would be satisfied with NSC offering programs in that general area. Assemblyman Williams replied there were people with no desire to attend a university, who also wanted to pursue a degree in education or nursing. He felt that offering programs in that geographic area from NSC or developing other programs in the community would be an excellent idea.

Regent Sisolak thanked Mr. John Cummings, Mr. John Papageorge, and Ms. Jennifer Simich for coordinating Assemblyman Williams' visit to the Board meeting.

Mr. Matthew Purvance, a UNR graduate student, spoke against the proposed reorganization of the College of Arts & Science and Mackay School of Mines. He said the radical nature of the reorganization had only become apparent to students with the dismissal of the dean of the Mackay School of Mines. After reviewing the administration's plans for reorganization and the ad hoc committee review, he felt the proposed reorganization was unjustified. He said the President and Provost had not fostered a communicative relationship between the administration and student body. He said that it felt like students had no voice regarding their own futures. He related that the lack of justification for the proposed reorganization had been voiced by an unbiased collection of faculty on the ad hoc committee and reinforced by the overwhelming support of the Faculty Senate. He implored the Board to require a thorough and deliberate investigation into reorganization vs. the policy of expedient, radical change presented by the administration.

Dr. Jim Richardson spoke on behalf of the Nevada Faculty Alliance. He said that he had received numerous communications regarding an article that appeared in a southern Nevada newspaper and expressed concern about the message being sent while UCCSN struggles for appropriate funding. He related that UCCSN was urgently requesting the formulas be funded at 86%. He felt they were making solid progress in the legislature, adding that Chancellor Nichols and Vice Chancellor Miles had been well received. He felt that, if UCCSN succeeded in getting the legislature to recognize System needs, that they would do a responsible job in trying to meet those needs. He said that UCCSN did not need negative messages like the one conveyed in the newspaper. He related that students were being turned away and that the System desperately required buildings and faculty. He hoped that the mixed and negative messages would cease, adding that more capacity for System students was required and these messages were not helpful.

Three disabled students from CCSN drove from Las Vegas to address the Board. Ms. Tracy Webster, a disabled veteran and president of a student club called the Disability Resource Center Club, said that the club had tried to resolve this matter at the campus level with no success. The club's advisor scheduled but failed to attend a club meeting in February. Since this had happened before, the club discussed the possibility of using co-advisors. The club provides a venue for students to attend classes together, share textbooks and rides, as well as other activities. Club activities were placed on hold by the student government organization (ASCCSN). Subsequently, the advisor resigned, but the club obtained a new advisor. ASCCSN then shut down the club permanently. After speaking with Regent Linda Howard and Dr. Robert Anderson, Vice President, Student Services-CCSN, club members were told that the club would be reopened once they obtained a new advisor. Later they were told that ASCCSN would draft the club's constitution. She felt that club members were receiving the run-around and requested the Board's intervention.

Chair Seastrand suggested asking President Remington to review the matter and report back to the Board with some resolution. Regent Kirkpatrick asked what would happen to the club. President Remington suggested student body president,

Ms. Kerri Hamrick, and Vice President Anderson respond. It was the president's belief that time had been devoted to discussing the differences and that meetings had been scheduled later in the week.

Dr. Anderson asked the other club members to speak. Mr. Rick Guardino said that he found it odd that the club's advisor had scheduled a doctor's appointment for her daughter on the same day as the club's meeting. Ms. Samantha Larsen reported that student government had only recently enforced these rules, adding that they had not been as strict at the beginning of the year.

Dr. Anderson reported there had been strain with a previous advisor who had since resigned. A new advisor has been identified. Each semester, under the current student constitution, each club seeking recognition from the student senate must submit a packet of information, including a constitution and bylaws. The purpose of Friday's meeting was to complete the information packet in order to gain club recognition for the Spring semester. A grievance hearing has been scheduled and CCSN's ADA Compliance Officer is investigating the grievances. Dr. Anderson stated there had been some miscommunications and perceptions that, perhaps, individual rights had not been addressed in an appropriate manner. He related that they were going through the process administratively to determine what corrections may be necessary, adding that it was a learning process for everyone. He hoped the matter would be resolved that Friday.

Chair Seastrand asked whether there was any reason there would not be a DRC club. Dr. Anderson replied that each club was required to submit an information packet each semester and must also have an advisor. He said the student senate would determine whether the information packet was complete. Chair Seastrand asked whether these students could be helped through the process so they could retain their club. He asked President Remington to follow through and help the students through the process. President Remington assured the Board that it was CCSN's intent to do so.

Ms. Webster reported that student government had been told by the System's attorney that they had full power over determining how the DRC club would be dealt with. She related that the DRC club was intended for disabled students and they resented efforts by student government to tell them how to run the club. Chair Seastrand assured the students that the Board heard their concerns. He asked President Remington to make sure the students were being treated fairly, that fair policies were in place, and to bring forward recommendations for any necessary changes.

Regent Howard apologized to the students for the way they had been treated; adding that she felt it was unnecessary. She asked whether a hearing date had been determined for Ms. Webster's grievance. Ms. Webster replied one had not. She related that a meeting had been scheduled for the Christmas fund grievance, but not for her application as student senator. Dr. Anderson reported that the ADA Compliance Officer, Mr. Thomas Brown, was reviewing testimonies to make a determination. He clarified that the grievance regarded whether there was an appropriate designation for a senate vacancy. Regent Howard asked about the hearing date. Dr. Anderson replied that Mr. Brown had yet to determine whether a hearing was necessary. Regent Howard asked whether the grievance process included the right to a hearing. Dr. Anderson replied that it did. Regent Howard asked about the time limitations for a fair hearing. Dr. Anderson replied that a grievance committee would be convened in the very near future and that the other grievance would be convened that Friday.

Chair Seastrand directed President Remington to follow-up on the matter and to notify the Board of any unfair action regarding students or policies that may need adjustment.

Regent Sisolak asked President Remington and Vice President Anderson to do whatever was necessary to resolve the situation and allow the club to continue, and to notify the Board of the results.

Regent Howard observed that time was of the essence, since the semester was nearing an end.

CCSN student body president Ms. Kerri Hamrick said that she was working on this matter and did not intend to sweep it under the carpet. She said that she was working with club members to ensure the club would be reinstated in an expedient manner. She said that she was willing to work with President Remington, Vice President Anderson, the DRC club, and her executive board to ensure it would happen.

1.3 Approved-Handbook Revision, Honorary Degrees – The Board approved Chancellor Jane Nichols' request for an amendment to the Board of Regents' Handbook (Title IV, Chapter 1, Section 12) in order to add provisions for baccalaureate degree granting institutions to award Honorary Baccalaureate degrees at commencement ceremonies. This amendment will allow Nevada State College to award honorary degrees at its future commencements and permits additional flexibility to Great Basin College to award both honorary associate and honorary baccalaureate degrees. (Ref. A on file in the Board office)

Regent Derby moved approval of the Handbook revision concerning honorary baccalaureate degrees. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

1.4 Approved-Regents' Awards - The Board rendered a decision on the 2003 Regents' Awards:

A. Distinguished Nevadan Awards – Policy: Handbook, Title IV, Chapter 1, Section 12.1

Regent Sisolak moved approval of the nomination of Mr. Donald D. Snyder as Distinguished Nevadan. Regent Kirkpatrick seconded. Motion carried. Regent Alden was absent

Regent Bandera moved approval of the nomination of Mrs. Dorothy S. and Dr. Thomas Gallagher as Distinguished Nevadans. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

Regent Howard moved approval of the nomination of Mr. Tony Alamo as Distinguished Nevadan. Regent Kirkpatrick seconded. Motion carried. Regent Alden was absent.

Regent Dondero moved approval of the nomination of Mr. William E. Martin as Distinguished Nevadan. Regent Sisolak seconded. Motion carried. Regent Alden was absent.

Chair Seastrand reported that Mr. Albert Abraham Mickelson was born in Prussia in 1854, came to Nevada and lived in Virginia City, Nevada, and eventually became a Nobel Prize winner in physics in 1907. Albert Einstein built upon Mr. Mickelson's work in physics when developing the general theory of relativity. Mr. Mickelson died in 1931.

Regent Rosenberg moved approval of the nomination of Mr. Albert Abraham Mickelson (posthumously) as Distinguished Nevadan. Regent Sisolak seconded. Motion carried. Regent Alden was absent.

Chair Seastrand indicated that a presentation would be made to the Virginia City School District.

B. Honorary Doctorate Degrees – Policy: Handbook, Title IV, Chapter 1, Section 12.2 (Ref. B on file in the Board office)

Cmdr. William C. "Willie" McCool, UNLV (posthumous)
Mr. Anthony Zuiker, UNLV
Dr. Joseph N. Crowley, UNR
Mr. Gerald C. Smith, UNR

Regent Rosenberg moved approval of awarding honorary doctorate degrees to the individuals as presented. Regent Kirkpatrick seconded. Motion carried. Regent Alden was absent.

C. Honorary Baccalaureate Degrees – New policy (Ref. C on file in the Board office)

Mr. Kevin Butler, GBC (posthumous)
Mrs. Dorothy Gallagher, GBC

Regent Sisolak moved approval of awarding honorary baccalaureate degrees to the individuals as presented. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

D. Honorary Associate Degrees – Policy: Handbook, Title IV, Chapter 1, Section 12.3 (Ref. D on file in the Board office)

Mr. Madison B. Graves, II, CCSN
Ms. Jenny DesVaux Oakes, CCSN
Mr. Norman L. Dianda, TMCC
Mrs. Bertha Miranda, TMCC
Mr. Max Hershenow, AIA, WNCC
Mr. Roger Sedway, WNCC

Regent Derby moved approval of awarding honorary associate degrees to the individuals as presented. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

E. Regents' Scholars – Policy: Handbook, Title IV, Chapter 1, Section 13 (Ref. E on file in the Board office)

Ms. Lisa Marie Akbari, UNLV Undergraduate
Ms. M. Diane Nell, UNLV Graduate
Ms. Jennifer Elizabeth Ann Helgren, UNR Undergraduate
Mr. Brent Robert Weed, UNR Graduate
Ms. Gina M. Sully, CCSN
Ms. Michelle J. Hammond Urain, GBC

Ms. Allison L. Adams, TMCC
Ms. Adrienne Selden Glock, WNCC

Regent Rosenberg moved approval of the Regents' Scholars as presented. Regent Dondero seconded. Motion carried. Regent Alden was absent.

6. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of awarding tenure to Associate Dean Rainier Spencer, UNLV, who was removed from the list at the request of Regent Linda Howard. Tenure for Dr. Spencer was approved later in the meeting.

(1) Approved-Minutes – The Board approved the minutes from the regular meeting held January 30-31, 2003.

(2) Approved-Tenure – The Board approved tenure for the individuals listed below as recommended by the institution presidents, effective July 1, 2003.

CCSN – (Ref. C-2a on file in the Board office)

Diane J. Anson	Ludy (Lynn) Best	Natalie Kamille Chio
Patrick D. Clennan	Mary Crooks	Carlos Campo
Carlos Delgado	David Goldwater	Jennifer Huss
Christine Janssen	James I. Johnson	Basquiat
Eric Moreau	Deborah Kay	Jeffrey J. Jones
Gunay Ozkan	Mzhickteno	Greg Niemasik
Tracy M. Sherman	Stephen G. Peridore	William Erik Proctor
	Fred N. Sigman	Gary Solomon

GBC – (Ref. C-2b on file in the Board office)

Karen Dannehl Janice Kempster

J. Leonardo Sanchez-Saenz Joel Shrock

TMCC – (Ref. C-2c on file in the Board office)

Paul Aberasturi	Cathy Catania	Quan-Ping Chai
Kurt Ehlers	Armida Fruzzetti	William Tell
Janice Grover	Julia Hammett	Gifford
Daniel Loranz	Ronald Marston	Ric Licata
Julie Muhle	Cinzia Muzzi	Jennifer Martin
Micaela	Neil Whitehurst	Carola Naumer
Rubalcava		

UNLV – (Ref. C-2d on file in the Board office)

Vicky Albert	Daniel Allen	Alfonse Anderson
Jiemin Bao	Arthur Baragar	Jacimaria Batista
Mary Berkheiser	Sandra Catlin	Saeyoung Chang
Christopher	John DeBelle	Angela Farrar
Cochran	Jorge Galindo	Shawn
Kimberly Frank	Kay Kindred	Gerstenberger
William Holcomb	Steen Madsen	Joel Lieberman
Monica Lounsbery	Vincent Perez	Janis McKay
Marta Meana	Krystyna Stave	Leann Putney
Andrew Smith	Hossein Tehrani	Christopher Sugnet
David Tanenhaus	Harvey Wallmann	Jennifer
Jason Vaughan		Thompson
		Paul Werth

UNR – (Ref. C-2e on file in the Board office)

Annabel Barber	Sean M. Casey	Claudia C. Collins
John Cushman	Keith Dennett	Mae Sexauer
Terry A. Henner	Christopher Herald	Gustin
Jill B. Jones	Tomasz J.	P. Kyle House
Kathryn Obenchain	Kozubowski	Cynthia C. Mastick
Brian A. Perrino	Susan Palwick	Gregory Pari

Madeleine Sigman-Grant Barbara Walker	William Riggs Christopher Simon Mark Walker	Kimberly Rollins Loretta Singletary Robert C. Wang
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(3) Approved-Allocation of Grants-in-Aid, 2003-2004 – The Board approved the allocation of Grants-in-Aid for 2003-2004. NRS 396.540 provides for tuition waivers for “students from other states and foreign countries, not to exceed a number equal to three percent of the total matriculated enrollment of students for the past preceding fall semester.” Board policy provides for grants-in-aid for the same number of students for the payment of in-state registration fees. The allocations are amounts that institutions could award. In all cases, funding is not sufficient to support the statutory and Board maximums. Based upon enrollment figures for Fall 2002, the financial aid officers requested the following allocation of grants-in-aid for 2003-2004:

	IN-STATE	OUT-OF-STATE
UNR	453	453
UNLV	749	749
CCSN	1,004	1,004
GBC	82	82
TMCC	338	338
WNCC	161	161
NSC	5	5

(4) Approved-Rehire of PERS Retiree, TMCC – The Board approved President Philip M. Ringle’s request to rehire Mr. James Powell, a PERS retiree, as a fire technology instructor/academy chief due to a critical need shortage. Such hires are permitted, with Board approval, under legislation passed during the 2001 Legislature. The request was for a one-semester appointment through June 30, 2003. (Ref. C-4 on file in the Board office)

(5) Approved-Appointment to WestEd Board of Directors – The Board approved Board Chair Douglas Seastrand’s request for a three-year reappointment to the WestEd Board of Directors for Dr. William Sparkman, Dean, College of Education, UNR.

(6) Approved-Capital Improvement Fee Request, UNR – The Board approved President John Lilley’s request to use the Student Union Capital Improvement Fee fund to hire independent consultant, Brailsford and Dunlavey, to assess the feasibility of a new student union building. The amount will not exceed \$100,000. (Ref. C-6 on file in the Board office)

(7) Approved-Capital Improvement Fee Request, CCSN – The Board approved President Ron Remington’s requests for the use of \$200,000 in Capital Improvement Fee funds for the purpose of installing landscaping for the Science Building Project on the Charleston Campus, including site preparation for utility installation. Additionally, an irrigation system will be placed to maintain the vegetation, which will, in a continuation of the overall xeriscape concept that is prevalent on the campus, include drought resistant plant materials. Decomposition ground cover will also be utilized in the design to eliminate installation of grass. The scope of this landscaping project will encompass approximately seven acres. (Ref. C-7 on file in the Board office)

(8) Approved-Handbook Revision, ASB Constitution, GBC – The Board approved President Paul Killpatrick’s request for revisions to the Great Basin College Student Body Constitution (Title V, Chapter 11). Due to scheduling difficulties, the student body has yet to vote on these amendments. Board approval was contingent upon passage of these amendments in the next student body election. (Ref. C-8 on file in the Board office)

(9) Approved-Handbook Revision, Bylaws, TMCC – The Board approved President Philip M. Ringle’s request for revisions to TMCC’s Bylaws (Title V, Chapter 4). (Ref. C-9 on file in the Board office)

(10) Approved-Handbook Revision, Bylaws, UNLV – The Board approved President Carol C. Harter’s request for revisions to the UNLV Bylaws, Regents’ Handbook (Title V, Chapter 6). The revisions were recommended by the Faculty Senate and were approved by an affirmative vote of the faculty and by Dr. Harter. (Ref. C-10 on file in the Board office)

(11) Approved-Handbook Revision, NSA Constitution – The Board approved Ms. Monica Moradkhan’s request for changes to the Constitution of the Nevada Student Alliance (Title V, Chapter 21) approved by all UCCSN institutions’ student

governing bodies. (Ref. C-11 on file in the Board office)

(12) Approved-Grant of Easement, Utility Facilities, UNR – The Board approved President John Lilley's request for a Grant of Easement for Overhead Electric Distribution and Communication between the Board of Regents of the University and Community College System of Nevada, acting on behalf of the University of Nevada, Reno (Grantor) and Sierra Pacific Power Company (Grantee) at the following location: University Agricultural Experiment Station, 910 Valley Road, Reno, Nevada. (Ref. C-12 on file in the Board office)

(13) Approved-Transfer Water Rights, UNR – The Board approved President John Lilley's request for a Water Rights Deed between the Board of Regents of the University and Community College System of Nevada and Truckee Meadows Water Authority (TMWA) to transfer 11.05-acre feet of water from the College of Agriculture to UCCSN Administration Building and Dandini Gardens. (Ref. C-13 on file in the Board office)

Regent Howard requested that Dr. Rainier Spencer's name be removed from the tenure recommendations from UNLV on the Consent Agenda for future discussion.

