

BOARD OF REGENTS
UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA
Tam Alumni Center, Tiberti Grand Hall
University of Nevada, Las Vegas
4505 Maryland Parkway, Las Vegas
Thursday-Friday, December 11-12, 2003

Members Present:

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

Others Present:

Chancellor Jane Nichols
Interim Vice Chancellor, Finance & Administration Larry Eardley
Vice Chancellor, Academic & Student Affairs Richard Curry
General Counsel Tom Ray
Interim President Thomas Brown, 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 Ms. Mitzi Ware, CCSN; Dr. Alan Gertler, DRI; Dr. Frank Daniels, GBC; Dr. Erika Beck, NSC; Ms. Bridgett Boulton, TMCC; Dr. John Readence, UNLV; Dr. Trudy Larson, UNR; Dr. Michael Hardie, WNCC; Mr. John Tully, System Administration; and Dr. Vic Etyemnezian, Vice Chair-DRI. Student government leaders present included Ms. Evelyn Flores, CCSN; Mr. Steve Houk, GBC; Ms. Janell Mihelic, NSC; Mr. Teddy Noda, TMCC; Ms. Monica Moradkhan, UNLV; Ms. Jocelina Santos, UNLV-GPSA; Mr. Chul Hwan Yim, UNR; Ms. Jessica Muehlberg, UNR-GSA, and Mr. Billy Jennings, WNCC.

Chair Stavros Anthony called the meeting to order at 8:00 a.m. on December 11, 2003 with all members present except Regents Seastrand and Sisolak.

1. Information Only-Personnel Session – The Board held a closed personnel session.

1.1 Approved-Moving to 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 certain executive employees of the UCCSN.

Regent Hill moved approval of moving to a closed session. Regent Whipple seconded. Motion carried. Regents Seastrand and Sisolak were absent.

The meeting recessed at 8:04 a.m. (for a closed session) and reconvened at 9:45 a.m. on December 11, 2003, with all members present except Regents Alden, Derby, Dondero, Rosenberg, and Seastrand.

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

The meeting recessed at 9:46 a.m. (for committee meetings) and reconvened at 1:05 p.m. on December 11, 2003, with all members present except Regents Schofield and Seastrand.

Abbot Thom Pastor, Mohave Desert Zen Center, Boulder City, Nevada, offered the invocation.

Regent Schofield entered the meeting.

2. Introductions – President Lilley introduced Ms. Gina Jones, new Assistant Vice President, Human Resources-UNR.

President Harter introduced Mr. Sam Connelly, new Associate Vice President, Human Resources and Affirmative Action-UNLV.

President Wells introduced Dr. Vic Etyemnezian, Faculty Senate Vice Chair-DRI, and Dr. Chris Maples, Vice President, Government and Business Relations-DRI.

3. Chair's Report - Chair Stavros Anthony identified some of the outstanding students who help make the eight UCCSN institutions so successful. He reported that approximately 98,000 students were enrolled in UCCSN institutions and that the Board was there to serve them.

Mr. R.J. Nason-CCSN – CCSN currently has approximately 35,000 students enrolled. Mr. Nason and his younger sister were raised by their single-parent mother in an apartment near the West Charleston campus. He graduated from Vo-Tech High School with a 3.4 GPA in 2000 and was a Millennium Scholarship recipient. Working towards an associate's degree in automotive technology, he became a paid intern at Henderson Chevrolet. He will finish his degree this semester with a 3.4 GPA. He is now an ASE-certified automotive technician earning significantly more than when first hired.

Ms. Tami Hackney-GBC – GBC currently has 3,200 students enrolled. Ms. Hackney has been an Elko resident for the past three years. When her employer noticed her interest in working with technical projects, she suggested Ms. Hackney return to school. Ms. Hackney was able to fund her education with a Pell Grant and feels fortunate to attend GBC and improve her life through education.

Ms. Karen Escobar-TMCC – TMCC currently has 11,500 students enrolled. Ms. Escobar moved to the U.S. from Columbia in 1999. She mastered English as a second language at Wooster High School and qualified for the Millennium Scholarship. She is completing her first semester in pre-nursing courses at TMCC. Determined to help other Hispanic students, she co-founded TMCC's Latino Student Club, which has grown to 30 students in less than six months. She intends to live and work in Nevada following graduation.

Ms. Lois Price-WNCC – WNCC currently has 5,200 students enrolled. This 73-year old student epitomizes the philosophy that one is never too old to learn. Ms. Price earned her GED in 2002 and is now a college student studying small business management. She hopes to own and manage her own bookstore. Ms. Price's daughter, Lucinda Williams, is also a student at WNCC working part-time in the college library and creating crossword puzzles for the student newspaper. Ms. Price earned an Exemplary Lifelong Learning award from WNCC, a congressional certificate of congratulations from Congressman Jim Gibbons, and senatorial recognition from U.S. Senator John Ensign.

Ms. Gwen Fund-NSC – NSC currently has 500 students enrolled. Ms. Fund is a dedicated wife and mother of 8 children while maintaining a 3.75 GPA. She will graduate in May with a B.A. in psychology. Three of her four grown children have also completed their bachelor's degrees. Ms. Fund claims the student experience at NSC has been wonderful. She convinced her son to attend NSC with her. After graduating she plans to pursue a master's in marriage and family counseling. She enjoys setting a positive example for her children.

Mr. Andy Unfug-UNLV – UNLV currently has 26,400 students enrolled. Mr. Unfug is one of the student chairs for the recently formed Rebel Service Council and has chaired the Labor of Love project. Mr. Unfug led a committee of students to involve approximately 100 students in service projects benefiting Habitat for Humanity. Additionally, he formed a committee to expand the scope of the Labor of Love project to double the number of service projects offered in upcoming semesters and to expand the beneficiaries to include Ronald McDonald House, the Lied Animal Shelter, Shade Tree, and Habitat for Humanity. He is majoring in psychology and plans to attend law school in New York.

Mr. Moses Dogbevia-UNR – UNR currently has 15,500 students enrolled. Mr. Dogbevia received a physics degree in Ghana in 1990. He was accepted into UNR's chemical physics Ph.D. program in 1999. A serious student, he works endless hours to meet the academic program demands from both the Graduate Student Association and the African Students Association, as well as helping fellow international graduate students. He was the driving force behind the GSA transition loan and the household items programs, which has helped with living arrangements for over 50 students. Mr. Dogbevia hopes to graduate in December 2004 and find a job in the U.S. He has a family in Ghana, including two children he plans to relocate once he finds full-time employment.

Mr. Djordie Nikolic-DRI – Mr. Nikolic is a UNLV under-graduate majoring in electrical engineering. He has been a student employee of DRI for the past 3 years. Working under the advisement of Dr. Etyemnezian, he displays an exceptional degree of dedication, intelligence, consideration, and willingness to assume responsibility. He has learned many new skills in a short period of time and does not hesitate to apply his knowledge to solve problems. He has been instrumental in the success of a

number of projects. He provided exceptional computer programming as well as instrument preparation for the measurement systems taken to Ft. Bliss, Texas and Antarctica.

4. Public Comment – Chair Anthony explained there were two signup sheets for public comment. Those individuals wishing to speak on non-CCSN related items were asked to speak first.

Ms. Jessica Muehlberg, GSA Student Body President-UNR and Vice President, National Association of Graduate-Professional Students (NAGPS), and Ms. Jocelina Santos, GPSA Student Body President-UNLV and NAGPS State Board Coordinator, spoke on behalf of a congressional bill supported by the national association. They asked the Board to support the bill by contacting their representatives or with official Board action. The Higher Education Affordability and Equity Act contains four main points involving tax codes:

- Expand the interest deduction for student loans by repealing the dollar limitation. Increase contributions to the educational savings accounts before one enters school.
 - Allow room and board to be treated as tuition scholarships for tax purposes. This provision is of primary interest to Nevada's graduate students because it would allow graduate student stipends to be tax free. Currently taxes are paid on scholarships awarded monthly (approximately \$100-\$200).
- Equalize the treatment of prepayment and savings plans.

Ms. Muehlberg related that a packet of material distributed earlier summarized the provisions of the bill (on file in the Board office).

Ms. Muehlberg then read a letter from the student body presidents (on file in the Board office) in response to occurrences from the previous Board meeting. The letter expressed student concern that students in attendance were not invited to come forward to speak on an issue on the agenda. She related that students require slightly more guidance during the meeting. Many students did not realize they would have been allowed an opportunity to speak had they approached the podium. She related that many students came to the meeting from classes or work and that taking items in the order presented on the agenda facilitated more student participation. The students requested the following:

- The Board remain sensitive to the fact that students need to be made aware of when it is appropriate to speak.
- The Board not take items affecting students out of the order presented on the agenda. The Board place Public Comment at the start of each day.

Mr. Chul Yim, Student Body President-UNR, related that the Board's meeting dates had been set during student transition periods. Three Board meeting dates are not student-friendly should they desire to speak. He felt that the March 2004 meeting, when fees will be addressed, should not occur during Spring break. He said that students should not be forced to forego a week of rest in order to participate in the discussion of fees. He said that it was also a week when students were preparing for final exams. He asked the Board to consider future date changes to uphold the values of accountability, inclusiveness, and a student-friendly System. Mr. Yim then mentioned that the E-paws (web registration) services for students was operating on a seriously outdated computer system. He reported student complaints regarding the lack of 24-hour service. He said the technology did not meet minimum government or industry standards. He asked the Board to consider revitalizing the system.

Mr. David Barto, adjunct English faculty member-UNLV, said that he had been an adjunct professor at UNLV for 6 years. While conducting an essay contest amongst his three classes, a student asked whether he would award prizes for the contest. He told the student that he would provide token prizes, but he was unable to do more on his current salary. He earns \$18,600 teaching eight classes full-time. He challenged the Board to manage their affairs on such an income. He said that he had participated in many letter-writing and picketing campaigns regarding this matter. In reviewing UNLV's website, he noticed the various salaries earned by professors (associate, assistant, and full). He noticed an instructor position earning a minimum salary of \$28,692 and a maximum of \$52,000. No one in the English department holds such a position. Many long-term, part-time instructors are paid on a per-course basis. Professors teaching 10 courses this year only earn \$21,000. A human resources administrator informed him that the instructor position is rarely filled and is used primarily for part-time invited lecturers. He asked why there weren't 5-10 instructor positions allotted to the English department. He reported the national average for instructors was \$40,000. He asked the Board to institute instructor positions to be phased in over time. He questioned the caliber of instruction that could be attracted for less than \$20,000 when teaching full-time. He related that the students suffer in the end.

Regent Howard requested the name of the dean and the chair of UNLV's English department. President Harter replied there was no dean, adding that the dean of liberal arts was Dr. James Frey and the chair was Dr. John Irsfeld.

Chair Anthony reported that Regent Howard had requested that Dr. Remington's comprehensive evaluation be shared with Board members. He asked for Dr. Remington's consent. Dr. Remington agreed.

Regent Kirkpatrick noted a point of order, stating that the complete evaluation had not yet been sent to the Board. Chair Anthony said that the document would be shared with Board members. Regent Howard said it was the committee's draft.

Regent Rosenberg asked whether President Harter had lecturer positions with no research component associated. President Harter said that she did not believe so. She said that UNLV was considering reinstating some lecturer and postdoctoral teaching positions in the future, which would be full-time positions. Regent Rosenberg acknowledged that those cost more money. He felt that everyone agreed the current method was terrible, though he acknowledged there was insufficient funding. He felt that a decision was necessary to address the situation. President Harter said that Provost Alden was working on the matter. Provost Alden said that UNLV currently employed assistant professors, associate professors, and full professors who had various responsibilities not in the three traditional areas. At least some of them are in teaching-only positions. Potential also exists for lecturer and instructor positions. Unfortunately, the part-time instructor budget is so large, due to the extreme growth, that it is impossible to dramatically increase the salaries. He said they were attempting a well-planned increase over the next 5 years. Regent Rosenberg asked whether the instructor level could be funded by the Foundation. Provost Alden replied that it could be discussed, but full-time employees must be on the state payroll.

Regent Sisolak was unsure how the Board could address this concern. He asked whether a committee could be formed to study the matter. He begged the indulgence of President Harter. President Harter said that UNLV has a faculty senate committee focused on part-time instructor issues. She said it was a major issue, adding that it was difficult to respond to Public Comment that did not necessarily reveal all of the facts. She said it was a major, complex financial and pedagogical issue that could not be adequately addressed during Public Comment. She said that a committee was studying the issue, adding that UNLV was also reviewing the issue administratively. She offered to provide a report at a future date. Regent Sisolak felt that a report would be good. Chair Anthony asked President Harter to take his comments into consideration and bring a report to a future meeting.

Chair Anthony asked CCSN's faculty senate chair and student body president to speak first, adding that many people had expressed a desire to speak. He asked that speakers remain respectful and that comments be limited to 3 minutes.

Regent Sisolak noted a point of order, observing that other speakers had been allowed to speak longer than 3 minutes. He questioned the limitation. General Counsel Ray said that the Board Chair had the authority to limit Public Comment to a reasonable amount of time depending upon the number of people who want to address the issue. Regent Sisolak asked whether that had to be established prior to opening Public Comment. General Counsel Ray replied that it could be done at any time. Since only a few people wanted to speak on matters unrelated to the CCSN issue, they were allowed to go first. Regent Sisolak asked whether a time limitation could be imposed selectively. General Counsel Ray replied that it could be done.

Chair Anthony clarified that he was not instituting a moratorium. He simply asked that remarks be limited to 3 minutes in order to allow enough time for everyone to speak.

Ms. Mitzi Ware, Faculty Senate Chair-CCSN, said that CCSN had sustained a difficult period of time with high emotions. She said that people felt passionately about this topic. She asked the Board not to take offense by any of the comments made and to listen carefully to what everyone said. She said they felt strongly about this issue and that they looked to the Board to set a good example. She said that the four people with her representing students, faculty (academic and administrative), and staff wished to read prepared statements. CCSN personnel submitted a resolution on November 24th, which implored the Board to rescind the actions from the Board's November 20th meeting. They felt the events leading to the vote, including the investigation, the closed personnel session, and the evidence presented, constituted a flawed process and violated basic rules of fairness to all parties concerned. She related that their colleagues were not allowed to confront the witnesses against them, were not allowed to testify on their own behalf, and were not allowed to be in the room when their cases were discussed. The resolution also implored the Board to release the specific charges and allegations so that faculty, staff, students, and the general public could be better informed. As a responsible, academic community, they felt it was their duty to speak up for the basic principles of logic, ethics, justice, and human rights. She said that an injustice to one was an injustice to all. She said that the Board's vote to rescind would indicate the Board wished to hear both sides. She asked the Board to hear all of the facts from both sides and to re-vote. She said it was very difficult for them to support the Board's decision at this point.

Ms. Victoria Nunez, Classified Council President-CCSN, agreed there had been no due process. She asked the Board to revisit the issue. She felt that an injustice had been done and asked for the right to revisit this at a later date with more information. She requested the process for review ensure fairness and that it be applied to all parties involved so this would not recur.

Ms. Shawn Claxton, Administrative Faculty Assembly-CCSN, (representing approximately 220 administrative, non-teaching faculty) indicated their support for due process, which they felt had been violated (letter on file in the Board office). She related that Dr. Remington recognized the contributions of the administrative faculty and opened an unprecedented dialog with them. His belief in shared governance assured that faculty would be heard. She said they relied upon Dr. Remington for his leadership, fairness, and vision. They were seriously concerned by the Board's failure to support due process in its recent decision to reassign Dr. Remington and Mr. Cummings. She respectfully urged the Board to reconsider its decision and to rescind its prior action.

Ms. Evelyn Flores, Student Body President-CCSN, reported that the ASCCSN student government passed a resolution (on file in the Board office) imploring the Board to rescind its November 20th actions removing Dr. Remington as president. They felt this action would drastically affect the welfare of the CCSN student body. They were troubled by the events leading to the Board's decision and felt that due process had not been followed. She observed that Dr. Remington was not allowed to confront the witnesses against him, to testify on his behalf, or to be in the room while the case was discussed. The students hoped the Board would reconsider its position and allow Dr. Remington, and all parties involved, the opportunity to represent their side of the story. She asked the Board to provide an explanation of the specific allegations, charges, and decisions justifying Board action. The students wanted to ensure that all parties were treated fairly and that the situation did not recur. Ms. Flores also presented a 1,000-signature petition (on file in the Board office) requesting the Board's reconsideration and an explanation of its actions. She said that Dr. Remington was a great listener and scheduled monthly meetings to discuss student issues. She said he was receptive to new ideas and suggestions, and was caring and accessible. She noted his 30-year commitment to higher education and students. She asked the Board to provide an opportunity for students to speak on this matter.

Dr. Candace Kant, Nevada Faculty Alliance, reported the NFA issued a press release as a result of the Board's actions. She related that she had written to each Board member. The NFA has always stood for fundamental fairness. In their opinion, this did not occur in the events leading to the vote. She noted the importance for hearing all sides of the story before taking action. The people affected by the action were not officially informed of the charges, were not allowed to defend themselves, were not allowed to know their accusers, and were not in the room when the case was discussed. The NFA was unaware of the contents of the document on which the actions of November 20th were based. They asked the Board to better inform the faculty and the public about the issues, consistent with the legal rights of those involved. She said that, as a 30-year employee, she believed that Dr. Remington deserved better treatment than he received. She asked the Board to rescind the vote and to go through the process in a calmer, more professional manner.

Mr. Geoffrey Frasz, Chapter President, NFA-CCSN, echoed Dr. Kant's remarks. He said the faculty was concerned about the treatment of Dr. Remington and the apparent lack of due process. They were disturbed by the manner in which two decent, academic professionals were removed by what appeared to be a flawed process. He said the Board had decapitated the institution. CCSN personnel realize the College faces several years of uncertainty, a lack of unified direction, and postponement of needed programs. He said the College had been hurt by this decision, adding there had been national publicity, which affected the College's hiring capabilities. He spoke also as a professor of philosophy, and someone who taught critical thinking for many years, teaching students to assess various claims, to consider the sources of the claims, the reliability of the sources, and to avoid making hasty conclusions based upon inadequate and unsupported data. He had reviewed portions of the investigation, anonymous material, and read reports in the newspaper. He said that he would have flunked a student for turning in such a paper in his critical thinking class. He asked the Board to revisit the investigation, to rescind the motion, and to bring CCSN back to where they were before. He also spoke as an individual and one of the signatories of the open letter printed in the newspaper. He said the letter was a spontaneous occurrence of faculty and staff coming together to do something for Dr. Remington. Off-campus and on their own time, they raised \$9,500 to place the ad. The average donation was \$250, right before Christmas. He urged the Board to think about what they had done to CCSN and urged them to rescind the vote.

Ms. Eloiza Martinez, Vice President, Latin Chamber of Commerce, spoke on behalf of the Latin Chamber and its President, Mr. Tony Sanchez. She read a letter from the Latin Chamber (on file in the Board office). The letter expressed concern about the Board's November 20th actions that led to the removal of Dr. Remington and others. In their view, the process taken violated time-honored traditions, basic principles of fairness, and due process of law. Dr. Remington opened an unprecedented dialog with the Spanish speaking community. His efforts enhanced the Latino presence within CCSN. The Latin Chamber came to trust Dr. Remington as a leader of conviction, vision, and integrity. They felt that progress was now in jeopardy. They asked that due process be afforded with regard to the personnel actions that occurred and that Dr. Remington be applauded for all that he has done for the entire southern Nevada community. They requested a vote to rescind the personnel actions taken.

