

## BOARD OF REGENTS

### UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA

Building D, Room D-152  
Community College of Southern Nevada  
6375 West Charleston Blvd., Las Vegas  
Friday, February 4, 2005

Members Present: Dr. Stavros S. Anthony, Chair

Mr. Mark Alden  
Dr. Jill Derby  
Mrs. Thalia M. Dondero  
Mrs. Dorothy S. Gallagher  
Mr. Douglas Roman Hill  
Mrs. Linda C. Howard  
Mr. James Dean Leavitt  
Mr. Howard Rosenberg  
Dr. Jack Lund Schofield  
Mr. Douglas R. Seastrand  
Mr. Steve Sisolak  
Mr. Bret Whipple

Others Present: Interim Chancellor Jim Rogers

Assistant Chancellor Trudy Larson  
Vice Chancellor, Finance & Administration Buster Neel  
Interim Vice Chancellor, Academic & Student Affairs Chris Chairsell  
Interim Vice Chancellor, Technology, Becky Seibert  
Chief Counsel Dan Klaich  
Assistant Chief Counsel Brooke Nielsen  
President Richard Carpenter, CCSN  
President Stephen Wells, DRI  
President Paul Killpatrick, GBC  
President Fred Maryanski, NSC  
President Philip Ringle, TMCC  
President Carol Harter, UNLV  
President John Lilley, UNR  
President Carol Lucey, WNCC  
Chief Administrative Officer Suzanne Ernst

Also present were faculty senate chairs Dr. Terry Jones, CCSN; Dr. Vic Etyemezian, DRI; Ms. Kathy Schwandt, GBC; Dr. Francine Mayfield, NSC; Ms. Bridgett Boulton, TMCC; Dr. Jane McCarthy, UNLV; Dr. Leah Wilds, UNR; Mr. Richard Kloes, WNCC; and Ms. Kat Weiss, System Administration. Student government leaders present included Ms. Michelle Hammond Urain, GBC; Ms. Nichole Shaffer, NSC; Ms. Alanna Stewart-Bell, TMCC; Mr. Henry Schuck, UNLV; Mr. George Ambriz, UNLV-GPSA; Mr. Erin Lankowsky, UNR; Ms. Jessica Muehlberg, UNR-GSA; and Ms. Jenny Gentine, WNCC.

Board Chair Stavros Anthony called the meeting to order at 8:05 a.m. on Friday, February, 4, 2005, with all members present except Regents Dondero, Schofield, and Whipple.

1. Oath of Office - The newly elected and re-elected Regents were sworn into office by the Honorable Betsy Kokowski. A reception followed the ceremony.

- · Dorothy S. Gallagher
- · Douglas Roman Hill
- · James Dean Leavitt
- · Douglas R. Seastrand
- · Steve Sisolak

Regent Schofield entered the meeting.

The meeting recessed at 8:20 a.m. for a reception and reconvened at 9:02 a.m. with all members present.

Reverend Emmanuel Wasson from the Holy Trinity African Methodist Episcopal Church offered the invocation.

2. Approved-Distinguished Nevadan Awards – The Board considered the following nominees and rendered a decision on the 2004 Distinguished Nevadan awards (*Policy: Title 4, Chapter 1, Section 14.1*) :

- · Franny Forsman
- · Jerry Keller
- · Evelyn Mount
- · Joseph M. Neal

Regent Alden moved approval of the Distinguished Nevadan nominees as presented. Regent Rosenberg seconded. Motion carried.

3. Approved-Honorary Degrees - The Board rendered a decision on the 2004 honorary degree recipients:

A. Honorary Doctorate Degrees – *Policy: Handbook, Title 4, Chapter 1, Section 14.2 (Ref. A on file in the Board office)* .

- · Mr. Brian Greenspun, UNLV.
- · Associate Justice Sandra Day O’Connor, UNR.
- · The Honorable Colin L. Powell, UNR.

B. Honorary Baccalaureate Degrees – *Policy: Handbook, Title 4, Chapter 1, Section 14.3 (Ref. B on file in the Board office)* .

- · Ms. Charlotte Danielson, NSC.
- · Dr. Marilyn Ray, NSC.

C. Honorary Associate Degrees – *Policy: Handbook, Title 4, Chapter 1, Section 14.4 (Ref. C on file in the Board office)* .

- · Mr. Gustav Mauler, CCSN.
- · Dr. Paul E. Meacham, CCSN.
- · Mr. Adam Gonzales, TMCC.
- · Mr. Bruce James, TMCC.

3. Approved-Honorary Degrees – (*Cont’d.*)

C. Honorary Associate Degrees – (*Cont’d.*)

- · Mr. Rick DeMar, WNCC.
- · Ms. Virgie Miller, WNCC.

Regent Rosenberg moved approval of the nominees for honorary degrees as presented. Regent Hill seconded. Motion carried.

4. Information Only-Chair’s Report - Chair Stavros Anthony welcomed NSC President Fred Maryanski to his first Board meeting. He then thanked CCSN President Richard Carpenter and his staff for hosting the meeting. Chair Anthony reported that the legislative session would begin the following week. The System’s legislative team met with legislators to provide an overview of the System and its needs. He then provided copies of the materials provided to the legislators and thanked the Academic Affairs and External Relations staff for assembling the material.

Chair Anthony related that in December, the UCCSN was awarded a three-year grant from the Lumina Foundation for the College Goal Sunday program which helps students with getting need-based federal financial aid. The College Goal Sunday program kicks off in Nevada on February 13 when graduating high school students and their families will participate in free workshops at ten sites throughout Nevada. Nearly 17,000 brochures were distributed throughout the state to promote the event. Public service announcements have been airing throughout the state to promote the event. Chair Anthony thanked Chancellor Rogers and KVBC for their assistance in creating and distributing the spots that feature former UNLV quarterback Randall Cunningham.

EDFUND will be continuing its underwriting support for the printing costs of UCCSN's third "Go to College" brochure. The brochure is distributed to more than 100,000 middle school students and their parents and provides key information to families and students about preparing for college. Chair Anthony acknowledged the hard work of the Academic and Student Affairs staff, under the leadership of Dr. Chris Chairsell, for their outstanding efforts in helping to increase Nevada's high school to college continuation rate.

Chair Anthony reported that Consent Agenda item #2 (*Rehire of PERS Retirees, UNLV*) would be removed from the Consent Agenda and considered separately. He noted that the closed personnel session scheduled for Chief Administrative Officer Suzanne Ernst and the Ground Lease and Facility Leaseback for UNLV had been withdrawn.

5. Information Only-Chancellor's Report - Chancellor James Rogers updated the Board regarding various major activities undertaken by him since the last Board meeting. He felt that he and the legislative team were making progress with their efforts. He acknowledged the great concern for funding. The funding formula is based upon the average cost at peer institutions. An 84% funding level puts the System at a disadvantage to compete. They will continue to discuss with the Governor and Legislature the need to raise the level of funding to 87%. He said they were initially timid to submit a request for funding from the potential anticipated refund. It was decided to request as much of the

5. Information Only-Chancellor's Report – (*Cont'd.*)

\$300 million surplus to be applied as far as it would go. He said they would aggressively pursue legitimate requests. He was pleased to see that legislators appeared to be very open-minded and were aware that this one-time surplus could be used for one-time investments in the System. In order to approach the private sector as a partner, UCCSN must ensure that the state continues to fund higher education at a reasonable rate. He felt that Senator Raggio's reaction, as well as others on the committee, had been very good. He said they have a very strong team. Mr. Dan Miles was warmly welcomed, with legislators knowing he will provide accurate information. Chief Counsel Dan Klaich has been a good addition to the legislative team. Assistant Chancellor Trudy Larson provides an added dimension. He said he was pleased and comfortable with their relationship with the Governor and Legislature. He said it was the chancellor's job to bring the System together, noting that cooperation between the institutions was essential to future success.

Regent Rosenberg said he was receiving questions from a number of the units and wanted to ensure that everyone was on the same page. He noted there were two lobbyists. He asked whether they would be the only ones speaking for the System. Chancellor Rogers replied that they would be the only ones coordinating the speaking for the System. They may not have the particular expertise/information necessary to answer a question. All legislative appearances will be coordinated through the two lobbyists so as to avoid any "end runs". He said it was very embarrassing when they were asked questions about subjects of which they had no knowledge. The lobbyists will be coordinating the efforts of those who will respond to questions from the Legislature.

Regent Rosenberg asked whether individual units would have their own lobbyists at the Legislature. Chancellor Rogers replied that they would in order to respond when information is required for legislative requests or to track certain bills. It will all be coordinated through the lobbyists. Regent Rosenberg asked whether they were employing the same process. Chancellor Rogers replied they were not. Formerly, all eight institutions approached individual legislators to promote their own projects. This will be a coordinated effort, with everything funneled through the lobbyists and the chancellor's office. Regent Rosenberg asked whether the presidents were aware they were entitled to have someone at the Legislature to keep track of things. Chancellor Rogers replied that, to the extent it was necessary, they knew. He said they would do their best to ensure the

effort remains centralized and coordinated. Regent Rosenberg said he wanted to avoid any previous unpleasanties. Chancellor Rogers assured him there would be none.

Regent Sisolak said he was under the impression they were not going to have individual institution lobbyists. Some institutions do not have one, which puts them at a disadvantage. One of the complaints he has heard is that there are so many people that legislators do not know to whom to listen. Chancellor Rogers replied they would not have System people pitching the product. They will be there solely to provide information. It will be the chancellor's and/or Mr. Klaich's job to approach specific legislators to discuss specific issues. The chancellor will need to be present. He felt they would need to coordinate the information in order to be successful. Regent Sisolak asked

5. Information Only-Chancellor's Report – (Cont'd.)

whether the universities would have lobbyists walking the hallways. Chancellor Rogers replied they would not.

Mr. Klaich stated that the chancellor had issued orders that random roaming was not permitted. They are attempting to employ a funnel/gatekeeper system where the System lobbyists that were selected by the chancellor act as the gatekeepers. It is their job to notify the institution when it is necessary to have their representatives present. Regent Sisolak clarified that they would not be at the Legislature unless called upon by a System lobbyist or the chancellor. Mr. Klaich and Chancellor Rogers affirmed that was correct.

Regent Howard said she was very concerned that three lobbyists had been hired for the System and that individual institutional lobbyists would be present. She felt that would defeat the purpose. She asked whether a resolution had been passed to only use System lobbyists and not institutional lobbyists, and asked about the need to reverse such action. Chancellor Rogers replied that Board action was not necessary, adding that the current plan would work. He explained that institutional representatives would provide any necessary information. They would not randomly roam the halls. Regent Howard asked whether UCCSN has an office at the Legislature. Chancellor Rogers replied that they did. Regent Howard suggested there should be some process to communicate to the different campus representatives. Chancellor Rogers assured her that had already occurred.

Mr. Klaich stated there would be weekly meetings at the legislative office. He and Dr. Larson are simply facilitators in the process. Their job is to get as much information to the chancellor and to the Board as quickly as possible. Each meeting they will attempt to determine the schedule in advance in order to notify the chancellor, and Board if necessary, about what is perceived to be coming so the appropriate resources can be drawn.

Regent Dondero requested that the Board be provided with:

- · Written instructions;
- · Identifying the lobbyists;
- · Everything discussed that day;
- · Telephone contact numbers;
- · Signed by the Board Chair and chancellor.

Chancellor Rogers agreed to do so. He said the initial policy had been issued several months ago, adding that it had since been refined.

Regent Seastrand asked whether the campus representatives who had previously served as lobbyists would be registered as lobbyists and, if so, why. Mr. Klaich replied that they would be registered as lobbyists. These government affairs officers do not represent the System and, therefore, cannot go to the Legislature as Chancellor Rogers or Chair Anthony could as a representative/official agent/officer of the System. People are not allowed to roam the halls without registering as a lobbyists. He observed that the legislative team may require their services and it was, therefore, reasonable for them to register as such. The Board Chair, chancellor, and presidents would not be registered as lobbyists though they are critical aspects of the entire effort. Regent Seastrand said that he was trying to understand their role. They will not be roaming the halls, yet in order to roam the halls they need to register as a lobbyist. He was unsure why they would need to

5. Information Only-Chancellor's Report – (Cont'd.)

be labeled lobbyists if they were appearing at the bidding of the System. Chancellor Rogers explained that they had been informed that they need to be registered even if it is just to provide a support system for the legislative team. Mr. Klaich clarified that if they ever wanted those individuals to be present they must be registered as lobbyists. Regent Seastrand said he was confident there would be no hall roaming and that all efforts would be coordinated through the chancellor. Chancellor Rogers stated they had made every effort. In a few instances people have been removed when it was thought there was an “end run” in process.