Regent Anthony asked why the Board approved tenure when Board members were not familiar with the individuals recommended, and questioned the propriety of such action. Chair Seastrand explained that it was customary Board policy, but suggested the Board could revisit the policy. Regent Bandera agreed with Regent Anthony's comment and requested that the Board review this policy at a future meeting. She related that a rigorous and lengthy process was employed when determining recommendations for tenure. Chancellor Nichols suggested addressing the matter with a future agenda item.

Regent Howard commented on the large number of people being granted tenure at one time and asked whether a pay increase was associated with it. She felt there should be concern about doing so at this time. Chancellor Nichols recommended that the Board entertain an agenda item to review current policies on tenure. She related that tenure was a lengthy process and promised to include an agenda item for the next Board meeting. Regent Howard asked whether the Board had always approved tenure. Chancellor Nichols replied that the Board had been doing so at least since 1983. Regent Howard felt there should be a valid reason why the Board approved tenure recommendations.

Regent Sisolak noted a point of order. He wanted to ensure that the individual removed from the agenda was afforded appropriate notification rights. Chair Seastrand replied that the individual had been removed from the list and would not be discussed at this meeting.

President Harter reported that the number of individuals recommended for tenure was due in part to UNLV's enrollment growth (UNLV gained 6,000 students in 7 years). UNLV has hired 500 faculty. If they proceed with high performance through the sixth year of their appointment, they are automatically reviewed for tenure via a rigorous, 9-step process. She related that significant and rigorous review was made prior to presenting the list to the Board. She asked whether the individual removed would need to wait until the next meeting to have his tenure approved. General Counsel Ray replied that the Board must approve tenure since it equated to a significant, lifetime appointment. Historically, the Board has relied upon the presidents' recommendation and the item has been included on the Consent Agenda. He related that these individuals had not been noticed (as they would be entitled to under the Open Meeting Law) since the names were included on the Consent Agenda with the intent of seeking approval with no discussion. Should a Board member object to an item without discussion, it would need to be postponed in order to provide proper notification to the individual involved. The item would then be carried forward to the next agenda.

Regent Derby requested further clarification of the policy. She observed that, during her time on the Board, the Board had always approved tenure in a pro-forma manner and that the Board did not normally question the campus recommendations. She asked whether one Board member could pull something from the Consent Agenda. General Counsel Ray replied that items contained on the Consent Agenda were typically items on which every member was in agreement. If one member of the body is not in agreement, that member can remove the item for discussion, a motion, and a vote. The requirements of the Open Meeting Law prevent discussion of this individual without provision of proper notice. Therefore, the item would need to be postponed until the next meeting. General Counsel Ray related that a future option would be to provide notice to every person recommended for tenure in advance of the meeting. Regent Derby related that the Board could also decide that tenure did not require Board approval.

Regent Kirkpatrick noted that some of the individuals listed were also getting a promotion, which entailed a pay increase. Chancellor Nichols stated that the Board no longer approved recommendations for promotion. She agreed that a pay increase would be attributed to those individuals also receiving promotion.

Regent Hill asked whether a legitimate defense to a lawsuit could be presented if the Board decided to deny tenure for an individual. General Counsel Ray respectfully declined to comment.

Regent Sisolak asked what would prevent someone from continuously removing an item from the Consent Agenda so that it was never heard. General Counsel Ray replied that, if a Regent wanted to remove something from the Consent Agenda, the Board would vote on the items upon which they agreed, and then would immediately discuss and vote upon the item

removed. The Open Meeting Law requires proper notification to an individual when they are to be discussed in a meeting. This person had not been given notice; therefore, the Board could not discuss him at this meeting.

Chancellor Nichols reported that discussion could ensue if the individual waived their right to notice by telephone to Counsel. President Lilley reported that a call was underway.

Regent Howard felt there was inadequate information provided regarding the individual in question on which to base a decision. She felt that discussion was necessary and that the reasons would become apparent. She did not believe that one telephone conversation would answer all of her concerns.

Regent Sisolak suggested holding the Consent Agenda in abeyance until the end of the meeting in order to provide time to contact the individual.

Regent Howard said there were other people that needed to be notified, adding there were people from the community that had expressed concern about this individual that should be present to speak.

Regent Hill noted a point of order, stating that one item had been pulled from the Consent Agenda on which the Board could not vote. He suggested the Board vote on the remainder of the Consent Agenda and hold the item in abeyance until permission to discuss had been received.

President Harter requested that UNLV be allowed to contact Dr. Spencer and bring him to the meeting so the Board could make a decision the following day, so he would not be required to wait 6 weeks for a Board decision. Chair Seastrand said that he was willing to consider that if the Board was able to secure Dr. Spencer's cooperation. He clarified that the Board would not be voting on tenure for Dr. Rainier Spencer, but urged the Board to vote on the remainder of the Consent Agenda.

Regent Sisolak noted a point of order, asking whether the Board could address the Consent Agenda twice in one meeting. General Counsel Ray replied that they could. He requested that Dr. Spencer fax a short letter stipulating that he agreed the matter could be heard that day. Regent Sisolak asked whether that addressed Regent Howard's concern. Regent Howard asked whether it would provide sufficient notice to the public. General Counsel Ray replied that public notice had been provided with the agenda. If the individual agreed that discussion could ensue, and the majority of the Board desired to hear it, the item could move forward.

Regent Rosenberg asked whether discussion would be held in a closed personnel session. General Counsel Ray replied it would not. Regent Rosenberg suggested that the individual should know that discussion would be held in an open meeting.

Regent Anthony moved approval of the Consent Agenda with the exception of tenure for Dr. Spencer. Regent Whipple seconded.

Regent Bandera proposed a friendly amendment that, if the individual agreed to open discussion, the matter be heard before the close of the meeting. Regents Anthony and Whipple agreed. Motion carried. Regent Alden was absent. Regent Howard voted no. Regent Rosenberg abstained.

President Romesburg expressed concern for the Board handling tenure in this manner, adding that it set a dangerous precedent and sent a disruptive message to the faculty.

Dr. Joan McGee stated that the faculty senate chairs strenuously objected to changing the process established in the Bylaws for one person's agenda. She affirmed that tenure review was a very rigorous process. Regent Howard said that she found Dr. McGee's remarks disrespectful and rude, adding that it was not appropriate to speak to a Regent in this manner. She related that her objection was not a personal agenda, but rather involved other members of the community and legislators.

7. Approved-Academic, Research & Student Affairs Committee Recommendations and Report – Chair Jill Derby reported the Academic, Research & Student Affairs Committee met March 19, 2003. Associate Vice Chancellor Sherwin Iverson presented a demonstration of the newly developed web-based Academic Program Information System (APIS). This new resource will permit both internal and external audiences to ascertain which academic programs have been approved by the Board and which institution(s) offer them. Regent Derby requested Board action on the following Committee recommendations:

- New Program Proposal – The Committee reviewed the following new program proposal:
 - BS, Computer and Information Engineering, UNR. (Ref. ARSA-2 on file in the Board office)
- 2003 Board of Regents' Awards – The Committee approved recommendations of the UCCSN selection committees for the following Regents' awards:
 - Nevada Regents' Researcher Award

Dr. Mehdi "Saiid" Saiidi, UNR

- o Nevada Regents' Creative Activity Award

Mr. Mark Hoversten, UNLV

- o Nevada Regents' Teaching Award—Community College Faculty

Dr. Joan McGee, CCSN

- o Nevada Regents' Teaching Award-University & DRI Faculty

Dr. Cheryl Glotfelty, UNR

- o Nevada Regents' Academic Advisor Awards*

Ms. Carol Jensen, UNLV-Undergraduate

Dr. Nancy Markee, UNR-Undergraduate

Dr. Lynda Wiest, UNR-Graduate

Ms. Deborah Hamilton, CCSN

Dr. Eric Henderson, GBC

Mr. Kurt Hall, TMCC

Mr. Don Carlson, WNCC

**No nominations were forwarded from UNLV for a graduate advisor award.*

- Developmental/Remedial Education – After hearing a presentation on System remedial education data, the Committee approved the following recommendations brought forward by staff: (Ref. ARSA-4 on file in the Board office)
 - o Develop and implement educational initiatives in conjunction with K-12 to reduce the need for remedial education classes in higher education. Also, examine expansion of alternative approaches to the traditional academic-year remedial class such as summer transition programs, supplemental instruction, and the use of diagnostic tests followed by focused, short-term learning activities.
 - o Beginning with Fall semester 2006 and the implementation of phase one of the increased admission standards scheduled for that year, eliminate state funding for remedial education classes at the universities. So as to minimize inconvenience and expense for students, this policy change should be understood to encourage universities to offer these classes on a self-supporting basis and/or to partner with area community colleges or the state college to offer remedial education classes at university sites.
 - o Establish an ongoing task force within the UCCSN to review and make recommendations on current policies dealing with developmental or remedial education, to serve in an advisory capacity on new proposals, to help support collaborative work with K-12, to develop mechanisms to share best practices, to examine opportunities for new initiatives and structures, and to take on other work as requested.
 - o Explore with the legislature the possibility of state funding for summer remedial education classes at the community colleges and the state colleges beginning Summer 2004 (i.e., summer FTE for remedial courses at the community colleges and the state college may be included in budgeted FTE to establish the funding formula for the 2005-07 legislative session).
- Handbook Revision, Guidelines for Institutional Strategic Plans – The Committee approved proposed amendments to the Handbook (Title IV, Chapter 14, Section 3, which set forth the requirements and process for Board of Regents' review of institutional strategic plans. The policy modifies current policy, which solely addresses review and approval of academic master plans. The amendments also make provisions for adding Nevada State College to the strategic planning process. (Ref. ARSA-5 on file in the Board office)
- Proposed Updated Academic Master Plan, NSC – The Committee reviewed and approved NSC's updated academic master plan. The plan includes the recently approved mission statement, a summary of current academic goals, a report on recent progress, and a statement of planned program development. (Ref. ARSA-6 on file in the Board office)

Regent Derby moved approval of the Committee recommendations and acceptance of the report. Regent Rosenberg seconded.

Regent Dondero encouraged Board members to review Dr. Iverson's presentation, adding that it had been excellent.

Regent Kirkpatrick urged Board members to review important Committee reference materials because of the impact to existing programs and operations.

Regent Whipple requested a copy of the remedial education presentation.

Motion carried. Regent Alden was absent.

8. Approved-Audit Committee Recommendations and Report - Chair Steve Sisolak reported the Audit Committee met March 19, 2003 and received a follow-up response for one internal audit report presented at the December 2002 meeting. Mrs. Sandi Cardinal, Director of Internal Audit, reported that the institution bank reconciliations were up-to-date. Mr. Tom Judy, Associate Vice President for Business & Finance-UNR, reported on the status of the University of Nevada School of Medicine Practice Plan. The Practice Plan is reporting a net profit of \$1.1 million through January 31, 2003. Internal debt, primarily a loan from Internal Medicine to OB/GYN, is \$380,000. External debt on the line of credit has been reduced to \$344,000. Ms. Denise Baclawski, Executive Director, Fire Science Academy-UNR, reported on the financial status of the Fire Science Academy. She indicated they are on target to meet all indicators in the business plan for this fiscal year. Spring classes started on March 10, 2003. Fire Science Academy personnel continue to pursue off-site consulting services as a form of additional income. Ms. Baclawski informed the Committee that recently a client took exception to the State of Nevada \$50,000 liability cap and cancelled their classes. They are researching options to increase the liability cap. UNR's President John Lilley indicated that an RFP had been issued for an appraisal of the Academy. The Committee requested that President Lilley inform them of the appraisal timeline after the bids are opened the following day. Regent Sisolak requested Board action on the following Committee recommendations:

- External Audit Firm Selection – The Committee interviewed two external audit firms to provide external audit services for UCCSN for the period July 1, 2003 through June 30, 2006 and recommended continuation of PricewaterhouseCoopers LLP as the external auditor.
- Internal Audit Report – The Committee reviewed the following Internal Audit report: (Ref. F on file in the Board office)
 - United Student Association, WNCC (Ref. A-7 on file in the Board office)

Regent Sisolak moved approval of the Committee recommendations and acceptance of the report. Regent Hill seconded.

Regent Kirkpatrick congratulated the School of Medicine for getting the Practice Plan into the black. He hoped for similar results from the Fire Science Academy.

Motion carried. Regent Alden was absent.

9. Accepted-Finance & Planning Committee Report - Chair Douglas Roman Hill reported the Finance & Planning Committee met March 19, 2003 to review two budget status reports for fiscal year 2003. The Committee reviewed the Second Quarter Fiscal Year 2003 All Funds Report as well as the Second Quarter Fiscal Year 2003 Fiscal Exceptions Report. The All Funds Report is an un-audited statement of current operating account revenues and expenditures, and includes a System-wide summary as well as reports from each institution. Total System revenues of \$501.4 million were 111% of Fiscal 2002 revenues through the second quarter and total System expenditures of \$495.5 million were 114% of the same period for Fiscal 2002. In general, revenue collection and expenditure activities through the second quarter of fiscal 2003 seem to be operating normally with no material variations between periods. The Fiscal Exceptions Report provides quarterly updates on self-supporting budgets that experience deficits or negative cash balances. UNR continues to report a deficit position for the Fire Science Academy in both the operating account and the construction account. The combined current deficit is \$7.7 million. CCSN reported deficits in their men's and women's basketball programs and in the women's soccer program of \$209,940 currently. CCSN has indicated they will continue to pursue self-supporting income and donations for these programs. Additionally, CCSN reported a cash deficit in the Hospitality Institute account of \$85,736. Accounts receivable and current contracts will provide additional income for the program and the institution is conducting an operations review and financial analysis of the unit.

Regent Hill moved acceptance of the Committee report. Regent Kirkpatrick seconded. Motion carried. Regent Alden was absent.

10. Approved-Investment Committee Recommendations and Report - Regent Whipple reported the Investment Committee met March 13, 2003. Mr. Lindsay Van Voorhis, Cambridge Associates, reviewed the asset allocation and performance for the pooled endowment and pooled operating funds of the UCCSN for the quarter ended December 31, 2002. Endowment investments returned 4.3% for the quarter (compared to the 5.0% benchmark) and -4.5% for the fiscal year (compared to the -4.0% benchmark). The total return for the pooled operating funds was 2.9% for the quarter (compared to the 2.5% benchmark) and 0.6% for the fiscal year (compared to the -0.2% benchmark). For the two months ended February 28, 2003, endowment assets returned -1.6% (compared to the -1.9% benchmark) and the operating funds returned 0.5% (compared to the -0.3% benchmark). The Committee reviewed the current status of the operating pool reserve. The reserve was at -\$15.5 million on March 12, 2003. The Committee will review the reserve again at its next meeting and set the payout rate for fiscal 2004. The Committee also discussed the pros and cons of lending funds from the operating and/or endowment pools to institutions instead of issuing bonds and took no action on this item.

Regent Whipple moved acceptance of the Committee report. Regent Rosenberg seconded.

Regent Kirkpatrick asked about the meaning of a -\$15.5 million reserve. Regent Sisolak replied there was a guaranteed payout to the institutions and System Administration from the investment pool. System Administration is paying out 3.5-4% while only earning 1%.

The payout constitutes a paper loss and more than is earned from investments. Formerly, the payout fluctuated based upon earnings, but the campuses required a static payout rate. When the static payout rate was established the market was in a downturn, so System Administration began accumulating a deficit. The Committee capped the deficit at \$20 million, at which time campus payouts would cease. As the market improves, the Committee is hopeful they will return to a positive reserve balance.

Regent Whipple observed that the -\$15.5 million was a paper rather than an actual loss, since it represented the accumulated difference between actual payouts and anticipated earnings. Regent Sisolak reported that the funds had actually been dispersed to the institutions, which had reduced the balance of the account. The negative reserve was accumulated over a 30-month period due to the market's underperformance.

Motion carried. Regent Alden was absent.

The meeting recessed at 2:55 p.m. and reconvened at 3:07 p.m. with all members present except Regent Alden.

Chair Seastrand noted the recent issue of Regents' Review prepared by System Administration's Mr. John Kuhlman and Ms. Carolyn Fisher. The issue featured an article on new Regent, Dr. Stavros Anthony, as well as an article on the UNLV dental program.

The Board approved tenure for Dr. Rainier Spencer, UNLV, as recommended by the institution president, effective July 1, 2003.

Regent Hill moved approval of tenure for Dr. Rainer Spencer. Regent Sisolak seconded. Regent Hill called for the question.

Regent Howard asked about discussion. Chair Seastrand explained that the question had been called which ended discussion. He related the Board would vote on calling the question, which required a 2/3 majority to pass.

Upon a roll call vote the motion to call the question passed. Regents Anthony, Bandera, Derby, Dondero, Hill, Rosenberg, Schofield, Seastrand, Sisolak, and Whipple voted yes. Regents Howard and Kirkpatrick voted no. Regent Alden was absent.

Upon a roll call vote the motion to approve tenure for Dr. Rainier Spencer carried. Regents Anthony, Bandera, Derby, Dondero, Hill, Schofield, Seastrand, Sisolak, and Whipple voted yes. Regents Howard, Kirkpatrick, and Rosenberg abstained. Regent Alden was absent.