Mr. Denny Weddle, CCSN Foundation Board Trustee, introduced Mr. Bill Snyder, Chairman, CCSN Foundation Board of Trustees. Mr. Snyder read a resolution passed by the CCSN Foundation Board of Directors on December 5th (on file in the Board office), urging the Board to rescind its vote to remove Dr. Remington as president. He noted that Dr. Remington had been an outstanding president during his 2½ years at the College, bringing stability after many years of turmoil. His leadership brought together all segments of the college. He created student-based programs and expanded the involvement and support of the southern Nevada community. The Foundation board felt the process that resulted in Dr. Remington's dismissal did not provide the basic fairness and opportunity to respond that any System employee should be afforded. He said that CCSN's students had been deprived of a president who put their needs first and that the CCSN community and its supporters had lost a capable and committed leader.

Ms. Jenny Des Vaux Oakes, CCSN Foundation Board Trustee, reported that she and her fellow trustees serve on the Foundation board because they understand and appreciate the importance and the value of CCSN to the southern Nevada community. She said that trustees have a commitment and a great passion to assist the College and the System in providing quality educational opportunities to Nevada's citizens because they know that education changes lives. She recognized that the difficulties facing higher education in the U.S. and the tremendous population growth in Nevada made the

Board's job particularly challenging. She said the Board's decisions must reflect the best interest of the University System, its individual institutions, the state and its citizens, and must be fair to all parties concerned. She said the Foundation believed that the process used in the removal of Dr. Remington did not provide the basic fairness and opportunity to respond that any System employee should be afforded. They felt that a process resulting in an action of such importance, with many short- and long-term consequences, should be absolutely impeccable. She asked that the Board reconsider the process and its ultimate action.

Ms. Carolyn Sparks, CCSN Foundation Board Trustee, said that she had been associated with CCSN since 1983. As a Regent, she served on the search committee that selected Dr. Remington as president of GBC. As a Foundation member, she served on the search committee that selected Dr. Remington as president of CCSN. Her decisions were based upon his vision, honesty, impeccable background, and his abilities as a leader. She said the number of signatures on the open letter to the newspaper was remarkable, adding that this group of people had never agreed on anything. She participated on the periodic presidential evaluation committee. She said that everyone interviewed had the utmost respect for Dr. Remington's leadership and his ability to turn CCSN around. She acknowledged some of the problems mentioned in the media. She said that Dr. Remington had done more for the students and the morale at CCSN than the College had witnessed in a long time. She asked the Board to please reconsider its decision, adding that it was hurting the students and the community.

Mr. Denny Weddle, CCSN Foundation Board Trustee, said that their hearts were hurting. He said that it needed to be done right, adding that it had not been. He urged the Board to vote the right way.

Ms. Judy Fightmaster, Instructor, Computer Information Technology Department-CCSN, offered her personal perspective. She asked the Board not to drag the College, with its dedicated faculty and staff, through years of expensive litigation. She said the Board had the power to rectify the situation. She urged the Board to rescind its vote regarding Dr. Remington and Mr. Cummings and to proceed in public and allow everyone the opportunity to defend themselves.

Regent Rosenberg left the meeting.

Regent Howard left the meeting.

Mr. Todd Faranda, a life-long resident of Nevada and parent of a CCSN student, said he had been a friend of Regent Sisolak's for many years. He noted that we live in a democracy. He said the manner in which this was conducted was outrageous. He felt that, if the Board did not rescind its vote and conduct a public hearing, the matter would go to the State Supreme Court. He noted the support of those present. He was sure the Board was smart enough to realize what everyone wanted. He said they could not afford to lose Dr. Remington.

Mr. Steve Houk, Student Body President-GBC, said that he had pursued a quality education in a rural location. Without Dr. Remington, all of GBC's students would not be afforded such an opportunity. He read a resolution (on file in the Board office) passed by the GBC student government association opposing the removal of Dr. Remington as CCSN president. They felt the action taken without due process was not proper or fair. They reminded the Board that the Handbook (Title IV, Chapter 1, Section 2.2c) stated, "A member of the UCCSN Board of Regents should respect relationships with other members of the Board by making decisions only after all facts bearing on a question have been presented and discussed". They also reminded the Board that the Handbook (Title IV, Chapter 1, Section 2.4c) stated, "Members of the UCCSN Board of Regents should meet responsibilities to the electorate by insisting that all UCCSN business be conducted in an open, ethical, and above-board basis".

Regent Rosenberg entered the meeting.

Mr. Houk reported that the students supported Dr. Remington's basic right to face his accusers and the allegations against him. They also supported the resolutions of the GBC and CCSN faculty senates, which requested the release of specific charges and allegations against Dr. Remington. They supported the motion to rescind the Board's November 20th actions and to allow Dr. Remington the basic right of due process. He said the resolution passed unanimously December 5, 2003. He said that current and future GBC students would forever be in Dr. Remington's debt for his efforts. He asked the Board to rescind its vote.

Regent Howard entered the meeting.

Dr. Paul Meacham, former CCSN President, observed that the Board stood behind him during the difficult times that occur in every president's tenure. He said that he had been president for 11 years and the Board always represented a powerful example of the positive and profound influence that a board can have on the educational process. He said he had avoided appearing before the Board in order to allow them to govern without interference. He said that he had known Dr. Remington in many capacities for over 15 years. He felt that Dr. Remington's professional and personal character was beyond reproach. With his frequent visits to the campus, he is aware that faculty, staff, and students are hurting. He said that Dr. Remington was well-liked and that people did not understand why he had been removed. He said that it appeared that due process had been bypassed. He noted that Dr. Remington had served UCCSN for more than 25 years. He felt that too much time had

been diverted from the institution's main mission for providing useful education to students. He hoped the Board would begin the healing process that was so necessary.

Regent Whipple left the meeting.

Mr. Lonnie Wright, Associate Vice President, Hospitality Institute-CCSN, recalled that he had previously addressed the Board regarding institutionalized racism. He said that CCSN enrolled 50% of all minorities in higher education. He said that Dr. Remington and Mr. Cummings had restored his faith in higher education and those individuals who are not desensitized to minorities. He felt the Board had a homogenized mindset. He said there were underlying reasons for the problem. He predicted confrontation, adding that the minorities were coming. He felt that people were clinging to a homogenized mindset. He noted that minorities also paid taxes. He said that he wanted to close the digital divide. He announced that he is the new President and CEO of the first African American television network in the history of America. He said they would not manufacture the news, but rather report it. He saw Chair Anthony on Jon Ralston's show providing a prophetic view of what would happen. He reminded the Board that they were public representatives elected by the people. He said they were confronting tough issues regarding race and gender. He suggested that the Board's vote had been predetermined. He said that the public understood that CCSN was considered a minority school and that some people did not care. He thanked Dr. Remington for restoring his faith that Dr. Remington was not disingenuous and that he and Mr. Cummings had tried their best. He observed that, last year, the Board denied Regent Howard's request (for an outreach center). This year they were cutting down CCSN. He encouraged review of the Board's voting record regarding minority issues. He felt there were underlying political reasons for the removal of Dr. Remington, unrelated to his efforts for unification and morale improvement. He reminded them that students looked to the Board as an example and that the Board should exhibit integrity with no political agendas.

Regent Whipple entered the meeting.

Ms. Glynda White, a 13-year instructor at CCSN and Vice Chair, Guiding Coalition for Diversity-CCSN (initiated by Dr. Remington) and citizen, urged the Board, in the interest of fundamental fairness, to rescind the action taken to remove Dr. Remington and Mr. Cummings. She asked the Board, in good faith and in good conscience, to consider the totality of the circumstances and the impact the Board's actions had on students, staff, faculty, and the community. She said that CCSN could not afford to lose Dr. Remington. She asked Board members to rescind the vote. She felt an injustice had occurred and there was now an opportunity to correct it.

Charles Okeke, Dean, Social Sciences-CCSN and a 13-year employee, said that he had witnessed 6 administrations. He was stunned by the Board's action. While he has enjoyed his service at CCSN, the events of the past month left him wondering what he was doing there. He said that Board actions had caused disruption at the institution. He declined a deanship under the prior administration because he felt his personal integrity might be compromised, but reconsidered it under Dr. Remington's leadership. He said the Board's decision would have a profound impact on the institution. He said the cost to students and faculty was enormous. He noted the support expressed by faculty, staff and the community to purchase the newspaper advertisement. He said the college had been in turmoil when Dr. Remington arrived. The students believe the president listens to them. He urged the Board to reconsider its decision. He urged the Board to understand that the college was in pain. He requested the return of the president.

Mr. David Batchelor, CCSN faculty member, said they were all present to serve UCCSN students. Having heard the uncertainty, dismay, and fear expressed by the students, he felt they had not been served. He said that a vote to rescind simply indicated the Board's willingness to hear both sides of the question.

Ms. Carolyn Collins expressed her belief that the Board was comprised of honorable people desiring to do the right thing. She noted that many Board members had indicated that, if the public knew what they knew, they would better understand the Board's decision. She asked the Board to rescind the vote and proceed in an open process. She said it was not about whether or not the Board was correct or the legality. She said it was about due process. She said that CCSN had very deep concerns about the thoroughness and reliability of the information presented. She noted that many people were not interviewed. She observed that the Board had heard the feelings expressed. She said that people who had served loyally and with great integrity for years had not been afforded due process. She urged the Board to rescind its motion and to address the issue. She asked the Board to convene a process with which everyone could be comfortable knowing that it had been done properly.

Mr. Dan Tafoya, Director, Special Events, Public & College Relations-CCSN, said that he represented the men and women who fought and died for this country to protect basic freedoms and rights. He observed that Dr. Remington could have remained a faculty member earning money and not worrying. He said it was dishonorable for a warrior to be shot in the back. He said he was warned not to speak for fear of retribution. He did not expect the Board to change its vote. He said that Dr. Remington was a wise man. He said that Mr. Cummings left family behind while serving in the legislature representing CCSN. He asked the Board to rescind its vote to remove Dr. Remington.

Regent Kirkpatrick left the meeting.

Regent Hill left the meeting.

Mr. Jim Mantovina, CCSN faculty senate member, local and state NFA chapter member, and teacher, said that he had an obligation to be fair to his students. He said that the Board's action had not been fair and asked them to please rescind their vote.

Ms. Genevieve Prukop, CCSN student, reminded the Board that she votes. She felt the Board did not have adequate time or information on which to base its decision. She felt that turning CCSN into a 4-year college was a good idea. She said that many programs were not available at NSC or UNLV. She felt that existing programs could be developed to a higher level that would not require her to leave the area. She said that Dr. Remington was accessible, created opportunities for students, and a good leader for CCSN. She asked the Board to please reconsider its action.

Chair Anthony left the meeting.

Regents Kirkpatrick and Hill entered the meeting.

Mr. Reid Simon, ASCCSN senator, said that his association must comply with Open Meeting Law requirements.

Chair Anthony entered the meeting.

Mr. Simon felt it was remarkable that actions of fascism and injustice could be carried out by the Board in a democratic state. He requested the Board rescind its vote against Dr. Remington until such time that all the facts could be heard. He said that certain people were attempting to dissolve the 2+2 program. He said there were attempts to invalidate transfer contracts for those who had completed more than 30 credits.

Regent Schofield left the meeting.

Mr. Simon said that most colleges actively encouraged the articulation of courses. He felt that UCCSN worked against that. He urged the Board to defend the existence of CCSN. He asked the institutions to move past the rivalry and to strive for unity.

Mr. Jacob Cassens, CCSN student, said that it appeared that a president who had successfully implemented programs to achieve the Board's goals for 30 years had been removed. He said he could either pursue his degree at UNLV or leave the state. He noted that Chair Anthony's website included a statement that CCSN would pursue 4-year degrees in select programs. He cited news articles attributing statements to Chancellor Nichols stating that Dr. Remington would develop niche bachelor's programs at CCSN. He said that Board members had forgotten the students. He said the schools were not corporations or for personal politics or petty arguments. He said the schools were for Nevada's students. He said that removal of Dr. Remington for trying to achieve benefits, creating more goals for which students could strive and making it safer on campus, did not reflect the will of the students.

Mr. Michael Nielson, CCSN student senator, was troubled and amazed by the support displayed for Dr. Remington. He noted the 1,000 signatures collected in a short period of time. He felt that many more did not have the opportunity to indicate their support. He reviewed the Board's Bylaws and previous meeting's minutes and understood the Board's discretion to hire and fire its presidents. He reminded the Board that the public had the discretion to remove any Regents who did not meet the needs of the community. He asked the Board to reconsider its motion of November 20th.

Dr. Remington introduced his attorney, Ms. Kathleen Englund. He read a brief statement reporting that he had served higher education in Nevada for more than 30 years. He said that he expected more from the Board than what he was shown in the last few weeks. He said that he had attended over 100 Board meetings. He said that he had always addressed issues posed to him, accepted the Board's leadership, and received fair and consistent treatment until recently. In the last 15 years, he had never seen the Board deny a president's or chancellor's request to be heard. He asked the Board to provide him the opportunity to learn the allegations, and to address the allegations point-by-point in an open personnel session in January. Following the Board's November 20th actions, he has suffered the indignities and humiliation of hearing of serious violations that the Chair related to the media but not personally to him. He said that many Regents had spoken about basing their decision on facts. He said he had reviewed portions of the un-sworn, incomplete, and biased statements. He said that he agreed to and fully cooperated with the investigation because he thought it would be thorough and fair. He said it was neither. He anticipated he would receive the closed session minutes, his personnel records, and the closed session transcript by the scheduled January personnel session. He was confident he would be able to respond point-by-point to each of their concerns. He hoped the Board would extend the same fair and consistent treatment exhibited to others. He said that extending such an opportunity would not only address his concerns, but also those of the higher education community as well as the public, at whose pleasure the Board serves. He asked that Ms. Englund be allowed to address the Board. Chair Anthony replied there were others ahead of her on the list. He asked if there were any objections. None noted.

Ms. England asked the Board to fully comply with Judge Glass' order to provide a transcript of the November 17 and 20 meetings. She indicated that Dr. Remington had no objection to the full release of the investigative report.

Dr. Tobey Benitez, CCSN adjunct professor, said he was appalled by the conduct exhibited. He said the Board had overlooked simple logic. He felt that a bad example was being set for the students and that the youth were suffering. He said that Dr. Remington's good works would speak loudly for him. He said that Dr. Remington dared to be unorthodox, forceful, and provided the community's youth an education that would allow them to be productive.

Mr. Kelly Roth, Professor, Performing Arts and Dance Program-CCSN, said that he loves his job and considered it the best ever. He related that it wasn't always that way, adding that Dr. Remington made a big and positive difference. He related that Dr. Remington appointed him to a committee to replace a commercial for the college when Dr. Remington became aware of Mr. Roth's displeasure with the advertisement's message.

Regent Bandera left the meeting.

Regent Whipple left the meeting.

Mr. Roth related that education meant a lot to him. He reported that the new commercial would feature CCSN dance students. He said that Dr. Remington was not afraid to make amends and felt the Board should learn from that experience. He advised the Board to go back and make amends.

Regents Bandera and Whipple entered the meeting.

Ms. Chris Giunchigliani, CCSN employee and State Assemblywoman, asked the Board to rescind its vote on Dr. Remington and Mr. Cummings. She said the Board had the opportunity to right a grievous wrong. She felt the investigation was one-sided, incomplete and based upon the anonymous allegations of disgruntled employees. She wanted to go on the record to release the transcript and minutes from the closed session, as well as any backup material, to the public. She said she had no objection to its public release. She said the investigation was comprised of half-truths, assumptions, lies, and vindictiveness. She discussed her hiring at CCSN. She said that she applied for an advertised position for which she is qualified, adding that a position had not been created for her. Ms. Giunchigliani then discussed AB511, the alleged secret, conspiracy-related legislation to create a 4-year degree. She noted that it was included in the Regents' Master Plan and in Dr. Remington's evaluation, and Chair Anthony made reference to it on his website. She felt it was the right thing to do in order to provide students a broad variety of offerings. She asked why community college classes did not transfer to System institutions when they did to other private institutions in the state. She said there was no conspiracy with AB511. She explained that Mr. Cummings had indicated that Assemblyman Williams was interested in sponsoring a 4-year degree bill. He shared some of Mr. Williams' notes with her. She developed her own language on her assembly letterhead and faxed it to Mr. Williams in December 2002. The bill was then introduced on March 24, 2003. She said that everything was conducted in the open. She said that she and Mr. Williams had the right to introduce any legislation they believed to be good public policy. She said that Mr. Williams had the right to bring the bill forward without the Board's consent. Mr. Williams claimed responsibility for the bill in the legislative minutes. She was asked in Ways & Means to ensure the bill did not move forward because it was not what the Chancellor indicated was the Board's desire. She suggested the Board should be more concerned about AB391, a bill requested by Mr. Williams to appropriate \$1 million of public tax dollars to continuing education and a truck driving school. She felt that bill allowed continuing education and Ms. Jones to come to Carson City even though Ms. Jones had been told not to return. She said that Dr. Remington and Mr. Cummings were being blamed for a rogue division (continuing education) justifying Ms. Jones' presence in Carson City. Ms. Giunchigliani said that no one knew about the bill. She said that Chancellor Nichols and Mr. Cummings offered an amendment to turn it into a workforce development bill, adding \$3 million. She said that Chancellor Nichols publicly committed Dr. Remington to carry out the mandates of the legislation that he knew nothing about. She then addressed the security funding, adding that there was no collusion. She explained that a core group meets towards the end of session. Senator Raggio, Senator Rawson, Senator Matthews, Assemblyman Arberry, Speaker Perkins, Assemblyman Hettrick, and Ms. Giunchigliani were present on May 26 to finalize the CIP closings (building and construction funds). Senator Raggio and Rawson pulled out a list of items. Senator Raggio wanted money for UNR land acquisition (\$5 million). He requested additional money for the DRI Maxey building (\$2.1 million), which he moved in priority on the Regents' list. She related that UNR also received a heart transplant study (\$1.7 million) and planning money for Getchell Library (\$400,000). Senator Rawson requested \$750,000 to renovate Mesquite High School. She alluded that Chair Anthony had been part of that discussion. She said that GBC received \$250,000 for an oral health clinic. She said that money was also provided for the Fire Science Academy in Carlin. Assemblyman Arberry requested \$500,000 for CCSN security and \$250,000 to fund Mr. Williams' bill for an AIDS program. Speaker Perkins requested \$500,000 for the Ely railroad. She said it was unfair that Dr. Remington and Mr. Cummings were being punished for the \$500,000 in security money, alluding that UNR's president or lobbyist had a conversation with Senator Raggio. She noted that the money could not be expended until approved by the Board. She said the \$5 million had been released to buy the Bishop Manogue High School property while the Board was still holding CCSN's security funds. She related that students and a teacher were taken hostage at the Cheyenne campus. She reported that she had not been interviewed and wanted to provide the truth. She feared a lengthy legal battle, adding that the Board was willing to spend tax dollars to hang two innocent people. She said that Dr. Remington had been demoted without charges, proper notice, or a proper hearing as required by law. She said the Board did the same to Mr. Cummings in addition to beginning the process for removing his tenure. She related that he too had not seen the charges against him. She said that, in her case, she believed the Board violated the Open Meeting Law by discussing an elected official in closed meeting. She said the Board discussed her legislation (AJR11-to appoint the Board of Regents). She noted the Board voted to terminate her contract. She thanked those

who did not support the action, adding that she did nothing wrong. She said that many others had suffered from the ill-managed and incomplete investigation. She said that what had been done to them could be done to anyone. She urged the Board to show good will and to overturn its previous action.