Regent Sisolak established they would not be spending any money treating legislators to meals since they would not be roaming the halls. Mr. Klaich replied they would not. A critical part of the UCCSN legislative agenda includes one-on-one meetings with legislators. The System lobbyists have been advised to make liberal use of the chancellor and to ensure that Chancellor Rogers meets with as many legislators as possible. He suspected that the presidents would also be meeting with them. Regent Sisolak observed that the presidents would not register as lobbyists and would not report expenses. Those individuals registering as lobbyists would need to report expenses. If they are wandering the halls, they will have expenses. Mr. Klaich related that the discussion had been extremely helpful. There is no misconstruing the will of the Board with respect to random roaming. It may be something that the chancellor and presidents must sit down and determine the rules for particular issues. Regent Sisolak established that the Legislature had been notified that the System only has three lobbyists and that these other individuals are not lobbyists but are present to provide information. He said he had heard complaints from legislators who do not know. He felt it would behoove the Board to send every legislator a letter explaining who the lobbyists are and that the others present are not lobbyists, but simply there to provide information when requested. Mr. Klaich said he was unaware of the protocol, but agreed with the message.

Chancellor Rogers was very reluctant to enter into absolute rules about taking or not taking someone to lunch. The chancellor’s interests (Assistant Chancellor and Chief Counsel too) are aligned with the Board’s. They do not want to offend the Governor or the Legislature. They will do everything possible to control it. It may be that someone needs to be taken to lunch, but the costs will be minimal. Regent Sisolak said it was not the costs with which he was concerned, but rather the process. He asked about notifying the legislators. Chancellor Rogers replied they were doing so. Rather than mandating a letter, he suggested that the interests of the legislative team were the same as the Board’s. They do not want the legislators confused or bothered. They will do everything they can. This has been discussed with the presidents. He acknowledged that it was difficult to tell someone who had been lobbying for a period of time when not to address an issue. It is being defined as they move forward. Regent Sisolak asked whether they wanted to send out a written advisory. Chancellor Rogers agreed to provide their policy, adding that it had been provided to the legislators. Regent Sisolak said that several legislators had asked him how the process differed from previous efforts and he had explained the process differently. He said he would appreciate a written copy and for the legislators to receive the same thing so they know whom to approach.

##### 5. Information Only-Chancellor’s Report – (Cont’d.)

Regent Leavitt felt it was important for the Board to have some guidance, noting that it was a work in process that would continue to be refined. Chancellor Rogers said he had not met anyone who intentionally wished to avoid the policy. Sometimes people step over the line because they do not realize where the line is. The Board will be notified as the policy is refined. The intent is to have one policy on what they are doing and how much money they wish to gain from the Legislature. They will not tolerate institutions representing their own projects to receive extra funding.

Chair Anthony said he was anticipating a special meeting in March and in June, if necessary.

Regent Rosenberg observed that legislators often approach individuals directly. That person must handle the situation the best way possible. He asked how to accomplish that in a manner in which everyone is protected and no one is hurt. He wanted to ensure that everyone understands the problems and the ramifications. He wanted to protect the System from all possible misperceptions. Chancellor Rogers explained that the presidents would be told to follow through with any offers for money but to notify the chancellor.

Regent Alden observed that the UCCSN gets better every time. He felt the legislative team should be

congratulated. He cautioned the chancellor to be fluid and against a lengthy rigid document. The chancellor is in charge and the Board has approved the budget.

Mr. Klaich appreciated that all politics are local politics. He did not want anyone to forget that the presidents are a critical part of the team. The intent is to continue providing the Board with legislative reports.

Chancellor Rogers related that the special meetings would be used to address any changes to the capital improvement list. It was recently decided the legislative team would meet at least every two weeks with the presidents.

6. Information Only-Public Comment – Ms. Daly Sorvongsavanh, CSUN senator, addressed agenda item #10 (*Residency Reclassification and Accommodations*). She said it seemed there were some inconsistencies across the state agencies. She can obtain her I.D. and register her car within days of arrival, vote for state officials after 30 days, and be considered a resident after living in Nevada for six months. She was unhappy that she had to wait a year in order to be classified as a resident to continue her education. She noted the university was largely funded by taxpayer dollars. She suggested paying the fees for out-of-state students if they agree to practice their profession within the state.

Regent Sisolak observed that some of this was outside Board control and was legislatively mandated. He suggested Ms. Sorvongsavanh convey this message to her legislator who would ultimately decide whether it would be 6 months or 12 months to establish residency. Chancellor Rogers agreed it was a legislative decision.

Regent Alden stated that the majority of states require 12 months to establish residency.

7. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of items #2 (*Rehire of PERS Retirees, UNLV*) and #5 (*Naming of Baseball Stadium, CCSN*), which were approved separately.

(1) Approved-Minutes – The Board approved the minutes from the regular meeting held December 2-3, 2004, the joint meeting with the State Board of Education held December 3, 2004, the special Board meeting held December 10, 2004, the TMCC Presidential Evaluation Committee meeting held November 8-10, 2004, and the GBC Presidential Evaluation Committee meeting held November 29-30, 2004.

(3) Approved-Capital Improvement Fee Funds, CCSN – The Board approved President Richard Carpenter's request to spend \$300,000 in Capital Improvement Fee funds to upgrade the Community College of Southern Nevada Cheyenne Campus planetarium facility (Ref. C-3 on file in the Board office).

(4) Approved-Capital Improvement Fee Funds, UNLV – The Board approved President Carol C. Harter's request to use UNLV's Capital Improvement Fee funds in the sum of \$1,397,500 (Ref. C-4 on file in the Board office).

(6) Approved-Dandini Research Park Replacement Lease, DRI – The Board approved Interim Chancellor James Rogers' request to sign a replacement lease between the Board of Regents and the DRI Research Parks, Ltd. (Ref. C-6 on file in the Board office).

(7) Approved-Maxey Science Center Addition, Funds Transfer, DRI – The Board approved President Stephen G. Wells' request to transfer up to \$500,000 of DRI indirect cost recovery funds to the State Public Works Board for its Maxey Science Center addition, capital project 03-C91L (Ref. C-7 on file in the Board office).

(8) Approved-Reconveyance of Gifted Land, UNR – The Board approved President John M. Lilley's request to reconvey to the City of Las Vegas 10.891 acres of gifted land in the Las Vegas Technology Center (Ref. C-8 on file in the Board office).

Regent Alden moved approval of the Consent Agenda with the exception of items #2 (*Rehire of PERS Retirees, UNLV*) and #5 (*Naming of Baseball Stadium, CCSN*), which were approved separately. Regent Hill seconded. Motion

carried. Regent Rosenberg abstained.

(2) Approved-Rehire of PERS Retirees – The Board approved President Carol C. Harter’s request for rehiring PERS retirees Jessica G. Perkins, Eva G. Simmons, and Alma Garcia Vining due to a criticality of filling these positions immediately. Such hires are permitted, with Board approval, under legislation passed during the 2001 Legislature (*Ref. C-2 on file in the Board office*).

Assistant Chief Counsel Brooke Nielsen explained that she requested the item be pulled in order to provide additional information that developed after the item was submitted. It was discovered that these three individuals were selected as the successful candidates

(2) Approved-Rehire of PERS Retirees – (*Cont’d.*)

following searches which have now concluded. The individuals will remain in the positions for a more or less permanent basis subject to review every two years as required by law.

Regent Sisolak asked whether searches had been conducted and these people were the successful candidates. Ms. Nielsen replied that was correct. He asked how searches had been conducted if there was such a large shortage. Ms. Nielsen deferred to Dr. Rebecca Mill, Vice President, Student Services-UNLV, for the details of the search. Regent Sisolak thought this was only done when they could not find applicants. Ms. Nielsen explained that the law requires that an effort be made to fill all positions. When they are unable to fill the position from the general applicant pool, a special exception is made to allow the rehire of people who have retired from the state system. The search shows that an effort was made.

Dr. Rebecca Mills explained that a search was conducted and there were other applicants. Due to the specialized nature of the function of these positions, the search committee recommended these three individuals for the positions.

Regent Sisolak asked whether they were complying with the spirit/intent of the law. He wanted to ensure they were complying with the intent. Mr. Klaich felt the intent of the law is to allow UCCSN the latitude to rehire retirees in extraordinary circumstances. He explained that Dr. Mills indicated that these were the best candidates to come forward. He did not know whether the sole purpose of the law was to restrict it to situations when only retirees were available.

Ms. Nielsen stated that part of the required process was to conduct a search for the best candidate. In this case, these three individuals were the candidates who rose to the top of the list. The law does not require there be no other possible applicants. Regent Sisolak asked whether they were receiving full retirement benefits in addition to wages. Ms. Nielsen replied that was her understanding.

Regent Howard was not sure that the process used to hire these individuals was what was intended by state law. She asked whether the individuals were already employees, adding that she knows one of them personally. She recalled that this individual was one of the first people hired under the new law for rehiring retirees. Dr. Mills replied that these people have been working for the Center. The law allows PERS retirees to work and earn approximately \$19,000 without impacting their retirement benefits. These individuals are retired Clark County School District administrators. The attainment of a grant caused the need to quickly mount programs in the local school district that required a lot of finesse with district administrators in order to gain access to facilities, students, and student records. These three individuals have operated incredibly successfully and have opened doors for the university. When they reached their employment threshold, it became time to request permission for them to continue working. The positions were created based upon what they were currently doing and a full search was conducted. They are the right candidates for the job. The law requires a review every two years. The law has sustained several iterations.

(2) Approved-Rehire of PERS Retirees – (*Cont’d.*)

Regent Howard stated that the only way these positions are supposed to be filled with retirees is when an institution cannot find anyone else to fill the position. She observed the retirees were collecting two

incomes (*retirement benefits and wages*) . President Harter clarified that the positions were funded with federal money.

Chief Counsel Klaich hoped that his comments were not interpreted to indicate that the purpose of the law was to narrow any possible search pool to just PERS retirees. He related that a retiree could be rehired without impacting benefits in two circumstances: 1) Earning up to \$19,000 and 2) An extraordinary event. Hiring under such extraordinary circumstances requires Board approval. If the Board determines that the circumstances are not extraordinary, they may exercise their judgement not to approve the hire.

Regent Rosenberg established that the rehires were receiving their full retirement as well as a full salary. He was concerned about the outside perception. Chief Counsel Klaich replied that they were. He noted the individuals had earned and taken their retirement and had returned to work for an agreed upon and negotiated salary. He said that he was not in a position to determine whether they were entitled to both. He said the Board had to determine whether these were the only people who could fill the positions and/or whether these were extraordinary circumstances as indicated by Dr. Mills.

Regent Seastrand asked about the impact to the TRIO program if these individuals were not approved. Dr. Mills replied it would be fairly significant because they are school based programs. All of these women have had very distinguished careers as administrators in the school district. They bring an expertise that would be difficult to locate in addition to relationships and their history with the district and the state, which would be difficult to replace. Regent Seastrand asked whether the search committee understood the implications of the perceptions of what is taking place and that these individuals were PERS retirees. Dr. Mills replied that the search committee had access to their vitae. She related that she did not instruct the search committee about this issue because she wanted the search to proceed in a normal manner. The search committee brought this recommendation to her. The burden was then on UNLV to request Board permission.

Regent Alden moved approval of the rehire of PERS retirees for UNLV. Regent Hill seconded.

Regent Derby established that the individuals recommended were the best candidates for the positions as a result of the searches. Dr. Mills agreed. Regent Derby indicated her support for the motion. She agreed there could be a problem with perception. However, this is a very important program which advances the System's goals and commitment to diversity. She said that she believes in the search process and that the committee had determined that these individuals were the best for the job. She felt it was important to support that.

(2) Approved-Rehire of PERS Retirees – (*Cont'd.*)

Upon a roll call vote the motion carried. Regents Howard and Sisolak voted no. Regent Rosenberg abstained.

(5) Approved-Naming of Baseball Stadium, CCSN – The Board approved President Richard Carpenter's request for naming the baseball stadium at the Lied Baseball Complex at CCSN'S Henderson Campus the "William R. Morse Stadium" (*Ref. C-5 on file in the Board office*) .

Regent Sisolak explained that he removed this item from the Consent Agenda because he did not want it to get lost on the Consent Agenda. He observed that this program would not exist without the generous donations from an anonymous donor. He wanted everyone to understand the significant impact that this one young man has made on this entire institution.