11. Approved-Council of Professional Police Standards: UNR, UNLV, and TMCC— The Board approved Chancellor Jane Nichols' request regarding System-wide guidelines for the creation of Councils of Professional Police Standards at UNR, UNLV, and TMCC. The councils will be charged with reviewing allegations of misconduct made against police officers and employees of campus police departments; making recommendations to the departments and to the presidents; and making annual reports to the departments, to the presidents, and to the Chancellor summarizing the complaints made and the councils' activities during the preceding year. The proposed policy reflects the Board's January 2003 meeting discussion and was an outgrowth of the Police Study Report approved by the Board in April 2002. (Ref. G on file in the Board office)

Chancellor Nichols reported that the Board had approved a comprehensive report from the ad hoc UCCSN Police Study Committee in April 2002, and enacted new policies now contained in the Board's Handbook (Title IV, Chapter 1, Section 10) ensuring that each campus police department remains accountable to the institutional president and to the Board of Regents. She then discussed policy #15, which calls for review boards or alternate mechanisms to review allegations of misconduct made against police officers at UCCSN institutions having a police department. Per Board request, the standards comprise a System-wide plan framing a common philosophy and charge for what is now called the Council of Professional Police Standards, while allowing flexibility for individual differences in the specifics of how the councils are formed at each campus. She reported that the chiefs of police at UNLV, UNR, and TMCC worked closely with Regents Hill and Anthony to bring the revised draft forward for Board consideration. She recognized the help of Assistant General Counsel Mark Ghan, noting that he and police chiefs Adam Garcia and Randy Flocchini were available to answer questions. Chancellor Nichols stated that, following Board approval, the guidelines would be published as a Chancellor's Memorandum, which would be issued immediately following the meeting. Any substantive changes would be reported to the Board. Nominations for council membership would proceed immediately following approval of the guidelines. Each council must issue a written report annually summarizing the complaints made against officers, along with recommendations the council may wish to make.

Regent Hill asked about changing the number of members serving on the council from UNLV's Public Safety Advisory Board to "no less than five". Vice President Mills voiced no objection.

Regent Hill moved approval of adopting the policy on police standards with an amendment to section V (first sentence): "which will be no less than five". Regent Anthony seconded.

Regent Anthony proposed a friendly amendment to Section III, #2 (second sentence-cause for disqualification): "Felony convictions will be cause for disqualification. All other arrests and/or convictions may be cause for disqualification". Regent Hill agreed to the friendly amendment.

Regent Anthony noted that law enforcement officers were excluded from participating on the council. He felt that individuals with felony convictions would be too biased and he wanted them automatically disqualified. He observed that the president could decide whether or not to allow individuals with "other arrests and convictions" to participate. He related that it followed NRS language creating civilian review boards for the state. He thanked Regent Hill and the police chiefs for their work on this matter.

Regent Hill said that he had discussed this issue with Regent Anthony at length. While he did not agree with the amendment, he was not opposed to the motion passing. He observed that the president would be the appointing authority, adding that he was willing to leave it to the president's discretion to make an appointment based upon the report they receive. He recalled former fraternity brothers who became felons because they were in possession of minor amounts of marijuana. He related that he worked with Chief Adam Garcia and Vice President Rebecca Mills on this policy, adding that they had been wonderful in putting together a unified policy with specific variations for the different campuses.

Regent Sisolak echoed some of the same concerns expressed by Regent Hill. He asked whether individuals convicted of a Class C felony or a 20-30-year old felony would be disqualified. He asked whether doing so would detract from the president's flexibility for appointments. Regent Anthony replied that he was not trying to ruin their lives, but felt it would be inappropriate for such individuals to serve on the council. He opposed ex-felons judging police officers based upon ill will from prior arrests.

Regent Dondero asked whether the proposal would replace current policy. Chancellor Nichols replied that this represented implementation of the current policy.

Regent Derby favored providing the presidents flexibility, adding that it was unknown what a worthwhile exception might be. She felt the presidents would have access to the necessary information and she trusted their judgment.

Regent Whipple expressed support for Regent Anthony's modification, adding that it was not unusual to distinguish between a felony, a gross misdemeanor, or a misdemeanor.

Chair Seastrand observed that he would prefer not having to make the decision of whether or not to allow ex-felons if he were a president.

Motion for the friendly amendment carried. Regent Hill voted no. Regent Alden was absent.

Regent Hill stated that the proposed policy addressed his previous concerns. He noted that the police chief would start a sequentially numbered log when a complaint was filed, so nothing would get lost. The chief would investigate serious allegations of misconduct unless the complaint involved the chief. Such complaints would be referred to the council. All information provided to the chief is shared with the council with the exception of confidential material. At year's end, the council will review all complaints and report to the Chancellor and presidents. He felt the policy provided adequate oversight and would assure Board members that the police officers were doing their job.

Original motion as amended (at least 5 members for UNLV) carried. Regent Alden was absent.

12. Approved-Response to Columbia Tragedy – The Board approved action to honor the family of Columbia Astronaut Commander Willie C. McCool by providing scholarships or waivers for registration and fees associated with attending any UCCSN institution to his spouse and dependent children. (Ref. H on file in the Board office)

Chair Seastrand reported that Ms. Ernst had notified him that the Board had taken action in the past for surviving family members of Nellis airmen (Thunderbirds). He related that Commander McCool's parents were professors at UNLV, adding that this provision could provide a way for the State of Nevada to do something positive in response to the tragedy. He related that the award comprised registration and fees for a bachelor's degree for the surviving family members (wife and three sons). He observed that Commander McCool's family did not live in Nevada and may never take advantage of the offer.

Regent Sisolak moved approval of providing registration and fees for a bachelor's degree associated with attending UCCSN institutions for the surviving spouse and dependent children of Columbia Astronaut Commander Willie C. McCool. Regent Rosenberg seconded.

President Harter thanked the Board for their generous gesture. She observed that the Board had earlier approved a posthumous honorary doctorate for Commander McCool that his wife and father will accept on his behalf at commencement.

Regent Schofield observed that many veterans had been grateful for the G.I. Bill that allowed them to get an education upon returning from war. He felt this was a nice gesture, adding that Commander McCool paid the ultimate price for what is being done for freedom. He felt the family would always be grateful for the opportunity.

Regent Kirkpatrick clarified that registration and fees did not include housing or anything else. He observed that war had started again and that citizens would be killed. He asked whether similar gestures would be made for them.

Regent Schofield felt the Board should review one incidence at a time.

Chair Seastrand stated that the Board had issued selected offerings in the past, adding that the family may or may not take advantage of the offer. He felt the State of Nevada would be very proud of the Board's gesture.

Regent Sisolak requested that four resolutions be drafted for the wife and each of the children if the motion passed. Regent Whipple agreed.

Motion carried. Regent Alden was absent.

Chair Seastrand observed that State Treasurer Brian Krolicki was present and asked the Board to address the agenda item for which he was present.

13. Approved Resolution 03-04, Update on Legislative Session - Chancellor Jane Nichols introduced State Treasurer Mr. Brian Krolicki.

Mr. Krolicki reported that proposed legislation would revise the Millennium Scholarship plan. The original plan encompassed a 10-year program, but indications reveal there could be insufficient revenues later in the decade with the current rules of eligibility. The following has been proposed to extend the program:

- Increase high school eligibility to 3.1 GPA for graduating classes of 2005 and 2006.
- Increase high school eligibility to 3.25 GPA for graduating classes of 2007 and beyond.
- Increase requirement to maintain eligibility from 2.0 to 2.6 overall GPA for the classes of 2003 and beyond.
- Provide UCCSN Board of Regents authority to designate the courses from which the initial eligibility GPA is calculated.
- Reduce the number of years that an eligible Millennium Scholar may utilize his/her scholarship from 8 years to 6 years following high school graduation.
- Provide the Board of Regents the authority to designate the courses from which initial eligibility GPA is calculated.

Chancellor Nichols stated that students taking certain courses in high school avoid the need for remedial education in college. She related there was difficulty with the high schools' ability to calculate the GPA on certain courses.

Regent Kirkpatrick congratulated Mr. Krolicki and Dr. Susan Moore for their support of the Millennium Scholarship program. He suggested increasing the overall GPA in 2004. Chancellor Nichols related that 2003 high school students would graduate in the Spring and start college in the Fall.

Mr. Krolicki continued with the proposed changes:

- Provide the Board of Regents authority to establish criteria for exceptions to the 6-year requirement for eligible students on active duty serving in the U.S. Armed Forces.

Regent Howard commented that the scholarship had been a great benefit to Nevada students. She asked about the purpose for increasing the overall GPA from 2.0 to 2.6. Mr. Krolicki replied that the number was not taken lightly and had been mathematically derived. It was felt that raising the bar would make the scholarship more special. Prior to its establishment, no one had any idea how the Millennium Scholarship would affect people's lives. It was an attempt to make it fair for all trying to achieve, while also extending the life of the program. Regent Howard asked whether the GPA had originally been set at 3.0, adding that a number of students were unable to maintain that level of performance. Mr. Krolicki replied that the GPA had been set at 2.0. Chancellor Nichols replied that one of the policies the Board enacted was allowing students to regain eligibility once they improve their GPA. Regent Howard asked whether Millennium

Scholars were eligible for remedial classes. Chancellor Nichols replied that many were. Regent Howard asked whether that was a concern. Mr. Krolicki replied that part of the reason they were suggesting the Board revisit the core curriculum requirements was due to the number of students requiring remedial education, adding that students could benefit from taking certain courses in high school and avoid remediation all together.

Chair Seastrand asked about the percentage of high school students who would no longer qualify for the scholarship with a 3.0 GPA. Mr. Krolicki said that he did not have that information with him. He related that students would likely perform differently in order to achieve the increased GPA requirement. Chair Seastrand was curious about the number of students that would need to increase their level of performance. Mr. Krolicki replied that some students would no longer be eligible, which would help extend the program, though not dramatically. He related they were completing a baseline study, which would provide information on how the scholarship program had affected students' behavior and parent involvement. Chair Seastrand said that he would like to know the percentage of students with a GPA of 3.0, 3.1, and 3.25 using the most current data. He asked about projections for the revised program's duration. Mr. Krolicki replied that, with similar behavior, the current \$10,000 benefit would last until 2011 or 2012. He related that plans were underway to divest the program from the source of tobacco settlement funds. There are also plans to pursue a constitutional amendment that would preserve the funds for the purpose originally intended. He felt it would be a great service to the state if the Millennium Scholarship program could be extended 12-14 years. Chair Seastrand asked about discussions regarding endowing the funds. Mr. Krolicki replied that more money would be required to pursue an endowment. Chair Seastrand observed that the benefit could also be reduced. Mr. Krolicki replied that the \$10,000 figure was derived from projections for an 8-10 year program. He acknowledged that the legislature could decrease the benefit. He related that by taking steps now to extend the program they might be able to maintain the \$10,000 benefit. Chair Seastrand observed that studies reveal that people who go to college are less likely to smoke.

Regent Schofield thanked Mr. Krolicki for what has been done with the program. He related that he had promised his constituents that he would make UCCSN institutions more student-friendly. He felt that this program worked towards that. He agreed that it was important to make students work hard for the benefit. Mr. Krolicki felt the changes were fair, not too difficult to achieve, and would be implemented over time, while extending the program to 2011-2012. Regent Schofield stated that education was the best investment one could make, adding that the G.I. Bill proved that. He felt the Millennium Scholarship program carried forward that tradition.

Regent Hill stated that he would prefer a 2.5 eligibility GPA for freshman and a 2.6 eligibility GPA for sophomores due to the "freshman challenge". Mr. Krolicki replied that they had considered that option, but decided it would be difficult to compute different grade points.

Regent Sisolak related that few students complete college in four years. He asked about concessions for medical or religious situations, which could prevent students from using the scholarship within 6 years. Mr. Krolicki replied that the program included an appeal process, though few students have used it.

Regent Bandera expressed hope that students bound for vocational training at a community college (rather than university bound) would not be overlooked when the Board designated the courses from which initial eligibility would be determined. Chancellor Nichols stated that those students had always been part of the concern as well as the difficulty in setting the requirements. If the legislation passes, the Board will need to be mindful of vocational students and making the program as inclusive as possible. She related that key courses have been identified for all students that are required in order to make them more successful.

Mr. Krolicki praised the Board's efforts, adding that it had been a pleasure working with Chancellor Nichols and her staff. This item continues later in the minutes when the Board approved the referenced Resolution 03-04.

14. Approved -Funding Strategies for Nursing Plan – The Board approved proposed strategies for reducing the costs of implementing the UCCSN's nursing plan as presented by Chancellor Jane Nichols. The original plan was approved by the Board in August 2002 and was the result of a legislative mandate to develop a plan to double the capacity of nursing programs in Nevada.

Chancellor Nichols recalled that the Board had approved a plan to double UCCSN nursing enrollments over a 4-year period as part of a legislative mandate. \$12 million was included in this biennium's budget for that purpose. She related that UCCSN has a strong commitment to provide nurses for the state of Nevada, adding that the Board's first Master Plan goal is to "meet the needs of the state". The governor's recommended budget (funded at 86%), does not include any enhancements. She stated that the Board's first priority is to receive the basic funding for students and enrollment growth, adding that \$12 million would not be necessary if the formulas were funded at 86%. It is possible for those campuses receiving new enrollment dollars to redirect some of those funds to nursing. At least three institutions have sufficient enrollment growth to accomplish the task with 86% formula funding. Other institutions have none or very few dollars and would require additional funds to double the nursing enrollment. Chancellor Nichols reported that UCCSN would be able to produce the number of nurses required if the state funded the institutions adequately. A critical piece of the proposal is convincing the legislature to fund summer school for nursing. Chancellor Nichols and her staff are putting together a package proposing funding two-year grants for summer school for nursing. Following that, nursing students will be part of the formula and state-funded through the FTE. The campuses are closely reviewing what can be done with regard to renovation and lab costs. She reported that the Nevada Hospital Association had volunteered to review the System's lab costs and whether or not they can help with the costs. Chancellor Nichols related that it was amazing to see the number of people who have stepped forward to help UCCSN in a time when the state has limited resources. There is a potential Nevada Works grant that could fund faculty positions in the north and would decrease the number of state dollars required. An AHEC opportunity is underway that would provide a

potential grant and positions to produce nurses for the rural area. A grant was recently awarded to WNCC's Surgical Tech Program that enables nurses in the operating room to be supplemented with surgical techs. Chancellor Nichols said that every opportunity was being explored in order to double the nursing capacity for the state. She related that the plan would look slightly different from what the Board previously approved.

Regent Schofield asked which of the institutions could accommodate the plan with little to no new funding. Chancellor Nichols replied that it appeared that UNR, UNLV, and CCSN would have sufficient new positions to allocate the number needed to nursing (with 86% funding).

Regent Whipple asked whether funding had been identified for the legislative mandate. Chancellor Nichols replied that the mandate had been to identify the cost to double nursing enrollments, which had previously been estimated at \$12 million. She related that UCCSN felt compelled to examine that figure given the current state of the State. Regent Whipple asked about a contingency plan. Chancellor Nichols replied that the legislators were aware of UCCSN's funding at 86%. She did not anticipate they would provide new positions for nursing to those institutions already receiving a large number of new positions, which could be reallocated to nursing. Chancellor Nichols related that, if the formulas were not funded at 86%, UCCSN would be unable to produce the number of nursing graduates required without the \$12 million. Regent Whipple asked whether there were sufficient applicants to double the nursing enrollments. Chancellor Nichols replied that there was an increased interest in nursing. There are many applicants, but some may not qualify. Regent Whipple asked whether evening classes had been considered. Chancellor Nichols replied that each campus had presented a plan that was felt to be best for them and their students. She related that some of the community colleges had evening programs, while the universities tended to have day programs. She related that clinical sites had to be available. The hospitals have guaranteed those sites for days, weekends, and evening use.

Regent Schofield asked when Regents could help support the cause with testimony. Chancellor Nichols said that she believed that everyone in Nevada would be asked to help support the cause by letting the legislature know the importance of funding higher education. She felt it would be important for legislators to realize that many people want higher education to be supported. She related that the session would end June 2nd, adding that UCCSN's budget normally closed by the first week in May. It was unknown how it would work this session with the serious strain on resources.

Mr. Bill Welch, President and CEO, Nevada Hospital Association, thanked the Board, Chancellor Nichols, and UCCSN nursing program staff for their commitment to this effort. He related that the nursing shortage had reached critical proportions.

Regent Rosenberg moved approval of the proposed strategies for reducing the costs of implementing the UCCSN nursing plan. Regent Whipple seconded. Motion carried. Regent Alden was absent.

Chancellor Nichols introduced State Senator William Raggio.

Senator Bill Raggio welcomed the newest members of the Board. He related that Regent (and former Senator) Jack Lund Schofield had mentored him in the area of education. He reported that the Board and legislature had a joint mission with respect to higher education, adding that the legislature recognized the importance of funding higher education. He said the legislature was proud of the UCCSN's vibrant and well-recognized institutions. He said the legislature did not want to micromanage the UCCSN, acknowledging that was a Board function. Senator Raggio stated that higher education was important to the economic development of the state (fastest growing state in the nation). He related that Governor Guinn had recommended working toward full funding under the formula. The governor's budget recommends funding the formulas at 86%, which will only be possible if everyone in the state recognizes the need for additional revenue. He related that it would be impossible to fund the System at its existing level without identifying new revenue sources. He reported there were varied opinions and much consternation regarding how and what manner of funding will be feasible. He acknowledged that no one likes to raise taxes. He said the legislature would need to review the needs of the entire state, adding that higher education was an integral part. He urged members to work together to ensure that the need was addressed in a fair and equitable manner. He felt that a position of no new taxes was irresponsible, adding that adjustments would be necessary. He said the Board could help the public understand this critical need, adding that Nevada would be unable to address future needs without a vibrant educational system. He reported there was a reluctance to increase taxes, adding the need to overcome that mindset because the state is growing. He thanked the Board for the opportunity to address them.

Chair Seastrand thanked Senator Raggio for coming, adding that the Board appreciated his friendship and alliance. He promised the Board would help get the message out.

The meeting recessed at 4:43 p.m. and reconvened at 4:49 p.m. with all members present except Regent Alden.

Chancellor Nichols introduced individuals working on the System's behalf during the legislative session: Mr. Rick Bennett, UNLV; Mr. John Cummings, CCSN; Dr. Bob Dickens, UNR; Ms. Helaine Jesse, WNCC; Mr. Spencer Stewart, NSC; Mr. Fred Lokken, TMCC; and Ms. Hilary Crowley and Mr. Fred Davis, DRI. She related that they comprised a great team and were working diligently on an incredible number of bills.