Regent Rosenberg left the meeting.

Mr. Gary Peck, Executive Director, American Civil Liberties Union of Nevada, said that he was asked by countless students, faculty, and community members to speak to this issue from the ACLU's perspective. He said that the issues were not about personalities, adding that he did not know Dr. Remington or Mr. Cummings well. He said that it was evident from the outpouring of people and sentiments that they had built an enormous reservoir of good will among the members of the community. He wished to speak to the issue of what passed for "process", but was instead a travesty and a debasement of the values and principles the Board should support, promote, and advance. He said the Board should be an example to the rest of the community for how to do things properly with integrity and principle. He said the Board should not push the legal envelope by trying to get away with as much as they legally can. He felt the process used was an abomination and an embarrassment in spite of the legal ruling. He felt the Board owed more to Dr. Remington, Mr. Cummings, UCCSN, and CCSN. He implored the Board to rescind the motion and to go back and do it properly. He asked the Board to provide people the opportunity to answer the charges.

Mr. Louis Overstreet, Las Vegas Urban Chamber of Commerce, said that he was embarrassed for the Board after hearing the comments from the past two hours. Mr. Overstreet said that he fully understood the conflict that can develop between a board and a senior administrator. He said that he saw nothing in the documents to justify the Board imparting irreparable harm to a career educator. He asked the Board to return Dr. Remington to his position.

Mr. Fred Conquest, CCSN faculty member, observed that it took a special kind of person to handle the politics, fundraising, and relations with faculty, students, and classified employees. He said that Dr. Remington was that kind of person. He related that Dr. Remington put out fires left by the previous administration. He felt the Board's decision was based upon hearsay evidence and a kangaroo court. He respectfully asked the Board to rescind its decision. He felt that Dr. Remington was the right person for the job. He said he was told not to speak for fear of retribution. He said that he could not believe that an educated group of people would be stupid enough to become caught up in this "quicksand". He said the Board's decision would cost the tax payers serious money in a time of insufficient funds. He observed that UNLV was trying to attract quality employees in its desire to become a research institution. He said the Board's decision had clouded the state's and the System's reputations. As a citizen, he was appalled that Chair Anthony and Regents Hill and Whipple knowingly and willfully violated the Open Meeting Law. He felt there should be some censure or penalty for this occurrence. He said the Board's incompetent legal advice did not excuse its actions. He said the Board was in a worse position than Dr. Remington because it had violated state law. He said the Board was also liable in federal court. He said the Board had violated the civil rights of Dr. Remington, Mr. Cummings, and Ms. Giunchigliani. He predicted the state would lose its case. He was irked by the Board's attitude in violating the law. He found it unacceptable for elected officials to knowingly and willfully violate state law and still maintain their jobs.

The meeting recessed at 4:05 p.m. and reconvened at 4:30 p.m. with all members present.

5. Approved-Resolution 04-06, National Organization of Minority Architects, UNLV – The Board approved Chair Stavros Anthony's request for a resolution in honor of the UNLV Chapter of the National Organization of Minority Architects for being named Honorary NOMA Chapter of the Year at the Chicago 33rd Annual NOMA Meeting. The UNLV Chapter also won first place in the student competition for their team project "Student Historical African American Sports Museum in Bronzeville". The project objective was to design an African American sports museum highlighting the achievements of African American athletes. With the guidance of faculty advisor Patricia Stissi, the team included Las Vegas Student Chapter President Walter Huertas, Saori Tsukamoto, Timo' R. Harrison, Marco A. Davis, and Jose L. Aguilar. (Ref. A on file in the Board office)

Regent Alden moved approval of Resolution 04-06 in honor of the UNLV Chapter of the National Organization of Minority Architects. Regent Seastrand seconded. Motion carried.

6. Approved-Resolution 04-07, Miss Black USA, UNLV – The Board approved Chair Stavros Anthony's request for a resolution in honor of Ms. Elizabeth Muto, in recognition of her being named Miss Black USA 2003. She graduated from UNLV in May 2003. As a UNLV student, she was active in a variety of student organizations and volunteered in numerous community groups such as the Make-a-Wish Foundation and Candlelighters. Ms. Muto was the first runner-up for Miss Nevada in 2002 and first runner-up for the Miss Southern Nevada title in 2003. (Ref. B on file in the Board office)

Ms. Muto said that she was honored to return to UNLV, adding that her education had provided her with valuable life skills.

Regent Seastrand moved approval of Resolution 04-07 in honor of UNLV graduate Ms. Elizabeth Muto being named Miss Black USA 2003. Regent Rosenberg seconded. Motion carried.

7. Approved-Resolution 04-08, Nevada Professor of the Year, UNR – The Board approved Chair Stavros Anthony's request for a resolution in honor of Dr. Phillip C. Boardman, professor and department chair at the University of Nevada,

Reno for his selection as the 2003 Nevada Professor of the Year by the Carnegie Foundation for the Advancement of Teaching. (Ref. C on file in the Board office)

Regent Alden moved approval of Resolution 04-08 in honor of Dr. Phillip C. Boardman being named Nevada Professor of the Year for UNR. Regent Rosenberg seconded. Motion carried.

President Lilley accepted the resolution on Dr. Boardman's behalf.

Regent Howard asked to read a letter from Senator Joe Neal into the record. She reported that Senator Bob Coffin had requested the Board's Chief Administrative Officer ensure that his letter was included in the record as well. (Letters on file in the Board office).

The full Board meeting recessed at 4:50 p.m., on December 11, 2003, and the Board convened as Members of the Corporation for the UCCSN institution Foundations' reports with all members present.

8. Information Only-Foundation Reports - The Board reviewed presentations from the institution Foundations. Order of Presentation: UNLV, WNCC, DRI, UNR). (Minutes on file in the Board office).

The full Board reconvened at 5:14 p.m., on December 11, 2003 with all members present.

9. Denied-Rescinding Prior Board Action – The Board denied Regents Mark Alden, Linda Howard, Howard Rosenberg, and Steve Sisolak's request, pursuant to (Title I, Article V, Section 21), to rescind prior Board action regarding the reassignment of President Ron Remington to the faculty and regarding the reassignment and further disciplinary proceedings related to Mr. John Cummings. These actions were taken during the Special Board of Regents meeting held November 17 and 20, 2003.

Regent Howard moved approval of rescinding prior Board action to reassign Dr. Ron Remington and Mr. John Cummings to faculty taken during the Special Board of Regents meeting held November 17 and 20, 2003. Regent Rosenberg seconded.

General Counsel Ray requested that the motion be amended to include the following: "without prejudice to any further action if deemed appropriate." Regents Howard and Rosenberg agreed to the amendment.

Regent Howard asked for the reasoning. General Counsel Ray replied that it was based upon the comments and the offers that took place during Public Comment, and further, reasons regarding pending litigation that could be prejudiced. Regents Howard and Rosenberg accepted his response.

Regent Seastrand asked whether the Board should consider separate motions since, originally, two motions were made. General Counsel Ray said it would require a motion to amend or a friendly amendment, if the mover and seconder wished to separate the motion. Regent Howard said that she would prefer it move forward as stated, adding that Regents Alden, Rosenberg, and Sisolak also supported the motion.

Regent Sisolak said that one comment made during Public Comment referred to a court order to provide transcripts. He asked whether the Board had complied. Regent Kirkpatrick noted a point of order, observing that the Board had not yet seen the transcripts. Chair Anthony asked General Counsel Ray to provide an update of the previous day's occurrences and to provide a response for Regent Sisolak.

General Counsel Ray reported that two actions were filed (one by Dr. Remington and one by Mr. Cummings). A preliminary injunction was heard the previous day. The judge granted the Board's request to consolidate the two cases. The plaintiffs sought a decision to void the Board's prior action on the basis of allegations that events leading to the Board decision had not complied with the Open Meeting Law, and that other rights were violated (fairness of the proceeding). The court denied their motions, finding there had been compliance with the Open Meeting Law, and allowed the Board's orders to stand. The court did state that, pursuant to the statute, transcripts would be provided in accordance with the law. The Board has 30 (working) days in which to provide them. He said the transcript had not yet been prepared. Regent Sisolak asked whether both meeting dates would be considered. Regent Alden recalled a different order. Regent Sisolak asked when the transcript would be due. General Counsel Ray replied that he believed it would be required 30 days from the meeting's conclusion. He was hopeful it would not be an issue.

Regent Alden thought the transcripts were to be provided within a 24-hour period. Chair Anthony said the Board trusted that General Counsel had provided the correct information. He recognized Ms. England. Ms. England said that the court ordered the Board to provide Dr. Remington with a transcript of the hearings. The judge had not indicated a timeframe. It was her understanding that, by NRS, the minutes were required by 30 days. She estimated by December 17, 2003. She said there was no timeline required for the transcript. Regent Alden stood corrected.

Regent Sisolak said that it had been a difficult month for the Board, adding his respect for his colleagues. He felt they all brought different things to the table. He said they had three things in common: They all cared about the institutions, the faculty, and the students. He recalled the public's passionate comments. He felt that Board members were not adversaries,

but rather a unit. He said it was often difficult to reconsider an issue, and implored each Board member not to dig in their heels. He asked them not to take action simply because they could. He said the public also claimed to know something. He noted the vote had been very close (7-6). He agreed the institution had been decapitated. He felt the institution had been to hell and back during his tenure on the Board. He was ashamed by what the Board had put the students, faculty, and community through. He noted they had turned out and were supportive of the institution, president, and other employees. He felt there were other, better suited disciplinary options available. He felt it was important to consider those options and not to rush to judgment. He said that Board action impacted the community, the state, and all of the other institutions as well. He said the community relied upon the Board to make intelligent, well-reasoned, thoughtful decisions. He felt it was an opportunity to correct a wrong, to take a second look, and maybe reconsider the Board's position, and to be more thoughtful with its actions. He said it had been 2 days of very difficult meetings. He felt that everyone was tired and a feeding frenzy began. He asked members not to take comments personally. He said that it no longer mattered how they voted on November 20th. He said that what mattered was that the Board had listened to the public who had spoken. He said that what the Board did now mattered and could make a difference.

Regent Alden agreed that the previous action no longer mattered, adding that it was a new day. He felt the most beneficial testimony had been provided by Assemblywoman Giunchigliani, when she provided an inside view of a caucus room. He was intrigued the Board had allowed "end-runs" to decapitate an institution, when the president and administrator indicated they did not want it. He felt it was outside the Board's purview to criticize elected legislators. He did not believe this was the last "end-run" the Board would experience. He concurred with Regent Sisolak, and urged Board members to preserve the rights of individuals and to rescind prior Board action.

Regent Dondero said that it is a wonderful community college and that the Board should be lending its support and help toward making it even better. She felt the Board should increase its efforts for the students, faculty and administration.

Regent Howard said that she had been very upset for the last few weeks about people who had been hurt by the Board's November 20th decision. As a member of Dr. Remington's evaluation committee, she reported that it had been an excellent evaluation. The people at CCSN love, believe in, respect him, and want him to be around. She observed that many people had spoken with one voice. She was surprised that no one came forward with anything negative. She recalled the 1,000-signature student petition secured in a short period of time. She felt those were significant signs. She said that CCSN had suffered a lot of disenfranchisement in the past. They felt that someone was finally there in whom they could believe. She said the institution was healing and reuniting, and wanted to continue in that direction. She felt the Board's timing was very bad, noting that action had been taken right before Thanksgiving, Christmas, and final exams. She felt the Board had been inconsiderate. She said that CCSN represented a beautiful quilt to her, with people from many backgrounds. She said the Board had heard from two senators and an assemblywoman who had spoken strongly. She felt the Board should heed that.

Regent Derby thanked Regent Sisolak for the tone he adopted in the discussion, which she felt was very helpful. She observed that when considering tough decisions, it was most important to respect that each person brought their best thinking and commitment. She said there was no other agenda. She said it was one of the most difficult decisions the Board had ever considered. She praised Regent Howard's quilt analogy. She said that CCSN was one of the Board's best institutions. She expressed her appreciation for everyone who stepped forward, adding that it demonstrated democracy. She said that she disagreed with some of the claims. She said the Board's actions had not been politically motivated or preordained. She said that she had no idea what would result from the Board's November meeting. She stated that the Board's decision was not pre-planned or preordained. She said the decision made on November 20th was the most difficult in her 15-year Board tenure. She felt that she only brought an open mind and her best judgment to the Board's deliberations. She said she was committed to the well-being of all UCCSN institutions and that her vote had been based on only that motivation and commitment. She acknowledged it had been a time of anguish and turmoil. She said the Board was faced with a very difficult decision, acknowledging the gravity and the huge impact of that decision. She knew her vote was not politically popular and would be second-guessed by many people whom she regards. After listening carefully, she said that she held UCCSN presidents to a very high standard and level of integrity, personal responsibility, and ethics. She said that she held them in high regard and trusted them. She felt she could not fulfill her responsibility as a Regent without having that trust. She said that she counted on and had confidence in their recommendations. She said it was very important for her to have that absolute trust and confidence in order to fulfill her responsibility as a Regent. Regent Derby was unsure whether reinstating a president after a majority of the Board expressed a lack of confidence was a move that would serve the institution.

Regent Seastrand said that he appreciated the tone that had been set and thanked everyone for their comments. He said that it all came down to one simple issue for him that had nothing to do with the report. He said the issue was that Dr. Remington had not had an opportunity to appear before the Board and to be heard. He urged his colleagues to rescind the action so that a personnel session could be held.

Regent Rosenberg said that the motion was not about right or wrong. He said the motion simply asked the Board to consider all parts of the question, which most people believed had not occurred. He said that trust and confidence depended upon all of the information; good information that could be relied upon. He was not convinced that had been provided. He asked the Board to go back and reconsider based upon all of the information that could possibly be gathered. He said it was two human beings' lives, which was an important consideration.

Regent Whipple said it had been a difficult and humbling evening, adding that it had not been easy for anyone. He said that, for him, it came down to trust and accountability. Once that trust no longer exists, it is hard to recapture. He thanked Dr. Remington, Mr. Cummings, and Ms. Giunchigliani, for agreeing to the release of the report. He was thankful for the opportunity to provide the information to the public on which he based his decision.

Regent Schofield said that this was one of the toughest decisions of his life. He said he still had some problems in his mind from the interviews and report that he would like resolved. He said that he would like to think that Dr. Remington and Mr. Cummings could resolve those problems to his satisfaction so he could vote in their favor. He said it had been tough. He wanted to get the situation straightened out so that no one could say the Board had not provided them an opportunity to present their side. He said he wanted to hear responses to some things that were still puzzling him. Regent Schofield asked if there were a problem with holding a session that day. Regent Alden said that such a meeting would need to be noticed.

Chair Anthony said that he had spoken to Dr. Remington about having a closed personnel session. Chair Anthony said that Dr. Remington had preferred to have an open session in January.

Regent Schofield asked whether action would be postponed until the January session. Chair Anthony replied it would not. He explained that, if the Board rescinded, Dr. Remington would become president and Mr. Cummings would return to his position. He related that Dr. Remington had requested an open session to discuss the entire investigation in January. Regent Schofield said that he wanted to support these people, adding that they were the Board's leaders. He said that his goal was to make this the most outstanding university system in the U.S. He said the Board could not do it alone. He said it would require a team effort.

Regent Sisolak agreed with many of Regent Schofield's remarks. He said that, in fairness to Dr. Remington and Mr. Cummings, taking Board action that day or the next would not provide them sufficient time in which to prepare. He suggested the Board take the time to reconsider this and to let them have an open session in which to ask and answer questions. He said that he would support his colleagues if they came to the same conclusion after listening to all of that. He pleaded for the human decency to give them their time in court. He said the Board needed to hear all sides. He said the Board would not have that opportunity if they did not rescind its vote.

Ms. Ernst clarified that a "yes" vote constituted a vote to rescind the previous action taken regarding Dr. Remington and Mr. Cummings.

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

The meeting recessed at 5:50 p.m., on Thursday, December 11, 2003, and reconvened at 8:15 a.m., on Friday, December 12, 2003 with all members present except Regent Seastrand. The full Board meeting recessed at 8:16 a.m. and the Board convened as Members of the Corporation for the UCCSN institution Foundations' reports with all members present except Regent Seastrand.

8. Information Only-Foundation Reports – (Cont'd.) The Board reviewed presentations from the institution Foundations. Order of Presentation: GBC, TMCC, CCSN, NSC. (Minutes on file in the Board office).

The full Board reconvened at 8:50 a.m., on December 12, 2003 with all members present except Regent Seastrand.

10. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of #4 (IRS Section 127 Plan), which was approved separately.

(1) Approved-Minutes – The Board approved the minutes from the regular meeting held October 8-9, 2003.

(2) Approved-Minutes – The Board approved the minutes from the Periodic Presidential Evaluation Committee meetings held September 30, 2003 and October 2 & 3, 2003.

(3) Approved-Honorary Doctorate, UNR – The Board approved President John Lilley's request to award the Honorary Doctor of Science degree to Walter Kohn, Professor of Physics, Emeritus and Research Professor, University of California at Santa Barbara and co-recipient of the Nobel Prize in Chemistry in 1998. (Ref. C-3 on file in the Board office)

(5) Approved-Residence Hall Naming, UNLV – The Board approved President Carol Harter's request to name one of the three small dormitories located near Tropicana Avenue on the University of Nevada, Las Vegas campus the "Margie and Robert Faiman, Sr. Residence Hall" in recognition of a significant gift to the university from their daughter, Deborah L. Shoofey. (Ref. C-5 on file in the Board office)

Regent Sisolak asked that Consent Agenda item #4 (IRS Section 127 Plan) be considered separately.

Regent Kirkpatrick moved approval of the Consent Agenda with the exception of #4 (IRS Section 127 Plan). Regent Dondero seconded. Motion carried. Regent Seastrand was absent.