Regent Sisolak moved approval of the naming of the baseball stadium for CCSN. Regent Whipple seconded.

Regent Schofield recalled that he played football and attended classes with Mr. Morse. He encouraged Board support for the motion.

Regent Howard disclosed that she has a relative within the third degree of consanguinity who works for the CCSN baseball program. She did not believe that it would pose any conflict for her to vote on this item. Chief Counsel Klaich thanked her for the disclosure.



Regent Whipple asked about the \$1.4 million over the past four years and whether it was for a System-type program or whether other monies would come forth in the future. President Carpenter replied the monies were sustaining the program. Without this donor, this program would not exist. The team has won a national championship. They are currently ranked second in the nation and are undefeated.

Motion carried.

8. Approved-Title Change, Chief Counsel to Vice Chancellor of Legal Affairs – The Board approved Interim Chancellor James Rogers' request to change the title of Chief Counsel to Vice Chancellor of Legal Affairs and to promote Daniel Klaich, current Chief Counsel, into that position with the increased salary and other perquisites that are part of the vice chancellor's compensation. All references to General Counsel will be changed in Code and Handbook language to Vice Chancellor Legal Affairs at a future date (Ref. D on file in the Board office).

Regent Alden moved approval of the title change to Vice Chancellor of Legal Affairs. Regent Derby seconded.

8. Approved-Title Change, Chief Counsel to Vice Chancellor of Legal Affairs –(Cont'd.)

Regent Sisolak assumed this was not done solely for the title change, but rather due to the exemplary and fine performance by this individual. Chancellor Rogers agreed, adding that the role had also been expanded.

Motion carried.

9. Approved-Contract for Chancellor Search Services – The Board approved the Chancellor Search Committee's recommendation to contract with Greenwood & Associates, Inc., as the search firm for the chancellor search. The fee will be one-third of the total chancellor's first year's base salary plus expenses such as consultant and candidate travel, background checks, and administrative costs (Ref. E on file in the Board office).

Regent Alden said he would oppose this for a number of reasons. He noted that it was a policy of this Board to do everything in the open. He was not moved by the statements made by Greenwood and Associates, Inc. that they had trouble with the Open Meeting Law. He also felt the contract was too expensive. He did not believe they have the experience level necessary to bring forward the caliber of candidate necessary for the position.

Regent Whipple observed that as chair of the search committee he had been working with Ms. Greenwood. He recalled the contract had been rejected at the previous special Board meeting. He conveyed the information and concerns of the Board to Ms. Greenwood. They readily accepted the Board's wishes. He said she was going out of her way to assist in this matter. He said that it was imperative this be approved in order to move forward with the search. He encouraged Board members to support the motion.

Regent Rosenberg moved approval of the contract for chancellor search services. Regent Hill seconded.

Regent Gallagher asked whether Vice Chancellor Klaich was currently satisfied with the contract. Vice Chancellor Klaich replied that he would advise the Board that this contract is in proper form to be executed. There are always contract provisions that can be tightened. He said he would ensure that the contract is drafted to the will of the Board. He related that the provisions from the previous Board meeting had all been incorporated into the contract.

Regent Sisolak echoed Regent Alden's concerns. He said he was initially concerned that the firm did not totally understand the Open Meeting Law in Nevada. He said that his primary concern was to comply with the Open Meeting Law and that there is no attempt to circumvent the law. He asked which version of the contract was under discussion. Vice Chancellor Klaich replied that the contract before the Board reflected only the discussions at Board meetings and none of the questions that Regent Sisolak had raised with the vice chancellor. Regent Sisolak said that he had some proposed amendments.

9. Approved-Contract for Chancellor Search Services – (Cont'd.)

Regent Sisolak requested that the contract be amended under “Professional Fee and Expenses” to read: “the third installment shall be due and payable when the Board of Regents enters into a contract with a new Chancellor.”

Amendment accepted by Regents Rosenberg and Hill.

Regent Sisolak requested that the contract be amended to include under the second bullet under “Professional Fee and Expenses”: “In no event shall expenses incurred by G&A exceed the sum of \$15,000 without first having secured the approval of UCCSN.”

Amendment accepted by Regents Rosenberg and Hill.

Regent Sisolak requested the following be added to the contract: “In the event that G&A enters into any contract with an affiliated entity in connection with the chancellor search process, contract rates shall be competitive with rates charged by independent third-party contractors.”

Vice Chancellor Klaich clarified that Regent Sisolak had questioned proceedings so that in the event that G&A wishes to contract with a related party they don't get a “sweetheart deal”. Vice Chancellor Klaich related that the stipulation was that if G&A contracted with anyone with whom they have affiliation it must be done at the same rates that a third-party would charge.

Amendment accepted by Regent Rosenberg.

Regent Hill suggested having the Board approve any contracts concerning parties with whom G&A enters. Vice Chancellor Klaich found that rather cumbersome. He said the Board has built into the contract the protections with respect to singular and overall expenses. Regent Hill said that he was referring to a separate contract outside of the \$15,000.

Amendment accepted by Regent Hill.

Regent Sisolak requested the contract be amended to read under “Successful Completion of Search” that “G&A will continue to render search services until successful completion of the search for a chancellor or the discontinuation of the search.”

9. Approved-Contract for Chancellor Search Services – (Cont'd.)

Amendment accepted by Regents Rosenberg and Hill.

Regent Whipple clarified that Regent Sisolak's comments appeared to be within the spirit of the ongoing negotiations with Ms. Greenwood. He said that he would rely upon Ms. Greenwood accepting the modifications, signing the contract, and moving forward with the search.

Vice Chancellor Klaich related that he had spoken with Ms. Greenwood about these concerns. She agreed to serve under these changed conditions.

Upon a roll call vote the motion as amended carried. Regent Alden voted no.

10. Tabled-Residency Reclassification and Accommodations – The Board tabled action on amending the reclassification of residency policy (*Title 4, Chapter 15, Section 8*) from 12 months to 6 months in order to align it with the policy pertaining to initial determination of residency until the Legislature makes a determination. At its January 2004 meeting, the Board took action to amend its initial determination of residency policy (*12 months*) to comply with the NRS 396.540 (*6 months*), and refunds were provided for qualifying students who matriculated as non-residents during the 2003-04 academic year. Later, at its March 2004 meeting, the Board approved extending refunds to all qualifying students who matriculated as non-residents from Fall 1995 to Fall 2003. At

the request of Regents Howard Rosenberg, Douglas R. Seastrand, and Steve Sisolak, the Board explored amending the reclassification of residency policy (*Title 4, Chapter 15, Section 8*) from 12 months to 6 months in order to align it with the policy pertaining to initial determination of residency (*Ref. F on file in the Board office*).

Regent Alden said the Board needed to ensure they were in compliance with the law, adding that it may require a change to statute. He observed that the majority of states in this country have 12 month residency requirements. He observed that monies were severely constrained in the state. The institutions are built with public as well as private money. He felt it would be devastating to the System to allow 6 months to establish residency. He urged members to support a 12-month residency policy.

Regent Sisolak was unsure this was a Board decision. He observed that the statute states 6 months and Board policy had previously been 12 months. Ultimately, the Legislature will decide. He felt it would behoove the Board to provide the facts on both sides of the issue, noting the financial impact which the Legislature would need to fund. He felt the Board should take no action and let the Legislature decide. He wanted consistency between reclassification and initial matriculation.

Regent Rosenberg noted that the NRS stipulates that physical presence is required in order to qualify. One student at UNR has a wife living in Japan. He is no longer eligible because he visited her for two months. Regent Rosenberg was unsure that was the spirit or intent of the law. He agreed with Regent Sisolak that the Board should let the

10. Tabled-Residency Reclassification and Accommodations – (*Cont'd.*)

Legislature decide. He also felt it was important for UCCSN to make it clear to the Legislature that UCCSN is in a unique situation. People entering the state do not earn a great deal of money. In order for them to become contributing members of the state they will require education. The more difficult it is for them to enter the UCCSN the more money it will ultimately cost in the long-term. He acknowledged that it is the Legislature's choice and that the Board taking any action prior to that decision would be counterproductive.

Regent Leavitt suggested that residency could be waived for students enrolled in programs in areas of high need (*i.e., education, nursing*). He felt the Board should review the matter.

Regent Leavitt moved approval of tabling action on the residency reclassification and accommodations until the Legislature makes a decision. Regent Hill seconded.

Regent Sisolak noted a point of clarification, asking whether the Board would send the matter to the Legislature and wait until it came back. Vice Chancellor Chairsell noted there is a bill draft request currently before the Legislature which would allow the Legislature to discuss reclassification.

Upon a roll call vote the motion carried. Regent Alden voted no.

The meeting recessed at 10:30 a.m. and reconvened at 10:47 a.m. with all members present except Regents Seastrand and Schofield.

11. Approved-Handbook Revision, Banking and Investments – The Board approved Director of Banking and Investments Kathleen Payne's request for revisions to the responsibilities of the Director of Banking and Investments to more accurately reflect the current policies and procedures (*Ref. G on file in the Board office*).

Regent Alden moved approval of the Handbook revision concerning the responsibilities of the Director of Banking and Investments. Regent Hill seconded. Motion carried. Regents Schofield and Seastrand were absent.

12. Approved-Handbook Revision, Reporting of Diversity Data – The Board approved Interim Vice Chancellor of Academic and Student Affairs Chris Chairsell's proposal for a revision to the *Handbook* (*Title 4, Chapter 8, Section 6.4*) concerning the reporting of diversity information to the Board. During the December 2004 Board meeting, members requested this item be brought back for separate consideration following the discussion of this provision with respect to the reorganization of Title 4 (*Ref. H on file in the Board office*).

12. Approved-Handbook Revision, Reporting of Diversity Data – (Cont'd.)

Regent Alden moved approval of the Handbook revision concerning the reporting of diversity data. Regent Whipple seconded.

Regent Sisolak asked whether Regent Howard was agreeable with this.

Regents Schofield and Seastrand entered the meeting.

Regent Howard asked about the status of the Campus Environment Committee and whether it had been permanently disbanded. She was concerned there was no committee holding the campuses accountable.

Regent Sisolak left the meeting.

Vice Chancellor Chairsell reported that staff was directed that information previously considered by the Campus Environment Committee would now be addressed by the ARSA Committee. Regent Howard said that was news to her, adding that she knew nothing about this. She did not feel it was appropriate because it is not an academic issue. She felt this issue needs to be addressed because it deals with federal guidelines. She said the issue never came to the Board. Vice Chancellor Chairsell clarified that staff received the direction at a Board meeting. Regent Howard asked whether it had occurred at a Board or a committee meeting and who provided the direction. She requested the minutes be researched to clarify the matter. She said that she had never seen or heard about it.

Regent Seastrand explained that when the Committee was disbanded the responsibilities for mission and reporting were transferred to different committees. The Handbook was amended to reflect that the diversity responsibilities were transferred to the ARSA Committee. Regent Howard said this was not done through an action of the Board, but rather by action of individuals. She said the issue should have been brought before the Board and never was. Chair Anthony said there appeared to be some confusion. He suggested they research the matter to find out whether or not the matter came before the Board. He offered to provide the information to Regent Howard. If the Board did make this decision and Regent Howard disagrees with it, she can request a future agenda item to discuss whether it needs to be changed.

Motion carried. Regent Sisolak was absent.

13. Approved-Handbook Revision, Open Meeting/Public Records Policy – The Board approved Interim Chancellor James Rogers' request for an amendment to the *Handbook* (Title 4, Chapter 1) adopting an Open Meeting/Public Records policy (*Ref. 1 on file in the Board office*).

Assistant Chief Counsel Brooke Nielsen reported that the proposed new policy addressed the Board's policy on the Open Meeting Law and public records. When a settlement was agreed upon at the August 2004 meeting, the Board agreed to adopt such a policy.

13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

Regent Sisolak entered the meeting.