Chancellor Nichols reported that in her discussions with the legislature she focuses upon funding at 86% of the formula. Actual enrollment numbers will be determined within the next few weeks and the budget will be recalculated for those figures. Some campuses have grown much larger than currently represented in the formula, while some have decreased. Enrollment growth is the key issue and is dependent upon the revenue increases and the tax structure. If there are no new taxes there will be no new funding for enrollment growth. The governor has asked UCCSN to review the impact if no new taxes were approved. Chancellor Nichols stated that it was unknown how large an impact no new taxes would have on higher education, adding that UCCSN was the in discretionary portion of the budget. If there were no new taxes, UCCSN would incur a reduction in 2004's budget at a time when UCCSN is facing 6-8% enrollment growth, which would be catastrophic. UCCSN would be forced to cap enrollments, lay off staff, and cancel leases and contracts. Lower enrollments would also equate to less student fees, which would reduce the budget further. The Board would need to remove parts of the budget. Entire programs could be deleted. No new taxes would result in a very serious situation for higher education in Nevada. UCCSN would no longer address access, but rather would be limiting the number of people who go to college. The reduction would be \$184 million, which is equivalent to the combined budgets of CCSN and TMCC. She related that closing those institutions would not solve the problem. Closing DRI, GBC, WNCC, and NSC wouldn't even come close to that figure. She related that, with no new taxes, UCCSN would be unable to continue business as usual. Another part of the budget under discussion is the taxonomy. UCCSN is getting an audit of the enrollment count. The new taxonomy under the formula classifies courses (high, medium, or low) and costs more money. The legislature is not interested in things costing more money right now. UCCSN needs to find a way to get the taxonomy operational within this biennium because it is the only means of providing a secure enrollment count. System Administration will be negotiating with the campuses and the legislature to get the taxonomy in place in the next biennium. The legislature has also elected not to raise taxes this fiscal year. With the war, it is anticipated that state revenues for the remainder of this year will not meet the governor's expectations. Discussions are underway regarding what can be done if UCCSN could not draw the money for the remaining 3 months of this fiscal year. She related that UCCSN could not cancel classes or layoff contract faculty. She related that it was likely the campuses would need to review major issues over the next 3-4 months just to get through this year. Chancellor Nichols said that she remained optimistic that the legislature would fund UCCSN in the next biennium, adding that there could be a shortfall this year.

Vice Chancellor Dan Miles related that a review of considerations was undertaken to help UCCSN make it through this fiscal year (should an additional cut be required). He related that it was too late to rearrange academic programs for this semester. No one knows whether UCCSN will be asked to give money back or how much. One of the problems the governor is struggling with is the lag in getting revenue data (for example, tax reports for gaming and sales in December were just released). He related that the governor might not know the extent of the problem until later in this fiscal year. The following options were discussed with the UCCSN presidents that day:

- Immediately freeze vacant positions; no rehiring.
- Eliminate (as much as possible) travel in- and out-of-state.
- Stop purchasing and new contracts for the balance of the year.
- Stop paying our bills; negotiate with vendors to delay payment to next fiscal year.
- Delay June 30th payday (professionals) and June 25th (classified employees) to July.
- Borrow funds needed to get through the balance of this year.

Vice Chancellor Miles related that each of the remedies might need to be coupled with a revenue source to reimburse UCCSN in the next fiscal year. An example could be a one-time, temporary student fee surcharge for FY04. He related that other ideas included:

- Cancel next Board meeting.
- Cancel commencement exercises.
- Issue warrants (promise to pay) instead of paychecks (stores might not honor them).
- Close satellite/outreach operations; cancel leases.

Vice Chancellor Miles related that some of the suggestions may not be legal or would result in a larger detriment than benefit. Depending upon the state's situation, some of these suggestions may be put into action.

Chair Seastrand asked when it would be known. Chancellor Nichols said that no one knew at this point. She and the presidents initiated the conversation because there is nothing left to cut and they wanted to alert the Board to this crisis situation. She related that no decisions had been made.

Regent Schofield observed that the legislature usually runs to the last day, adding that it probably would not be known until the end. Chancellor Nichols said that decisions affecting the current year would likely be known at some point before the end of the legislative session. The governor must close the fiscal year with the money available unless the legislature has a plan of rescue for the current year.

Regent Kirkpatrick observed that the governor had taken \$100 million out of the "Rainy Day Fund," had indicated that new taxes were necessary for the current year, and had requested the legislature pass them by April 1st. Regent Kirkpatrick asked about the latest date that a tax increase could be passed. Vice Chancellor Miles replied that the governor wanted

those taxes in place by April to capture the last quarter in this fiscal year. He proposed raising three taxes immediately this year (cigarettes, liquor, per head tax on businesses). It was important to have the taxes in place before the final quarter. He related that it would take the Department of Taxation some time to implement a new tax rate and notify the businesses. He related that the problem he foresaw with the cigarette and liquor tax was that they were taxes on wholesalers' inventory (i.e., stamp tax). He related that it was likely the wholesalers had increased their inventories to initially sell cheaper stamped goods. It is questionable how quickly that revenue source would benefit the state. The legislature has not taken any action to approve those new taxes, which could change with the Iraqi situation. Regent Kirkpatrick said that Clark County School Superintendent Carlos Garcia had done an outstanding job of mobilizing Clark County citizens regarding the tax bill. He asked what Board members could do to help similarly. Chancellor Nichols related that they had been talking with the presidents and campuses about how to get students, their families, and foundation board members involved. She related that UCCSN might need to call upon faculty and students to express their desire to the legislature for support of higher education in spite of new taxes.

Regent Howard noted that the school district considered cutting cell phones, motor pool, and other unnecessary amenities, and asked whether UCCSN had also explored those avenues. Chancellor Nichols replied that she had discussed eliminating all non-essential

programs and expenditures as well as limiting travel with the presidents. She related that those measures could be employed in the following biennium if no new revenue was provided. The current discussion regarded measures for getting through the final three months of the current biennium.

Regent Derby felt it was particularly critical for the Board to reaffirm its full and unqualified support for UCCSN's budget before the legislature. She related that any recent public comment suggesting to the contrary that a particular institution could sustain significant cuts did not represent the Board of Regents' position. Regent Rosenberg agreed.

A discussion ensued regarding whether Regent Derby's comments should be presented in the form of a motion. General Counsel Ray stated that the Board could decide to affirm the Board-approved budget, but recommended against anything further.

Regent Hill observed that UCCSN could end up with a shortfall this fiscal year in spite of what the legislature decides for the following biennium. He asked whether UCCSN could pledge future revenues to finish the current year. Vice Chancellor Miles replied that he did not believe that was possible. The state's financial statements end on June 30th and state law prevents the state budget from being in a deficit condition. If an agency exceeded its appropriation, the additional expenses would be void. He related that it had never come to this before. Should the governor determine he needs money back from higher education, he could reserve the funds in the controller's office and UCCSN would not receive those funds, which would make it a System problem to solve. Regent Hill asked how UCCSN would overcome a 2-3 month shortage. Vice Chancellor Miles replied that such a large amount would be impossible to achieve. Regent Hill asked whether the prospect of student and faculty lobbying had been discussed. Chancellor Nichols replied that they were trying to determine the most effective use of all constituents, adding that it was a delicate balance. She said they would work hard to get the message across in an appropriate manner. She felt that Senator Raggio would not entertain student speakers. Regent Hill suggested a demonstration.

President Romesburg said the state would simply not release the funds to UCCSN so the institutions would be unable to pay their bills. He said it would become the System's problem at a time when there was no opportunity to change budgeting and contracts to accommodate the shortfall. Unusual measures, such as borrowing money from a third party paid back with a student surcharge, were being discussed in case the anticipated funding money is not realized.

Regent Whipple suggested that Superintendent Garcia had effectively made his students and faculty aware of the shortfall. Regent Whipple wondered about the potential tuition increase that would be necessary in order to maintain the same standard of learning. He felt that realizing a potential tuition increase could possibly motivate students into action and could help UCCSN communicate the seriousness of the situation. Chancellor Nichols replied they had reviewed short- and long-term solutions. If there is not adequate state funding, UCCSN will be facing increased fees. Students would be greatly impacted with very little notice. She related that Superintendent Garcia held regional hearings for students and parents. She felt the best venue for that was on each campus, with each institution discussing the impact to their constituency and the varied solutions and consequences. She related that the community colleges might not be able to offer workforce training. Regent Whipple felt that if the System could quantify how it might affect UCCSN it could lend the necessary support. Chancellor Nichols said that she had been reluctant to do so, but offered to provide various scenarios. Regent Whipple clarified that the Board was not intending to increase tuition, but rather that they might have to do so. He asked Chancellor Nichols to forecast the potential possibilities. Chancellor Nichols stated that System Administration hoped that none of the scenarios would happen, but would be remiss if they did not warn the public and students about the possibilities.

Regent Howard left the meeting.

Regent Dondero asked about the "Rainy Day Fund." Vice Chancellor Miles replied that the state has a "Rainy Day Fund" that was created 6-8 years ago. There is a formula in the state statute that allows the state to funnel a portion of a year-end

surplus into this fund. Nothing has gone into that fund in the last few years, but a balance of \$136 million was in that fund at the beginning of this legislative session. Part of the governor's proposal to balance this year's budget was to transfer \$100 million from the "Rainy Day Fund" into the state general fund as an emergency measure to end this fiscal year. A small balance remains to face even greater problems in coming years. Regent Dondero asked whether part of that money would go to higher education. Vice Chancellor Miles replied that it would, adding that it was intended to maintain state general funds at a level that would permit state agencies to draw their appropriations.

Regent Howard entered the meeting.

Regent Dondero asked about using Foundation funds. President Harter said that UNLV was experiencing the same problem with their endowment due to poor market performance. She related that UNLV was having trouble fulfilling obligations to pay scholarships, chair salaries, and endowed programs.

Regent Bandera strongly supported Chancellor Nichols' comments about applying pressure in a delicate manner. She felt that the risk of making long-term enemies for short-term gains was very high. She complimented the Chancellor and supported her effort to ensure that the entire System and all of its representatives work as part of the whole. She emphasized the importance of the institutions presenting a united front throughout the legislative process.

President Lilley related that discussion of extraordinary measures (for this fiscal year only) began the day before, adding that the presidents were struggling to deal with the issue. He said the presidents would require the help of the faculty senate chairs and student body representatives, adding that it would be a difficult period. He urged those present not to confuse efforts to get through this fiscal year with the efforts necessary for the next two years.

The meeting recessed at 5:33 p.m. and reconvened at 8:02 a.m. on March 20, 2003 with all members present except Regents Alden, Dondero, and Schofield.

Chancellor Jane Nichols provided a report to the Board regarding activities that have occurred to date at the 2003 Nevada Legislature. Discussion included developments concerning the UCCSN budget request as well as legislative bills of interest to the UCCSN, including but not limited to the following: (Summary on file in Board office)

- AB 65 Collective Bargaining for Classified Employees.
- AB 148 UCCSN Audit.
- AB 186 Educational Support Program.
- AB 203 Committee to Evaluate Higher Education.
- SB 31 Community College Courses for Gifted/Talented High School Students.
- SB 62 Electronic Instructional Materials.
- SB 101 Medical and Dental Scholarships.
- SB 152 Mesquite High School Renovations.
- SB 154 Great Basin College Health Clinic.
- SB 178 Embalming Facilities.
- SB 188 Health Care Services.
- SB 208 Teaching Scholarships (UCCSN requested).
- SB 229 Open Meeting Law.
- BDR 14-441 Sex Crimes Prevention Act.
- Millennium Scholarship Program.
- AB 353 Composition of Board of Regents.

Chancellor Nichols reported that System Administration was using a bill draft team this session to track bills as they were released. She noted a change in legislative language mandating that, "the Board of Regents **shall** create" as opposed to "the Board of Regents **may** create" as used in prior sessions. The bill draft team is amending the language as the bills are released. She related that UCCSN was focused upon receiving the basic funding for students. While the System welcomes special allocation bills for special programs, the priority is the formula. Chancellor Nichols tells the legislature that UCCSN would be happy to have those funds if the legislature agrees to fund the formula at 86%. She related that special allocation bills were unlikely to pass due to the shortage of funds. She reported that two of UCCSN's three bills had not yet been released (carry-forward balance and bonding capacity).

Regent Dondero entered the meeting.

Regent Howard asked about AB 382 (Latino Institute). Chancellor Nichols replied that the bill would require the Board of Regents to establish an Institute for Latino Research at UNR for purposes of promoting public policy, education, immigration, and leadership development. The bill contains no appropriation but provides authority for the institute to seek grants and contracts. Chair Seastrand explained that it was a directive to the Board to establish an institute with no funding allocation. Chancellor Nichols was unsure how this could be accomplished without funding. Regent Howard asked about the purpose of the bill. Chancellor Nichols replied that it represented a voice of concern for more focus upon Latinos in the System.

Regent Howard asked about the appropriation for GBC (planning funds to build its Industrial Technology building). Chancellor Nichols replied that the funding would be given directly to GBC and not to the State Public Works Board.

Chancellor Nichols reported that AB 148 (UCCSN Audit) would likely pass (it has been 10 years since the last state audit). UCCSN feels they should not have to pay for the audit and has no money to do so. UCCSN is trying to limit the scope of the audit in relation to the generation and distribution of investment income to protect the identity of donors. UCCSN has been assured they will be protected.

Chancellor Nichols reported that AB 203 (Committee to Evaluate Higher Education) would establish a committee comprised of 12 voting members and 4 non-voting members. The Senate, Assembly, Board of Regents, and Governor would each appoint 3 voting members. Non-voting members include one person from the State Budget Office and three UCCSN employees. A student representative has been added to the committee. An allocation of \$250,000 has been included to hire a consultant. The scope of the bill is quite broad. UCCSN is seeking an amendment that could solve some of the serious constitutional issues this bill raises about the authority of the Board of Regents. UCCSN has asked that the language be changed to less intrusive requirements. She related that the System would focus upon state-identified needs and what higher education is doing with a common understanding of mutual expectations. Chancellor Nichols felt that discussion could strengthen UCCSN's relationship with the legislature. Recommendations for changes within UCCSN would come to the Board of Regents, while recommendations for funding and legislation would go to the legislature. She felt the bill could present the opportunity for the Board to have a good conversation with the state before the start of the next legislative session.

Regent Derby observed that it was a bill that appeared to do what the Board already does. She felt the Board should view it as an opportunity to convey to state leaders what UCCSN's needs and challenges are. Regent Dondero agreed, adding that she had originally viewed it as a challenge to the Board's authority. Chair Seastrand agreed the Board should view it as an opportunity to have a discussion with the legislature in a positive manner.

Chancellor Nichols reported that a UNR student worked diligently on SB 62 (Electronic Instructional Materials) to clarify the need for appropriate instructional material for disabled students. His idea entailed requiring publishers to provide classroom materials in an electronic form. Agreement has been reached on amendments to the bill, which softened the language as some material is not available (i.e., historic documents, textbooks not published within the last 10 years). Nevada is too small a state to force this issue with book publishers. Chancellor Nichols related that it was a pleasure to see a UCCSN student become effectively involved in the legislative process.

Chancellor Nichols reported that SB 152 (Mesquite High School Renovations) would appropriate \$970,000 to UCCSN for the renovation of the former Mesquite High School for use as part of the community college system. The appropriation was not included in the executive budget.

President Remington explained that the bill would provide money to renovate an existing Mesquite school property. He related it would allow CCSN to partner with the City of Mesquite to grow the student enrollment population at a moderate cost. Unfortunately, the strategy occurred after the budget proposal had been determined.

Regent Anthony stated that it was a good project for the fast-growing community of Mesquite (a one hour drive from Las Vegas). Students in the area have no place to attend higher education, with many attending in Utah. He too felt it would be a good partnership with the City of Mesquite and would help UCCSN retain those students who otherwise leave the state.

Regent Whipple asked whether there was an existing UCCSN presence in Mesquite. President Remington replied that there was, adding that it did not allow the access CCSN could enjoy. He related that UCCSN was losing students to Dixie State College (39 miles away). The availability of facilities limits the number of residents that can be served (approximately 300). The project would allow expansion to accommodate 800-1,000 headcount.

Chancellor Nichols related that the Board would hear more about the project, regardless of the outcome of the bill, as CCSN intended to proceed with the partnership. She then continued her review of the bills of interest to UCCSN:

- SB 188 (Health Care Services) - Makes various changes concerning access to health care services for Nevadans. Three sections of the bill affect the University of Nevada School of Medicine. There are some concerns about the language in the bill, which mandates the establishment of three entities (Nevada Office of Rural Health, Area Health Education Center Program, and Medical Education Council of Nevada) within the Medical School. At the time of the hearing, UCCSN will submit an amendment addressing these concerns. Appropriations for this bill are not contained in the executive budget.
- SB 229 (Open Meeting Law) – Expands the Open Meeting Law in various ways with some effect on the UCCSN. If passed, the bill would have minimal fiscal impact on the System, however, the language relating to public comment and closed sessions could potentially have an effect on the length of Board meetings.
- BDR 14-441 (Sex Crimes Prevention Act) - As a result of the new federal act, the State of Nevada is pursuing statutory changes to bring state law in line with federal requirements. UCCSN intends to request an amendment establishing campus police departments as law enforcement agencies having jurisdiction over UCCSN institutions.

Regent Schofield entered the meeting.

AB 353 (Composition of Board of Regents) - The bill seeks to limit UCCSN's use of personally identifiable information about students and employees and addresses the composition of the Board of Regents. The bill would establish an "opt-in" requirement with use of a specific form. Chancellor Nichols will notify the legislature that the Board has addressed this issue on three occasions, has listened to students, and feels the current policy is responsible. Online capability will be offered to make the process as easy as possible for students to "opt-out". UCCSN feels that "opt-in" is a bad policy and will attempt to reassure the legislature that moving into this area is not necessary.