(4) Approved-IRS Section 127 Plan – The Board approved Chancellor Jane Nichols' recommendation for an IRS Section 127 Educational Assistance Plan for the UCCSN in order to establish that tuition waivers for employees who take graduate-level classes are non-taxable income. If approved, the Plan would be retroactive to January 1, 2003, in order to cover the entire 2003 tax year. The proposal was recommended by the UCCSN Personnel/Benefits Council and the institution presidents and payroll managers. (Ref. C-4 on file in the Board office)

Regent Sisolak questioned approving the action retroactively. Mrs. Sandi Cardinal, Director, Internal Audit-System Administration, replied that this was the second calendar year in which the UCCSN could offer the benefit. She said they began working on a plan last year with PricewaterhouseCoopers, who was comfortable with the retroactive request. She said the benefit could be deferred until January 1, 2004. Regent Sisolak asked about the impact and amount of savings. Mrs. Cardinal replied there was minimal impact, but was unsure of the exact numbers. She said it provided a maximum \$5,200 benefit and impacted some employees. Regent Sisolak asked about the number of employees affected. Mrs. Cardinal said she did not know. Regent Sisolak said that he wanted to be absolutely assured that the IRS agreed with this. He felt it was unusual to pass policy providing retroactive tax-exempt status. He took issue with the retroactive aspect. He required more assurance from PricewaterhouseCoopers that the benefit was being implemented properly. He said that it appeared they were trying to find a loophole by enacting it right before the December 31st deadline. Mrs. Cardinal said that the effective date was the Board's option. The benefit is extended for a calendar year. Board approval was necessary (at this meeting) in order to offer the benefit for the 2003 calendar year. Regent Sisolak again asked how many employees would be affected. Mrs. Cardinal said she did not know, adding that the benefits committee had been reviewing this matter over the past two years. The two (university) payroll offices drafted the plan. Regent Sisolak asked whether anyone could answer his question.

Chancellor Nichols said that this did not cost the System any more, but was rather a benefit for employees for their own personal income tax reporting purposes. She said the issue had sustained a thorough review, including review by Mrs. Cardinal and the external auditors. She said that it was legal so long as it was done in this calendar year. Regent Sisolak established that Chancellor Nichols meant that it was technically legal to make it retroactive to January 1, 2003. Chancellor Nichols explained that it was legal if the benefit was put in place within the tax year. Regent Sisolak said that he had a problem with making it retroactively effective. He was aware that it would not cost the System any more money. He was concerned about the employees. He wanted to ensure that UCCSN had a letter or IRS approval indicating that the employees would not need to worry about repaying the tax benefit at a future date.

Regent Whipple said that he had some experience with these different plans. It was his understanding that it would not cost the System any money. He said it would save the tax payers from paying taxes to the federal government. He said the plans were established by companies like PricewaterhouseCoopers, who had a contract, and followed strict guidelines. He said they normally work with the IRS and secure IRS approval. He noted that taxes for 2003 would not be due until April 15, 2004. He thought that any liability would be attributed to PricewaterhouseCoopers. Regent Sisolak asked whether PricewaterhouseCoopers would accept the liability. He said he would approve the matter if the Board had that assurance. Regent Whipple said they would need to confirm that in the contract. He said the only reason for hiring a firm like PricewaterhouseCoopers was to have the work done completely. Regent Sisolak said that he was satisfied if PricewaterhouseCoopers would accept the employee liability. Mrs. Cardinal said that the contract did not include a provision for PricewaterhouseCoopers to accept any liability, adding that they provided their best advice.

Regent Kirkpatrick asked whether it was similar to gaining a dependent by having a child on December 31st. Regent Sisolak felt this was different since it involved their paychecks. He asked whether tax had been withheld during the year. Mrs. Cardinal replied there was no withholding. Instead, taxable income is added at the end of the year, for graduate level courses taken by the employee only, during the preparation of W-2 forms. If the plan were approved, those amounts would not be added for the 2003 tax year. Regent Sisolak felt it was incumbent upon the System to provide the employees better assurance that there would not be future problems. Chair Anthony asked whether anyone could provide that assurance. Mr. Tom Judy, Associate Vice President, Business & Finance-UNR, said that the law was written to allow an entity like UCCSN to elect the option at any point during the calendar year.

Regent Rosenberg understood Regent Sisolak's concerns. He said that, as an employee, he would take the chance.

Regent Hill agreed with Regent Rosenberg. He acknowledged there were no certainties, adding that it could be a way to avoid taxes as recommended by PricewaterhouseCoopers. He said he was also willing to take the chance.

Regent Bandera requested that the appropriate officers from each institution prepare a clear statement for the employees identifying the liabilities or concerns, should this be approved. Ms. Carla Henson, Director, Human Resources-System Administration, said that each human resources officer on each campus would announce to their campus that this would

(4) Approved-IRS Section 127 Plan – (Cont'd.)

be tax sheltered for 2003. She suggested that Mrs. Cardinal contact PricewaterhouseCoopers to secure a written statement. Regent Bandera asked whether they could put something in writing for the employees' files should they

elect to take the risk, if the item were approved, so the Board could feel the employees were fully informed. Ms. Henson clarified that it would not be an individual decision to take that risk. If the plan were approved, the payroll offices would not include those fees as taxable income. She suggested using campus-wide e-mail announcements.

Regent Kirkpatrick asked whether the briefing paper should have included some reference to this. Chancellor Nichols said they did not perceive this as a risk, adding that they were confident the recommendation was appropriate and legal.

Chair Anthony requested faculty senate input. Dr. Michael Hardie, Faculty Senate Chair-WNCC, felt that it was an excellent benefit, and that the Board should approve it. He did not feel there was any chance for problems with the IRS.

Regent Sisolak requested the tax code. Mrs. Cardinal replied that it was IRS Code Section 127.

Regent Hill moved approval of implementing an IRS Section 127 Educational Assistance Plan for UCCSN for 2003. Regent Whipple seconded. Upon a roll call vote the motion carried. Regents Anthony, Bandera, Derby, Dondero, Hill, Kirkpatrick, Rosenberg, Schofield, and Whipple voted yes. Regents Alden, Howard, and Sisolak voted no. Regent Seastrand was absent.

11. Approved-President's Contract – The Board approved a decision regarding the employment terms and conditions for UNLV President Carol Harter. Chair Anthony said that President Harter received a very good evaluation. He thanked the evaluation committee participants and recommended a 3-year extension of President Harter's contract (July 1, 2005-June 30, 2008) and a 3% merit increase.

Regent Derby moved approval of the contract recommendation for President Harter. Regent Rosenberg seconded.

Regent Howard asked about her current salary. Chair Anthony replied that President Harter currently earned \$209,038. The 3% merit would increase the amount to \$215,309.14.

Regent Kirkpatrick said he had no objection to the recommended salary increase. He expressed concern for the length of the contract. He had no doubt that President Harter would continue to do a good job. He said that something could occur during that time that could cause the Board to desire terminating the contract. He observed that the Board would be obligated to pay her salary for the contracted period. Regent Alden acknowledged that he had been tough on President Harter, adding that he read her evaluation and had seen what she had accomplished. He said that she made sweeping changes in the two major areas with which he was concerned. He said there were no golden parachutes. He said that, if the Board should feel the relationship was not working, President Harter could return to a tenured teaching position with the highest salary in the department. General Counsel Ray explained that an involuntary reassignment would entitle President Harter to her current base salary under the contract. Regent Alden felt she had earned it. He said that he had considered opposing the increase, but felt she deserved some back pay. He recommended reviewing her record and that she deserved the contract extension. He noted that UNLV would be undertaking a major capital campaign and that the public needed to be reassured there would not be another Shanghai hanging. He encouraged Board support for the motion.

Regent Derby said that she viewed the length of the contract in another light. She felt the Board was fortunate to have President Harter, who possessed a national reputation for excellence, noting that she could go to other places. Regent Derby felt the contract extension allowed the Board to retain her leadership for UNLV, as well as the upcoming capital campaign.

Regent Sisolak said that President Harter had satisfactorily responded to his one issue. He reported that the evaluation committee chair, Dr. Frohnmeyer, had given President Harter high praise and had emphasized what a tremendous asset she is. Regent Sisolak said that he put a lot of faith in Dr. Frohnmeyer, as well as President Harter.

Regent Rosenberg agreed to the 3-year extension.

Regent Schofield felt that President Harter's salary was a bargain when compared with university presidents nationwide. He thought she was outstanding and praised her efforts for bringing the university to a level that the Board could consider the best in the country. He said that she was articulate, a good fundraiser, and that the Board was fortunate to have her in its employ.

Regent Dondero felt the Board did not pay her enough because of the growth in the area and what she has accomplished during her time as president.

Regent Kirkpatrick acknowledged that UCCSN presidents were not paid sufficiently when compared with national salaries. He noted the Board did not have that kind of money. He felt that President Harter was worth her salary. He said that he was highly concerned with the length of the contract and the lack of a stipulation for termination with cause. He asked that a committee review the presidential contracts and consider including some stipulation for termination with cause. Chair Anthony agreed to review the matter.

Regent Hill congratulated President Harter on a good job, encouraging her to work hard and to continue. He expressed his hope that all the presidents would continue to work together for the best interests of the System.

Motion carried. Regent Seastrand was absent.

12. Approved-Appointment, Interim President, CCSN – The Board approved Chancellor Jane Nichols' recommendation for the appointment of Dr. Paul C. Gianini Jr. as Interim President of the Community College of Southern Nevada, including salary and other contract conditions.

Chancellor Nichols reported that, at the Board's direction, she and Chair Anthony had conferred with ACCT (Association of Community College Trustees) to find an appointment for the Interim President of CCSN. She said that ACCT was very familiar with Nevada, having previously conducted presidential searches for CCSN, TMCC, and GBC. She said that ACCT searched the country for the best person to meet CCSN's needs over the next 4-6 months. She related that she had spoken with CCSN faculty and students and had received one message: CCSN is very concerned that their voice will be dampened or lost as preparation begins for a critical 2005 legislative session. She said the institution has many wonderful projects, and they do not want the projects stymied or to lose their place at the table. She has pledged to them that this will not happen. She said they also indicated the need for a strong president to represent the college. She reported that ACCT had recommended Dr. Paul C. Gianini Jr. In 2002, Dr. Gianini served as Interim President for Aims Community College in Colorado. She said that she had spoken with the Board Chair from Aims Community College and verified that he had been an aggressive, effective president who looked out for the interest of the college and worked well with the board. From June 1984 to March 2000, he was President of Valencia Community College in Orlando, Florida. Similar to CCSN, this institution also sustained rapid growth with over 55,000 students on multiple campuses. She presented ACCT's recommendation to the Board for approval. Chancellor Nichols explained that ACCT would work with the System and follow-up to ensure the needs of the College and Board were being met. The agreement negotiated by ACCT included engaging Dr. Gianini's services for 4 months, possibly longer, with a monthly salary pro rated on an annual salary of \$160,000, slightly less than Dr. Remington earned. Chancellor Nichols reported that normal auto and housing perquisites would be handled differently. CCSN will work with the Chancellor's office to find accommodations for Dr. Gianini and his wife for the period of time he is in Las Vegas, for at least a 1-bedroom, executive unit. There is also a provision for a mid-sized car for the duration of his service. Because Dr. Gianini is under contract with ACCT, a professional liability policy will also be provided. She said she had instructed ACCT not to exceed the cost of the current president. She said that she was very impressed with Dr. Gianini. She said that he was very aware of the Community College of Southern Nevada and was interested and anxious to be able to serve in this capacity.

Regent Kirkpatrick moved approval of the appointment of Dr. Paul C. Gianini as Interim President for CCSN. Regent Hill seconded.

Regent Alden said that Chancellor Nichols and the Board Chair had done an admirable job. He said he always opposed allowing interim appointments to become a permanent candidate. He noted that the rule had been broken when she became chancellor. He said the issue with the former president wasn't over. He said it was tough. He asked whether Dr. Gianini could become a candidate for the permanent position. Chancellor Nichols replied he could not. Regent Alden asked what would happen if Dr. Gianini loved it, and wanted to become a candidate for the permanent position with the Board's support. Chancellor Nichols said that could not be anticipated under this arrangement. ACCT works with retired presidents who are interested in serving on an interim basis. ACCT would not normally include their names in the pool of candidates.

Regent Whipple left the meeting.

Regent Alden established that it would be a Board decision. He then asked whether the January agenda would include an item for appointment of a search committee. Chancellor Nichols replied that the president's search committee was set by Board policy. She anticipated and advised that the committee should be appointed in either early- or late-January. She said the institution was anxious to get a permanent president.

Regent Whipple entered the meeting.

Regent Alden indicated his support for the motion. He wanted everyone to understand how torn he was. He applauded the Chancellor and those that assisted in bringing the recommendation forward. He formally requested that he be chair of, or serve on, that search committee.

Regent Dondero said she had a problem with approving an item that the Board had not been able to review in advance of the meeting, or to meet, unless somebody had already made the decision. She said that she had not had an opportunity to read his background. Chancellor Nichols said that it had been a very difficult position for everyone. Until the previous day's vote, it was not known whether an interim would be required. She said that she provided the desired characteristics to ACCT and that he appeared to be appropriate for the position. She felt it was important to fill the position. Dr. Gianini would start on January 5th. Chancellor Nichols offered to arrange a telephone call if the Board wished to speak with Dr. Gianini prior to voting. She explained that he was traveling. Regent Dondero said that, in view of what the public had expressed, she at least wanted time to review his background.

Regent Howard agreed with Regent Dondero. Regent Howard recalled her letter to the Chancellor inquiring whether an interim had been contacted, or whether action had been taken to select an interim. She said that the chancellor's response had not answered her question. She objected to being presented with the recommendation's resume shortly before voting on the matter. She had a problem with even voting on the item. She said there were other issues on the table. She said she was hesitant to vote prior to resolving the current presidential issue. She recalled the Board's request not to bring last-minute documentation to the meetings. She said she could not make good decisions when information was provided at the last minute. She said they knew nothing about Dr. Gianini. She asked why the Board did not interview interim appointments, noting that the Board did interview permanent candidates. She said that people's lives were at stake.

She said she could not vote upon the matter. Chancellor Nichols said that, at the time of her response to Regent Howard, she did not know. She said that she had been in constant contact with ACCT, until that very morning, to confer the best candidate, and to determine whether the candidate would accept the terms offered. She apologized that the information had not been provided earlier. She said they had relied upon ACCT to provide an interim president and that she had followed the process outlined by the Board. Regent Howard said that the Board had not asked her to follow that process. She said the chancellor had elected to use this particular process. She said the chancellor had not answered her question. She said that she had asked whether the chancellor had made any contacts, and who the contacts were, and who the Board may be considering. Chancellor Nichols said that she answered the question at the time she was asked. At that point in time, there were no final candidates. She said that she had not spoken to anyone except ACCT at that point. Regent Howard felt that the Board should have been informed after Chancellor Nichols spoke with ACCT.

Regent Hill noted a point of order. Regent Howard said there was no need for a point of order, adding that she was finished.

Regent Sisolak wanted to know about the point of order. Regent Howard said that Regent Hill just wanted her to stop talking. Regent Hill recalled that the Board's Bylaws stated that the Board Chair and Chancellor would bring interim appointments to the Board for approval. He felt the Board should not become personally involved with the process delegated by the Bylaws. Regent Howard said she would not vote upon the matter because she did not know about it.

Regent Sisolak asked how many times Chancellor Nichols had met Dr. Gianini. Chancellor Nichols replied that she had never met him, but had spoken with him on the telephone. Regent Sisolak asked how many times the Chair had met Dr. Gianini. Chancellor Nichols replied that she did not think the Chair had met him. Regent Sisolak asked whether Dr. Gianini had been discussed with CCSN's faculty. He said he was very afraid. He said the institution had been kicked around for a long time. He noted that bad feelings were expressed by students, faculty, foundations, and community members. He did not want it to appear that the Board was forcing this individual on the institution. He asked whether the faculty senate or students had some input. He said that he had never hired someone for \$13,333/month without meeting them first. Chancellor Nichols said she had confidence in the Board's relationship with ACCT. She said they were relying upon ACCT to provide an excellent, competent president who will serve well for this period of time. She felt that time was also important. She noted that many processes were beginning (budget, etc.). She felt that CCSN needed to have an interim president representing the institution's agenda. Regent Sisolak agreed they needed to fill the position. He said that this person would not know where the campuses are. He questioned how they could be intimately involved upon arrival. He requested faculty senate input. He said he was very concerned about the life of this institution. He was afraid about their feelings and wanted them to have some input. He asked for the students' feelings as well. Chair Anthony asked the faculty senate chair and student body president to respond.

Ms. Mitzi Ware, Faculty Senate Chair-CCSN, said they were hearing about this for the first time. She appreciated Regent Sisolak's comments. She thought the Board should at least speak with Dr. Gianini before making a decision. She said that CCSN would like to meet him. She said she did not have confidence in the Board's ability to make a decision for CCSN at this point. She said that CCSN needed someone good. She encouraged the Board to speak with and meet him if possible, adding that CCSN would also like to meet him. Mr. Michael Nielsen said the students too were just hearing the information. He said they were still in shock from the previous day. He said the students had no input and thanked Regents Howard and Sisolak for their support. Regent Sisolak acknowledged that ACCT may be a great organization, but felt they did not feel the pain that the community was feeling. He was unsure whether that could adequately be addressed with a telephone call. He wanted a healer, someone who would understand what people are feeling. He wanted someone who would be extremely caring, compassionate, and sensitive to them and their issues. He felt the Board was providing a disservice by not taking the time to meet with Dr. Gianini. He felt the Board owed more to the institution.

Regent Kirkpatrick said that he had a great deal of confidence in ACCT, having served as the Board's representative to ACCT for 4 years. He served on an ad hoc committee that established the ground rules/regulations for identifying individuals willing to serve as interim presidents. He said that policies were established to protect both the individual selected, as well as the institution they serve. He had high confidence in their ability to identify those people to be used on a temporary basis. He said that he had quickly reviewed Dr. Gianini's credentials. He noted that Dr. Gianini had served as a community college president for 16 years for an institution larger than CCSN, adding that it had grown in similar fashion with multiple campuses. He indicated his support for the motion.

Regent Alden applauded Board members for their decorum. He thanked Regent Hill for the manner in which he conducted the Audit Committee meeting, allowing Regent Alden to ask questions. He agreed with Regents Howard's and Sisolak's

comments. He said that the Bylaws outlined the process, which was handled by the chancellor and Board Chair. He noted the Board held the chancellor accountable for the Board's decision. He felt it was the correct decision, adding that he did not like it. He said the Board needed to move on. He acknowledged that things could change. He said he had to take a position that was best for the System. He noted that Dr. Gianini was a veteran. He said that ACCT would not provide a poor recommendation. He said the Board would hold the chancellor accountable. He urged Board members to vote in support of the motion. He acknowledged that things could change and that proper adjustments would be made.

Ms. Diana Wilson, Interim Chief Development Officer-CCSN, reported that she and Dr. Remington had a conversation with Dr. Gianini within the last month. She said he was a delightful man. He called to inform them that the foundation he represents had issued a challenge grant to CCSN for a maximum \$100,000. She wanted to ensure that they all knew this. Chancellor Nichols reported that Dr. Gianini expressed the same concern. He wanted the Board to know that the foundation board on which he participates had issued a challenge grant to CCSN. She said they discussed whether or not that would jeopardize the grant or be considered a conflict. It was not considered to be. She noted that Dr. Gianini would be in charge of the institution charged with raising the necessary funds for that grant.