Assistant Chief Counsel Nielsen stated that she and Vice Chancellor Klaich had several meetings with the Attorney General and his staff about this proposal, which addresses many of the issues that were involved in last year's litigation and clarifies a number of other points. The opening statement represents the Board's commitment to both the Open Meeting Law and the Public Records Law. It provides a commitment for the Board, through its counsel, to consult and work with the Attorney General in matters regarding the interpretation and application of the Open Meeting Law. It sets forth in Board policy a number of matters that the law now requires, and is a restatement of key elements of the Open Meeting Law (*i.e., posting agendas, each agenda to contain clear and concise statements of all of the topics to be discussed, agenda support material to be made readily available to members of*

*the public*). The Board and its staff will make information available to the public upon request at the time the material is made available to Regents. It also addresses the conduct of closed sessions. Subsection 2d sets forth in writing the advice which has been provided to the Board over the past several months and represents the manner in which closed sessions are now conducted. Closed sessions will only be held for the purposes that are permitted under the Open Meeting Law. The subject of any closed session will be specified as much as possible, as well as identifying the names of individuals. It puts in Board policy an interpretation of the Open Meeting Law and the advice that staff has been following with regard to the limits on discussion in closed session. One new item, which has not yet been put into practice, is that whenever there is a closed session, the subject of the closed session will have the opportunity to appear before the Board in closed session to address them. The Board will never hold a closed session to discuss an employee who is also a member of an elected public body. The Attorney General will be notified of any planned closed session and asked to send a representative to the closed session. Regular consultations with the Attorney General will occur. Whenever the Board consults with its attorney (*either as a body or individually*) it is not defined as a meeting under the Open Meeting Law. The law now recognizes that individual Regents and the Board have the right to meet privately with their attorney. The policy also sets forth procedure regarding how the Board will comply with the Public Records Law and any requests for records. Each institution will be asked to identify a specific public records officer to receive all requests for public records. The policy sets forth the Board's commitment to provide all public records upon request unless prohibited by law from doing so. Staff will err on the side of providing the records when in doubt. The denial of any request for inspection or copying of public records must be approved by the Vice Chancellor for Legal Affairs.

Regent Hill asked whether Code changes required two readings. Assistant Chief Counsel Nielsen replied that this was an addition to Title 4 of the *Handbook* (*policy statements of the Board of Regents*) which only requires one hearing. Regent Hill established that this was not a Code change. He asked whether the statements were solely Ms. Nielsen's/System counsel's ideas or whether the Attorney General had indicated that he wanted this policy adopted. Ms. Nielsen replied that she had written the policy in consultation with Interim Chancellor Rogers. It was drafted and sent to the Attorney General for review and input. They met with them and received some minor suggestions. The policy came from counsel in consultation with the chancellor. Regent Hill referred to section 2d, subsection

### 13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

3. He recalled that the previous Attorney General felt it was a good idea to identify by name the person(s) who will be the subject of the closed session, while the current Attorney General felt it was mandatory. Ms. Nielsen agreed. The prior Attorney General included a statement in the manual recommending/believing that closed sessions should identify the individual by name. It was not mandated. Regent Hill felt there was no mandate in the Open Meeting Law to identify a person by name. Ms. Nielsen agreed it was not mandated by law, but had been identified by the Attorney General's office as a matter that they felt complied with the spirit of openness. It was recommended that names be included on the agenda. Regent Hill said that he would generally agree, though he could think of rare occasions when the Board may not wish to notice the person's name. He did not like the incorporated provision that would not provide the Board the option in exceptional circumstances.

Regent Hill then referred to subsection section 2d, subsection 4, which indicated that "*all relevant aspects of the matter may be considered by the Board...Consideration of any matter in closed session will be limited to receiving information regarding the matter and seeking clarification...All deliberations, discussion and expression of opinions on the matter will take place in open session.*" He recalled that previous attorneys general had used a definition for "consider" that was more in conformity with the dictionary definition, which included "deliberate". He observed there were many ways of interpreting the word. He asked whether that was a fair statement about prior attorneys general. Ms. Nielsen replied that it was, adding that this is an interpretation of the current Attorney General with which the court had agreed. Regent Hill noted that the Board of Regents had dismissed the appeal so they did not have a positive, controlling decision on this issue. He said he had a problem with bootstrapping this interpretation of the word "consider" into Board policy because the next Attorney General may have a more enlightened approach to the word. He observed that many previous attorneys general had not interpreted the word in the same fashion and that the present Attorney General had a more limited reading of the word. He stated that it was simply an Attorney General opinion and that it had no controlling

authority. He did not object to avoiding litigation with the Attorney General by following this interpretation until a more enlightened view is provided. He did not like the idea of codifying the Attorney General's opinion.

Regent Hill then referred to section 2d, subsection 6. He noted there was nothing in the Open Meeting Law concerning providing the subjects of a closed session the opportunity to address the Board of Regents. Ms. Nielsen replied that the law was silent about who can attend a closed session. Past practice/interpretation has been for the Board Chair to decide who can be present in a closed session. As part of the litigation, the Attorney General felt that in the spirit of fairness it would be appropriate to allow the person to address the Board. This was agreed to by Interim Chancellor Rogers and Ms. Nielsen. She clarified that the individual would not be allowed to attend the entire closed session. Regent Hill said that he objected to this being included under the guise of the Open Meeting Law, feeling that it had more to do with due process. He felt that "fairness" was an individual interpretation. He said he did not have many problems with doing this, but he did have a problem with this entire section being under the Open Meeting Law because he felt they were confusing issues.

13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

Regent Hill then referred to section 2d, subsection 7. He said he had real problems with the section regarding discussion of employees who are elected members of a public body, including the Nevada Legislature. He asked whether this issue was directly addressed by the Open Meeting Law. Ms. Nielsen replied that it was, though there was some debate about the interpretation. The law currently requires that an elected member of a public body cannot be discussed in a closed session. Regent Hill asked whether the law was enacted for the purpose of preventing a County Commissioner, Regent, or City Councilman from having a closed session on another member of their public body or for the purpose of preventing anyone from doing so. He observed that the Supreme Court had recently allowed System/City/government employees to serve in the Legislature. He felt there was a difference between when they are serving in the Legislature and when they are System employees. He felt the interpretation for exempting legislators from closed sessions flew in the face of the law because that was not the purpose for the law. Ms. Nielsen replied that because these matters were all the subject of litigation, the legislative history had been reviewed regarding that particular provision of the Open Meeting Law. She recalled that it derived from a Board of Regents matter in the early 1990's. Regent Hill recalled it involved a person related to the Governor. Ms. Nielsen agreed. A Regent was discussed in a closed session. Following that, the Legislature enacted this provision, so that a body would not have the ability to hold closed sessions to discuss one of the members of that body. The statute is written so that it is not limited solely to that purpose. The court and the Attorney General interpreted more broadly to prohibit closed sessions on anyone who is an elected member of a public body. Regent Hill asked whether there were rights of privacy to consider for System employees when considering holding a closed personnel session on an employee who is also a member of an elected body. Ms. Nielsen replied that Board policy clearly provides for confidentiality of personnel matters and records. Rights of privacy addressed by the U.S. Constitution are somewhat different. This Board has adopted a specific policy. Regent Hill asked whether she was saying that the only rights of privacy that UCCSN employees have as to their personnel records/matters and any disciplinary matters that may be instituted are protected by the Board Code and not by any other state or federal law or constitutional provisions. Ms. Nielsen replied that without conducting major research to define exactly where the line for right of privacy is, she could only reply that there are additional rights of privacy afforded by the Constitution. Regent Hill replied therein lies the problem. He could envision an open personnel session on an employee who is also an elected official that could result in a suit for invasion of their privacy rights. He was concerned by this. He did not like the idea of including this provision until the Legislature clarifies the law. He said he could live with it, but he truly did not like it and did not feel that it was the intent of the law. He felt it was an unusual interpretation of the law in that context. Regent Hill stated that he was in 100% agreement with the concept of the Open Meeting Law. He would not like some of these provisions, including 2d3 without any special exception. He felt that 2d4 should be deleted entirely. He said the Board would follow the interpretation of the current and future attorneys general. He felt that 2d6 should be the subject of another policy and not included under the Open Meeting Law provision because it did not relate to the Open Meeting Law. He felt the same was true for 2d7. He felt this is not what the Legislature intended and that it should not be codified.

13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

Regent Hill moved approval of adopting the Handbook revision with the addition of: language in #3 “*except under special circumstances*”; #4 deleted; #6 reclassified under a separate section of personnel and not under the Open Meeting Law. Regent Seastrand seconded.

Regent Sisolak asked whether the item could be sustained with another motion. Chair Anthony replied that discussion would continue if the motion were not seconded.

Regent Seastrand withdrew his second. Regent Derby seconded the motion.

Regent Leavitt asked, in light of the fact that these policy statements are not part of the Open Meeting Law, whether the Attorney General would view them as legal violations. Assistant Chief Counsel Nielsen replied that these items were part of the litigation with which they were involved with the Attorney General’s office. System counsel is providing the Board this advice because it is the current interpretation and enforcement of the Open Meeting Law. She said it would be their advice for the Board to comply with each of the items listed. In discussions with the Attorney General as part of the contract settlement of the case, they agreed to adopt a policy. This policy has been agreed upon by the Attorney General’s office and Board counsel that addresses all the issues of concern. If the law changes or new interpretations of the law conflict with the policy, it will be adjusted accordingly. These changes can be made at one meeting.

Regent Leavitt asked, because of the placement of the provisions in policy that are not in the Open Meeting Law, whether a Board violation of those provisions would constitute a violation by the Attorney General. Assistant Chief Counsel Nielsen replied that they would. Regent Leavitt expressed his support for the way the policy was written, noting that the policy statement would have the force of law. He felt that the fact that the Board was going further than what was required spoke volumes, especially as they entered the legislative session. He felt it sent the right message to the Legislature and he hoped that the Legislature would pass similar requirements for themselves.

Regent Alden stated that an individual elected to a public body could not be discussed in a closed session. He asked whether student appeals conducted in closed session would require naming the student. Assistant Chief Counsel Nielsen replied that the student would be protected as provided under federal law. Regent Alden felt the policy should stipulate such. Assistant Chief Counsel Nielsen replied that it was not necessary. Regent Alden stated that he was a strong believer in the Open Meeting Law. He did not want to have a challenge to due process or to the privacy of personnel records. He asked whether counsel felt the policy did not cause infringement of due process or the confidentiality of a personnel file. Assistant Chief Counsel Nielsen replied that she believed it did not and that the proposed policy was proper.

### 13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont’d.)

Regent Seastrand asked whether Regents would be provided the opportunity to meet with the chancellor prior to Board meetings. Assistant Chief Counsel Nielsen replied that it was not addressed in the policy and had not been the subject of the litigation. She and Vice Chancellor Klaich have discussed this issue with the Attorney General. The formal advice and direction provided was that those informal briefing meetings are proper and allowed under the Open Meeting Law with some controls to ensure that polling does not occur. She said that written confirmation could be obtained. Regent Seastrand felt those briefings had been beneficial, adding that if written confirmation were required it would be useful in the future.

Regent Seastrand asked whether a time restriction had been imposed with putting a policy in place. Assistant Chief Counsel Nielsen replied that the settlement agreement had not specified a timeframe. There is an obligation to move as quickly as possible to comply with the settlement agreement. Vice Chancellor Klaich stated that he had directed Ms. Nielsen to bring forward a policy to the Board before the beginning of the legislative session.

Regent Seastrand did not believe that anyone disagreed with the philosophy. He observed that Regent Hill had noted some technical issues that raised some eyebrows. He said they were sending a policy statement/message to the Legislature. He observed that the policy could be changed. He said he had some concerns with some of the

issues and hoped that some of the technical issues would be addressed at the legislative level. He felt it was paramount for the Board to debate with the Legislature what the Open Meeting Law should include. In all fairness, the Open Meeting Law should apply to all public bodies, including the Legislature. He hoped that message would be conveyed to the Legislature.

Interim Chancellor Rogers felt it was critical to pass this document and move forward. While he understands Regent Hill's concerns, this is an ongoing, developing area. Much discussion has been entertained regarding the relationship between two words. He said he wanted the confrontation between the Board and the Attorney General to stop. He wants the Board to be mindful that they are a public body and it is the Board's policy to be open. That is what this policy addresses, though it may be broader than the Open Meeting Law. He felt they needed to convey the concept and policy that they are an open body and they will not become involved in the technical definitions. He felt it was an important message to send to the Attorney General and to the Legislature.

Regent Derby felt that, while Regent Hill raised some good points, she felt it was a good policy statement that should move forward in its current form.

Regent Derby withdrew her second. Motion died for lack of second.

Regent Derby moved approval of the Handbook revision adopting an Open Meeting/Public Records policy as written. Regent Schofield seconded.

### 13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

Regent Dondero stated that this is just a first step and that the matter would return after it was considered by the Legislature. She agreed with Regent Seastrand that it should apply to all public bodies, including the Legislature.