Regent Hill asked whether such action involved the management of the System or whether it was within the legislature's purview. General Counsel Ray replied that he felt it was another example of a bill that infringes on the authority of the Board.

Chancellor Nichols reported that the second part of the bill involves reducing the number of Regents to seven with all incumbent terms expiring January 3, 2005. Elections would be held in the fall of 2004 and would stagger terms (3 Regents elected to 2-year term; 4 Regents elected to 4-year term). Thereafter all Regents would serve 4-year terms. The legislature would establish the geographic boundaries of the seven districts. Details of the districts have not yet been drafted.

Regent Derby asked about other bills, such as one involving an appointed selection process. Chancellor Nichols replied that those were still in the works, adding that it would need to be a committee or executive bill that would start the process for a constitutional change making the Board of Regents appointed rather than elected.

Regent Kirkpatrick asked how seven members would represent rural Nevada. Chancellor Nichols replied that the impact was unknown without benefit of knowing the district boundaries.

Regent Derby noted that Nevada's Board of Regents has the large responsibility of overseeing eight institutions, adding that most boards in the country were single-institution boards. The Board's challenge has been to be a state board as well as a board for each of the institutions. She felt the Board had succeeded with its oversight abilities, but was challenged in its ability to effectively advocate for each institution. She stated that it was each Regent's responsibility to be a statewide Regent, a System Regent, and one caring equally for each institution. She related that a single-institution board (comprised of seven members) had been enormously challenged and frustrated by the statutory limit for seven members because they could not work with an effective committee structure, which is critical to governing boards. She related that even 9-member boards face the same challenge. With a 7-member board, it would only require four members to enact policy decisions having incredible impact. Reducing the number of members also reduces the number required for a majority and could provide opportunity for mischief. She felt it would be difficult, if not impossible, with a smaller membership to manage the range of Regent responsibilities under the current structure for eight institutions with an effective committee structure. She related there was momentum to alter the Board of Regents due to the appearance of dysfunction and internal squabbling, adding that such behavior diminished public confidence in the Board. She suggested the Board might want to consider giving UCCSN lobbyists some flexibility regarding the number in an effort to preserve a membership of 13. She felt that it was not right to take away the rights of the public that elected people to a 6-year term. She noted that four seats would be up for election in three years, which could provide an opportunity to reduce the Board size. She suggested the Board could demonstrate some flexibility in considering a membership of 10 or 11, recalling there had been some momentum for a membership of 10 in the last redistricting effort. She felt the Board could put UCCSN lobbyists in a difficult position by insisting upon 13 with no compromise and would have a better chance of avoiding a reduction to 7. She felt strongly that a membership of 7 would not work under the current structure.

Regent Derby related there were advantages to both elected and appointed membership. Appointments are the most common approach to trustee/regent selection in the country. Elected boards cannot be fired. Recently the governor of New Mexico fired the entire (appointed) board. It could be considered an advantage that the governor/legislature could do something about a board appearing to be dysfunctional, difficult, or not fulfilling its charge. An appointed board allows selection of people with certain expertise and stature in the community. The appointing authority would have much more control over the composition of the board. A governor's agenda for public, higher education could be enacted through such appointments, which has occurred in several states. An elected board is more independent and separate from the other political influences of the governor/legislature and reflects the voice of the people. However, a recall vote is required to remove a member. Regent Derby acknowledged the possibility of employing a blended board (elected and appointed membership). She was unsure the public would be willing to relinquish their right to elect board members. She related that North Carolina and other states employ a board of trustees for each institution that is advisory to the State Board of Regents. Some institution presidents see a real advantage to this system because a statewide board tends to be more critical and does not perform the advocacy function an institutional board would. She related that many UCCSN institutions have boards that function in an advisory capacity (i.e., foundation boards, advisory boards), but are not formalized. If there were a strong appetite for that, she suggested the Nevada Board of Regents could delegate advisory capacity to local boards. She acknowledged it would be a radical departure from current practice, adding there was great interest in this process for Nevada. Regent Derby suggested the Board might want to consider these alternatives to display responsiveness to change and the public concerns expressed about altering the Board in some manner. She felt it was very important for the Board to be involved in the discussion.

Regent Hill asked whether General Counsel Ray had reviewed the issue of decreasing the membership of the Board, thereby decreasing/terminating people's terms, and whether it was constitutionally or legally allowable with legislation. General Counsel Ray replied that his department had conducted some preliminary research. The state constitution establishes/creates the Board but does not set the number of members or the terms. He related that it was a prerogative of the legislature to set the Board size as well as the term limits. He was unsure about implementation and potentially shortening the term of a sitting member. In the past, the legislature has tried to address this issue in a manner that would not shorten the term of a sitting member. He related the matter required close scrutiny.

Chair Seastrand asked about pending legislation or litigation regarding reducing the State Board of Education to 10 members, and reducing someone's term. General Counsel Ray replied that he did not know. Regent Bandera stated there was pending litigation because a member had lost their seat. Regent Hill observed that the incident had occurred as the result of redistricting and reapportionment. He questioned terminating a term of office mid-term. He acknowledged that seats had been lost as a result of redistricting. He disagreed with showing flexibility with the number of Board members. He said there were legislators supportive of the current Board size, and that opening that door would undermine those who would retain the current Board size. He had serious misgivings about suggesting that possibility, adding that it would send the wrong message and undermine the Board's supporters. He felt the majority of the current Board membership would not be considered for appointment and that only 20-30 people in the state would be seriously considered for appointment to the Board. He did not favor an appointed form of governance, but he was open to the public's view. He did not agree with reducing the Board membership, nor did he agree with reducing the field of candidates for the Board of Regents. He acknowledged that the best person might not be elected, but the public was afforded the opportunity to remove them with the next election, which would not occur with an appointed board.

Regent Dondero said that she agreed with the system of electing officials, adding that it provided a voice for the taxpayer and those represented, which would likely not occur with an appointed Board. She felt that disagreement was a healthy sign of democracy. She too did not want to back down on the number of Board members. She related that her constituents had indicated that they did not want to relinquish their right to select their representative.

Regent Kirkpatrick suggested that Regent Derby be the primary spokesperson for the Board when testimony is given on this issue. He felt that System lobbyists were not knowledgeable about the subject and that neither the Chancellor nor the presidents would be good candidates to testify about the Board size. He felt that, as a long-time Board member and active AGB (Association of Governing Boards) participant, Regent Derby could educate the legislators. Regent Derby thanked Regent Kirkpatrick for his vote of confidence, adding that she would agree to accompany and support the Board Chair in whatever manner she could. She related that Regents would be invited to speak and felt the Board should speak with one voice.

Regent Schofield stated he would speak out and oppose anyone who would alter the state or U.S. constitutions. He did not want to take away the vote of the people and said that he would object to any compromise (i.e., appointed or blended). He said that he would fight legally to preserve his term of office. He felt it was important to recognize that Regents were elected to the position and that he would fight to remain in office. He observed that the Board could communicate and disagree without being disagreeable. He related that his goal was to help make UCCSN the best university system in the country. He felt the governor had sufficient power and disagreed with allowing the governor to appoint the Board membership, adding that the electorate could eliminate any of those currently serving. He asked Regent Derby not to compromise the Board makeup if she did indeed represent the Board at the legislature.

Regent Howard said that she concurred with her colleagues. She felt that Regent Hill put the matter into perspective very well. She said that she was grateful to have Regent Derby as a colleague, adding that she was happy to utilize her expertise in this area. She felt it was a mistake to take the voice away from the people. She asked whether a vote of the people would be required if the legislature decided to decrease the Board size. General Counsel Ray replied it would not, adding that only a constitutional amendment would require a vote of the people (i.e., appointed vs. elected). He related that the legislature has the authority to determine the Board size. Regent Howard asked whether the Regents being constitutional officers would require a constitutional decision. General Counsel Ray replied it would not. The constitution only establishes that there shall be a Board of Regents to run the university. It was left for the legislature to determine the number of Regents, the size of their districts, and the length of their terms. Regent Howard observed that the legislature was considering reducing the number of Regents to 7 after increasing the Board size to 13 in the previous session. She felt there were problems with the proposed bill as well with the author.

Regent Bandera observed there was a reason for the heavy fighting during the last session to increase the Board size to 13. She felt that any premature discussion by the Board for lowering that number would be a mistake. She felt that discussion of the number in the legislature could be related to who won and lost that decision in the last session. She felt that Board behavior could be used as an excuse for legislative review, noting that other boards in Nevada had encountered times of dissent and contention without legislative consequence. She observed that North Carolina's board of governors was comprised of 32 members with sixteen separate 13-member advisory boards for each of the institutions. North Carolina's board of governors has delegated many responsibilities to the trustees, so the trustee boards were more than advisory at the individual institutions. She related that, while presidents might support individual boards for their institutions, it would be difficult to coordinate eight groups plus a governing board testifying before the legislature with the same message. She

observed there were complications with the use of institutional advisory boards and a statewide governing board. She felt that a decision about the appropriate Board size and makeup would require further research and that she would be hesitant to take a position without further discussion.

Regent Anthony said that he opposed the bills and felt the Board should go on record collectively and unanimously in opposition of reducing the number of Regents and/or appointed positions. He agreed with Regent Derby speaking to the legislature, but felt the entire Board should express their position as a group. He observed that the Board had always done its job and moved the System forward.

Regent Sisolak stated that he had served on two appointed boards and did not feel that elected was necessarily better than appointed. He felt the point of the discussion related less to the number of Board members and whether they were appointed or elected, but rather the position the legislators were in due to perception and Board behavior. He observed that the Board had attempted to take away the voice from the campuses during its discussion of tenure. Regent Sisolak stated there was a process for how things are done. He felt the Board put legislators in tough spots by spending money and asking the legislators to collect it from their constituents. He related that legislators had to respond to constituents for Board action. He observed the Board had voted to increase the size to 13, adding that multiple size scenarios had been discussed. He felt there was no Board consensus for the appropriate size. He observed that individual comments to the press had contributed to the predicament. He felt the Board had an opportunity to demonstrate whether it could work with its behavior and examples, rather than by testifying before the legislature. He felt it was important for the Board to accept some responsibility and change the perception. He said there was dissatisfaction in the legislature regarding the Board of Regents. He felt that Regents needed to be positive spokespersons for the System and that individual behavior provided more of a setback.

Regent Rosenberg observed that much of the discussion related to perception of the Board and had no basis in fact. He thought the Board should encourage staff to be more proactive in responding to statements in the newspaper. He felt the Board had a good record and that most of the institutions were flourishing. He observed that the System desperately needed money. He felt the Board should be more proactive in communicating the will of the Board (all 13 members) to the public.

Regent Derby felt that it had been a productive discussion. She agreed that the perception had undermined the public confidence in the Board. She was greatly concerned that the Board size could be reduced and that some elected members could lose the ability to fulfill their terms. She said that it was not uncommon for a legislature to be faced with the appearance of a board of trustees not functioning well and making radical change. She said that she was absolutely committed to the electoral system. She acknowledged that other models of governance also entailed complications. She suggested the Board could caution the legislature that making a radical change (reducing the number) and recommending appointed Regents might not solve the problems. A new set of problems could arise with a different structure. She said that the Board of Regents had the responsibility to change the public perception that they had created and to regain the public trust.

Regent Hill moved approval of adopting a resolution: We, the Board of Regents of the University and Community College System of Nevada, support the right of the people to elect their representatives at all levels of government and oppose any move to take away the vote of the citizens of the state of Nevada. We further oppose any intent to remove officials elected by the people of the state of Nevada. We further oppose the reduction of the number of Regents, which we believe will result in a board, which is less responsive to the people, the state, and the needs of higher education. We affirm the correctness of the Nevada legislature's decision two years ago in setting the number of Regents at 13. Regent Anthony seconded.

Regent Schofield was troubled that the legislature had previously increased the Board size to 13, yet was now proposing to reduce the number without providing an opportunity to demonstrate that 13 members could be effective and efficient. He asked that the Board be permitted the opportunity to perform. He felt the Board now had a more positive direction. He felt the Board could make an impact by adopting the resolution and standing unanimously behind it.

Regent Whipple offered a friendly amendment to include that Regent Derby assist Chair Seastrand to deliver the Board's collective position to the legislature.

Regent Hill asked whether the Chancellor required the amendment to deliver the message. Chancellor Nichols replied that she did not. She felt that Board members should testify since this was a Board of Regents' issue. She was unclear whether the amendment would preclude any other Regent from speaking. There was general agreement that it would not. Regent Hill said that the Chair was the Board's representative, adding that anyone else was free to accompany him. He said that he would not object to allowing "the Chair and all Regents" or "the Chair and the Chancellor", but was concerned with delineating specific Regents.

Chair Seastrand suggested the Board pass the resolution as stated and take the friendly amendment as a directive. All members agreed.

Regent Sisolak stated he would not support the motion because it would put the Chancellor and System in an extremely difficult position, adding that a two-thirds majority was required to approve an 86% funding level. He observed that the legislators were entitled to their opinions and he was opposed to taking on an individual legislator at a time when the System was dependent upon their approval for funding.

Chair Seastrand observed that the Chancellor needed to know the Board's position. He felt it was appropriate for the Board to have a position statement.

Chancellor Nichols observed that working with the legislature was a very delicate process. She said that it was important for her to know the Board's stand and to receive a clear message. She related that it was difficult to address this issue as a priority of the Board while simultaneously fighting for the necessary funding. She said that it was legitimate for the Board to take a position, but she hoped that they would carry the message. She said that she would work on their behalf, but she could not make it her top priority because she had to focus on the budget.

Regent Rosenberg said that it was important for the legislature to understand that they were not funding the Board of Regents but rather the System's students – their constituents. He felt it was important for the Chancellor to convey that message as well, adding that they should not punish the students because they were angry with the Board of Regents.

Regent Derby said that it was important for the Board to speak with a single voice. She was concerned about putting the Chancellor and legislative team in a difficult position and that the legislature could interpret the Board's stand as a challenge to their authority.

Chair Seastrand asked whether the Chancellor would prefer the Board not offer a resolution on this issue. Chancellor Nichols replied that the motion consisted of three parts: 1) the Board prefers and stands strongly behind an elected Board; 2) the Board does not want the terms of sitting Regents to be reduced; if the Board were reduced, the Board desires a remedy that would protect the integrity of those terms; 3) the Board wishes to remain with 13 members. She felt there was some wisdom in directing her not to consider anything less. She related that the alternative was for the Board to express their will to her. She said that she had listened to their positions and concerns and could carry those as well. She related that it was up to the Board to decide. She said that she would keep the Board apprised weekly and that Board members could be a part of the hearings. Chair Seastrand felt the will of the Board was clear. He wondered whether adopting the resolution was a wise move and whether the motion should be withdrawn.

Regent Howard asked about the mood and discussion in the legislature. She had been told that the bill reducing the membership would not pass. Chancellor Nichols replied that there was a general sense that they would like to do something about the Board. She did not have a sense of the discussion regarding that bill. She related that it was complicated by being a dual-purpose bill. She said there was a general sense that they would like to take some public action to express to the state that they are aware of the perception of the Board of Regents and that they were responding. Regent Howard asked whether it would be helpful to the Chancellor for the Board to pass the proposed resolution. Chancellor Nichols replied that it was helpful for her to know the position of the Board, adding that she had a clear sense of that. She said that it was also helpful not to tie her or other Regents' hands. She felt that a clear expression had been made of the Board's will for a preference of 13 members, elected representation, and protecting the integrity of the existing terms. She said that some flexibility to protect the Board, as large as possible, would be helpful. Regent Howard felt the Board should go forward with the motion.

Regent Hill felt the Board should go forward with the motion, adding that they were entitled to their opinion.

Regent Derby was concerned about allowing room for flexibility when negotiating the number of Regents. She suggested softening the language in the third portion of the resolution.

Regent Rosenberg asked whether the resolution would preclude any negotiation. Regent Hill replied that the resolution stated the Board's position. He observed that the Board was demonstrating a lack of resolve and some of the dysfunction that may have caused the criticism. He felt the resolution was the Board's position, adding that the legislature would do what they would. He felt that opening the door (to allow reduction) would be a mistake. He felt the Board should take a position and move on. Regent Rosenberg asked whether the resolution would preclude the Chair from any negotiating without coming back to the Board. He felt that restricting the Chair would be a different situation.

Regent Hill replied that this was one of the things for which the Board elected a Chair. He could not predict what the Chair would do, but felt the Chair had heard their voice.

Regent Dondero called for the question. Regent Howard seconded. Upon a roll call vote the motion to call the question carried. Regents Anthony, Bandera, Derby, Dondero, Hill, Howard, Schofield, Seastrand, and Whipple voted yes. Regents Kirkpatrick, Rosenberg, and Sisolak voted no. Regent Alden was absent.

Upon a roll call vote the motion for Resolution 03-04 carried. Regents Anthony, Bandera, Dondero, Hill, Howard, Schofield, Seastrand, and Whipple voted yes. Regents Derby and

Rosenberg voted a qualified yes if the Chair and Chancellor have the ability to negotiate the number of the membership. Regents Kirkpatrick and Sisolak voted no. Regent Alden was absent.

Chancellor Nichols continued her review of legislative bills:

- AB 246 (Center for Crime Statistics) - Establishes a Center for Analysis of Crime Statistics at UNLV and provides that the Center may accept and expend gifts, grants, and donations of money. The Center must be established by the state in order to be eligible for federal funds.
- AB 392 (Longevity Pay) – Would provide increases for classified employees with more than 8 years service.
- AB 400 (Private Information) - Authorizes certain state officers and employees to have personal information contained in county assessor records (confidential in some circumstances).
- AB 426 would require school districts to reimburse UCCSN for the cost of remedial education up to \$400,000/year, which would not cover the actual cost.
- SB 305 would require the Board to create a Council on Graduate and Medical Education.
- SB 306 (Nevada National Guard Benefits) – minor changes to the bill.
- SB341 provides for payment of certain fees and expenses of high school students taking college courses. UCCSN will watch this bill closely so as not to jeopardize existing UCCSN methods.
- Employee Health Benefits – A matter of great concern to employees, the state health system has been in great jeopardy. The PEBP Board has reviewed rather draconian possibilities for charging employees for health care, higher deductibles, and higher family member costs. A plan has been adopted, which is contingent upon the legislature not passing AB 222, AB 165, and AB 286. Efforts to protect System employees have been ongoing.