Regent Sisolak noted a point of clarification, requesting an explanation of the challenge grant. Chancellor Nichols explained that Dr. Gianini was the member of a foundation board that issues grants to community colleges. Ms. Wilson reported that the Heights Family Foundation was established by the estate of Bob Heights, a Ralston Purina Company executive from St. Louis. After Mr. Heights' death, a foundation was established specifically targeting community colleges nationally because of the difficulties faced with fundraising. CCSN's goal is to raise \$50,000 in order to receive \$100,000 from the foundation. Regent Sisolak questioned whether a conflict existed.

Regent Schofield said he had briefed the resume and felt that Dr. Gianini was appropriate for the president. He felt they needed to get leadership in place in order to move forward. He said he had full confidence in the System's leadership. He expressed his appreciation for their efforts. He said they should not delay and indicated his support for Chancellor Nichols' recommendation.

Regent Howard said that ACCT's recommendation and Dr. Gianini were not the issue. She said she was concerned with the process. She felt that becoming aware that Dr. Gianini could possibly have a conflict provided even further justification not to support the motion.

Regent Dondero asked that she be provided time to read Dr. Gianini's resume. She asked whether action could be delayed to later in the meeting. She said she could not vote upon something she had not read. Chair Anthony asked how much time she wanted. Regent Dondero asked what time could be spared.

Regent Dondero moved to delay action for 1 hour.

Chair Anthony stated that the Board had a previous motion. He agreed to postpone the item until after lunch and the meeting with the State Board of Education. No objections expressed.

The meeting recessed at 9:55 a.m. and reconvened at 10:16 a.m. with all members present except Regents Seastrand and Sisolak.

In the interest of time, Regent Alden suggested moving agenda items #9 (UCCSN Policies Affecting Full-Time UCCSN Employees Serving in the Nevada Legislature), #10 (Lobbying Activities at Nevada Legislature), and #11 (Host Expenditures) to the January agenda. He asked Chancellor Nichols to provide current policy and any recommended changes at the January meeting. He had no problem with a System employee serving as a legislator. He said that most people did it the right way. He wanted Chancellor Nichols to review the matter to ensure the Board had sound policy in place and that such employees take a leave of absence. He felt the Board could discuss current policy and recommendations for items #10 and #11 in January. He encouraged Board members to communicate their issues to Chancellor Nichols and Chair Anthony. Chair Anthony asked whether anyone objected. None were noted.

Regent Sisolak said that he had specific questions about how particular individuals do this. He asked how those people would be noticed. General Counsel Ray said that, if Regent Sisolak desired that, his office would require some advance notice of the individuals to be discussed in order to provide proper notice. Regent Sisolak said he wanted an explanation for how some individuals were able to do it (teach simultaneously, etc...). Regent Bandera suggested Regent Sisolak provide General Counsel with a list of questions he was interested in asking so General Counsel could provide the appropriate notice. Regent Sisolak asked whether General Counsel Ray knew what he wanted to ask. General Counsel Ray believed that he did.

Chair Anthony asked if there were any objections. None noted.

13. Information Only-Credential Verification and Hiring Practices – Members of the Board discussed UCCSN personnel practices including, but not limited to the Code, Chapter 5, credential verification and hiring practices.

Chair Anthony asked whether Regent Howard wished to comment. Regent Howard deferred to Regent Sisolak, who reported there were unanswered questions related to the medical school. Chair Anthony established the Board would discuss policy and not an individual.

Regent Sisolak was concerned with UNR's policy and asked how credentials were verified. President Lilley replied that UNR had recently initiated a change to the policy. The old policy allowed the individual up to one year to verify credentials. The new policy requires going through the administrative council and additional steps. The Council of Presidents has agreed that the new policy should require the credentials be independently verified at the time of hire, before a contract is complete, and before the first check is issued. Regent Sisolak asked whether applications/resumes had been taken at face value without being verified for one year. President Lilley clarified that a one-year period was provided for human resources to verify the credentials. He said the policy had since been changed. Regent Sisolak asked about the origin of the policy (allowing one year), and requested a copy. President Lilley replied that it was in UNR's policy manual. He did not know when it was implemented, but offered to provide the information. Regent Sisolak asked that he provide the date implemented and the history behind it. He asked who decided which hires were verified immediately and which were done a year later. President Lilley replied that the candidate had up to 1 year in which to provide verification. Once President Lilley became aware of that policy, he said it was unacceptable. He said it must be done in advance of contract completion and issuance of the first check. Regent Sisolak asked why credentials weren't verified by the institution. President Lilley replied that UNR did verify credentials, but the old policy allowed candidates up to a year to provide the information. Regent Sisolak asked whether the information was included on the application. President Lilley clarified that the information was independently verified. He said the institution required independent verification from the degree-granting institution. Regent Sisolak asked who sought the information. President Lilley replied that the institution would, and that it required the candidate's permission. He said the policy was implemented prior to his starting as president.

Regent Sisolak then asked about the policies at the other institutions. He requested a response from each president.

President Harter said that UNLV's policy requires verification of credentials prior to the employment effective date. The candidate has 30 days in which to provide the information. If it is not provided, the contract is expressly contingent upon the employee providing satisfactory evidence of academic credentials. An accredited association verifies credentials granted by international institutions within the same time period. She emphasized that the contract was contingent upon verification of credentials.

- o Mr. Alan Austin, Vice President, Finance & Administration–DRI, reported that DRI's policy was similar to UNLV's, and required verification as part of the pre-hiring process before a contract was offered.
- o President Romesburg said that NSC's policy was different from actual practice. In practice, NSC requires the transcripts and verification prior to hire. Their policy defaults to UNR's (as their accreditation sponsoring institution). President Lilley explained that the Council of Presidents had only recently proposed the change, which would be implemented in a few weeks.
- o President Lucey reported that WNCC requires the application to be complete prior to conducting interviews. The application includes the resume, degrees, and transcripts. She said they recently began requiring official rather than student transcripts.
- o Interim President Brown said that CCSN also requires official college transcripts at the time the application is submitted.
- o President Ringle said that TMCC also requires transcripts and verification prior to hiring.
- President Killpatrick said that GBC's policy was the same.

Regent Sisolak said it appeared that only one policy needed adjustment. He asked how one became so different from the others. He asked Chancellor Nichols to include an agenda item mandating that all the campuses comply with a System policy. Chair Anthony felt that all were in compliance, with the exception of UNR, who would follow suit in a few weeks. Regent Sisolak felt there were differences between the institutions and that there should be consistency. Chair Anthony agreed to review the matter with Chancellor Nichols.

Regent Howard explained that she put this on the agenda due to major concerns regarding UNR's hiring/personnel practices. She was unsure whether it involved only the School of Medicine or all of UNR, but felt the matter required Board attention. She said that only UNR was using policy inconsistent with proper policy. She said it could now be corrected. President Lilley assured her it would be. Regent Howard also wanted the item on the agenda because of prior falsification of credentials. She said there were many incidences, one occurring at the SOM. She asked about the procedure if this were brought to President Lilley's attention. President Lilley replied that Associate Vice President Gina Jones would investigate any such allegations. Regent Howard asked whether President Lilley would also notify Chancellor Nichols or the Board. President Lilley said he would notify Chancellor Nichols. Regent Howard asked whether such a situation had been brought to the chancellor's attention within the last 1½ years. Chancellor Nichols replied that she knew the incident to which Regent Howard was referring. Regent Howard said that she was not referring to any incident. She asked whether any situation similar to the violations of the policies under discussion had been brought to her attention in the last 1½ years. Chancellor Nichols replied that only during a Board meeting and not in any other venue. Chancellor Nichols asked whether Regent Howard was referring to the UNR situation. Regent Alden said they could not go there. Regent Howard said she was just asking a question. Chancellor Nichols said that one matter had been brought to her attention other than through the regular Board meeting. Regent Howard asked when it occurred. Chancellor Nichols replied that it had been within the last two months.

Regent Rosenberg asked about a System-wide or UNR policy/statement regarding verifications indicating that falsifying information on an application was grounds for immediate termination. President Lilley did not know, but offered to find out and notify the Board. He thought there was something affecting classified employees, but was not sure it applied to administrative or academic faculty. Ms. Carla Henson, Director, Human Resources-System Administration, reported that the classified application included a statement indicating that everything included was true and, if not, grounds for termination. With professionals, some campuses use an application form, while others do not. She understood that UNLV and UNR do not use an application form for professionals, though some of the community colleges do. The forms used by the community colleges include such a statement. She said that System personnel officers were currently developing a declaration that top candidates would likely sign, which included a statement that falsification would be grounds for contract cancellation. Regent Rosenberg said that UNR verified information for positions in the art department. He said it often depended upon how the questions were asked. Degrees awarded were considered public information. He suggested that each institution have some indication, signed by the candidate, attesting to the accuracy of the information provided and that it was grounds for immediate termination if it was not. Chair Anthony said he would take note.

Regent Kirkpatrick suggested that staff return with a change to Title II, Chapter 5, to include statements that all application information be verified before an offer of employment is made for all institutions. He also requested a recommendation be included for classified positions, requiring that before a position can be under- or backfilled, state requirements for checking the list be followed. Chair Anthony agreed to the suggestion.

Regent Howard asked about the Board's legal responsibility when becoming aware that credentials had been falsified. Chancellor Nichols replied that staff would bring information to the next meeting. Regent Howard said the Board would use that information on which to base its decision. Chair Anthony said the item would be brought back for further discussion.

14. Approved-Academic, Research & Student Affairs Committee Recommendations - Chair Jill Derby reported the Academic, Research & Student Affairs Committee met December 11, 2003. Staff presented the annual report on major findings and conclusions resulting from the review of existing academic and other programs at UCCSN institutions. As a result of discussions, staff will propose Handbook language incorporating enrollment and budget projections after the first-, third-, and fifth-year program reviews. Regent Derby requested Board action on the following Committee recommendations:

- New Program Proposals – The Committee recommended approval of the following new program proposals: M.S., Biomedical Engineering, UNLV. (Ref. ARSA-2 on file in the Board office) Ph.D., Educational Psychology, UNLV. (Ref. ARSA-3 on file in the Board office) Bachelor of University Studies, UNLV. (Ref. ARSA-5 on file in the Board office) B.S., Environmental Science, UNR. (Ref. ARSA-7 on file in the Board office) B.S., Forest and Rangeland Management, UNR. (Ref. ARSA-8 on file in the Board office) B.S., Wildlife Ecology and Conservation, UNR. (Ref. ARSA-9 on file in the Board office) New Joint Program Proposal, UNR & GBC – The Committee recommended approval of a proposal for an articulated 3+1 B.S. in Social Work at GBC in cooperation with the UNR social work program. The degree will be awarded by UNR. (Ref. ARSA-6 on file in the Board office) Program Elimination, B.S., Human Ecology, UNR – The Committee recommended approval of a proposal to eliminate UNR's B.S., Human Ecology program. (Ref. ARSA-10 on file in the Board office) New Organizational Unit, University College, UNLV – The Committee recommended approval of the proposal for a University College. The college will expand educational opportunities and enhance student retention by providing quality advising and support services for students without declared majors, and flexible programs of study for traditional and non-traditional students interested in interdisciplinary studies curricula. (Ref. ARSA-4 on file in the Board office) Handbook Revision, Inter-Institutional Agreements and Collaborations – The Committee recommended approval of amendments to the Handbook (Title IV, Chapter 14, Section 5) to revise and clarify the procedures for approval of inter-institutional agreements and other collaborations between non-UCCSN degree-granting institutions as well as among institutions within the UCCSN. System staff will identify new, internal, collaborative agreements and develop a process to communicate this information to the Board. (Ref. ARSA-11 on file in the Board office)

Regent Derby moved approval of the Committee recommendations and acceptance of the report. Regent Rosenberg seconded. Motion carried. Regent Seastrand was absent

15. Approved-Audit Committee Recommendations - Chair Douglas Roman Hill reported the Audit Committee met December 11 and 12, 2003 and discussed the internal audit reports presented at length. Two follow-up responses to internal audit reports and reports on the Legislative Counsel Bureau audit, the UNR School of Medicine Practice Plan, and the UNR Fire Science Academy were deferred to the next Committee meeting. Regent Hill requested Board action on the following Committee recommendations:

External Audit Reports – The Committee recommended approval of the following External Audit reports as presented by PricewaterhouseCoopers: (Ref. D on file in the Board office) Consolidated Financial Statements, UCCSN. (Ref. A-2 Bound Report on file in the Board office) Financial Statements, UNR. (Ref. A-3 Bound Report on file in the Board office) Financial Statements, UNLV. (Ref. A-4 Bound Report on file in the Board office) Financial Statements, System Administration. (Ref. A-5 Bound Report on file in the Board office) Financial Statements, DRI. (Ref. A-6 Bound Report on file in the Board office) Financial Statements, TMCC. (Ref. A-7 Bound Report on file in the Board office) Financial Statements, CCSN. (Ref. A-8 Bound Report on file in the Board office) Financial Statements, WNCC. (Ref. A-9 Bound

Report on file in the Board office) Financial Statements, GBC. (Ref. A-10 Bound Report on file in the Board office) Office of Management and Budget (OMB) Circular A-133 Report. (Ref. A-11 Bound Report on file in the Board office) Internal Audit Reports – The Committee recommended approval of the following Internal Audit Reports: Associated Students of the University of Nevada Reno, UNR. (Ref. A-12 on file in the Board office) Rebel Yell, UNLV. (Ref. A-13 on file in the Board office) A.D. Guy Center, CCSN. (Ref. A-14 on file in the Board office) Review of Lobbyist Expenditures, CCSN. (Ref. A-15 on file in the Board office) Special Contract Review, CCSN. (Ref. A-16 on file in the Board office)

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

Regent Schofield left the meeting.

Regent Sisolak asked President Lilley how the FSA was doing. President Lilley replied that an analysis requested by Regent Seastrand had been brought to the last meeting. Based on that study, he felt it was important to bring back a marketing plan. The new marketing director had intended to make a presentation during the Audit Committee meeting, but time ran short. UNR is making progress in marketing that service. There are still construction issues. Regent Sisolak asked about the legal implications, adding that it was his hope that the legal issues would be resolved some time ago. He also asked about the current deficit status vs. projections. President Lilley replied that the people who had been present to make those presentations had left the meeting. Associate Vice President, Business & Finance-UNR, Mr. Tom Judy, reported that the operating deficit was (\$8 million) as of November 30, 2003. The construction account deficit was (\$1,592,000). Regent Sisolak asked about the projections. Mr. Judy replied that he did not believe a projection had been provided for this point in time but, rather, for the year-end. He did not recall that number. Regent Sisolak asked for an estimate. President Lilley offered to provide the information. Regent Sisolak asked whether the item could be tabled until he could obtain the information.

Regent Bandera stated that projections and comparisons through year-end were included in the packet of material provided for the Audit Committee. She established that the material had been provided to all Regents and asked for someone to identify the proper page. Page 22 of 27 was identified. Regent Sisolak noted the (\$7,880,231.64), deficit as of 10/31/03. Mr. Judy replied that he had provided November's figures. Regent Sisolak expressed concern for having more deficit than was projected. Mr. Judy replied that Ms. Baclawski's report did not comment about the projected deficit but contained other information. He said he was unable to provide anything more. Regent Sisolak expressed concern that the FSA was losing approximately another \$2 million/year in operating. He was very concerned about that considering what he heard from students. He asked that this item (a report on the FSA and the deficit) be added to the next full Board agenda. He acknowledged that the Audit Committee was monitoring the FSA, but felt that it was such a huge number that it justified the full Board's attention. Chair Anthony agreed to the request. Regent Bandera observed how full the Board's agendas currently are, adding that the issue had been discussed in Audit Committee over the past year. She asked about the need to add it to the regular agenda rather than having it go through the Audit Committee process when everyone was able to attend those meetings. Regent Sisolak stated that the Audit Committee agenda had exceeded two days, adding that he felt this was an important item. He asked for two people to agree with his request. He stated that he had 3-4 people who also wanted the item on the full agenda. Regent Bandera again asked about Regent Sisolak's reasoning. Regent Sisolak explained that the deficit was now rapidly approaching \$40 million dollars, which he felt was an enormous number with potentially devastating long-term impact. He said that he wanted to give it a little more attention to get the ball rolling. He said that he wanted to hear about the plans so that he could possibly feel more comfortable about the situation. Chair Anthony asked President Lilley to provide a full presentation at the next meeting. President Lilley agreed to do so.

Regent Kirkpatrick noted that the Board depended on all of the committees to take certain action on behalf of the Board. He agreed with Regent Sisolak that this was a significant item and suggested putting the item before the Board occasionally. He noted that students were paying for it.

Motion carried. Regents Schofield and Seastrand were absent.

16. Approved-Budget & Finance Committee Recommendations - Chair Mark Alden reported the Budget & Finance Committee met December 11, 2003 and heard the following reports:

Fiscal year 2002-2003 Budget-to-Actual comparison of the state-funded scholarship function for each UCCSN institution. The rate of return experienced by UNR, UNLV, and DRI on research funding and the effect of budgeting indirect cost recovery funds to support the state budget on the institutions' abilities to leverage these funds for additional research purposes. Self-Supporting Budget-to-Actual comparison for fiscal year 2002-2003 and calendar year 2002 summer session accounts. All Funds revenues and expenses for the first quarter of fiscal year 2003-2004. Fiscal exceptions for the first quarter of fiscal year 2003-2004. Student association revenues and expenditures for fiscal year 2002-2003.

Regent Schofield entered the meeting.

Regent Alden requested Board action on the following Committee recommendations:

IFC Approval for Additional Student Fee and Federal Revenue Collection, FY 2003-04 – The Committee recommended approval for the UCCSN to seek Interim Finance Committee authorization to expend additional student fee and federal income revenues within the state-supported operating budgets for fiscal year 2003-2004. (BF-7 on file in the Board office)

IFC Approval for Grade Increases of the University Police Officer Classification Series – The Committee recommended approval for the UCCSN to seek Interim Finance Committee authorization to increase the grades of the various positions within the University Police Officer classification series pending State Personnel recommendation. (BF-8 on file in the Board office)

Regent Alden moved approval of the Committee recommendations and acceptance of the report. Regent Derby seconded. Motion carried. Regent Seastrand was absent.

17. Approved-Investment Committee Recommendation - Chair Bret Whipple reported the Investment Committee met November 21, 2003. A presentation was made on the endowment and operating pools. Discussion included the purpose of the pools, the importance of asset allocation, and spending policies. Cambridge Associates reviewed the asset allocation and performance for the pooled endowment and pooled operating funds of the UCCSN for the quarter ended September 30, 2003. Endowment investments returned 3.8% for the quarter (compared to the 3.5% benchmark) and 13.1% for the calendar year (compared to the 13% benchmark). The total return for the pooled operating funds was 1.4% for the quarter (compared to the 1.8% benchmark) and 7.2% for the calendar year (compared to the 6.7% benchmark). He said the investments were doing very well. The Committee was updated on the status of the Investment Consultant RFP, which was mailed earlier in December. Responses are due the end of January, 2004. The Committee will hold a special meeting at the end of February to hear presentations from the top candidates. Regent Whipple requested Board action on the following Committee recommendation:

? Operating Fund Reserve – The Committee reviewed the current status of the operating pool reserve, which was at (\$1.4 million) on November 20, 2003. Regent Whipple moved approval of the Committee recommendation and acceptance of the report. Regent Alden seconded.