President Lilley referred to Section 3b, noting that UNR currently has a Request for Information containing thousands of pages that involves the professional judgement of people about proprietary information. It was his understanding that state law allows an institution to charge for copies in extraordinary quantities. Assistant Chief Counsel Nielsen agreed. He asked whether they could charge for the services of those professionals who make the judgements about the proprietary information. He felt the policy indicated there could be no charges at all, and asked for clarification to 3b to clarify that charges can be consistent with state law. Further, he would like it to indicate that charges may be assessed for the professionals who must review the proprietary information. Assistant Chief Counsel Nielsen stated that the Public Records Law provided as described by President Lilley. The policy is not stating anything different from what is required by that law. It is Board policy for UCCSN to intend to comply with the Public Records Law. It will be done in accordance with the provisions of that law, which do allow for charging in extraordinary circumstances. She suggested that the law may need to be amended to address the concerns raised regarding charging for professional fees. The law does not address that currently and they could not charge until the law is changed accordingly. She felt that matter should be addressed by the Legislature. President Lilley asked whether the policy, as stated, did not impede state law. Assistant Chief Counsel Nielsen replied it did not. It merely acknowledges how UCCSN complies with the law.

Vice Chancellor Klaich noted there were approximately 13-15 bill draft requests for changes to the Open Meeting Law. It is inconceivable that the Board will not revisit this issue in the future.

Regent Sisolak requested an interpretation regarding the timeframe for providing documents. Chief Counsel Nielsen replied that no timeframe was specified by law. The practice is to advise the requestor how long it will take to provide the documents. It varies with the nature of the request. Regent Sisolak did not want to include more restrictions that would make it more expensive. He felt that contradicted with the chancellor's desire for openness and cooperation. He also felt it would be perceived the System was unwilling to provide the information if they charged for providing the documents. He agreed with charging for the cost of making copies, but not for other services.

Interim Chancellor Rogers agreed, noting that the policy did not address that and did not entitle them to charge



more than they have the right to charge currently.

Chair Anthony left the meeting.

Regent Sisolak observed that the Legislature had never been under the Open Meeting Law. He established that the Board of Regents was treated the same as all other boards

13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

and that this was not a special law intended for the Board. Regent Sisolak observed that this policy was part of the agreement with the Attorney General. Interim Chancellor Rogers agreed. Regent Sisolak asked about the repercussions if the Board failed to pass the policy. Interim Chancellor Rogers replied that it would not bode well.

Regent Hill observed that his original motion would have complied with the agreement with the Attorney General. He had great concerns that the Attorney General will tell the Legislature that the Board agrees with his interpretation. He observed that it would complicate the Board's presidential evaluation process. While he agrees with the Open Meeting Law, he felt that his vote on the motion would indicate otherwise. He disagreed with this interpretation. If the Attorney General uses this document to indicate that everyone agrees with his interpretation it should be clarified that the Board passed a policy in conformity with his interpretation, which did not reflect an agreement with the limited confines of his interpretation of the word "consider".

Regent Rosenberg stated that it was a double-edged sword and that Regent Hill was correct in his assessment. He also worried about the document being used in such a fashion. He also felt that the due process portion was vitally important. In order to make an informed decision, particularly in personnel issues, the person involved should be allowed to speak with the Board. They agreed that the Legislature should be bound by this as well. He said he was uncomfortable with it and tended to agree with Regent Hill, though he preferred to err on this side so the Board has all of the information they need to make an informed decision.

Upon a roll call vote the motion to approve the Handbook revision adopting an Open Meeting/Public Records policy as written carried. Regent Anthony was absent. Regent Hill voted no.

14. Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships, Proposed Change to Regents' Bylaws, Article VII – The Board of Regents and Interim Chancellor James Rogers discussed the role of the chancellor and the Board of Regents regarding the termination and discipline of presidents. The Board approved Interim Chancellor Rogers' request for a proposed Regents' Bylaws change in Article VII to allow the chancellor to discipline and terminate presidents for cause with an amendment for the presidents' right to appeal on termination. This was the second reading for this proposed change (*Ref. J on file in the Board office*).

Regent Hill moved approval of the Handbook revision allowing the chancellor to discipline and terminate presidents for cause. Regent Alden seconded.

Regent Rosenberg stated that the chancellor could only lead by example and by obtaining the respect and cooperation of the presidents. He felt that vesting this power in one individual was not a good idea, adding that he opposed it.

14. Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships, Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

Chair Anthony entered the meeting.

Regent Derby strongly endorsed the motion, feeling it was important to have a balance between the chancellor's authority and the semi-autonomy of the institutions and presidents. The chancellor does not have the necessary authority to be the System head that he/she needs to be. When considering a "system" it is also important that each of the institutions and the presidents feel the entrepreneurial, creative spirit as heads of institutions. Because Nevada has a system of higher education, they move forward with a common voice. In order for the

system to be effective, it is important for the chancellor to be empowered by description and role in the Bylaws. A previous discussion involved the presidents' right of appeal. One president already has the right of appeal included in her contract. Regent Derby felt it was important for the presidents to have a right of appeal. A de facto right of appeal exists with any three Regents able to bring forward any issue for a Board agenda. She would rather have the issue codified to strike the appropriate balance. She felt that it appeared punitive not to allow the right of appeal. She could not imagine a chancellor firing a president under extraordinary circumstances without having the widespread support of the Board. She felt the Bylaw change appropriately strengthened the hand of the chancellor, but also felt it important to incorporate the presidents' right of appeal.

Regent Derby offered an amendment to include the presidents' right of appeal to the Handbook revision. Regent Rosenberg seconded.

Regent Seastrand noted a point of order, requesting an explanation. Assistant Chief Counsel Nielsen stated that friendly amendments to the motion could be accepted. If such amendments are not accepted, the motion must be voted upon or be withdrawn.

Regent Hill did not accept the friendly amendment.

Faculty Senate Chair-TMCC, Ms. Bridgett Boulton, reported that the faculty senates had wrestled with this agenda item. The faculty senates at UNR and CCSN approved the language as written. The faculty senates would like to see an appeal process for the presidents, but they did agree to the proposal. The other faculty senates had been silent. She said they understand the faculty role in the president's evaluation and the rationale behind the proposal.

Regent Rosenberg asked whether the faculty senates had approved the proposal as written. Ms. Boulton replied that UNR's and CCSN's faculty senates had approved the proposal as written. The other senates were silent.

Regent Howard asked whether Ms. Boulton approved it as written, but also desired an appeals process for the presidents. Ms. Boulton replied that the two senates approved the proposal as written. She related that the faculty senates would be happy if there were an appeal process, but they did not think that it was a possibility to alter it.

#### 14. Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships. Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

Regent Whipple was unsure how the faculty senate applied to the agenda item. It was his understanding that they support the proposal as written. Chair Anthony clarified that CCSN's and UNR's faculty senates agreed with the language as written. The other faculty senates remained neutral. Regent Whipple requested a clarification to the faculty senate's stand on this issue.

Dr. Terry Jones, Faculty Senate Chair-CCSN, reported that CCSN conducted extensive review of the following agenda item, but had not passed the current item through the senate.

Regent Sisolak noted a point of order. Chair Anthony asked whether CCSN's faculty senate had no comment on this agenda item. Dr. Jones replied that the faculty believed that the presidents need some appeal process.

Regent Sisolak noted a point of order, stating that he thought that Ms. Boulton had reported that CCSN supported the proposal as written. Ms. Boulton replied that she received e-mails from them indicating the faculty senates were O.K. with the language. They had combined this agenda item with the following one. It was later established that they were O.K. with the next item, but not with this one. She apologized for the confusion.

Dr. Leah Wilds, Faculty Senate Chair-UNR, stated that the UNR faculty senate did not have time to discuss this particular item with the senate as a whole. They have no opinion at this time.

Regent Whipple observed that this was the second reading for a Bylaw change. He asked whether a super

majority was required for the motion to pass. Vice Chancellor Klaich replied that it was. Regent Whipple observed that the proposal was the product of much work and consideration, adding that he supports having a strong chancellor in spirit. He was also concerned with providing a system of checks and balances. He asked whether an appeal process was included in the proposal. Vice Chancellor Klaich replied there was not, except for President Harter who has a contractual right of appeal. Regent Whipple asked that the specific language prohibiting an appeal be identified. Vice Chancellor Klaich replied he could not. As the Bylaw was brought forward, there was an appeal right that the Board specifically deleted. That Board action deleted the right of appeal. Regent Whipple observed that if the Bylaws did not speak to that, any three Regents could request an agenda item regarding this issue. Vice Chancellor Klaich replied that he was uncertain why the Board would have deleted the appeal right if they did not intend to do so. Regent Whipple felt that it should specifically state that the Board does not allow an appeal right. He felt the proposal was a good thing. He said that terminating a president was a very powerful and disruptive occurrence. If that were to occur, he wanted to ensure that the Board was also supporting that position. He felt that if the chancellor were to terminate a president, he/she would need to have the approval of the Board Chair in writing. He said he would vote against the agenda item as it was specifically written. He asked to include a modification to the disciplinary procedure: *"In order for the chancellor to remove from office and terminate the employment contract of a president, the*

14. Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships, Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

*chancellor must have the approval to terminate a president in writing from the Chair of the Board of Regents."* With such an addition he would feel comfortable with the system of checks and balances.

Regent Hill observed that the Board had previously discussed this matter. He found it distressing that they were now considering changing it after months of deliberation. Unfortunately, without a leader who has control they would have entrepreneurial chaos. He acknowledged the de facto right of appeal with any three Regents able to request an agenda item. A special meeting could also be called. He said he had large problems with requiring the approval of the Board Chair. Just as he has no problem with Governor Guinn appointing Regents, because he knows and understands education, he was unsure what future governors would be like. For that same reason, he has no problem with the current Chair signing off, but he did not want to put future Board Chairs in this position. He observed they had hired a chancellor, the chancellor is in charge, and they should let the chancellor be in charge. He felt the Board should pass the proposal in its present form, un-amended, because it would make a strong and good System.

Regent Alden agreed with Regent Hill's statements.

Regent Leavitt observed that the proposal impacted the presidents, the Board, and the chancellor. He viewed the chancellor's request for this power, as written, as a message of cooperation. He hoped that this power would never be exercised. He hoped the message would be for everyone to be on the same team. Perhaps, if the Board passes the proposal as written they will see an increase in cooperation amongst the presidents. He felt they would be less likely to have a situation like the one with which they were recently faced. He said the Board was not abrogating its responsibility, adding that they delegate much of what they do as a lay board. He hoped the Board would consider this from a System-wide approach, remembering the purpose. The purpose is not for a chancellor to be arbitrary and capricious, but rather to convey the message that everyone will cooperate. He felt this represented codification of the chancellor's vision for administering the System/Board and to consolidate the legislative efforts. If Regents were to disagree with the chancellor's decision, any three Regents could request an agenda item. He observed that if a chancellor terminated a president, the president's effectiveness would be over with, adding that they need to determine an exit strategy. He hoped that any chancellor hired would have the type of communication necessary with Board members and presidents. He hoped that adopting the measure would prevent such a situation.

Vice Chancellor Klaich stated that exercise of this power is a critical event that would terminate many things. He related that adopting this policy would not compromise Regents' rights to request agenda items.

Regent Sisolak said that he never put someone in a position where the same person does not do the hiring and firing. He objected to having one entity (*the Board*) doing the hiring and another party having responsibility for

the firing. He felt it was an act of cowardice by the Board. He felt the decision to fire a president should be vetted in the open. The

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only way for a chancellor to have widespread support would be to poll the Board, which is a violation of the Open Meeting Law. If the Board felt so strongly that a president needs to be fired they should do so themselves.

Dr. Terry Jones, Faculty Senate Chair-CCSN, stated that the faculty senate chairs across the System agree that the chancellor needs to have the kind of power that the chancellor needs. Given the environment that has existed at CCSN, which is improving, there was a period of time when the institution was almost dysfunctional. It has been his experience that if something is not specifically written or specifically excluded it is used to the advantage of the person having the most power. He referred to Ref. J, page 4 of 9 "*There is no right to an evidentiary hearing with regard to any proposed discipline.*" He acknowledged that three Regents could request an agenda item, but that it could take several months. He asked what the institution would do in the interim. He related that CCSN faculty urged the Board not to pass the proposal without specific language allowing an appeal process for presidents.