The meeting recessed at 9:50 a.m. and reconvened at 10:02 a.m. with all members present except Regent Alden.

15. Information Only-Procedures for Informational Requests by Regents – The Board discussed language on procedures for informational requests by Regents as proposed by Chancellor Jane Nichols. The recommendations reflected the Board's discussion of a proposal made by Regents Anthony, Schofield, and Whipple at the January 2003 meeting. (Ref. I on file in the Board office)

Regent Anthony moved approval of the procedure (items 1-7) with the following addition to item #4: (3rd line after Regents,) add "or if the cost or time required to compile the information is unreasonable" without the options. Regent Hill seconded.

Regent Rosenberg asked whether the Board had addressed this matter in January. Chair Seastrand clarified that the Chancellor's staff had developed the policy with options for Board consideration, adding that no action was taken in January.

Regent Sisolak asked whether a Regent could interpret the language as restricting their constitutional authority to request information by giving one elected official more power than another. General Counsel Ray replied that the policy could not infringe on the rights of an individual Regent. Regent Sisolak asked whether the policy (as written) could do so. General Counsel Ray replied that it was possible, but would not if implemented in a reasonable fashion.

Regent Rosenberg observed that it would put the Board Chair and Vice Chair in a difficult position to interpret what comprised "too much". Chair Seastrand agreed it would put a lot of responsibility on the Chair and Vice Chair but did not want to put a damper on the policy. His only concern was providing the Chair too much power. He felt the recommendations provided included many positives.

Regent Anthony clarified that the intent was to prevent Regents from approaching any System individual to gather information, adding that he felt it was appropriate. He related that most requests would be sent to the Chancellor (or other excluded members). If some controversy occurred while gathering the information, the Board Chair would need to become involved. He stated that the intent was not to tie anyone's hands or to put the Chair in a difficult position. He felt that Regents should approach certain individuals to gather specific information, which would not preclude a Regent from asking questions.

Regent Hill felt that it was a good policy, adding that the policy could always be amended.

Regent Derby said that she was supportive of the intent, agreeing that nearly all Regent requests should be directed to those individuals excluded from the policy. She expressed concern for consequences surrounding those not following the procedure or those feeling their access to information had been limited inappropriately. She asked whether a Regent could sue or approach the Attorney General and make the Board appear further dysfunctional. She felt it was a good step towards developing guidelines, but was concerned it could be interpreted as limiting access to an elected official. General Counsel Ray suggested that it was appropriate to have a pathway to seek information. He expressed concern about the part allowing someone to decide whether or not access to information would be provided. He related that channeling requests through specific individuals was not a problem. Regent Derby asked whether denying a request would be problematic. General Counsel Ray replied that it would depend upon the basis for the denial. Chair Seastrand clarified that, if the Chair or Vice Chair denied a request, it could be appealed to the full Board for a decision.

Chancellor Nichols reported that staff considered alternative language, which addressed Regents Sisolak's and Derby's concerns. The alternative would stipulate that all requests for information must be directed to the Chancellor, the Presidents, the General Counsel, the Chief Administrative Officer, or the Director of Internal Audit. She suggested including such a statement in the procedure. Regent Derby felt that was a good alternative and others agreed.

Regent Anthony disagreed and observed that a definition for information would still be required as well as stipulating that other employees could be approached. He felt that changing the language in item #1 to the Chancellor's suggestion would be too limiting.

Regent Howard asked whether a timeframe had been considered, noting that some of her requests had not been delivered in a timely manner. She related that some institutions were better than others in responding. She felt there were some concerns about the amount of time it took to deliver Regents' requests. She was also concerned about losing her right as an elected official to seek information and having to ask another Regent for information she required. She observed there were ways around it, adding that if the Chair determined that she should not have the information she could approach the Legislative Counsel Bureau, a senator, or a state assembly person to have them request the information on her behalf. She felt there was no point to the procedure. She felt that, as an elected official, she should be able to request information to perform her duties. She agreed there should be a process, adding that she had followed the process in place. She felt it was a good process in place and that the only problem had been with timely delivery. She felt the Board should give the current process a chance prior to changing it. She suggested tabling the item to allow further thought and adjustment to the language rather than spending time discussing the matter.

Regent Howard moved approval of tabling the item indefinitely. Regent Sisolak seconded. Upon a roll call vote the motion failed. Regents Anthony, Bandera, Derby, Dondero, Hill, Kirkpatrick, Rosenberg, Schofield, Seastrand, and Whipple voted no. Regents Howard and Sisolak voted yes. Regent Alden was absent.

Regent Dondero observed that she would ask the Chancellor, the Presidents, or General Counsel if she were approached with a request.

Regent Whipple felt the procedure would not be implemented often since most requests would be made of the individuals exempted. The intent of the procedure was to strengthen the team focus of the Board. He felt it would be highly improper for a Regent to enter a classroom and demand something. The intent of the procedure was also to establish a chain of command and not to prohibit access to information, but rather the method used to obtain it. He was concerned about possible constitutional violations.

Regent Howard asked whether the Chancellor felt the current process was working. Chancellor Nichols replied that she felt the process was working very well. She noted a shift in Regents' perception for requests coming through the Chancellor. She related that System staff wanted to fulfill that role for Board members. Regent Howard supported putting requests in writing, but was concerned that when the information was shared with other Regents that the press was often made privy to such requests. She related that written requests were sometimes not beneficial to the institution or individual involved.

Regent Schofield left the meeting.

Regent Sisolak recalled that he had been previously denied information until he approached the Attorney General's office. He asked what would prevent similar scenarios. Regent Kirkpatrick observed that he would take that course of action. General Counsel Ray observed that Regent Sisolak had always received the information when he called the General Counsel's office. Regent Sisolak agreed. General Counsel Ray felt that channeling informational requests was a good policy and courtesy to afford the presidents. He was concerned with the decision/review-making process and recommended it be deleted. Regent Sisolak did not object.

Regent Whipple was also happy to concede to General Counsel's advice.

Regent Anthony asked what would happen if the Chancellor denied the request. General Counsel Ray said that he would review whether or not the information could be provided.

Regent Whipple clarified that it was not a matter of denying information, but rather establishing a proper channel for such requests. He related that the procedure allowed the Chair, Vice Chair, and Chancellor to review such requests, adding that the requestor could appeal a negative decision to the entire Board.

Regent Derby recalled there had been a problem with informational requests while she was Board Chair. The institutions and staff were overwhelmed by requests for information at all levels. She released a memo suggesting there be some process and guidelines where information could be channeled as was suggested in the proposed procedure. She related there was no intent to limit information, but rather a proposal to channel such requests in a manageable manner. Regent Sisolak clarified that the Attorney General had determined that it was not appropriate, noting that the Board was again attempting to do the same thing. He said that he agreed wholeheartedly with the intent.

Regent Anthony stated that the procedure could be amended if it were found to be problematic.

Regent Anthony called for the question. Regent Hill seconded.

Regent Schofield entered the meeting.

Regent Derby asked whether the procedure could be legally challenged as limiting access to information. General Counsel Ray replied that, if there were no legal basis to support the Chair denying a Regent's request, there could be a problem with violating the individual rights of a Regent. He related there could be legitimate reasons for denying the request (i.e., violating federal law).

Upon a roll call vote the motion to call the question failed. Regents Anthony, Bandera, Derby, Dondero, Hill, Schofield, Seastrand, and Whipple voted yes. Regents Howard, Kirkpatrick, Rosenberg, and Sisolak voted no. Regent Alden was absent.

Regent Whipple observed that the only occasion when the procedure would be constitutionally challenged would be if the Chair denied a request for information unreasonably. General Counsel Ray clarified that if the Chair denied the request with a legal basis there would be no problem. If the Chair denied the request and it did violate a Regent's right, it could prove problematic.

Chancellor Nichols asked the Board for an opportunity to work with legal counsel on the wording for the procedure. She related that some of the reasons provided for denial would not be legally permissible. She said she would bring the item forward at the next Board meeting.

Regent Rosenberg moved approval of tabling the item to the next meeting. Regent Kirkpatrick seconded.

Regent Sisolak noted a point of order, observing that this was the second motion to table with a motion yet to be voted upon.

Regent Anthony withdrew his motion for approval. Regent Rosenberg withdrew his motion to table.

16. Approved-Board of Regents' Workshop – As a follow-up to the retreat proposal made at the January meeting, the following options were suggested:

- A workshop to be held on June 6-7, 2003 at the Oasis in Mesquite. Rooms are \$39.00 plus tax. The cost for the meeting room, breakfast, lunch, and beverage service for two days is estimated at \$1,000. There would be travel costs for the northern Regents.
- A workshop to be held on June 20-21, 2003 following the June meeting at the Cal-Neva Resort at Lake Tahoe. Rooms are \$109.00 plus tax. The cost for the meeting room, breakfast, lunch, and beverage service for two days is estimated at \$1,000. There are no additional travel costs for Regents.
- A workshop to be held on June 20-21, 2003 following the June meeting at the Horizon Casino Resort at Lake Tahoe. Rooms are \$89.00 plus tax. The cost for the meeting room, breakfast, lunch, and beverage service for two days is estimated at \$1,000. There are no additional travel costs for Regents.

Regent Whipple stated that AB 353 calls for informational seminars. He felt there was an obvious need for Board members to get together and work in a workshop format. He related that the advantage to the proposals in the north was that the workshop would immediately follow a regularly scheduled meeting and there would be no additional travel expenses.

Regent Whipple moved approval of a Board of Regents' workshop to be held at the Cal Neva Resort. Regent Anthony seconded.

Regent Derby supported the motion. One of the principles of good trusteeship is to provide an opportunity for Board members to focus upon their performance. She felt it was very important to take time once a year (or every other year) to do this. She related that some legitimate issues would be raised about the expense. She noted that the Board was anxious about receiving an 86% funding level. She felt it was important for the Board to compromise and make real efforts to economize. She felt strongly that a workshop would help the Board become a better board. She suggested reviewing ways to limit the expense (i.e., one night of lodging, use of host funds) in recognition of the limited resources. She felt that Board members would benefit from the time invested. She suggested selecting a site away from the regular Board meeting where members could be comfortable, relax and apply themselves.

Regent Sisolak observed that the Chancellor had reported significant potential cuts this fiscal year. He did not believe that the Board would approve one of the campuses planning a retreat to Lake Tahoe. He felt that holding a retreat would not be prudent, especially if a mandate was given to return money to the state. He asked about holding the retreat in July (next fiscal year). He observed that host funds could be used to meet a legislative mandate to return funds. He observed that, no

matter how the retreat was paid for, it was still money that could be used for a better purpose and that it was not prudent to hold a retreat in this fiscal year.

Regent Kirkpatrick asked about the dates for the ACCT (Association of Community College Trustees) meeting in June. It was determined that there would be no conflict with the dates proposed for the workshop.

Regent Schofield observed that continuing education was offered in all UCCSN institutions. He felt the workshop would provide a valuable learning experience. He said that he would have no qualms about discussing the workshop with the public. He felt that members would become better Regents by educating themselves, adding that the workshop would actually be an educational endeavor.

Regent Whipple agreed with Regent Schofield, adding that he looked forward to becoming a better Regent. He acknowledged the serious financial situation, adding that the workshop would be contingent upon System Administration's ability to afford the costs. He related that it could be set aside if financial conditions precluded such an expense. He felt the workshop would be more effective with majority participation.

Regent Anthony observed that the Board could delay the workshop at the May meeting if conditions arose that prevented the expenditure in the current fiscal year.

Regent Rosenberg urged that the workshop would be one of the most important things the Board could do.

Chair Seastrand agreed that it was important for Board members to get together and that it was an educational experience. He felt it would provide an opportunity to discuss planning efforts and the Master Plan for education, which could not be accomplished during a regular Board meeting. He requested feedback and suggestions from Board members.

Regent Derby asked whether the motion limited flexibility with the number of nights that members would stay. Ms. Ernst explained that the motion indicated an overnight stay at the Cal Neva Resort on Friday night. Chair Seastrand requested an agenda item for the next meeting, which would provide more details.

Regent Whipple clarified that the Board could terminate the proposal if it was determined to be unaffordable.

Motion carried. Regent Sisolak voted no. Regent Alden was absent.

17. Approved-Handbook Revision, Privacy of Protected Health Information – The Board approved Chancellor Jane Nichols' and General Counsel Tom Ray's request for a new policy (Title IV, Chapter 1, new Section 26) necessary for the implementation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This federal privacy rule becomes effective April 14, 2003. (Ref. J on file in the Board office)

General Counsel Ray reported that the proposed policy was necessary to implement a new federal law. He related that federal law required that an HIPAA policy be in place by April 14, 2003.

Regent Kirkpatrick moved approval of the new policy concerning the privacy of protected health information. Regent Hill seconded. Motion carried. Regent Alden was absent.

18. Approved-Handbook Revision, UCCSN Code, State College Tenure, NSC – The Board approved President Kerry Romesburg's request for final action on an amendment to the UCCSN Code (Title II, new Chapter 7) to establish guidelines and criteria for faculty tenure at Nevada State College at Henderson. Per Board policy, this item was presented for information at the January 2003 meeting. (Ref. N on file in the Board office)

Regent Kirkpatrick moved approval of the Handbook revision concerning state college tenure. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

19. Approved-Handbook Revision, Admission & Registration Policies, NSC – The Board approved President Kerry Romesburg's request for amendments to the Board of Regents' Handbook (Title IV, Chapter 16, Section G) to update policies on admission, registration, grades and examinations for Nevada State College at Henderson. The new language is consistent with current Board policy for other UCCSN campuses. (Ref. O on file in the Board office)

Regent Hill moved approval of the Handbook revision concerning admission and registration policies for NSC. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

20. Approved-Handbook Revision, General Scholarships, NSC – The Board approved President Kerry Romesburg's request to add Nevada State College to the Handbook section related to general scholarships (Title IV, Chapter 18, Section 11). This addition to current policy identifies who will administer scholarships at NSC and establishes criteria for undergraduate scholarships for state college students. (Ref. P on file in the Board office)

Regent Hill moved approval of the Handbook revision concerning general scholarships at NSC. Regent Bandera seconded. Motion carried. Regent Alden was absent.

21. Approved-Resolution 03-05, University Debt Refinancing – The Board approved Vice Chancellor Dan Miles' request for adoption of a Bond Resolution to refinance outstanding UNR and UNLV bonds to achieve interest rate savings. (Ref. Q on file in the Board office)

Regent Hill moved approval of Resolution 03-05 concerning university debt refinancing. Regent Bandera seconded.

Regent Sisolak asked about the amount of outstanding debt that could be refinanced at a more favorable interest rate. Vice Chancellor Miles replied that System Administration was reviewing the debt in an effort to take advantage of every opportunity. Mr. Scott Nash, Johnson Consulting Group, replied that they had reviewed the various outstanding debts in search of refunding opportunities. This transaction would result in a \$2.4 million interest savings. Some of the bonds have limitations on the System's ability to refinance. He related that each opportunity would be brought before the Board as expeditiously as possible. Regent Sisolak asked whether there was a way to expedite the process. Mr. Nash replied that all debt had been reviewed, though some bonds could not be refunded at this point in time. He said they could not move any faster than they currently were. He related that some bonds would not yield a sufficient savings to justify refinancing. He related that he would continue to monitor the situation. Regent Sisolak asked whether there were any bonds that were not refundable. Mr. Nash replied that some relatively short bonds were not. Regent Sisolak requested an example. Mr. Nash replied that bonds issued for less than 10 years would likely not be refinanced, adding that federal tax law also prevented some bonds from being refinanced; there are only so many opportunities. Regent Sisolak asked whether options were provided with the new bonds. Mr. Nash replied that the Board would maintain flexibility on bonds being sold to call. He related that bonds could be sold for reasons other than to achieve a favorable interest rate. He reported that he was attempting to provide as many options as possible while still considering the cost.

Regent Howard asked why the item was in the form of a resolution and why the Finance & Planning Committee or Investment Committee had not considered the item. Ms. Kendra Follett, Swendseid & Stern, replied that a resolution was required by state law. Vice Chancellor Miles replied that, traditionally, such requests had come before the full Board. Regent Howard felt that one of the committees could have addressed the issue to save Board time. Chair Seastrand thanked Regent Howard for her suggestion, adding that he would discuss the matter with the Chancellor.

Motion carried. Regent Alden was absent.

22. Approved-Naming of Keystone Theatre, TMCC – The Board approved President Philip M. Ringle's request for naming the newly acquired Keystone Theater the TMCC Nell J. Redfield Foundation Performing Arts Center. (Ref. V on file in the Board office)

Regent Derby moved approval of the Keystone Theatre naming for TMCC. Regent Rosenberg seconded. Motion carried. Regent Alden was absent.

23. Approved-Land Transfer, WNCC – The Board approved President Carol Lucey's request for transfer of an estimated 40 acres of land (easements and fee simple) on the Carson City Campus to Carson City in exchange for considerations valued at an estimated \$279,500. (Ref. W on file in the Board office)

Regent Rosenberg moved approval of the land transfer for WNCC. Regent Bandera seconded.

Regent Sisolak asked about the appraisal. President Lucey replied that the packet of information comprised three separate parts. Ms. Ernst explained that it had been a lengthy reference item and that they had attempted to fax the necessary information to Board members. Regent Sisolak said that he required time to read the information.