Regent Derby asked whether a February date had been selected. Regent Whipple replied that a date had been scheduled, but he did not have it at the moment. He related that Director of Banking & Investments, Ms. Kathleen Payne, would provide the information. Regent Derby requested sufficient notice for these meetings. Regent Whipple agreed to do so.

Motion carried. Regent Seastrand was absent.

Regent Kirkpatrick noted a point of order, asking whether the Board could dispense with item #33 (Request, Board Chair Reconsideration of Appointments to Committee to Evaluate Higher Education). Regent Kirkpatrick said that the item was no longer necessary since the Board Chair had changed his appointments by adding Regent Dondero to the Committee. He felt the change addressed the concerns of the other Regents. Chair Anthony asked whether everyone agreed with dispensing with the item. Regent Sisolak agreed with Regent Kirkpatrick. Regent Alden asked about the appointments made to that Committee. Chair Anthony replied that he would provide that information with his report. Regent Howard said that she did not agree with the appointments made while acknowledging the Chair's prerogative to do so. She said that she had previously expressed an interest in serving on this Committee because she wanted to be the minority representative for higher education. She asked that the record reflect that no minority from UCCSN had been appointed to the Committee. Regent Alden again requested the names of the appointees. Chair Anthony replied that he would address the appointments in his report.

18. Accepted-Legislative Committee to Evaluate Higher Education Programs Report – Board Chair Stavros Anthony reported the Legislative Committee to Evaluate Higher Education Programs, chaired by Senator Warren Hardy, held its first meeting on November 3, 2003. The Committee reviewed its mission and objectives as described in Assembly Bill 203 and discussed the funding available for the completion of the Committee's work. The Committee agreed to engage the services of an outside consultant to assist with completion of its charge. An RFP for this purpose was issued following the November 3rd meeting, and the proposals will be reviewed and voted upon at the next meeting. The Committee spent the majority of its time reviewing the potential scope of the examination of UCCSN's programs. For the Committee's next meeting, UCCSN was asked to provide a System overview of enrollment and population trends affecting higher education, academic programs and the process by which they are approved and periodically reviewed, an overview of UCCSN's budget and accountability measures, and a review of statistics documenting the demand for nurses and teachers. The second Committee meeting will be held Monday, December 15, at 10:00 a.m. in the Grant Sawyer State Office Building in Las Vegas.

Regent Anthony moved acceptance of the report. Regent Derby seconded.

Regent Alden requested the appointees' names. Chair Anthony requested acceptance of the report, adding that he would notify the Board of his actions afterward.

Motion carried. Regent Seastrand was absent.

Chair Anthony reported that he had stepped down from the Committee due to time constraints. He asked past Board Chair Regent Dondero to take his place and she agreed to do so. The other appointees include past Board Chair Regent Derby and current Vice Chair Regent Bandera. He felt the Board would be well represented.

Regent Howard said that she was not trying to be adverse to him as Board Chair, adding that she respected him in his position as Board Chair. Chair Anthony thanked her. Regent Howard said that appointing the individuals as past chairs was different from what he told her. She said that Chair Anthony had initially told her that he appointed people he believed to have a strong background in higher education. She found that to be conflicting. Regent Howard said that it was O.K. that he had not appointed her. She wanted the people to know that she had expressed an interest in serving on the Committee as the only minority on the Board. She felt that minorities needed to have a voice. She suggested the Chair be more sensitive to that in the future.

19. Accepted-Faculty Workload Task Force Report - Chair Jill Derby reported the ad hoc Faculty Workload Task Force met October 21, and December 5, 2003.

Regent Sisolak noted a point of order, adding that since the meeting was ruled as never having come to order (due to an Open Meeting Law violation), there should be no report. Regent Derby said that she intended to include that information with her report. Regent Sisolak said that he wanted to clarify the matter for the record. General Counsel Ray stated that the meeting did commence but was stopped due to the posting of the amended agenda. He said that the only action taken was approval of the minutes, which had been on the original agenda which had been posted in a timely manner.

Regent Sisolak noted a point of order, observing that the original agenda had not included a video site that was used. General Counsel Ray replied that he did not believe the Open Meeting Law required such posting on the agenda. Regent Sisolak begged to differ and ventured the Attorney General would need to decide. General Counsel Ray related that Regent Derby was merely reporting what occurred, with no action for the Board to approve. He said that it was merely a report. Regent Sisolak established that the Board would not be approving any action. General Counsel Ray clarified that the Board would indicate acceptance of the report. Regent Sisolak indicated that he would oppose acceptance of the report. Chair Anthony asked Regent Derby to continue her report.

Regent Derby reported that the Task Force first met October 21, and discussed its charge and reviewed reference materials provided by the staff. These materials led to discussion about the general issues the Task Force will focus upon, including public perceptions of accountability and productivity; the balance among teaching, scholarly activity, and community service in faculty assignments; and internal and external workload expectations. The Task Force examined the current faculty workload policies of UCCSN institutions and will return to them as it continues its work. In particular, the Task Force will determine if a System-wide workload policy is desirable. The Task Force also heard a presentation on the current UCCSN Faculty Workload Report, including the types of information collected and the methods by which it is collected. The Task Force hopes to suggest ways of making the data in this report more quantitative and verifiable. The Task Force requested that staff bring information on the UCCSN's consulting policy and current practices to the next meeting. The Task Force also requested further information and discussion about how community service is defined in the UCCSN. Regent Derby reported that the Task Force meeting on December 5th was stopped after General Counsel determined that the supplemental agenda was not posted in compliance with the Open Meeting Law. The supplemental agenda had been issued to correct two clerical errors on the original agenda. Because the meeting was stopped, action the Task Force had taken to approve the minutes of the October 21 meeting was nullified. The December 5th agenda items will be deferred to the next meeting of the Task Force on February 5, 2004.

Regent Derby moved acceptance of the report. Regent Bandera seconded.

Regent Alden established that the Board was not approving any action taken on December 5th. He asked whether the Board was only approving action from the October 21st meeting. Regent Derby affirmed that statement. Regent Alden asked General Counsel's opinion. General Counsel Ray stated that the report had referenced the December 5th meeting, but no action taken at the meeting was approved. Regent Alden noted that approval of the minutes had been nullified.

Regent Sisolak noted a point of order, asking when the minutes had been nullified. General Counsel Ray explained that, following the meeting, Regent Derby sent a memo to all members notifying them that the minutes would be on the next meeting agenda for approval. Regent Sisolak noted a point of clarification, stating that the votes could not be nullified by memo. General Counsel Ray said that the item would be on the next agenda for a re-vote. Regent Sisolak observed that the report indicated that approval of the minutes had been nullified. General Counsel Ray suggested Regent Sisolak vote no (on the report).

Regent Alden said that the Board was only approving what occurred on October 21st and indicated his support.

Regent Sisolak asked that the minutes for this item be transcribed and forwarded to the Attorney General along with his complaint already in their possession.

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

20. Accepted-Health Education Task Force Report - Chair Marcia Bandera stated that her report would consist of an overview of the October 22nd meeting. A report on the December 5th meeting will be provided once the minutes have been released and she has conferred with Regent Dondero. She thanked Regent Dondero for running the December 5th meeting in her absence due to illness. She reported the ad hoc Health Education Task Force held its first meeting on October 22, 2003. The Task Force discussed its role in reviewing matters related to health education programs in the UCCSN. Specifically, the Task Force will oversee the System's plan to double the capacity of the nursing programs as presented to the Nevada Legislature; review and make recommendations concerning the restructuring of the University of Nevada School of Medicine Practice Plan; review plans related to the development of an Academic Medical Center in Las Vegas; and make recommendations regarding existing health care programs in the UCCSN. As a first step, the Task Force was asked to conduct an inventory of existing programs and to identify gaps or duplications. As a result of that effort and Regent Alden's suggestion, the Task Force is conducting an inventory and conversing with the health care practice institutions and medical facilities throughout the state to gather that information. President John Lilley and Dr. Stephen McFarlane, acting Dean of the School of Medicine, presented information to the Task Force concerning the Academic Medical Center. The presentation included a review of the necessity for such a center and the plan for implementation. Staff then provided an inventory of Board approved health programs that are currently offered across the System. Task Force members reviewed the inventory and requested that staff continue to research the matter and bring additional information on the state of the various health and allied health programs back to a future meeting for further review and discussion.

Regent Bandera moved acceptance of the report. Regent Alden seconded.

Regent Howard asked about the mayor's comments at the meeting. Regent Bandera replied that the Task Force had requested a presentation from the mayor's office at the first meeting. Since she was not in attendance, she asked Regent Dondero to provide a few brief remarks. She said the minutes would include the full discussion. Regent Dondero said the mayor gave a presentation on the 61 acres and the possibilities. They are moving forward on the Cleveland Clinic.

Regent Sisolak asked whether the medical school was involved. Regent Dondero replied that the medical school was involved. She related that President Lilley was working closely on that. Regent Sisolak asked whether the mayor was still working in conjunction with Presidents Harter and Lilley. President Lilley said that UNR was in a close working relationship with the mayor and had an independent consultant assessing fundraising capability for the Academic Medical Center. He said the mayor had been very helpful introducing the consultant and others to major prospects who would help with construction. He said there were also discussions regarding 21 acres at the north end, the most recently desired location.

Chair Anthony clarified that the agenda item addressed the October 22nd meeting and asked that discussion be limited to that.

Motion carried. Regent Seastrand was absent.

21. Accepted-Formula Funding Workshop Report – Budget & Finance Committee Chair Mark Alden stated that he and Regent Dondero had jointly conducted a formula funding workshop. Board Development Committee Chair Thalia Dondero reported that, at the request of the Budget and Finance Committee Chair Regent Alden, a workshop was held on October 24, 2003. The workshop, entitled Formula Funding, was jointly sponsored by the Board Development Committee and Budget and Finance Committee. The purpose of the workshop was to increase the Board's understanding of the approved funding formulas that drive a significant portion of the state-supported operating budget. Chancellor Nichols began the workshop with an overview of the funding mechanisms utilized by other states to finance higher education programs. An historic perspective of Nevada's higher education funding methodologies followed, including a discussion of Senate Bill 443 from the 1999 Legislative Session, which created the Committee to Study the Funding of Higher Education in Nevada. The final recommendations of this Committee were adopted by the Governor and the Legislature as the foundation for formulating and approving the UCCSN's biennial budgets starting in the 2001-2003 biennium. Mr. Larry Eardley, Interim Vice Chancellor, Finance & Administration-System Administration, provided a detailed overview of the funding formulas which, through a series of calculations, generate a pool of funds by the institutions to finance positions, equipment, and operating costs within the functional areas of Instruction, Academic Support, Student Services, Institutional Support, O&M of Plant, and Research. During the workshop, each of the formulas that support the functional areas were discussed and the Board had an opportunity to view sample calculations. A workshop handout was provided to the Board in advance of the meeting date, which included the methodology for each of the formula calculations, a glossary of the formula funding terms, and an overview and history perspective for each of the UCCSN appropriation areas. There were no action items.

Regent Alden said the meeting went great.

Regent Dondero moved acceptance of the report. Regent Whipple seconded. Motion carried. Regent Seastrand was absent.

22. Information Only-Nevada State College Master Plan - President Kerry Romesburg presented the proposed Nevada State College (NSC) Master Plan. NSC must begin to formalize the physical master plan for the college. Plans are to occupy

the first building by Fall 2006. In order to meet the timeframe, the master plan must be approved by the January 2004 Board of Regents meeting. (Ref. Q on file in the Board office)

President Romesburg reported that State Public Works Board approval would be done later in December. System Administration and the SPWB contracted Field Paoli for the design. He introduced Mr. Frank Fuller, one of the firm's principals, for presentation of the initial design.

Mr. Fuller presented a slide show of the 600-acre site located against the Black Hills in the southeastern part of the valley. He noted the potential for the high desert site with a view of the entire valley. A review of the existing building was provided, including a projected town center, which could be developed near the college with most of the land behind the college saved as reserve. He previewed terraced areas for parking, buildings arranged in a linear format, with residence housing, recreational and open space, and the future town center.

Regent Howard left the meeting.

Mr. Fuller noted that the topography slope included opportunities for terraced parking, buildings fit into the landscape, and landscaping and drainage in a desert environment. He projected a walking campus with a future light rail system and open spaces and plazas between buildings. Plans include building from the current infrastructure. Phase I includes the first cluster of buildings (2006) with future development proceeding to the west.

Regent Derby acknowledged the work, adding that it was very exciting. She also acknowledged Regent Rosenberg's work on the college's architectural task force, adding that it would become a campus of which the Board could be very proud.

President Romesburg said the college design would be as environmentally sensitive as possible. Plans include using alternate fuel sources to produce as much power as possible. Parking areas will be terraced so that vehicles are not visible upon approach to the campus. The entire site has been master planned for 25,000 students. He said he was not familiar with the concept of a linear campus, but felt it made sense in this location, and took advantage of the northern views and the existing drainage and flood control on the property. He felt it was an innovative design and approach.

Regent Hill praised the continuous pedestrian flow ways throughout the campus, which he felt made the campus more inviting.

Regent Alden left the meeting.

Regent Kirkpatrick congratulated the plan. He was pleased they had projected to 2030, but expressed concern about enrollments projected for master's programs. He reminded President Romesburg that the Board must approve all such programs. President Romesburg replied that the institution's Board-approved mission included limited master's degrees, which had been established prior to his arrival.

Regent Rosenberg said that he was delighted and thanked Regent Dondero for her efforts. He noted that she brought in Mr. Rick Kellogg, from BMI, who underwrote the entire process for the Board.

Regent Dondero thanked the people who sponsored the campus with their generous gifts. She agreed it was a great site. She asked about possibilities for using solar energy at the site. Mr. Fuller replied there definitely were possibilities. Plans for the circulation areas include shaded walkways between the terraced parking areas where solar technology could be used to gather energy while shading the parking areas. He said the equipment could also be located on top of the buildings. Regent Rosenberg thanked UNLV's School of Architecture for arranging the competition in a fine example of inter-institutional cooperation.

Regent Kirkpatrick left the meeting.

Regent Sisolak liked the proficiency of parking. He asked about addressing the parking needs of handicapped and senior citizens, noting that some of the hills were fairly steep. Mr. Fuller replied that the site was just less than 5% slope, which is the ADA maximum prior to requiring ramps. He said there was no east-west slope, and the north-south direction was sloped slightly less than the ADA accessibility requirement for ramps. He said the campus would be totally accessible. Parking is on the same level as the first phase building.

Regent Alden entered the meeting.

Regent Sisolak said this was a really sensitive area for individuals to be able to approach the building comfortably. President Romesburg said that he was particularly sensitive to this issue as the parent of a quadriplegic. He agreed with providing accessibility. Regent Sisolak preferred the matter be addressed now rather than in 20 years.

23. Approved-Handbook Revision, Board Bylaws, Officers of the Board and Officers of the University – The Board approved amendments to the Board Bylaws (Title 1, Article IV and Article VII) resulting from the deliberations of the ad hoc

Executive Evaluation and Compensation Committee. The proposed changes clarified the general contract terms and evaluation procedures for the chief administrative officer, the chancellor, and the presidents, and mirrored Handbook amendments approved by the Board at the October 2003 meeting. (Ref. E on file in the Board office)

Chancellor Nichols reported these were not new policies, but rather the second reading of Bylaws amendments adding policies already approved in Handbook language at the previous meeting. The amendments made explicit the processes for evaluation of the chief administrative officer, the chancellor, and the presidents.

Regent Kirkpatrick moved approval of the Handbook revision concerning officers of the Board and officers of the University. Regent Rosenberg seconded.

Regent Alden indicated his support for the motion. He noted that he still had a written request to the Chancellor regarding the evaluation proceedings for presidents. He asked Chancellor Nichols to respond in writing prior to the January meeting. Chancellor Nichols agreed to do so. Regent Alden asked whether his questions could have an effect on the process being recommended. Chancellor Nichols said that Regent Alden had raised questions about the varied process and nature of the periodic evaluation of the presidents. She said the Board took action in October. This recommendation puts in place the recommendations of the Executive Evaluation and Compensation and Committee, which went in a slightly different direction than current practice. She suggested that she review his questions and bring a response to the full Board. She felt that his questions entailed a much broader look at the entire process. Regent Alden indicated his support for the motion and asked Chancellor Nichols to bring her response to the January meeting.

Regent Kirkpatrick entered the meeting.

Regent Howard entered the meeting.

Motion carried. Regent Seastrand was absent.

24. Information Only-Handbook Revision, Reporting Lines, General Counsel -Regents Mark Alden, Linda Howard, Tom Kirkpatrick, Howard Rosenberg, and Steve Sisolak requested that the Board discuss and consider changing the general counsel's reporting line to report directly to the Chair of the Board/Board of Regents. (Ref. F on file in the Board office)

Regent Sisolak said the item was in response to the current situation the Board was facing. He noted that the Board only recently changed the reporting lines. Regent Sisolak said that it had come to his attention that, in a situation such as the one currently faced with the CCSN investigation, the general counsel was reporting to one of the people on the list (of those interviewed). He felt it was not fair to the general counsel or the chancellor to put anyone in that position and that it might be better to return to the former practice. He felt that no one had anticipated at the time that any chancellor could be the subject of an investigation and that staff conducting the investigation would be in a direct reporting line to the chancellor. He felt there should be a dotted line distinction so as to avoid the appearance of impropriety.

Chair Anthony asked whether approval would give too much authority to the Board Chair allowing control over the attorney. He said the Board could consider that as another hypothetical possibility.

Regent Alden felt that reporting to the chancellor was not the best. He asked whether the policy could have general counsel and his staff work for the Board of Regents, but in order to provide less difficult reporting lines, the Board Chair would have the most direct relationship, but all other Board members would have the same type of access.

Regent Kirkpatrick suggested allowing the Board Chair to act for the other Board members in his relationship with general counsel. The Chair only has the authority if the other Board members allow the Chair that authority. He noted that the Board could remove that authority if they did not approve of the Chair's interactions with the general counsel. He agreed with Regent Sisolak that there was some concern about the lines of authority and problems that could arise in the future. He asked whether there had been any problems with the previous practice. Some Board members felt there had been.

Regent Hill felt that Regent Sisolak's initial recommendation had been correct, adding that it was similar in corporate America. He felt the general counsel should report to the chief executive officer. He said Regent Sisolak's issue could be addressed with a simple amendment if allegations of impropriety on the part of the chancellor were made, the general counsel would report to the Board Chair.

Regent Derby supported Regent Hill's proposal. She said the Board had encountered a previous situation concerning a conflict with the general counsel's reporting line and had changed them. She felt the flexibility provided by Regent Hill's suggestion would be better for the Board. She noted that the Board felt the arrangement did not lend itself to effective evaluations for the general counsel and again changed the reporting line to the present method.

Regent Bandera also indicated her support for Regent Hill's suggestion. She said she had seen nothing to change her mind regarding the Committee's recommendation. She felt it was the appropriate reporting line and would reinforce and make more direct the reporting relationship between the chancellor and the general counsel.