Regent Howard said she was concerned about whether the policy was consistent with Nevada Revised Statutes. Vice Chancellor Klaich replied that they believed the proposed amendment complied with Nevada law. Regent Howard felt uneasy about the presidents not having appeal rights. She was concerned that the chancellor required more authority to hold the presidents accountable. She felt this would eliminate some of the politics that exist when pressure is put on one president. It will also remove the presidents' ability to pit one Regent against another. She felt it was a good policy, so long as they have a good chancellor who would not make a decision that would hurt the faculty and students and render an institution dysfunctional. She indicated her support.

Regent Schofield believed the chancellor requires the proper authority. He felt that if the Board did not pass the item they would be cutting his legs off. He felt the chancellor required the authority so that when he realizes a problem he can discuss it with the presidents and provide the necessary direction. He felt that passing the motion would stop a lot of the dysfunctional activities that the Board has gone through, which has resulted in the negative public image.

Regent Rosenberg observed the Board hires professionals to perform a job in concert with the chancellor and not in an adversarial position. He questioned why it was so important to grant the power if it was never intended to be used. If the chancellor decided that a president must be fired, by the time three Regents put the item on an agenda the publicity will have destroyed the president, weakened the chancellor, and nearly destroyed an institution. He did not think it was a smart move. If there were a problem with a president, the chancellor should discuss it with the Board Chair and Vice Chair. It would filter down to remaining Board members. The problem should be resolved calmly and quietly, with the intent of doing the least possible damage. He said it would depend upon who was in the chancellor's chair. He apologized to the presidents, adding that this should not be happening. He agreed with Regent Sisolak that the Board was trying to protect itself and that it was inappropriate and wrong.

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Regent Dondero felt that due process should be afforded to anyone in the country. A right of appeal should be added. She felt it was necessary.

Regent Derby said she felt very strongly that it was important for the Board to pass this and confer greater authority to the chancellor. However, she also felt it was important to allow the right of appeal. In spite of the fact that any three Regents could bring an appeal forward, she did not feel that it was fair that one president had the right of appeal while the other seven did not. She asked whether an existing motion could be amended. In trying to do so, Vice Chancellor Klaich had not allowed it. She asked whether she could provide another motion

if the current one was defeated. Vice Chancellor Klaich replied that if the motion did not pass, a person voting against the motion (*prevailing side*) could reconsider the matter. Regent Derby asked whether it had to be done in such a fashion and that the motion could not be amended. Vice Chancellor Klaich replied they could make a specific motion to amend the motion and vote on that first. Regent Derby established that she could offer an amendment to the current motion, which the Board would then vote upon.

Regent Howard left the meeting.

Regent Derby related that she had intended to offer an amendment to the current motion. Vice Chancellor Klaich apologized for confusing the Board, adding that he erroneously ruled it out of order.

Regent Howard entered the meeting.

Regent Sisolak noted a point of clarification, stating there was a difference between a motion and a friendly amendment. Regent Derby established that she had not requested a friendly amendment. She was intending to amend the motion. She observed the friendly amendment had been declined.

Chair Anthony clarified that Regent Derby could make an amendment to allow an appeal process to the item. There would need to be a second and then the Board would vote on that matter. Vice Chancellor Klaich stated that if that motion passed, they would return to the original motion for a Bylaw change that would then include an appeal process.

Regent Sisolak noted a point of order, stating that it would be classified as a first reading. Vice Chancellor Klaich replied it would not. Regent Sisolak questioned that it would not be considered a first reading with such a substantive change. Vice Chancellor Klaich replied that it would still be considered a second reading.

Regent Derby moved approval of amending the current motion to include a right of appeal, the chancellor's action approved by a simple majority, and there be agreement with the Board Chair. Regent Rosenberg seconded.

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Chair Anthony asked Regent Derby to clarify the motion.

Regent Derby moved approval of amending the current motion to incorporate a right of appeal for presidents to the Board regarding termination.

Vice Chancellor Klaich clarified that provisions were included for progressive discipline. There are provisions in the policy for the imposition of progressive discipline. The discussion with respect to appeal only regarded termination of the contract. He asked whether her motion to amend would include an appeal process to be applied to all discipline by the chancellor or simply to termination of the contract. Regent Derby replied it would only apply to termination of the contract.

Regent Derby said she would like to include Regent Whipple's suggestion that there be agreement by the Board Chair with this action by the chancellor.

Chair Anthony clarified there would be a right of appeal when a president is terminated by the chancellor. However, in order for the chancellor to terminate a president the Board Chair must approve.

Regent Rosenberg seconded.

Regent Alden felt it was adding too many codicils, adding that he could not support the amendment.

Regent Hill said he did not agree with the right of appeal. If the Board did not obtain the votes required to pass

this in its current form, he would vote for it with the right of appeal. The Board Chair provision was a poison pill for him on the provision. He said he could not support the Board Chair's concurrence. He observed they would be giving the Board Chair veto power over the chancellor.

Regent Derby said she would amend her motion to remove the Board Chair provision and only include the right of appeal. Regent Rosenberg seconded.

Regent Sisolak noted a point of order, stating that Regent Derby should withdraw the first amendment prior to making another amendment. Vice Chancellor Klaich asked Regent Derby to withdraw her motion and to restate it.

Regent withdrew her previous motion.

Regent Derby moved approval of amending the motion to provide the presidents the right of appeal under the circumstance of termination by the chancellor. Regent Rosenberg seconded.

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Vice Chancellor Klaich said that he was concerned about the amendment before the Board only in the context of what the Board wished to see as a right of appeal. He asked the Chair to allow Board counsel to have a moment to suggest what proper appeals might be consistent with University Code and the *Handbook*. He was concerned they were preparing to vote upon something that could end up meaning very little.

Regent Hill noted a point of clarification, stating that the appeal process would only apply to termination. Chair Anthony and Regent Derby agreed.

Regent Alden noted a point of clarification, requesting that Ms. Nielsen read into the record her interpretation for how the amendment should be stated properly.

The meeting recessed at 12:38 p.m. and reconvened at 12:59 p.m. with all members present except Regent Howard.

Regent Derby moved approval of amending the motion so the president may appeal termination to the Board of Regents, using the procedures established in Section 6.14 of the Code (*Title 2, Chapter 6*) so far as they can be made applicable and subject to the following: the appeal must be filed with the chief administrative officer of the Board of Regents; and the chancellor may file a written reply to the appeal with the chief administrative officer of the Board of Regents. The appeal must be filed within ten working days after receipt of a written notice of intent to terminate from the chancellor. The imposition of such termination is stayed pending a decision from the Board of Regents on appeal.

Vice Chancellor Klaich stated that this was the language developed by the Board Development Committee that was taken from the Bylaw change pursuant to the directions from the last Board. The word "termination" was substituted for "discipline."

Regent Rosenberg seconded.

Vice Chancellor Klaich stated that Regent Derby's motion to amend required only a simple majority of the Board. If the motion passes, it will be added to the previous motion before the Board which requires a super majority.

Regent Howard noted a point of order, stating that she and Regent Sisolak had asked to speak prior to this dialog and had not been provided an opportunity yet. Chair Anthony replied that Regent Howard could speak to the current motion before the Board. Regent

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Howard requested the motion be repeated. Regent Derby explained that her amendment would allow the presidents the right to appeal an action of termination by the chancellor.

Regent Howard said she was trying to determine how one president has appeal rights while the others do not. Vice Chancellor Klaich explained that the timing of the Board's consideration of this issue did not coincide with the contract renewal. When President Harter's contract came before the Board there was a discussion about a contractual provision added to her contract, which the Board approved. That contractual provision preceded the current Bylaw change, which would apply to all of the presidents. It was simply a matter of timing. The action took place when her contract was renewed. When the Board considered the contracts of Presidents Killpatrick and Ringle, provisions were added that essentially eliminated these changes (*i.e., if the Board did not act to change the Bylaws, the changes would be eliminated*). He agreed that President Harter's contract was an anomaly due to the timing issue. Regent Howard asked whether this action would provide all of the presidents the same appeal rights. Vice Chancellor Klaich replied that it would. Regent Howard indicated her support for the motion.

The amendment to the motion carried.

Chair Anthony related the Board would now consider Regent Hill's initial motion.

Regent Sisolak asked about presidents being classified as public officers/officials. Vice Chancellor Klaich replied that the presidents were currently not considered public officers, while the chancellor is (*as defined in statute*). One current bill draft proposes to change that. Regent Sisolak asked whether Vice Chancellor Klaich was certain. Vice Chancellor Klaich replied that he was. Regent Sisolak asked how the general public and taxpayers would get to understand the reasons for such a termination if it were not conducted in a public setting. Assumedly, this could be done behind closed doors in the chancellor's office. Vice Chancellor Klaich agreed. Regent Sisolak asked how everyone (*including Regents*) would be able to find out the reasoning or thought process behind the action. Vice Chancellor Klaich observed that Regent Derby's motion, which had been passed by the Board, indicated that when the chancellor takes action he/she must specify in the notice of discipline the basis for the action and provide the president being disciplined with any backup material that would support his/her decision. The original action must be a written action with supporting documents. Regent Sisolak asked whether that would be public information. Assistant Chief Counsel Nielsen replied there is a provision in the Code about appeals becoming public after all documents become public at the conclusion of the process. Vice Chancellor Klaich explained there would be an action given to a president, in writing; the president has a right to respond; the chancellor has a right to respond to that response; the documents become public upon conclusion of the process. Regent Sisolak asked whether it included the termination of the process and/or exhaustion of the appeal. Vice Chancellor Klaich replied that it would. Regent Sisolak asked whether the public/Regents would have access to that information immediately upon the termination. Vice Chancellor Klaich replied that they would. He explained that Regent Derby's motion indicated that the imposition of discipline is stayed pending a final decision by the Board of Regents on the appeal.

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Assistant Chief Counsel Nielsen referred to the Code (*Title 2, Section n 6.15*) “ *all reports and decisions reached after hearings or appeals fall under this chapter are declared to be public records subject to the provisions or exclusions of the Public Records Law of the Nevada Revised Statutes as they may be interpreted by the courts.* ” Ms. Nielsen explained that indicated all of the records would be treated as public records at the termination of the appeal. Regent Sisolak asked whether the information/backup supporting material would become public information at the time the chancellor calls in the president, shuts the door and says, “You're fired”, and provides the document. Vice Chancellor Klaich replied it would not.

Interim Chancellor Rogers suggested that a president could decide to terminate a college dean because he/she is unhappy with the dean's performance. The president calls the dean in and identifies the problems. It would not be put on an agenda for the immediate general vote of the public. The problem would be identified as not doing their job or doing something they should not. The president would notify the dean that they have not been doing

their job and would be notified that they are being terminated. That dean has the right to appeal that termination to the Board of Regents. There would be no difference with the presidents appealing to the Board. Those things are not made public the same day that the president terminates the dean. Regent Sisolak stated that those things are never made public because it's a personnel matter. Additionally, the president hired the dean. Interim Chancellor Rogers said they have a different opinion on hiring and firing. He felt strongly that the chancellor needs the right to terminate the president in order to operate the System on a daily basis. He did not object to the establishment of hiring committees. If he were to continue as Board chancellor he would never want the right to hire the presidents. But once a president is turned over to the chancellor, he/she is then under the chancellor's direction. They will need to get along and carry out the procedures and policies set forth by the Board. When he discovers that the person the Board selected is not carrying out the Board policies there could be trouble. He hoped such problems could be settled long before the point of threatening termination. This procedure works. He has been analyzing what the next chancellor will require in order to develop the System as a system. He asked whether there was any doubt that the president ought to have control over the deans. (*No doubt expressed.*) He asked the Board to move that up one step. If the Board told the presidents that they had no right to discipline the deans the deans would do as they pleased. He explained there was no difference with the presidents and chancellor. He said the problem lies in coordinating the institutions. Each president has a built in conflict because their first obligation is to the institution they represent. Their second obligation is to the System. He felt the chancellor must be able to define what is good for the System. The presidents cannot be expected to do that. If the Board does not have a chancellor with the authority to define what is good for the System and to carry out Board directives they do not have a chance. That does not mean the chancellor will be arbitrary. He said that fair play required the presidents have the right to appeal. It also provides a psychological effect on the chancellor to hold him responsible.

Regent Sisolak asked whether the presidents go through a series of punishments. Interim Chancellor Rogers agreed. Vice Chancellor Klaich drew attention to the specific

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provision for progressive discipline that sets forth the manner of proceeding. Regent Sisolak asked whether that document would come before the Board in confidential form. Vice Chancellor Klaich replied that it would. Regent Sisolak observed that the public would again not know the reason for the discipline. Interim Chancellor Rogers observed that the president also had some right to privacy. He said he would not call the media every time he was angry with a president. It was not the way to function. There are some things that need to be handled internally. Regent Sisolak said they disagreed on the issue.