Chair Seastrand agreed to hold the motion in abeyance until Regent Sisolak could digest the information.

Regent Bandera called for the question. Regent Rosenberg said that he was willing to hold the item until Regent Sisolak was ready to vote.

24. Approved-Lease of Water Rights to Washoe County, UNR – The Board approved President John Lilley's request for a 3-year lease to Washoe County for water rights from fallow fields at the Nevada Agricultural Experiment Station, Main Station Field Lab. This water has been leased to the county since 1989 to facilitate the Golden Valley/Lemmon Valley groundwater recharge research project. (Ref. X on file in the Board office)

Regent Rosenberg moved approval of the lease of water rights to Washoe County for UNR. Regent Dondero seconded. Motion carried. Regent Alden was absent.

25. Approved-Acquisition of Real Property, UNR – The Board approved President John Lilley's request for the purchase of real property located at 1071 Evans Avenue, Reno, Nevada. The appraised value of the property was \$215,000. (Ref. Y on file in the Board office)

Regent Hill moved approval of the acquisition of real property for UNR. Regent Dondero seconded.

Regent Sisolak asked about the realtor's connection to the university and how the property was brought to the university's attention. Mr. Ron Zurek, Special Assistant to the President for Administration and Finance-UNR, replied that an elderly couple living in the home wanted to sell the property for the appraised value and did not use a realtor. Regent Sisolak asked whether money to purchase the property would be taken from the property acquisition account. Mr. Zurek replied that it would. Regent Sisolak asked about that account balance. Mr. Zurek replied that the remaining balance was approximately \$400,000.

Regent Howard asked about the location of and intended use for the property. Mr. Zurek replied that UNR was in the process of acquiring property for the expansion of the main campus (long-term). In the interim, most of the homes acquired are rented to students, preferably married students. Increasingly, UNR has been renting these properties to self-supporting units on campus due to lack of space. Regent Howard asked where UNR got the money. Mr. Zurek replied that UNR used the property acquisition fund, which is primarily funded by rental income from university-held properties.

Motion carried. Regent Alden was absent.

26. Information Only-William S. Boyd School of Law Tuition & Fees, UNLV - This was the first hearing of President Carol C. Harter's request for approval of increased tuition and fees for the William S. Boyd School of Law for the 2003-2005 biennium. Final action will be taken at the May 2003 meeting. (Ref. S on file in the Board office)

President Harter reported that the request comprised a modest increase of 3½%.

27. Approved in Concept-Student Union & Recreation Center Fee, UNLV – The Board approved in concept President Carol C. Harter's request for a fee to support the renovation and expansion of the Moyer Student Union and construction of a new student recreation center. (Ref. T on file in the Board office)

President Harter reported that discussions regarding the two facilities began in 1997. UNLV's growth has required rapid building and renovation. Students strongly desire to enhance the quality of campus life to create scholarly and student community on campus. Approximately two-thirds of the funds for new buildings have come from private donations. She reported that Vice President Mills had worked tirelessly over the last 1½ years with consultants to determine whether students were interested in funding the facilities, knowing that the state would not. Due to the difficult financial situation, UNLV students have agreed to accept the responsibility of funding the facilities they require to enhance student life at UNLV.

Dr. Rebecca Mills, Vice President, Student Life-UNLV, reported that a comprehensive study revealed the need for new facilities. Moyer Student Union opened in 1968 and the recreation center opened in 1975. Now UNLV's 25,000 students crowd these facilities. She related that student retention was directly tied to students' engagement with the university, adding that students learn as much outside of the classroom as they do inside the classroom. She asked that, as UNLV continues to grow, the Board allow UNLV to work with its students to provide first-class facilities to support their learning. She related that it was common to fund such facilities with student fees, adding that the student fee would support construction of a new recreation center as well as a sizeable addition and renovation to Moyer Student Union. The new recreation center would be built near the Thomas & Mack Center, providing easy accessibility for commuting students, and near the residence halls. Currently, students travel the furthest distance across campus to access the recreation center. She related that UNLV felt the proposed fees were reasonable when compared with national data and that the new facilities would contribute to UNLV's future. The consulting firm of Brailsford & Dunlavey reviewed UNLV's existing facilities and compared them to peer and benchmark institutions. Five-thousand students were involved in focus groups and surveys.

Mr. Jeff Turner, Vice President, Brailsford & Dunlavey, reported that students were demanding these facilities across the country. Such facilities play a valuable role in providing campus community, quality of life, and a complete education. He reported that over 50% of UNLV students belong to off-campus health clubs (paying fees exceeding \$200/year in some cases). A comparison of peer and benchmark institutions revealed a national trend for funding such facilities with student fees (21 of 23 schools surveyed are building or planning new recreation and renovated student union facilities). He related that the existing recreational facility (McDermott Center) is not a contemporary recreational facility, adding that it is a shared-use facility with Physical Education and the Athletic Department. Often students do not have access to the facility when they want to use it. He related that today's students desire unlimited access to the facility (i.e., late night and 24-hour programming). Moyer Student Union is 35 years old and too crowded (over 90% of the students use MSU as opposed to 40% who use McDermott Center). UNLV's enrollment has grown dramatically. The national average allots 10-sq. ft of space per student per building. Over 50% of the students surveyed support improvements to these facilities even if they have to pay for them. Campus approvals were received from CSUN (Consolidated Students of the University of Nevada) and the GPSA (Graduate and Professional Student Association). The \$50 million project entails 165,000-gross sq. ft. of indoor space

in addition to some outdoor components, and is targeted to open in Fall 2006. Student preferences were surveyed to determine what students desired in the new facilities. Mr. Turner provided comparisons of UNLV's recreational facilities with contemporary facilities. He reported that Moyer Student Union's size would double to 160,000-gross sq. ft., including additional outdoor seating and performance space to take advantage of Las Vegas' favorable climate. The \$38 million project would comprise two phases (Phase I-addition; Phase II-renovation), minimizing disruption to the existing operation.

Vice President Mills reported that the new student fee would be used for construction of the recreation center, the renovation and addition to the student union, as well as personnel and non-personnel costs and the appropriate level of reserves for a project of this size. The new fee would be phased in over the next 4 years. The full fee would not take effect until the facilities are available to students. She related that the fee was not high when compared with fees for other institutions. The initial fee will generate the monies to pay the pre-construction costs (reducing the amount of bonding required), early staffing costs, and new equipment. Alumni will receive credit for paying the early fee. Additional benefits include: student employment opportunities, internships, and graduate assistantships (tied to recruitment and retention). The existing McDermott Center would provide much needed space for other UNLV programs. Vice President Mills then introduced a group of student members from the Student Rebel Renovation Committee.

Ms. Molly Scott, a Sports Management graduate student, provided a presentation punctuated with music and students wearing styles (and hairdos) of the time period since Moyer Student Union opened in 1968:

- 1968 – Donald C. Moyer Student Union opens with 77,000-sq. ft. providing 15-sq. ft./student for UNLV's 5,000 students (200 live on campus).
- 1975 – McDermott Physical Education Complex opens with 120,000-sq. ft. for UNLV's 7,500 students. MSU provides 10-sq. ft./ student (the national standard).
- 1988 – MSU provides 4.7-sq. ft./student for UNLV's 16,000 students (650 live on campus).
- 1997 – MSU provides 3.75-sq. ft./student; 20,000 students (1,100 live on campus).
- 2003 - MSU currently provides 3-sq. ft./student; 25,000 students (1,500 live on campus).

Ms. Scott urged Board approval of the new fee for a renovated and expanded student union and new recreation center, which would have a positive impact on recruitment. Students would realize state-of-the-art facilities and a connection to campus, yielding an increased sense of campus community. There would be more meeting space for student organizations and more recreation space. She related that including the fee in a financial aid package would allow underprivileged students to receive the services on campus at no extra cost. New facilities would provide increased job opportunities for student staff that translate into career goals (i.e., physical trainers, conference services) and student retention. The students then provided board members personalized hard hats.

Regent Dondero moved approval of the new student fee for the student union expansion and renovation and a new recreation center at UNLV. Regent Rosenberg seconded.

Regent Kirkpatrick stated that he had long advocated increasing the size of MSU, adding that he did not want the students to pay for it. He felt that, if the Board required UNLV students to pay for the expansion, he would expect UNR students to pay for their student union as well. He noted that it would require students to pay \$155/semester (\$310/year) in addition to other fees. He asked about increased costs for students living on campus. Vice President Mills replied that students living on campus next year with the most expensive board plan would pay \$5,400/semester (\$10,800 per year), well within the lower 5-6 tuitions in the country. Regent Kirkpatrick related that the Board tried to keep student fees as low as possible so as many students as possible could attend. Vice President Mills related that commuting students would realize an increase of \$159 next year.

President Harter stated that the student services building was on the capital list and would be funded if the additional property tax were passed. She related that the state would provide money for a student services building (admissions, registration, financial aid, and career planning), but would not fund a student union or recreational center, which must be paid with student fees. She related that UNR's proposal would also be funded with student fees. Regent Kirkpatrick was bothered that the burden would be placed on the students.

Regent Howard shared Regent Kirkpatrick's concerns, adding that she opposed increased student fees in the past in consideration of students' ability to pay. She related that nearly 50% of the students did not support this. Vice President Mills was surprised that 54% "agreed or strongly agreed" to the increase. The amount of the fee increase was included in the survey. Only 25% did not want to pay at any cost (comprised of part-time students taking 1-2 courses). She acknowledged there would never be total agreement for increased fees, adding that 54% of the students realize the benefit of the facility. She related that the fee would become part of the financial aid package. Regent Howard stated that it sounded good, but it was not reality. She again noted that only half of the students agreed and asked about the other half. Vice President Mills reported the following survey results:

- 54% - yes, absolutely.
- 25% - not at all supportive.
- 19% - somewhat supportive, (revealing that 75% of the students were at least somewhat supportive).

Mr. Turner related that student approval rates would increase with a better understanding of the benefits. Regent Howard said that she did not support increased student fees.

Chair Seastrand asked whether private companies had been contacted, adding that it appeared to be a high capital investment. He asked whether another company would be willing to build the facility with usage fees paid by the students desiring to use the facility. Mr. Turner replied that it was a large challenge, with many large, non-revenue generating spaces (i.e., lounges, student organization and government space). He felt it would be challenging for a private company to make it work financially. Chair Seastrand observed that UCCSN had no money and UNLV wanted to increase student fees to finance the project in advance while only some students would use the facility. He suggested UNLV pursue other ideas. Vice President Mills replied that UNLV had not done so formally, adding that similar fees would be required in order to build the facility.

Regent Derby acknowledged the difficulty of imposing a significant fee increase on all students, including those not using the facility. She agreed it would be a wonderful enhancement for the campus and students. She noted a direct relationship between college participation rates and cost. She observed that, often, \$50-100 could make the difference in a student's ability to afford tuition and fees, while borrowing money to pay for books. She said that she could see the potential enhancement for UNLV, but was also cognizant that \$90 million was a significant amount of money requiring a significant fee increase. She was pleased that including the fee in a financial aid package would mitigate the burden somewhat. She expressed concern with the timing of the request and the impact it could have with the legislature. She requested feedback from the Chancellor. Chancellor Nichols clarified that the fee could only become a part of the financial aid package if the fees were imposed on every student. She related there was willingness in the legislature to require more from students in terms of tuition and fees. She acknowledged that further fee increases were likely in the future. She said it was difficult to judge how the legislature would perceive the increase. She acknowledged that the students had initiated the request.

Vice President Mills related that the facilities would either be funded with student fees or not at all. She observed that construction costs would only increase, adding that student cost was currently at its lowest point.

Regent Anthony asked how long the fees would be imposed. Vice President Mills replied that the project would be bonded for 30 years. Regent Anthony felt that it was a great project that needed to be done, adding that MSU was old and crowded. He appreciated the concerns of his colleagues. He felt the Board should determine whether the cost was affordable for students, noting that a \$100 increase might not be considered significant to full-time students. He related that non-traditional students (i.e., single parents, one course/semester) would incur a \$54 increase for one class, which was significant. He observed that, in Fall 2006, one class would increase \$155, really placing a burden on the students. He asked whether the fee could be graduated based upon the number of courses taken, adding that it was difficult to charge one person that amount. Vice President Mills replied that UNLV had committed to becoming a more full-time institution with a well-rounded educational philosophy. She related that part-time students would not use the facilities less proportionately, adding that some people take a course simply to receive the benefit of using the facility. She felt the greater impact was to full-time students. Regent Anthony asked UNLV to recalculate the figures so that students taking fewer credits would pay less. Vice President Mills replied that it could be done. Regent Anthony expressed a preference for having part-time students pay less than full-time students.

Regent Sisolak indicated that he was also torn. He questioned the meaning of "supportive/somewhat unsupportive". Vice President Mills related that the question asked was: "For an additional \$155/semester, the MSU could be renovated and expanded... To what degree do you support this? Very supportive, somewhat supportive, somewhat unsupportive, or not at all supportive". Regent Sisolak observed there was a significant group in the middle that wasn't very clear about how they felt. He asked about the survey sites. Vice President Mills related that the Cannon Research Center conducted a statistically valid survey. She indicated that walk-up surveys were also conducted as students were leaving class. The surveys were taken near the classroom building complex, the student union, and the engineering building near the existing recreation center. Regent Sisolak asked how the revenue from concessions in the student union was used. Vice President Mills replied that concessions in the student union were part of the food service contract with Sodexo. A portion of the profits are used for the institution and the student life budget. Regent Sisolak asked where in the budget the student fees went for running the coffee shop. Vice President Mills replied that those fees were returned to the student union budget to maintain that building. Regent Sisolak asked whether all revenue generated from concession would be used to service the \$90 million debt. Vice President Mills replied that it would, adding that revenue projections had been included with the proposal. Regent Sisolak suggested there were enormous retail and concession opportunities that could help reduce the student fee. Vice President Mills replied that the proposal included \$1.5 million in total revenue when the building is open and had been part of the considerations.

Chair Seastrand asked whether someone else could build the facility with just the facility users paying the fee. Vice President Mills replied that \$270,000 in food service revenue was anticipated for the student union once the renovation was complete, in addition to money from the bookstore and other retail. She noted that student activity spaces could also be leased. Regent Sisolak observed that the material did not distinguish between student fees and retail revenue, adding that concessions and retail sale opportunities would be enormous. Mr. Turner reported that the student fee was their user fee. Students would be able to use the facility for free, but the fee would be imbedded in their student fees. He related that 25% of the operating budget came from non-student sources (i.e., concessions). Mr. Turner reported that other retail was

estimated at \$125,000. Regent Sisolak asked about total revenues for the recreation center. Mr. Turner replied that they were estimated at \$700,000 (non-student fees). Regent Sisolak was having difficulty identifying the figures in the reference material provided.

Chair Seastrand suggested that Regent Sisolak could discuss the matter with UNLV while the Board recessed for lunch.

Regent Howard requested a copy of Vice President Mills' material, adding that she could not read page 8 of the reference material.

Chair Seastrand stated that Regent Sisolak would have the floor upon returning from the lunch recess.

The meeting recessed at 12:10 p.m. and reconvened at 12:20 p.m. with all members present except Regent Alden.

President Harter related that UNLV had heard the Board's concerns and were grateful for the Board's support. She requested Board consideration of a three-part resolution:

- Board approval of the proposal in concept.
- UNLV to determine the financial program for financing the project at the May or June Board meeting, depending upon the state's fiscal condition and potential tuition increases.
- UNLV to present options for part-time and full-time students' share of the fee.

Regent Dondero changed her original motion to encompass President Harter's proposal. Regent Rosenberg agreed to the amendment.

Regent Derby asked whether the Chair's suggestion (for using a private firm and contracting services) could be included with the motion. Chair Seastrand said that he hoped that UNLV would provide as many options as possible in the financial portion of the proposal. President Harter stated that UNLV had already reviewed the issues of a private purveyor and would explain those issues at that time.

Regent Kirkpatrick asked whether "approval in concept" meant that the Board liked what UNLV was doing and would consider the matter at a later time. President Harter said that she hoped the Board would approve it as a project for the university's future and that the financial implementation would be determined at a later meeting. Chancellor Nichols clarified that the item on the agenda entailed the approval of a fee. The current motion would not approve the fee, but rather would indicate Board support of the need for students and would look forward to the opportunity to explore the fee possibilities. This action would not approve the fee.

Regent Hill was very impressed with the proposal, adding that it was absolutely necessary. He observed that UNLV requires a non-commuter campus environment, adding that building a campus community was a major step in the right direction. He was concerned about the impact that legislative increases in other fees could have upon students.

Regent Howard asked whether approving the item in concept could be legally accomplished without violating the Open Meeting Law. General Counsel Ray replied that the motion before the Board was within the scope of the agenda item.

Regent Sisolak asked about the benefit of approving the proposal in concept and how that differed from discussing the issue over the course of two meetings. He liked the idea of a new student union. Chair Seastrand clarified that the Board was approving the idea of a student recreation center, but was unsure what the financial impact to students should be. The Board was, therefore, asking UNLV to return with a plan for implementing the funding. He related that the fee structure currently presented was not acceptable to the Board, though they agreed with the concept. Regent Sisolak questioned whether that interpretation was the same as the motion proposed by President Harter. President Harter felt that Chair Seastrand had accurately summarized the motion. Regent Sisolak requested the motion be re-read. Ms. Ernst stated that the motion was to approve the proposal in concept with UNLV providing a financial program at a future meeting, as well as a series of options for implementing the fees. President Harter agreed, adding that it would be presented at either the May or June meeting depending upon what was known about the state's financial situation and potential fees for students. She clarified that options would be presented for graduated fees for part- and full-time students. She related they might need to include provisions for part-time students who use the facilities on a regular basis to pay the full fee.