Regent Howard asked General Counsel Ray what the Nevada Constitution said about the Board's general counsel. General Counsel Ray replied that the Constitution made no reference to general counsel. It basically indicated there shall be an elected Board of Regents to have the oversight, authority, and control to operate higher education. Regent Howard said that she could foresee a problem with Regent Hill's proposal. She questioned the benefit in having the general counsel report to the Board Chair if the position later returned to reporting to the chancellor, adding that the position was still under the chancellor's control. She felt it would not provide the position with the autonomy required to be objective when conducting investigations. She felt the general counsel had not had the autonomy in the past that was required. She felt the position should report directly to the Board since they were responsible for the decisions made.

Regent Rosenberg asked how the chancellor felt about the matter. Chancellor Nichols said that she was happy to go with the Board's wishes. She said that she was very aware that the legal counsel primarily addressed issues related to the presidents and institutions. She recalled that the issue arose during her previous year's evaluation and again recently, primarily in terms of administrative oversight of that part of the operation. In reality all of System Administration works for the Board. She said that she did not object to any of the proposals being discussed about the general counsel's reporting lines.

Regent Sisolak felt that both Regents Hill and Howard made good points. He was unsure which was the right way to go. He said he had not considered the present situation when the original recommendation was made.

Regent Hill said that Regent Howard raised a valid question. He compared the situation to the Watergate matter and questioned how often it would occur, adding that the Board could address it with a simple amendment. He noted that the chancellor had reported that the general counsel advised the eight institution presidents the majority of the time. Hypothetically with the new reporting lines, if the general counsel was favored by a majority of the Board, but wasn't doing anything, the chancellor would not have any authority over the position. He felt that having the position report to the chancellor was proper and that the Board Chair or the Regents could provide another proposal to address a specific matter if necessary.

Chair Anthony observed there appeared to be some interest in Regent Hill's proposal. He proposed including Regent Hill's suggestion in writing for Board action at the next meeting. No objections noted. Regent Sisolak said that the Board had a habit of adding items to the next agenda and expressed concern for the length of the agenda. Chair Anthony asked Regent Hill if he wanted to make a motion. Regent Hill said he needed time to compose language.

The meeting recessed at 11:55 a.m. and reconvened at 12:33 p.m. with all members present except Regents Alden and Seastrand.

Regent Hill said that the Board had never adopted a policy regarding this matter, but rather, had a number of recommendations. He said the Board had two options. One option would be to bring back a policy to another meeting. He felt it would be unwise to draft a policy at this juncture. Another option would be to issue a Chancellor's Memorandum. Because of the sensitive nature of the issue being addressed, he felt it would be better to have a policy. He did not think that a motion was necessary to ask the chancellor and general counsel to bring back a policy for the next meeting. Chair Anthony agreed. Regent Sisolak did not object, though he expressed concern for making future agendas longer. Regent Hill said there was no policy to amend or adopt, but instead a series of recommendations. Chair Anthony agreed to bring the matter back to the next meeting.

25. Approved-Handbook Revision, Bonus Policy – The Board approved Chancellor Jane Nichols' recommendation for a System-wide policy governing bonuses and commissions (Title IV, Chapter 3, Section 18, New Paragraphs 4 and 5). The proposed policy was an outgrowth of an institutional audit finding and was endorsed by the UCCSN Human Resource Advisory Committee and the institution presidents and business officers. (Ref. G on file in the Board office)

Chancellor Nichols reported that staff had worked with the institutions' personnel directors to develop a policy that seemed to address the problems. She felt it was extremely important to protect the difference between bonuses and merit, and to ensure that bonuses occur only on rare occasions and under specified, contractual terms. She reported that merit was added to the base pay, while bonuses were not. She said the proposed policy had the approval of the campuses and the Council of Presidents, and contained sufficient controls so as to prevent the abuse of bonuses. She noted one correction to the material (Ref. G, page 2 of 3), stating that the proper citing was Title IV, Chapter 3, Section 21.

Regent Hill moved approval of the Handbook revision concerning a System-wide policy governing bonuses and commissions. Regent Whipple seconded.

Regent Sisolak thought that a policy prohibiting bonuses had already been set. He asked whether bonuses were applied towards retirement. Chancellor Nichols said there were circumstances under which the institutions had a bonus policy, particularly as it related to athletics. Bonuses related to student services were previously prohibited. This policy recognizes those circumstances where such incentives are appropriate (i.e. athletic coaches). She said they must be in conformity with state and federal laws and regulations, must be in the contract with significant measurable standards, and must be approved by the president and reviewed by the chancellor and general counsel prior to contract issuance. No state-appropriated funds

may be used. She said they attempted to narrowly circumscribe those instances where a bonus is appropriate and widely used in higher education.

Regent Alden entered the meeting.

President Harter said that UNLV has two circumstances where bonuses were the appropriate mechanism. One is with coaches. All coach's contracts include escalating bonuses for championship activity and, in some cases, academic success. Another circumstance involves 6-8 people at the Thomas & Mack Center whose jobs involve the solicitation of advertising on which a commission is paid. Mr. Tony Flores, Vice President, Finance-UNLV, noted a distinction between the bonuses paid to coaches and the commissions paid based on sales activity.

Regent Sisolak did not object to the commissions. He asked whether the policy would only be used for athletics. Chancellor Nichols asked the presidents whether there were any other situations where bonuses would be used as defined by this policy. President Wells said there could be opportunities where people might have access to funds that could be used to enhance their lab. He did not want that confused with the policy. Regent Sisolak said that wasn't a bonus. He understood bonuses awarded for going to the Final Four, but felt this was a dangerous area. He asked about the Board's current policy. Chancellor Nichols replied there was no current, explicit policy. She said that no bonus could be added to the base pay. Other policies related to the integrity of hiring and contracts. She was not aware of any abuse of bonuses since the issue was raised. Writing the policy was complicated by the athletic programs. She had wanted a policy prohibiting all bonuses. The proposed policy appeared to include reasonable instances, approved in advance, that were commonly occurring practices in higher education. Regent Sisolak said that it addressed more of a contract incentive which was different from rewarding someone for doing a good job. Chancellor Nichols said the proposed policy would prohibit such action.

Regent Kirkpatrick asked whether bonuses became part of a person's retirement. President Harter replied they did not.

Regent Alden said that he was glad this came to the Board's attention, adding that it was good policy and fairly common throughout the country. He stressed that these monies would not be added to the base pay or go towards retirement. He urged Board support.

Dr. Carol Ort, Vice Provost-UNR, said that she served on the human resources committee that helped developed the policy and affirmed that retirement was not paid on bonuses.

Motion carried. Regent Howard abstained. Regent Seastrand was absent.

26. Approved-Millennium Scholarship - The Board reviewed the manner in which the Millennium Scholarship is administered with regard to students with disabilities or who are affected with special circumstances under current Nevada law and the Americans with Disabilities Act. The Board considered whether changes should be made to the Millennium Scholarship policies in (Title IV, Chapter 18, Section 18) and whether corrective legislation should be drafted for the 2005 legislative session. (Ref. P on file in the Board office)

Chancellor Nichols reported that this question arose when a student approached the Nevada Mental Health Plan Implementation Commission wanting to know why they could not receive the Millennium Scholarship because they could only take 3 credits at UNLV due to a documented disability. The Commission asked the Board to review the situation. She reported that the legislation did not provide the Board with the authority to make an exception on the credit requirement. Staff recommended that the Board recommend to the Commission that they send forward a new NRS stating that the Board of Regents shall provide for appropriate exceptions to the credit hour enrollment requirements set forth for students with disabilities.

Regent Hill moved approval of changes to the Millennium Scholarship policies. Regent Whipple seconded.

Regent Kirkpatrick asked whether the Board would need to establish the guidelines. Chancellor Nichols replied that, if the recommendation became part of the NRS, the Board would need to develop very clear and strict guidelines regarding the circumstances under which this could be considered.

Motion carried. Regent Seastrand was absent.

27. Approved-Workers Compensation Insurance – The Board approved UCCSN Risk Management's request to self insure the UCCSN's workers compensation program. UCCSN will purchase excess of loss reinsurance to protect itself from large losses. Authorization was requested to transfer \$2,400,000 from the Workers Compensation Account to a special reserve account held in trust by the Commissioner of Insurance to assure payment of claims. These funds will be held as government securities or as a Certificate of Deposit. Interest on the account accrues to the UCCSN. The second alternative was for Risk Management to seek permission to purchase a commercially insured large deductible program similar to the ones that have been in place for the last four years.

Mr. Jon Hansen, Risk Manager-System Administration, reported that UCCSN's current carrier, Royal & Sun Alliance, withdrew from the North American market in September. System Administration solicited workers compensation coverage using two brokers who approached over 10 markets. Negotiations are currently underway with three companies. Current options include a large deductible program similar to the program used over the last three years (slightly less than stated in the agenda description). This program would provide insurance to protect UCCSN in the event of a large loss, but UCCSN would be responsible for losses under \$250,000. The other alternative is a self insurance program. UCCSN would buy reinsurance, which would also protect the System from large losses. With self insurance, the System would become responsible for its losses as opposed to an insurance company. One advantage of self insurance allows UCCSN to select the claims adjuster and medical panel rather than the insurance company. UCCSN has been approved by the state to be self insured. Negotiations are underway and should be completed by Christmas. He noted that the majority of commercial insurance was due January 1st and that insurance companies did not like to negotiate with clients for fear of "quote shopping". If UCCSN remains with the large deductible program, a Letter of Credit in the amount of \$2,810,000 will need to be secured in lieu of providing the insurance company a large amount of cash. If UCCSN becomes self insured, the State of Nevada will require a cash deposit or cash-equivalent deposit of approximately \$2,900,000. Interest earned on those funds would accrue back to the System (i.e., a T-bill). Both programs are cost-plus programs, with fixed and variable costs. Fixed costs range from \$586,000-\$1.6 million. Variable costs (losses) range from \$2,225,000-\$2,500,000 for next year. He requested approval to issue an RFP and provide an LOC in the amount of \$2,810,000 or less or, alternatively, to select a self insured program if that proved to be the better option.

Regent Hill moved approval to issue an RFP and provide an LOC in the amount of \$2,810,000 or less or, alternatively, to select a self insured program if that proved to be the better option.. Regent Schofield seconded. Motion carried. Regent Seastrand was absent.

28. Approved-Acquisition of Real Property, Located at 801 N. Center Street, Reno, UNR – The Board approved President John Lilley's request for the purchase of real property located at 801 N. Center Street, Reno, Nevada. Subject property (APN 007-183-10) is comprised of one house located on one 7,013-square foot parcel currently zoned neighborhood commercial. (Ref. U on file in the Board office)

Regent Alden moved approval of the acquisition of real property for UNR. Regent Hill seconded. Motion carried. Regent Seastrand was absent

29. Approved-Acceptance of Gift of 3.14-Acre Parcel of Ranch Land, UNR – The Board approved President John Lilley's request to accept a 3.14-acre parcel of ranch land from the Mary Gray Family Trust to the University of Nevada, Reno, for the benefit of the Nevada Agricultural Experiment Station. The ranch is located at the corner of El Rancho Drive and Wedekind Road in Sparks, Nevada. (Ref. V on file in the Board office)

Regent Alden moved approval of the acceptance of the ranch land parcel for UNR. Regent Rosenberg seconded.

Regent Hill asked whether the v-shaped property could be used for purposes other than agricultural. Interim Vice President, Administration & Finance-UNR, Mr. Ron Zurek, replied that he was unsure whether the parcel would lend itself to development of residential property. He noted that the property fronted El Rancho Drive and Wedekind Road, which would be prime property for retail development. Regent Hill asked whether the property was deep enough to do so. Mr. Zurek replied that it was.

Regent Sisolak asked whether the System pursued opportunities for cell phone towers or billboards as a source of revenue. Mr. Zurek replied that UNR had cell phone towers on-campus. Regent Sisolak observed that billboards could be very lucrative. President Lilley said they were also ugly. Regent Sisolak jokingly suggested the revenue could be used to defray some of the Fire Science Academy debt.

Motion carried. Regent Seastrand was absent.

30. Approved-Maxey Science Center Addition, Change in Scope and Cost, DRI – The Board approved President Stephen Wells' request to approach the Interim Finance Committee to change the scope of design of capital construction project 03-C91L for the Maxey Science Center to provide an additional 9,000 square feet of space. Funding for the change in scope will be provided by DRI. If approval is granted to approach the Interim Finance Committee, President Wells also requested approval to seek a bank loan for \$500,000 in partial funding for the project. (Ref. W on file in the Board office)

Regent Alden moved approval of the Maxey Science Center addition and approval for DRI to seek a bank loan for \$500,000 in partial funding of the project. Regent Bandera seconded.

Regent Sisolak asked about the projected revenue stream to service the \$500,000 bank loan. President Wells replied that indirect cost recoveries would be used. Regent Sisolak asked whether that wasn't what Senator Raggio regularly questioned.

Chair Anthony left the meeting.

Vice President, Finance & Administration-DRI, Mr. Alan Austin, replied that since DRI only participated in the Operations & Maintenance portion of the funding formula, they were not required to revert the 25% back to the state that the universities do. He explained that DRI had attempted to discuss the benefit to the state were UNLV and UNR allowed to maintain those revenue streams. Consequently, DRI is able to allocate from the indirect cost recovery budget a more than adequate revenue stream to cover the debt service. Regent Sisolak said that he recalled that DRI received a slightly better deal than the universities. He asked about the consequences to DRI if the state were to change the arrangement to match the universities. Mr. Austin said that, if the state adjusted the funding formula and funded all of DRI's administrative overhead and operating costs, that would then be a valid discussion. Currently, the Institute pays those costs from indirect cost recovery. He reported that state funds received by DRI comprised only 37% of the Institute's operating budget. Regent Sisolak asked about the term of the loan. Mr. Austin replied that their consultant estimated a 10-year note at 4.5% interest. Regent Sisolak expressed concern that current revenue would be used for another purpose. Mr. Austin replied that DRI had reviewed the pro formas and were comfortable. It amounts to approximately \$60,000/year in debt service, which is easily accommodated within the operating budget.

President Wells noted that the faculty had also invested in this effort and were contributing \$500,000 that could have been used for research activities due to their commitment to expanding the structures.

Motion carried. Regents Anthony and Seastrand were absent.

Regent Dondero left the meeting.

31. Approved-Permission to Negotiate Lease, Las Vegas System Office – The Board approved granting the chancellor permission to negotiate a lease for the Las Vegas System Office . The lease for the Las Vegas System Office expires May 2004. Chancellor Jane Nichols requested permission to negotiate a lease for the present site or to seek other options of a lease or lease-purchase to be brought back to the Board of Regents for review and approval. (Ref. X on file in the Board office)

Chancellor Nichols said that this provided the opportunity for staff to look at a new configuration. She noted that the Board for some time had indicated an interest in locating a site with sufficient room in which to conduct Board meetings.

Regent Hill moved approval of granting the chancellor permission to negotiate a lease for the present site or to seek other options of a lease or lease purchase to be brought back to the Board of Regents for review and approval. Regent Rosenberg seconded.

Regent Alden said that he agreed with the chancellor's statement and indicated his approval of the motion.

Regent Kirkpatrick related that he had previously suggested the Board study the feasibility of building a facility (Las Vegas and Reno) that would accommodate Board meetings. He asked why that request fell by the wayside. Chancellor Nichols replied that she did not feel it had fallen by the wayside. She said that she had been thinking about and exploring the matter for some time, but System Administration had no money.

Chair Anthony entered the meeting.

She related that the Legislature had opened the door with these purchase agreements, adding that the Governor had also indicated his approval. She felt that the only way to accommodate Regent Kirkpatrick's request would be to explore a lease-purchase. She said that she would be happy to include this request as a priority when considering sites.

Regent Sisolak agreed with Regent Kirkpatrick, adding that he thought the Board was going to explore this. He asked about the cost of the Lindell property. Chancellor Nichols replied that that the two suites cost \$12,081/month and \$5,368/month for a total of \$17,449/month, or \$209,388/year. Regent Sisolak said that it seemed as though \$200,000/year would provide a nice building, though it might not include a room large enough for Board meetings. He felt that it would be wise to pursue such a venture for potential ownership. Chancellor Nichols said that she would like to pursue that. Regent Sisolak suggested using BLM land.

Regent Dondero entered the meeting.

Regent Schofield indicated his preference for ownership. He felt that building a facility would save the System considerably. He suggested the chancellor develop a tentative master plan for a facility that would be suitable for the Board.

Motion carried. Regent Seastrand was absent.

The meeting recessed at 1:07 p.m. to conduct a joint meeting with the State Board of Education and reconvened at 3:16 p.m. with all members present except Regents Howard, Schofield, and Seastrand.

12. Approved-Appointment, Interim President, CCSN – (Cont'd.)

Regent Hill observed there was an existing motion and second on this item. Chair Anthony agreed.

Regent Sisolak noted a point of order, questioning the proper method for removing the item from the table. General Counsel Ray replied that no motion was necessary since, by consent, the item had been delayed until this point.

Regent Rosenberg said that CCSN students wanted to make a suggestion. Ms. Evelyn Flores, Student Body President-CCSN, suggested the Board delay its decision until January in order to provide time for the students to meet the proposed interim president. She noted that students had not been allowed to provide input. She made the suggestion in conjunction with CCSN's Faculty Senate Chair, Ms. Mitzi Ware. Ms. Ware said that she could not endorse this candidate until the faculty had a chance to speak with him. She said the faculty made a strong recommendation to postpone Board action to the January meeting and asked that action be delayed until January. Ms. Flores said the students were not given an opportunity for input or any choices. She said they did not know the person. The only person the students would feel comfortable with was Mr. Thomas Brown. She said it would also provide the opportunity to seek student and faculty input.

Regent Howard entered the meeting.

Regent Schofield entered the meeting.

Regent Sisolak felt the Board would not be the same action for an interim university president. He felt the Board would seek more input from the faculty, students, and all affected parties. He said the institution had been to hell and back in the past few years. He wanted them to feel involved and a part of the System. He wanted to provide them with the opportunity for input. He also expressed concern about the grant. His understanding was that Dr. Gianini sat on a board that granted \$100,000 if CCSN could raise \$50,000. He acknowledged the claims that there was no connection, but felt it gave the appearance that the man was given a job because of a donation. He said he could not support the motion, adding that he wanted to support the students and faculty.

Regent Alden said that he had supported Regents Howard, Rosenberg, and Sisolak's request for another agenda item for a motion to rescind. He acknowledged that life goes on and things change, and felt the Board should look ahead to where CCSN needs to be. He said the institution needed a president, especially with the upcoming legislative session. He acknowledged the concerns of the student government and faculty. He felt that delaying and procrastinating would only cause the institution to suffer more. He said the Board had historically allowed the Board Chair and chancellor to handle the appointment of interim presidents. He acknowledged that the Board had, at times, consulted with the campus. He felt there was so much turmoil in this case, that delaying the matter further would hurt the institution. He felt that waiting until the end of January was too long. He felt that CCSN was the most important thing. He was willing to consider an amended motion, but wanted the matter settled prior to the January meeting. He indicated his support for the motion.