Regent Howard established that a president is not a public officer. She observed they would be treated like any other employee with no release of personnel records. Even though a president is very visible to the public, they are not public officers.

Motion carried. Regent Sisolak voted no.

Regent Dondero left the meeting.

Regent Whipple left the meeting.

15. Approved-Handbook Revision, Notice of Non-Reappointment and Notice of Termination for Non-Tenured Faculty, Except DRI – The Board approved Assistant Chancellor Trudy Larson's request for a Code change (*Title 2, Chapter 5, Section 5.9*) on notice of non-reappointment and termination of non-tenured faculty, including administrative faculty at the level of dean or higher, hired on or after March 1, 2005, to shorten the maximum period of time between notification and departure of these faculty. This was the second reading for this proposed change (*Ref. K on file in the Board office*).

Regent Gallagher moved approval of the Handbook revision concerning the notice of non-reappointment and notice of termination for non-tenured faculty, except DRI, with the following additional language to Section 5.9.4, "*The contract of employment of a non-tenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the*



notice is given. For non-tenured academic faculty, if the notice period expires during the semester the contract terminates at the end of the semester.” Regent Derby seconded.

Regent Seastrand requested an explanation to the particular section changed. He acknowledged the concern raised by President Carpenter regarding the issue of the 23-month provision. He applauded the changes. He requested the rationale behind some of the points (*Section 5.9.4, (a), (b), (c), and (d)*):

- · First academic or fiscal year of service – 90 calendar days in advance of date of termination.
- · Second academic or fiscal year of service – 180 calendar days in advance of date of termination.

15. Approved-Handbook Revision, Notice of Non-Reappointment and Notice of Termination for Non-Tenured Faculty, Except DRI – (Cont’d.)

- · Third and subsequent years of service – 365 calendar days in advance of date of termination.
- · Employment contracts of less than one academic or fiscal year – mutual agreement for a period of time no less than 14 calendars days in advance of the termination of such contracts.

Regent Seastrand observed that employees would receive one year once they had been terminated. Assistant Chancellor Larson reported that the issue had been under discussion by the faculty senate chairs and council of presidents for the past six months. It arose from a provision allowing terminated non-tenured faculty to stay for twenty-three months following notice of termination (*in extreme cases*). She noted the following changes to the proposed policy (*Section 5.9 – Notice of Non-reappointment and Notice of Termination for System, Except DRI*):

- · 5.9.1 – *Minimum Notice of Non-reappointment for Non-tenured Academic and Administrative Faculty* – clarified existing language; academic faculty and administrative faculty hired before March 1, 2005. Current faculty are grandfathered in by contract.
- · 5.9.4 – *Notice of Termination for Non-Tenured Academic and Administrative Faculty hired on or after March 1, 2005, Except DRI* – No extended time provision.

An issue arose regarding academic faculty. An untimely dismissal could put them out of cycle with job opportunities. The compromise was proposed by Regent Gallagher’s motion. Non-tenured administrative faculty are subject to 365 days after the third year. Non-tenured academic faculty are given leeway to complete the semester, even if it is longer than 365 days.

- · 5.9.5 – *Notice of Termination for Non-Tenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI* – The Regents and presidents requested limiting the time following non-reappointment. The timelines for high-level administrators have been shortened.
- ✓ · First full or partial fiscal year of employment – 60 calendar days after receipt of written notice of termination.
- ✓ · Second fiscal year of employment – 90 calendar days after receipt of written notice of termination.
- ✓ · Third or subsequent fiscal year of employment – 120 calendar days after receipt of written notice of termination.

Regent Seastrand said his largest concern was that a 3-year employee who had been terminated would remain employed for at least another year (*1 year and 4 months max.*). Assistant Chancellor Larson agreed. Regent Seastrand asked whether they were being too generous. He was unaware of any other profession that provided that much time to execute a change. He said that never occurred in business. He asked why so much additional notice was required. He asked whether the chancellor had reviewed the proposal and had any recommendations. He felt it was an inordinate amount of time for someone to remain after being terminated. He was unsure whether they had done enough. Assistant Chancellor Larson clarified that the previous proposal provided a maximum

15. Approved-Handbook Revision, Notice of Non-Reappointment and Notice of Termination for Non-Tenured Faculty, Except DRI – (Cont’d.)

365-day notice for non-tenured, academic and administrative faculty. She asked that the faculty be allowed to explain why they felt that academic faculty should be given more leeway.

Ms. Bridgett Boulton, Faculty Senate Chair-TMCC, reported that the proposed language echoed existing

language for tenured faculty. Faculty felt it was important not to create two levels of faculty. The 365-days is an American Association of University Professors (AAUP) standard and a national trend. The compromise considers the faculty recruitment cycle, as well as preserves the integrity of the education experience for the student. She acknowledged it could be as long as sixteen months. She reported the issue had gone through all eight faculty senates.

Regent Seastrand said he would likely support the item because it was an improvement to current policy. He agreed they needed to provide people the opportunity to go somewhere else when being terminated. He felt that sixteen months seemed excessive.

Regent Sisolak asked whether the chancellor felt the policy went far enough. Interim Chancellor Rogers said he had tracked the matter closely. He felt it was a big improvement to the academic environment, adding that he was very satisfied with it.

Assistant Chief Counsel Nielsen clarified that the amendment included striking the words “academic or” (*Section 5.9.4 following (d)*). She noted they were differentiating between non-tenured academic and non-tenured administrative faculty (*non-tenured administrative faculty contracts terminate at the end of the notice period; non-tenured academic faculty contracts terminate at the end of the notice period or the notice of the semester, whichever is later*).

Motion as amended carried. Regents Dondero and Whipple were absent.

Regent Gallagher left the meeting.

16. Approved-Handbook Revision, Summer Term Salary Schedule, UNLV – The Board approved President Carol C. Harter’s request to revise the summer term salary schedules (*Title 4, Chapter 3, Section 33*). The summer term is an important source of revenue for faculty development and to maintain the time schedule so students may graduate on time. Highly competitive salaries are required to encourage faculty to offer courses during the summer term (*Ref. L on file in the Board office*).

Regent Gallagher entered the meeting.

Regent Alden moved approval of the Handbook revision concerning summer term salary schedules for UNLV. Regent Howard seconded. Motion carried. Regents Dondero and Whipple were absent.

17. Approved-Handbook Revision, Summer Term Salary Schedule, UNR – The Board approved President John M. Lilley’s request for the summer salary schedule for the University of Nevada, Reno for the 2005 summer session (*Ref. M on file in the Board office*).

Regent Alden moved approval of the Handbook revision concerning summer term salary schedules for UNR. Regent Sisolak seconded. Motion carried. Regent Rosenberg abstained. Regents Dondero and Whipple were absent.

Regent Whipple entered the meeting.

18. Approved-Handbook Revision, Policy Regarding Limitation of Professional Schools – The Board approved Interim Chancellor James Rogers’ recommendation for the adoption of a policy that limits the professional degree programs (*Title 4, Chapter 14, Section 5*) within the UCCSN to a single School of Medicine, School of Law, and School of Dentistry for a period of twenty years (*Ref. N on file in the Board office*).

Regent Alden moved approval of the Handbook revision limiting the professional degree programs within the UCCSN to a single School of Medicine, School of Law, and School of Dentistry for a period of twenty years. Regent Leavitt seconded.

Regent Rosenberg observed that if someone offered significant money to open a second professional school they

would not decline the offer. He felt it was too restrictive. Interim Chancellor Rogers said this was based upon the situation as it now exists; the financial capabilities of the Legislature; his view of the private sector developing multiple professional schools. He observed that the Board could hold a special meeting and vote to change the policy if someone offered significant money to build a new medical school. He felt they could not stand any distraction/diversion in moving forward in the next 10-15 years to have shadow medical schools/law schools, based upon current facilities and assets. He felt it was important for the Board to adopt the policy.

Regent Rosenberg cautioned the Board about putting a policy in place that later becomes a straight jacket. He suggested limiting it to 10 years, rather than 20. He acknowledged the Board could always undue any action, but he worried about the direction they were taking given what is happening in this state. Interim Chancellor Rogers replied it was his belief they did not require a second medical school to serve the medical needs of the state. Joint ventures between UNR's School of Medicine and various institutional science departments are recommended in the future in order to satisfy the medical needs of the state for the next few years. He did not think they required a second law school. Promises were made that to whatever extent the ADA would allow it, expansion would occur to the north. He could not foresee anything in the future that would not allow them to expand the medical, law, and dental schools, and the other professional schools in order to address all of the requirements of the entire state. He felt it would be an extraordinary/remote occurrence. He felt that a policy was necessary to stipulate the

18. Approved-Handbook Revision, Policy Regarding Limitation of Professional Schools – (Cont'd.)

Board's attention to one medical, one dental, and one law school for a significant period of time. He felt the state required the policy in order to avoid duplication of efforts.

Regent Sisolak asked whether there was a way to include Regent Rosenberg's concern in the policy. Interim Chancellor Rogers replied he did not. He did not feel it was necessary, feeling there would be time for the Board to make any adjustments. Regent Sisolak asked whether it was limited to the three professional degrees specified. Interim Chancellor Rogers replied that this policy was designed to handle a specific problem that he has identified. It is related to the medical, dental, and law schools. UCCSN does not need a duplication of those efforts. He observed that one medical school could function in partnership with the other institutions. Regent Sisolak established that this was to address a specific situation about which he currently found rumors circulating. Interim Chancellor Rogers replied he'd heard the rumors for five years.

Regent Derby said she had the same concerns as Regent Rosenberg. Normally she would not vote to approve something that locks the Board into something with no level of flexibility. She appreciated the chancellor's firm support of this measure, adding she would support it. She observed that she did so knowing that the Regents can change their minds.

Regent Seastrand asked whether the policy would prohibit the restructuring of medical or professional schools. He asked whether it forced them to stay within the pools they currently are; whether they could be restructured in another manner; and whether a future Board could determine the need for a new institution over all of the medical area (*including the medical and dental schools*). He asked whether that would affect the policy. Interim Chancellor Rogers replied it would not. He stated that a medical center was the topic of daily conversation (*like Oregon and University of Texas*). The UCCSN is 10-15 years away from seriously considering such an undertaking. One of the problems of the System is that it does not function as a system with institutions battling one another (*especially UNR and UNLV*). He has been attempting to alleviate or stop this behavior in an effort to unite in trying to build rather than undercutting one another.

Regent Sisolak left the meeting.

He was trying to get everyone to agree there would be one medical school. However, UNR and UNLV could participate in joint programs without UNR feeling that UNLV was attempting to steal the medical school or UNLV feeling that UNR was attempting to steal the law school. He felt this was one way for stopping that.

Regent Sisolak entered the meeting.

Motion carried. Regent Dondero was absent.

19. Approved-Handbook Reorganization, Chapters 15-20 – The Board approved Assistant Chancellor Trudy Larson's request for suggested organizational changes to the *Handbook (Title 4, Chapters 15-20)*. The proposed revisions remove certain provisions from the *Handbook* and place them into the new *Procedures and Guidelines Manual*. Additionally,

19. Approved-Handbook Reorganization, Chapters 15-20 – (Cont'd.)  
this revision edits each chapter making clarifying corrections and correcting obvious errors where necessary. During the October and December 2004 Board meetings, members approved the reorganization of Chapters 1 through 14. In addition to approving the proposed changes, the Board approved authorizing the placement of the newly created *Procedures and Guidelines Manual* on the System's Web site (<http://system.nevada.edu/>) (*Bound Report sent under separate mailing on file in the Board office*).

Regent Alden moved approval of the Handbook reorganization of Chapters 15-20 and placement of the newly created *Procedures and Guidelines Manual* on the System's Web site. Regent Howard seconded. Motion carried. Regent Dondero was absent.

20. Approved-Handbook Revision, Student Special Fees – The Board approved Assistant Chancellor Trudy Larson's request for special student fees as called for in the *Handbook (Title 4, Chapter 17, Sections 18-25)*. The *Handbook* requires Board approval of any special fees charged to students for the next academic year. These special fee requests from the campuses are brought forward once per year for consideration and action. These fees do not include per-credit registration fees and non-resident student tuition that are approved separately in the biennial budget process (*Ref. Q on file in the Board office*).