Regent Sisolak clarified that the Board was agreeing in concept that they would like the students to have a new student center, and were asking UNLV to return with options for paying for the construction. He asked about the benefit of approving the motion. Vice President Mills replied that it would be easier to continue the work if she had a sense that the Board was supportive in concept. She noted that a number of suggestions had been provided that required investigation.

Motion to approve in concept carried. Regent Howard voted no. Regent Alden was absent.

Regent Sisolak asked whether the request was related to the freeway interchange in Carson City. President Lucey replied that it was the bypass. Regent Sisolak related that he would abstain from voting due to a conflict.

Motion to approve the land transfer for WNCC carried. Regent Alden was absent. Regent Sisolak abstained.

28. Approved-Handbook Revision, Student/Special Fees – The Board approved proposed student fee changes for the institutions. These fees do not include student registration fees and tuition approved in the biennial budget process. (Ref. U on file in the Board office)

Mrs. Sandi Cardinal, Director, Internal Audit-System Administration, reported two corrections to the reference material. Removal of the fees indicated for the UNLV student union and recreation center (page 5 of 65) and the addition of a UNR computer lab fee (increased from \$50 to \$55). She reported that the Board considered student and special fees (not tuition) on a yearly basis. She related that the reference material included documentation from each institution indicating the rationale for the fees and how many students would be impacted.

Regent Kirkpatrick asked whether the fees for the McDermott Physical Education Complex had been deleted as a result of the proposed new facility. Mrs. Cardinal replied that they were separate items. Vice President Mills replied that the fee was primarily exacted upon community members. Since that section of the Handbook addresses student fees, she felt it was a good opportunity to clean it up. The fee relates to charges for towels in the recreation center. Regent Kirkpatrick asked where the fee was listed. Vice President Mills replied there were a number of fees not listed in the Handbook. UNLV wanted to raise the fee for a towel and didn't think the Board wanted to waste their time on this issue. Regent Kirkpatrick asked about the \$25/month increase in the rental units at UNR and observed that GBC had raised some housing prices and reduced others. Vice President, Finance & Administration-GBC, Mr. Carl Diekhans, replied that one was a new fee. He explained that GBC had reduced the rate for residence suites due to the economy in the area and to remain competitive. Mr. Diekhans related that it would result in a little less income, but GBC had received more people than were expected. Dr. Shannon Ellis, Vice President, Student Services-UNR, replied that minor increases were recommended for family housing. She related that it cost more every year to staff and maintain those facilities.

Regent Sisolak observed that all non-Clark County freshmen were required to live in a dorm and buy a meal plan. Vice President Mills agreed that it was policy unless they received a waiver to live off-campus. Regent Sisolak asked about the number of waivers requested and granted. Vice President Mills replied that only 10-15 were granted each year over the last few years. She was unsure of the number requested, adding that waivers were not granted unless the student had an adult relative living in Clark County, a medical need to live off-campus, or were of non-traditional age and perceived to be disruptive to the environment. Regent Sisolak asked about changes to the meal plan. Vice President Mills replied that the meal plan had been completely revised. Meal plans formerly ranged from 5-19 meals/week and could only be taken in the dining commons. The cost included a missed meal factor (students not eating all of the meals for which they paid). In direct response to student requests, the new meal plan will allow students to use every meal by treating friends or relatives. Students will be able to eat at any venue on campus with dining dollars. The least expensive plan provides 8 meals/week, with \$250 in dining dollars, at a cost of \$1,196/semester. Regent Sisolak noted that last year's most economical plan cost \$793, adding that it equated to a 50% increase. Vice President Mills reported that the students had requested this consideration. UNLV is unable to provide what the students are requesting for the old price as the actual cost has also increased. Regent Sisolak observed that today's high school students would pay 50% more for the least expensive meal plan. Vice President Mills replied that students would get more for their money. Regent Sisolak asked about the overall impact for residential students. Vice President Mills replied that next year, in-state students taking 15 credits, living on campus with the most expensive meal plan would pay \$10,800. Rooms have increased from \$1,964 to \$2,450 (25% increase; \$486). Regent Sisolak observed that it would result in a \$900/semester increase for incoming freshman using the least expensive meal plan. Vice President Mills stated that it would be approximately \$870/month. Room rates include utilities, labs, telephone, and cable TV. She felt it was a reasonable price when compared with living in an apartment. Regent Sisolak was troubled that freshmen were required to live on campus and buy a meal plan incurring 25%-40% increases. Vice President Mills related that freshmen comprised 800 of the 1,500 students living in student housing. Regent Sisolak was troubled that UNLV wanted students to remain on-campus while forcing them to pay \$800-900 more per semester. Vice President Mills replied that the fees reflected the cost to house and feed them while providing the services that students demand and expect. She assured him that this area caused her much consternation. UNLV has kept the fee increases to a minimum for so long that they were now forced to make up lost ground. Regent Sisolak asked whether reserves would be achieved with the fees. Vice President Mills replied that reserves of \$500,000/year were anticipated. Regent Sisolak asked how many students would be affected. Vice President Mills replied there were 1,500 residential students. Regent Sisolak was troubled that those students would contribute \$350/year to rebuild the reserves.

Regent Derby asked whether it was common to require freshmen from out of the immediate area to live on-campus. Vice President Mills replied that it was. Regent Derby indicated that the Board was unsure how much tuition and fees would need to be increased, adding that it would be astronomical when added to the residential fee increases. She observed that some of the students who weren't surveyed already could not afford to go to the university. Vice President Mills stated that UNLV had not requested residential fee increases in five of the last 13 years. Additionally, in three of those years the increase was less than 2%. She related that UNLV had not kept pace with the costs of doing business and were now compelled to do so. Regent Derby was frustrated by that knowledge, adding that incremental increases could have been entertained over time.

Regent Seastrand asked whether it was necessary to have that much going to reserves. Vice President Mills replied that it was good business practice, adding that they had tried to keep the amount as reasonable as possible. Mr. Tony Flores, Vice President, Finance-UNLV, explained that a reserve was necessary in case of a catastrophe (i.e., fire). He related it was good business practice to plan for debt service payment in absence of a revenue stream. Chair Seastrand asked about insurance coverage. Mr. Flores replied that he was unsure of what costs the insurance would cover.

Regent Bandera agreed with requiring students from outside Clark County to live in the dorm. She related that the requirement had saved many parents a lot of discussion with their young adults. She observed that the revised meal plan included added value, increasing dining dollars on the 8-meal plan from \$100 to \$250. She related that students were not paying more for the same amount, but were receiving more value for the plan.

Regent Dondero asked about contingencies for increased utility rates or other operating costs. Vice President Mills replied that the institution could incur increased utility rates, a downturn in occupancy, or serious damage to the facility in addition to the ongoing maintenance. The bond reserve is used to address unpredictable situations. Regent Dondero asked whether the fee included laundry or cleaning. Vice President Mills replied that it included cleaning of the common areas, but the students paid for their own laundry and cleaned their own rooms.

Regent Sisolak observed there were 1,500 students in 750 rooms and the budget was formulated at 95% occupancy. He asked about the current occupancy. Vice President Mills replied the occupancy was currently 98%. Regent Sisolak asked whether the additional revenue went to reserves. Vice President Mills replied that it did. Regent Sisolak was troubled that the reserves were exhausted over time, thus requiring the significant fee increase. He suggested that the fees should be increased the following year in order to prevent a similar situation from occurring in the future. Vice President Mills agreed that incremental increases would be necessary. She related that UNLV would not request unnecessary increases, promising to manage the facility responsibly. Regent Sisolak regretted that the majority of students were on Spring break and unable to testify as to the impact the increase would have upon them.

Regent Kirkpatrick asked about the difference in pricing for meals for Regents. Vice President Mills replied that the retail portion had not been considered and was not part of the proposal presented. She agreed to review the matter for a future meeting.

Regent Hill moved approval of the student and special fees with the changes noted by Mrs. Cardinal. Regent Bandera seconded. Motion carried. Regents Howard and Sisolak voted no. Regent Kirkpatrick abstained. Regent Alden was absent.

29. Approved-Handbook Revision, ASCCSN Constitution, CCSN – The Board approved President Ron Remington's and General Counsel Tom Ray's request for the following revisions to the ASCCSN Constitution (Title V, Chapter 10): (Ref. M on file in the Board office)

- Approval of referenced amendments to the ASCCSN Constitution as voted upon by the student body.
- Approval of the following amendment to Article XI, Paragraph XI.1 of the ASCCSN Constitution: The Constitution may be amended by a two-thirds majority vote of the [electorate] students voting in a general election.

President Remington recalled the students from the previous day who were having trouble with club membership. He noted that the revised guidelines would allow easier club membership and were much clearer.

Regent Rosenberg moved approval of the Handbook revisions concerning the ASCCSN Constitution. Regent Kirkpatrick seconded.

General Counsel Ray reported that the second bullet revised the requirement for amendments to the constitution from a two-thirds majority of "the electorate" to "students voting" in a general election. He explained that the electorate would comprise everyone eligible to vote (30,000-35,000 students at CCSN). In this case, only 155 students voted, which would prevent CCSN students from ever changing their bylaws or constitution. He recommended the change based upon their inherent authority.

Regent Kirkpatrick asked whether the changes clarified an earlier student complaint regarding the manner in which student elections were handled. Student Body President, Ms. Keri Hamrick, replied that the student who had complained was not a CCSN student and had eventually apologized for his complaint after realizing that the student body was operating in an appropriate manner.

General Counsel Ray clarified that a student did make a complaint, which was reviewed by legal counsel. The General Counsel's office was satisfied that notice was proper and timely. The student did express First Amendment concerns as to limiting campaigning to 30 days before the election. It was determined that it was a proper restraint providing it was defined properly. The intent of the limitation is to prevent campaign literature and posters on the campus for a lengthy period of time. It was not intended to prohibit any individual from voicing their interest in a particular election or seat. It was recommended that the definition of campaign be further defined to clarify that it was limited to posting posters and leaflets on-campus.

Regent Sisolak asked whether the student was present. General Counsel Ray replied that he did not believe the student was present. When the student received General Counsel's letter, he wrote a return letter thanking them and indicating that he was satisfied. Regent Sisolak expressed concern for mentioning the student's name in open meeting without provision of proper notice.

Motion carried. Regent Alden was absent.

30. Information Only-Handbook Revision, UCCSN Code/Board of Regents' Bylaws – The Board considered the following two options:

A. Regents Kirkpatrick, Sisolak, and Whipple requested approval of a proposed amendment to the UCCSN Code (Title II, Chapter 1, Section 1.3.4) that would amend the process whereby System institutions would enforce and report on their Bylaws by adding the following to Section 1.3.4:

(a) The president of each institution shall ensure full compliance within their institution with all sections of the Regents' Handbook, including the institutional Bylaws, and shall notify all administrators within their institution of the requirement of compliance with the Handbook as policy of the Board of Regents. At least once a year, the presidents and senates of each institution shall independently report all known violations of the policies contained within the Handbook to the Board, including the steps taken to ensure future compliance by the institution. (Ref. 20A on file in the Board office)

B. This proposed revision was offered in lieu of the proposed amendment to the UCCSN Code referenced in the above paragraph A.

- Chancellor Jane Nichols, the institution Presidents, and General Counsel Tom Ray request approval of an amendment to the Board of Regents' Bylaws (Title I, Article VII, Section 4), which expands the description of the duties of the presidents. (Ref. L on file in the Board office)

This was the first of a required two readings for any proposed UCCSN Code or Board of Regents' Bylaw amendment and was presented for information only at this meeting.

Regent Kirkpatrick reported that the individuals involved with this agenda item had discussed the matter with the presidents and Chancellor and had agreed to support Option B. He withdrew the proposal presented in Option A. Regent Whipple agreed. Regent Kirkpatrick was upset by the knowledge that a dean felt that he could disregard the institution's bylaws.

Dr. Robinson stated that the Faculty Senate Chairs had agreed to support the Chancellor with Option B. He related that the Nevada Faculty Alliance also fully supported Option B. Regent Sisolak indicated his support for the same option. General Counsel Ray thanked the Faculty Senate Chairs for their support of the option.

Regent Howard asked about the purpose for the agenda item. Dr. Robinson explained there was a misperception within the System that it was not necessary to follow procedures not explicitly included in the System Code due to the lack of a statement requiring administrators to follow the Board of Regents' Handbook. A few lawsuits have resulted from such misperceptions. He related that the General Counsel's position had always been that the Board intended all administrators to comply with everything in the Handbook. He said that he had approached Regents in an effort to clarify the Board's intent. He related that the Faculty Senate Chairs had begun a series of discussions with the Chancellor about the Board's relationship with its employees. He said that the Board would likely entertain a series of discussions relating to this agenda item. Regent Howard asked whether Dr. Robinson and Regent Kirkpatrick were in agreement on the matter. Dr. Robinson and Regent Kirkpatrick assured her that they were.

Chancellor Nichols related that she had become aware of faculty concerns concerning the lack of clear Board policy. She said that she had been working with the Faculty Senate Chairs to rectify the matter. She anticipated a series of proposals coming to the Board related to the clarification of expectations and best practices.

Dr. Robinson thanked Regents Kirkpatrick, Sisolak, and Whipple for bringing the matter to the Board's attention.

31. Information Only-Handbook Revision, Sexual Harassment Policy – The Board discussed General Counsel Tom Ray's request for an addition to the Handbook (Title IV, Chapter 8) to create a sexual harassment policy separate from Title IV, Chapter 8, Section 9, which addresses complaints of discrimination. The intent of the request was to standardize definitions, examples, and procedures regarding complaints of sexual harassment throughout the System. (Ref. K on file in the Board office)

General Counsel Ray reported that it was important for the Board to act upon the proposed policy. He said there was general agreement that the policy was appropriate, but there was one section of the policy upon which not everyone was in agreement. He related that System staff would like to work with the faculty senate and others in order to achieve mutual

agreement. He stated that the policy should be included in the institution catalogs, which have a printing deadline approaching. He related that they would need to get the matter resolved quickly, and had originally intended to bring the matter back at the next meeting.

Chancellor Nichols reported that the section in question related to examples of sexual harassment (page 3 of 7). She suggested including the statement "available upon request" in order to accommodate the catalog deadline and presenting a list of examples at the next meeting, though General Counsel did not agree. She introduced Assistant General Counsel Mary Dugan.

Assistant General Counsel Dugan reported that the campuses currently had their own sexual harassment policies, though some were in need of revision. Since the System is one employer, it was felt there was not a good reason to have more than one policy. She reported that the federal and state law applies to everyone and that having more than one interpretation was not helpful. One of the most important purposes of a sexual harassment policy is education. It is important for students, employees and supervisors to know what sexual harassment is to prevent them from engaging in it and/or being subjected to it. She felt it was important for those individuals to know the consequences for engaging in sexual harassment and that the System would take measure to prevent its recurrence. She said that it was especially important for supervisors because if they were aware of the behavior and did nothing there could be liability. She related that it was against the law and should not be happening to students, employees, or to visitors to the campuses. She reported that the proposed policy had received an extensive review, adding that it had evolved and considered many things, including her experience with the office since 1997. She assured Board members that it was a good policy.

Assistant General Counsel Dugan reported that the proposed policy included considerations that some campuses were lacking. It requires that each current employee be given a copy of the policy (which must be tracked). Each new employee must also be given a copy of the policy (also tracked). It requires that the entire policy be published in each institution's catalog. The policy explains there are no informal complaints and includes a requirement for on-going training. She related that it could be difficult for the institutions to train all of their employees simultaneously. Since individuals would not receive immediate training, a list of examples of the type of conduct comprising sexual harassment would be provided. She observed that UCCSN included a varied and diverse population, with some people coming from countries that have not clearly identified appropriate and inappropriate behavior with no grievance process. The policy puts supervisors on notice that they must take action. It also clarifies that the person receiving the complaint must take action even if the complainant does not want them to. She stressed the importance for providing examples, adding that some people might not understand a purely legal definition. Examples provide clear explanation and will educate people about what comprises sexual harassment to discourage engaging in or accepting it. She reported that each complaint would be reviewed on a case-by-case basis. One incidence very rarely rises to sexual harassment. The policy also clarifies that prevention of sexual harassment does not infringe on academic freedom. The policy would also be helpful if UCCSN was sued for sexual harassment. It provides a certifiable claim that attempts have been made to identify the behavior and to create a process for addressing it, which would assist with litigation. She urged the Board to approve the proposed policy.

A discussion ensued regarding the impact of delaying a decision until a list of examples could be agreed upon. Chancellor Nichols related that the Board could pass the policy as presented with the exception of the list of examples.

Regent Kirkpatrick moved approval of the Handbook revision concerning a sexual harassment policy excluding the list of examples, which would be determined at the next Board meeting.
Regent Rosenberg seconded.

Regent Derby stated that this was an important issue that warranted discussion. She observed that sexual harassment complaints could result in expensive liability, including personal liability.

Regent Anthony said that he was not prepared to vote, adding that he did not feel the policy made clear that supervisors could be held accountable for enforcing the policy. He felt the policy should include a specific statement. Assistant General Counsel Dugan referred him to the 3rd paragraph in E (page 4 of 7). Regent Anthony felt that a supervisor could argue that the policy did not force them to take action. Ms. Dugan replied that the Nevada Administrative Code mandated that each organization must enforce the policy. Regent Anthony felt it still provided a loophole.

Chancellor Nichols stated that the only requirement for Board action was the catalog publication dates. It was agreed to delay action to the May meeting.

The motion and second were withdrawn

Regent Bandera asked that the item be placed early on the May agenda, adding that the topic deserved as much attention as the meal plans.

4. Introductions – (Cont'd.) – President Lilley introduced UNR's newly elected Student Body President, Mr. Chul Yim. He thanked outgoing president, Ms. Alicia Lerud, observing that she would graduate in May. He said that she had been an excellent representative.

32. New Business – None.

The meeting adjourned at 1:35 p.m.

Suzanne Ernst
Chief Administrative Officer to the Board