Regent Kirkpatrick clarified that Dr. Gianini had not given CCSN \$100,000, but rather a foundation to which he belonged. Regent Sisolak asked how many people served on that foundation board. Regent Kirkpatrick did not know. Regent Sisolak felt that would be valuable information.

Ms. Diana Wilson, Interim Chief Development Officer-CCSN, reported that Dr. Gianini was one member of the foundation's 6- or 7-member board. Regent Kirkpatrick said that it was not Dr. Gianini's money. He said that ACCT would not suggest a candidate unless they had thoroughly investigated their background. Regent Kirkpatrick felt that Dr. Gianini was extremely qualified and he did not want to lose him. He asked whether the students expected the Board to listen to them if the students said they did not like the interim appointment. Ms. Flores suggested the Board provide another option. She said the students wanted to know what kind of a president they were getting. If the students did not like him, she suggested the Board provide another option. Regent Kirkpatrick said that the Board had an obligation and a responsibility. He agreed that waiting would only worsen the situation. He praised Dr. Gianini's background, experience, and willingness to come to Las Vegas. He said he did not want to lose this opportunity. He asked whether students and faculty were on vacation. Ms. Ware explained that faculty was out of class, but not off-campus, though some might be. She felt they would make an exception in order to take advantage of an opportunity to meet this individual. Regent Kirkpatrick observed that faculty and student availability was limited due to the instructional break. Ms. Ware said that having the opportunity to meet with him was very important to faculty and students. She said they were requesting input because they would need to live with the decision for 4-6 months. She said it was very important to the faculty and students to have input. If not the end of January, she asked the Board to consider a special meeting. Regent Kirkpatrick sympathized, but wanted to move on.

Regent Rosenberg said that the Board did not get it. He said that CCSN was not a collection of buildings, but rather students and faculty. He said the Board had invited their input and ignored it. He noted that they were requesting a 1-month delay. He also noted that the faculty senate chair and student body president were asking the Board to allow them to meet the person that would try to hold them together for the next 6 months. He felt they were asking the Board to trust them in the same manner the Board was asking them to trust the Board and that the Board should pay attention.

Regent Howard felt it was undemocratic for the Board not to allow people to be heard and have a voice. She said she felt badly being there and a part of it. She said that the person's race did not concern her, but she felt the Board needed to know

who this person is. She said that she had received calls from people desiring to recall those individuals who had disenfranchised CCSN. She said she would personally arrange such contact.

Regent Derby said that the appointment of an interim was deliberately different from the search process for a permanent candidate. The appointment of an interim was designed to happen quickly because of the instability at an institution experiencing such a transition. She felt the suggestion involved considerable postponement in waiting until the January meeting. She expressed concern for losing the individual with such a delay.

Regent Howard asked about the students. Chair Anthony asked Regent Howard to come to order. Regent Hill noted a point of order. Chair Anthony observed that no one had interrupted Regent Howard when she was speaking, and asked her to please show the same respect. Regent Howard said that this hurt her. She said the Board was bringing in someone they did not know. She asked about the students. Regent Hill noted a point of order. Chair Anthony said that no one had interrupted her while she was speaking. Regent Howard suggested that Regent Hill direct his point of order in another direction. Chair Anthony asked Regent Derby to continue.

Regent Derby expressed concern for not getting this individual, adding that she felt he was a very strong candidate for the college.

Regent Alden acknowledged the concerns of Regents Howard, Rosenberg, and Sisolak. He said that he had agreed with them on previous issues. He noted the Board had contacted ACCT, who did all of the work. He felt this was a normal process for an interim appointment. He recalled that the appointment of Dr. Kenny Guinn had gone very quickly. He felt that delaying the decision could cause the loss of this candidate. While he did not like the situation, he felt he needed to look ahead. He did not want to upset his fellow Regents and said that he understood this was difficult. He said that he needed to support the motion for the reasons given. He felt the Board should vote and move on.

Regent Sisolak agreed that while Dr. Gianini appeared to be very qualified, there were not many temporary jobs paying \$14,000/month. He said the institution had already been decapitated and the Board was now starting to cut off limbs. He said the Foundation, students, and faculty would all suffer. He questioned whether this was the normal process for interim appointments. He recalled two interim appointments for CCSN, one for NSC, and one for UNR where the Board had already known the individuals appointed as existing employees. He said that the Board Chair and chancellor had never met any of the candidates. He acknowledged that the candidates had not been interviewed. He observed that this individual was 4,000 miles away. He was unsure whether Dr. Gianini had even seen the campus. He questioned Dr. Gianini's potential success when arriving without knowing anything about the UCCSN or the state. He felt that Dr. Gianini would be dumped into the Board-created disaster at the community college and be expected to adequately address the needs of the college, community, and the Legislature. He felt it was naïve to think the process would only take 4 months. He could not believe the Board would even consider doing this over the strong wishes expressed by the faculty and the students. He commended them for being courageous enough to argue with the Board. He said the Board could be "thick" and just did not get it. He agreed that CCSN was not just a collection of buildings, but rather students, human beings, and faculty members. He felt they deserved more respect than the Board had shown them and apologized that they had not received what he felt they deserved.

Regent Bandera said that she wanted to make her position clear before she voted. She said that she was not associating her vote with any exaggerations or overstatements made in the past with which she did not agree. She said she was not interested in re-discussing the previous day's activities. She said that anyone wishing to recall her could write a letter to the Governor. She said that she expected candidates to run against her.

Regent Howard said that she did not think they were the ones saying that. Chair Anthony asked Regent Howard to come to order. Regent Howard said that she did not appreciate Regent Bandera's remarks. Regent Hill noted a point of order. Chair Anthony said that Regent Howard could not interrupt other Regents. Regent Howard felt that Regent Bandera's remarks had been directed at her. Regent Hill noted a point of order. Chair Anthony asked Regent Howard how many times she was going to interrupt. Regent Bandera said that she was speaking to the entire audience. She said that she believed the students and faculty should have an opportunity to meet the interim candidate. She was unsure whether the decision could wait until the end of January, adding that she would prefer holding a special meeting. She said that she would oppose the motion because she felt that kind of input was necessary. She said that her vote had nothing to do with anyone else's statements.

Regent Whipple felt that a lot of this was "over the top" and much ado about nothing. He observed the Board was discussing an interim president who would serve for potentially 4-5 months. He felt the discussion was rehashing the previous day's concerns. He thought the students and faculty would be more interested in having input to the permanent president. He asked how much input the faculty and students would have with the interim as well as the permanent replacement. Chancellor Nichols said that the Board has a policy on the selection of presidents. A Regents committee is formed, as well as an advisory committee comprised of faculty, staff, and students.

Regent Sisolak noted a point of order, suggesting the discussion had strayed from the agenda. General Counsel Ray said that answering Regent Whipple's question was appropriate. Chair Anthony asked Chancellor Nichols to continue her response.

Chancellor Nichols said that the advisory committee also included community members. The two groups work together and make recommendations. The final decision is the Board's. She said the process allowed for considerable input. Regent Whipple clarified that the process for a new president would include the opportunity for faculty and students to be involved in the decision making process. Chancellor Nichols agreed. Regent Whipple asked about the recommended candidate. Chancellor Nichols explained that, at the Board's direction, she approached ACCT and asked them to identify the best person to fill this interim position. She said that she had contacted the prior board chair that had worked with Dr. Gianini as an interim. ACCT also made numerous telephone calls. She said that he came with their recommendation. Regent Whipple confirmed that Chancellor Nichols would not have recommended Dr. Gianini to the Board if she were not comfortable with this candidate. Chancellor Nichols agreed.

Regent Kirkpatrick said that he did not want anyone to think that he was not interested or concerned about faculty and student input. He estimated that, in order to get a president to start by next July or August, the process would need to begin immediately. The position announcement would need to be released by the end of January or early February, along with procedures in place to begin the recruitment, in order to be able to make an offer by the end of May or early June. He felt the interim president would be in office for approximately 6 months. He thought the Board should appoint this highly-qualified individual. He did not think Dr. Gianini was coming for the money, adding that he was already retired. He said that he was not trying to force this individual upon anyone. He noted that the Board had directed the chancellor to locate a candidate and she returned with what she felt was the most qualified individual. Regent Kirkpatrick said that Dr. Gianini was very qualified, adding that UCCSN would be unable to recruit him as president because he was over qualified for the position. He felt that getting a man of this caliber warranted Board action. He observed that other institutions in the country were also looking for temporary interim presidents.

Regent Hill reminded the Board that Regent Kirkpatrick had made the motion to direct the chancellor and Board Chair to bring in an outside person to serve as CCSN's interim president at the past special Board meeting. He related that the vote had passed and that she and Chair Anthony had done exactly that. He felt it was nonsensical to believe that the Board had intended to bring in an outside person from ACCT and that everyone would have a chance to visit with him. Regent Hill said that everyone knew that an outside individual would be selected and there would be a strong probability that no one would know him/her. He said that he appreciated the students' and faculty's concern, adding that he too would like to meet him. He said the Board decided it was very necessary to have someone external take over the helm for other reasons. He noted that the Board could terminate the contract if they became unhappy with him. He said the Board needed someone external in the position now.

Regent Schofield observed that the Board had the duty and responsibility to make some choices. He said the Board had a problem and it was their responsibility to address the matter. He said the Board needed to make a decision quickly. As much as he wanted to comply with the students' and faculty's request, he felt the Board needed to move forward that day in order to regain some order at CCSN.

Regent Alden left the meeting.

Ms. Flores said that it was not what the students wanted, but agreed it was necessary. She said the students just wanted to know who the interim president would be. She asked if the search could begin immediately even if the Board delayed its decision until January. Chair Anthony replied that the presidential search would begin as soon as the paperwork was completed. He noted the upcoming holidays. Ms. Flores said that she wanted assurance that this person would serve the students.

Ms. Ware said that she and Ms. Flores represented over 30,000 students, over 400 academic faculty, and over 200 administrative faculty. She said the Board really needed to understand that.

Regent Kirkpatrick commended both individuals and the people they represent.

Regent Alden entered the meeting.

Ms. Ernst clarified that a "yes" vote would support the hiring of the name submitted and a "no" vote would constitute a vote against hiring that individual.

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

Regent Sisolak left the meeting.

32. Information Only-State-Owned Property in Las Vegas – The Board considered Regents Stavros Anthony, Jack Lund Schofield, and Bret Whipple's request that the Board of Regents send a letter to Governor Kenny Guinn requesting that state-owned property at Oakey and Jones in Las Vegas, Nevada, be reserved for the use of the Community College of Southern Nevada.

Ms. Sue Brna, representing citizens from the area surrounding the West Charleston campus, reported that she and other interested parties met with various city council members, senators, county commissioners, and Mayor Goodman. Some neighborhood associations strongly oppose the proposed location for a mental hospital (to be located at Oakey and Jones) because of its proximity to children, Bonanza High School, and the Community College. She proposed the state-owned property at Oakey and Jones be used for future expansion of CCSN instead. The land is currently held by the state's education fund.

Regent Rosenberg left the meeting.

Ms. Brna then read Senator Wiener's letter opposing the location of the mental hospital project in a neighborhood setting.

Regent Schofield left the meeting.

Ms. Brna noted that the West Charleston campus would continue to experience tremendous growth in the future and suggested the site could be used for future expansion of CCSN. She understood the proposed facility could expand from Oakey to Charleston.

Regent Howard left the meeting.

Regent Schofield entered the meeting.

Ms. Brna said that only construction costs had been funded, adding that funding for beds and staff was still required. She asked the Board to request this property to accommodate CCSN's future growth. She thought it would be prudent to find another site for the hospital.

Ms. Juanita Clark, President, Charleston Neighborhood Preservation, said that this site provided the only potential for future expansion of the West Charleston campus. She said the neighborhood appreciated the dynamic of having CCSN in the neighborhood.

Regent Whipple commended Ms. Brna and Ms. Clark for their efforts. They approached him with the hope of using the state land for future expansion of CCSN. He noted that Regent Dondero had contacted the governor's office directly about this matter.

Regent Dondero felt the college would eventually need the property for expansion. She spoke to Governor Guinn about this matter. He indicated that it would be helpful to identify another piece of property for the mental hospital since this state-owned property was the only site available in the area. Regent Dondero also considered BLM and county property. The county indicated that the North Las Vegas Hospital was for sale.

Regent Whipple suggested the Board take no action and that Chair Anthony allow Regents Dondero and Whipple to continue to work with Ms. Brna and Ms. Clark. If action becomes necessary, the item would be brought back for further evaluation.

Regent Rosenberg entered the meeting.

Regent Sisolak entered the meeting.

Regent Kirkpatrick thanked Regents Dondero and Whipple and the System's facilities planning office. He recalled that another neighborhood had opposed the development of Nevada State College, noting that these neighborhood groups were indicating their support for acquisition of the property for CCSN. He commended Regent Dondero for contacting the governor, who indicated he would work with the Board if they could identify another site. Regent Kirkpatrick also commended Mr. John Amend, Director, Facilities Planning-System Administration, who prepared the Board's handouts on very short notice.

Regent Bandera left the meeting.

Regent Howard entered the meeting.

Regent Kirkpatrick said that Mr. Amend indicated that the Board may face an uphill battle because the psychiatric hospital was ahead of the Board with its planning. Regent Kirkpatrick felt the Board could still prevail if they followed through.

Regent Bandera entered the meeting.

Mr. Amend stated that the land was an asset of the school trust. He said the State Public Works Board had identified \$8.5 million to purchase this property for the state permanent school trust. If UCCSN pursues this property, they will need to consider the cost of purchasing it. He noted the land had been master planned for the mental health facility. He said an agreement would be required to reassign the property to UCCSN.

Regent Schofield volunteered his services, adding that he felt the psychiatric hospital should be located elsewhere and that CCSN required the land for future development.

Regent Hill said that he did not know enough to take a position on the matter. He noted that the Washoe County School Board had often sold land they later had to re-purchase at a higher price. He felt that providing land for future growth was sound reasoning. He said that he did not feel prepared to take action at this point.

Ms. Patty Charlton, Vice President, Finance & Administration-CCSN, expressed her appreciation for the discussion. She said that CCSN had identified space as a priority for capital construction several biennia ago. She noted that CCSN is landlocked with many rapidly expanding science and health programs. She said that CCSN would seek Board support for a future capital project request.

Chair Anthony said that Regents Dondero and Whipple would continue to work with community representatives to resolve the matter.

Ms. Clark said that they were looking for another site for the psychiatric hospital, adding that neighborhood groups joined in the effort were 60,000 strong.

33. Information Only-Handbook Revision, Code and Policy Amendments - In early 2002, Chancellor Jane Nichols began working with the faculty senate chairs to discuss topics that the faculty were interested in seeing added to the UCCSN Code. Over the course of those discussions, several amendments to the UCCSN Code and Board of Regents' Handbook were drafted to address tenure, evaluations, administrative appointments, and personnel files. The recommendations being presented for the Board's consideration were the result of agreements among the senate chairs and their faculties, System staff, and general counsel. Because Code amendments require two hearings, the following amendments were presented for information only, with action to be requested at the January 2004 meeting. (Ref. Y on file in the Board office)

- Title II, Chapter 1, Section 1.6 – Appointment of Administrators
- Title II, Chapter 3 - University Tenure
- Title II, Chapter 4 – Community College Tenure
- Title II, Chapter 5, Section 5.6 – Personnel Files
- Title II, Chapter 5, Sections 5.11 and 5.12 – Evaluations
- Title II, Chapter 7 – State College Tenure
- Title IV, Chapter 3, New Section 3, Evaluations

Chancellor Nichols said she believed it was good policy which addressed concerns expressed by the faculty senate chairs. She asked Dr. Trudy Larson to address the Board on behalf of the faculty senate chairs.

Regent Alden said that he wanted to expedite the matter since time was short. He asked Board members to read the material and ask questions at the next meeting. Chair Anthony asked if there were any objections. Regent Kirkpatrick asked whether that would satisfy the requirements. Regent Alden said that it would. No objections noted.

Dr. Larson reported that the faculty senate chairs had worked very hard on this matter and were excited about bringing the proposal forward. She noted there would be minor revisions, adding that it had the support of the faculty senate.

Regent Kirkpatrick suggested the Board address the next three items simultaneously. Regent Rosenberg agreed.

34. Approved-Handbook Revision, Residency Regulations – The Board approved Presidents Harter, Lilley, and Wells' request for changes to the Board of Regents' Handbook (Title IV, Chapter 15, Section 4, Resident Students (8)) to include post-doctoral fellows and resident physicians/dentists as Nevada residents. (Ref. H on file in the Board office)

35. Approved-Handbook Revision, Postdoctoral Fellows – The Board approved Presidents Harter, Lilley, and Wells' request for changes to the Board of Regents' Handbook (Title IV, Chapter 7, Sections 5, 6, 7, and 8) concerning postdoctoral fellows. The human resource directors and the vice presidents responsible for postdoctoral fellows have been consulted and support the proposed changes. (Ref. I on file in the Board office)

36. Approved-Handbook Revision, Resident Physicians/Dentists – The Board approved Presidents Harter and Lilley's request for changes to the Board of Regents' Handbook (Title IV, Chapter 7, Sections 2, 3, and 4) concerning resident physicians and resident dentists. The dean and the director of residency programs in the School of Medicine have been consulted and support the proposed changes. (Ref. J on file in the Board office)

Regent Kirkpatrick moved approval of the Handbook changes concerning residency regulations, postdoctoral fellows, and resident physicians and resident dentists. Regent Rosenberg seconded.

Regent Hill asked about the fiscal impact of the items. Dr. Carol Ort, Vice Provost-UNR, said that the changes had no fiscal impact since sick and/or annual leave was taken from already encumbered salary. Contributions made for retirement for

postdoctoral fellows would be made in lieu of Social Security payments. The proposal for allowing employees to become eligible for in-state residency upon employment included a slight decrease in the tuition and fees paid for any classes taken. She reported there were only 90 post doctoral fellows and 200 residents, with only 50 in the first year. She said that approximately 140 people/year would be potentially impacted by this change. Regent Hill clarified that 140 people would be paying the difference between in-state and out-of-state tuition. Dr. Ort replied that medical residents and postdoctoral fellows were all full-time employees and would be unable to take many credits. Most medical residents were in-state anyway. A worst-case scenario for all 90 postdoctoral fellows' spouses taking full-time credits would allow the spouses to pay in-state tuition (out-of-state tuition is approximately \$8,000/year). She said that admissions & records had indicated a very small number of post doctoral residents appeared to have spouses taking courses. Almost none have children old enough to take classes. Regent Hill asked if the figure was less than \$20,000. Dr. Ort agreed that it would be less.

Motion carried.

37. Information Only-Personnel Session – The Board held a closed personnel session.

37.1 Approved-Moving to 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 certain executive employees of the UCCSN.

Regent Sisolak moved approval of moving to a closed personnel session. Regent Alden seconded. Motion carried. Regent Seastrand was absent.

The meeting recessed at 4:20 p.m. and reconvened at 6:20 p.m. on Friday, December 12, 2003 with all members present except Regent Alden, Rosenberg, and Seastrand.

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

38. New Business – None.

The meeting adjourned at 6:20 p.m.

Suzanne Ernst
Chief Administrative Officer to the Boa