Regent Alden moved approval of the Handbook revision regarding student special fees. Regent Hill seconded. Motion carried. Regent Dondero was absent.

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – The Board approved President Carol C. Harter's request for a variance in tuition associated with the previously approved B.S. in Hotel Administration (*last two years of study*) and the EMHA degrees to be offered in Singapore by the William F. Harrah College of Hotel Administration. The Board approved President Harter's request that the Board of Regents permit the chancellor to negotiate and approve the final Memorandum of Understanding with the Economic Development Board of Singapore (*Ref. Q on file in the Board office*).

Regent Rosenberg left the meeting.

President Harter explained the international opportunity would involve potential collaboration between the UNLV College of Hotel Administration and the government of Singapore. The effort would be self-supporting. She requested the Board consider a variance in tuition for two programs in the hotel school that they wish to offer in Singapore. Additionally, she requested the Board grant the chancellor the negotiating authority specific to the MOU to be developed in collaboration with the Singapore Economic Development Board.

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – (Cont'd.)

Dr. Ray Alden, Executive Vice President and Provost-UNLV, reported that the Harrah College of Hotel Administration has one of the top ranked hospitality programs in the world. UNLV has the opportunity to expand the academic programs more formally on an international scale with this program in Singapore. The program was approved by the Board in 1994. At that time it was not financially feasible to proceed with development. The government of Singapore has decided that education will be one of their major economic focuses in the future. They have the concept of becoming a global schoolhouse and have attracted some of the brightest and best programs and universities to participate in this endeavor. Tourism will also be one of their economic strengths. UNLV is on the convergence of those two areas. As part of the \$1.2 billion investment that

Singapore is making in tourism, they have sought out this program to join some of the best universities in the world to participate. They are willing to provide UNLV a no-risk advance of \$1 million to get the program started. The integrity of the government of Singapore is beyond reproach on an international ranking system (*5<sup>th</sup> out of 146 countries*).

Regent Rosenberg entered the meeting.

Vice President Alden reported they would like to start the program in Fall 2006. Approximately 25% of all of the students in the hotel college are foreign students, primarily from the Pacific rim. UNLV views this program as an opportunity to serve this population more directly, as well as to advance UNLV's reputation in an international sense. It will also provide UNLV students the opportunity to go to Singapore to take courses during a semester or two. It would also provide UNLV faculty the opportunity to go to Singapore to teach and interact with their peers. The program is perceived as self-supporting that will generate sufficient excess revenues to underwrite these opportunities for students and faculty. The program is viewed as a starting point for other programs. UNLV is requesting the Board waive tuition for these academic programs so UNLV can make them self-supporting programs where the tuition will be adjusted to ensure the costs are covered, much like the executive MBA program. Additionally, UNLV would assume that the program administration would be covered by the self-supporting costs. Vice President Alden said they saw very little risk for having any deleterious effect on the various administrative processes on the UNLV campus. UNLV is also requesting permission for the chancellor to participate and approve the final negotiations of the MOU that will setup the program with the Singapore Economic Development Board. He related that UNLV would be joining internationally known institutions and hoped that it would be a major stepping stone for UNLV to become even more internationally known.

Regent Alden asked whether students attending the hotel college at UNLV would be adversely affected regarding funding or costs. Vice President Alden replied they would not. Regent Alden asked whether the program would go forward unless it was truly self-supporting. Vice President Alden replied it would not. Regent Alden observed that the costs would not be off-loaded and the university would be reimbursed for any support provided. Vice President Alden agreed. Regent Alden asked whether there would be academic integrity in the program. Vice President Alden replied that there would.

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – (Cont'd.)

Because of the demand for the program, they believe it will be extremely selective. The curricular issues that overseen by the faculty will be held at the highest level. Regent Alden indicated his support for the motion.

Regent Seastrand said it appeared to be a great idea. He wondered about the exchange of faculty, asking whether any sabbatical programs would be offered. Vice President Alden replied that they planned to have a rotation of faculty. It will allow UNLV to hire more faculty who will rotate through both campuses.

Regent Howard asked how long the proposal had been under consideration, and whether it occurred before or after the tsunami. She asked whether that area would be possibly affected by any future disasters. Vice President Alden replied it started many years ago. It was only this fall that the Singapore government made their offer for underwriting the program financially. UNLV has been in contact with the economic development board ever since. The details will be worked out with the chancellor's office. Regent Howard asked about the anticipated startup costs. Mr. Gerry Bomotti, Vice President, Finance-UNLV, replied that startup costs were not totally finalized at this point, but were anticipated to range between \$300,000-\$400,000 for equipment. Discussions regarding leased space are still underway with a consideration for no financial recourse for UNLV. Hiring of additional staff to get the program up and running would be additional. The \$1 million advance is expected to more than cover the costs.

Regent Sisolak established there would be no state funds used for this program that could be interpreted as negatively impacting Nevada programs. Vice President Alden replied there would not. Regent Sisolak asked whether UNLV would need to hire additional faculty in Nevada or in Singapore. Vice President Alden replied

they would likely hire faculty in both locations to accommodate the faculty rotation. They would be hired according to the same processes employed currently. Regent Sisolak asked whether some faculty would not be U.S. residents. Vice President Alden replied that those individuals who are not U.S. residents or were unable to come to the U.S. with a visa would not be part of the rotation. Regent Sisolak asked whether they would be considered UNLV employees. Vice President Alden replied that they were discussing establishing an LLC to handle all hiring and administrative costs so that those issues could be worked out. Regent Sisolak asked whether faculty hired from Singapore would retire with the same benefits that UNLV faculty in Nevada have. Vice President Alden replied that he believed that they would have a separate benefits package under the LLC. Mr. Bomotti stated that it was not feasible to operate with the state regulations in a foreign nation. Most of the institutions involved in such programs often set up a structure (*usually through their Foundation*) to operate in those countries. Such hires would not be State of Nevada employees subject to the rules and regulations of the State of Nevada. They anticipate a structure that will allow foreign hires to be hired locally as employees of the LLC. They anticipate a contract agreement between the LLC and UNLV. A university employee will act as the contract manager on site to ensure that all obligations are under contract or carried out. Regent Sisolak asked whether they would have a problem with hiring faculty in Singapore who later would expect retirement benefits from UNLV. Vice Chancellor

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – (Cont'd.)

Klaich replied that it was difficult to specifically respond because those details had not yet been established. He said they look forward to working with UNLV to ensure that the answer to his question is “no”. He said the program would be structured in such a manner that was independent of the financial obligations of UCCSN and UNLV. Regent Sisolak said he would rather delay the program and ensure the contract negotiations are correct. Mr. Bomotti said he was confident that such structures exist and that they would negotiate a contract meeting all of the requirements of the State of Nevada, as well as shielding the institution from any future obligations while allowing them to work under the Singapore requirements.

Regent Leavitt asked whether all course offerings would be offered in English. Vice President Alden replied that the national language of Singapore is English, adding that they would be offered in English. Regent Leavitt asked whether American students would be subjected to community service or outreach requirements. Vice President Alden replied that those details had not been established. They would like to optimize the international experience. UNLV’s executive MBA program requires an international experience which involves going to various corporations in the country they are visiting and working with those companies to gain the hands-on experience.

Regent Howard asked how the accreditation process was being handled and whether the program would operate under Singapore or UNLV guidelines. Vice President Alden replied that he would assume that this would fall under the Northwest Commission, so they would need to work with UNLV’s accrediting body to ensure compliance. They will also need to research Singapore’s requirements. The government has been very accommodating in order to attract these various institutions.

Regent Hill asked whether UNLV would be able to work with the other institutions, observing that most of them were private institutions. Vice President Alden observed that Georgia Tech was a public institution. Regent Hill felt that UNLV should speak with the other institutions to discover what their experiences have been. Vice President Alden replied that a task force had been formed to focus on reviewing best practices in all areas. Part of that involves contacting these institutions to find out what their experiences have been. Regent Hill said it sounded like a good idea. He observed that it was a wash monetarily, UNLV would be in Singapore with the other institutions, and a rotating faculty would be developed. He asked whether they had identified any other positive aspects. Vice President Alden replied that the business model suggested that the excess revenues will allow UNLV students a significant amount of opportunities for global experiences. They hope the hotel college will truly become international. Regent Hill established that UNLV would use the excess cash to send students to Singapore. Vice President Alden replied that they would. He said it may not be limited to Singapore with other opportunities that could be offered to the students.

Regent Seastrand observed that one of the Board’s master plan goals is a reputation for excellence. He perceived

this as an example, adding that Singapore had approached UNLV, which was good news for the System.

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – (Cont'd.)

Regent Rosenberg moved approval of the tuition variance for international programs in Singapore offered by the William F. Harrah college of Hotel Administration for UNLV. Regent Hill seconded. Motion carried. Regent Dondero was absent.

The meeting recessed at 2:10 p.m. and the Board convened as Members of the Corporation to consider a Foundation appointment for UNR with all members present except Regent Dondero.

22. Information Only-Foundation Appointment, UNR – The Board reviewed a recommendation for an appointment to the UNR Foundation.

The meeting reconvened at 2:12 p.m. with all members present except Regent Dondero.

23. Approved-2005 Board Meeting Calendar – The Board approved a new meeting calendar for 2005. At the October 2004 Board meeting, it was requested that the Board meeting calendar for 2005, as voted on at the June 2004 meeting, be reconsidered at the February 4, 2005 Board meeting. Notice that the Board action approving a calendar for 2005 may be the subject of a motion to repeal or rescind at the February Board meeting was given in accordance with the Board Bylaws (*Title 1, Article V, Section 21*).

- · Friday, February 4, 2005.
- · Friday, April 15, 2005.
- · Friday, June 24, 2005.
- · Friday, September 23, 2005.
- · Friday, December 2, 2005.

Regent Derby said that she wanted to return to two-day meetings. She observed that flying home late on Friday was difficult for those traveling out of town. One-day meetings also do not allow sufficient time in between meetings to have it work consistently. She observed that the one-day meeting was actually a two-day meeting with committees held the day before the actual Board meeting. She also felt that two-day meetings provided the Board opportunities to get together or to visit a specific campus. She felt that two-day meetings had been more productive for the Board and allowed the Board meeting to conclude at an earlier time.

Regent Derby moved approval of a new meeting calendar for 2005 with a return to two-day meetings. Regent Rosenberg seconded.

Regent Sisolak noted a point of order, asking whether the previous action should be rescinded. Vice Chancellor Klaich replied that the Board had been provided notice that the action item includes the possible rescision of its prior action.

Regent Derby withdrew her motion and moved approval to rescind the Board's prior action. Regent Rosenberg seconded.

Regent Alden established there would be five two-day meetings.

Motion to rescind carried. Regents Alden, Hill, and Leavitt voted no. Regent Dondero was absent.

Regent Derby moved approval of returning to two-day meetings. Regent Rosenberg seconded. Upon a roll call vote the motion carried. Regents Anthony, Derby, Gallagher, Howard, Rosenberg, Schofield, Seastrand, Sisolak, and Whipple voted yes. Regents Alden, Hill, and Leavitt voted no. Regent Dondero was absent.

24. Approved-Academic, Research & Student Affairs Committee Recommendations and Report - Chair Howard Rosenberg reported the Academic, Research & Student Affairs Committee met February 3, 2005 and

accepted a report from the textbook committee that included several recommendations proposed to encourage communication at the faculty, institution, and bookstore levels, all with the intent to decrease the cost of textbooks while still preserving academic freedom. Additionally the Committee discussed various issues related to student advising and scheduling of classes that have reportedly deterred students from graduating in a timely manner. The Committee also discussed matters related to the recipients of a Regents award, including whether award recipients may formally amend his or her title and for what duration.

Regents Anthony, Howard, and Leavitt left the meeting.

Regent Rosenberg requested Board action on the following Committee recommendations:

➤ · New Program Proposals – The Committee recommended approval of the following new program proposals:

✓ · Master of Science (*M.S.*), Information Systems, UNR (*Ref. ARSA-5 on file in the Board office*) – The Committee approved the UNR proposal for a Master of Science in Information Systems designed to produce graduates with technology, management, and communication skills for use in the business field.

✓ · Master of Justice Management (*MJM*) Degree, UNR (*Ref. ARSA-6 on file in the Board office*) – The Committee approved the UNR proposal for a Master of Justice Management with concentrations in juvenile justice management, adult justice management, and executive court and agency administration.

✓ · Master of Education (*M.Ed.*) and Master of Science (*M.S.*), Educational Specialties, UNR (*Ref. ARSA-7 on file in the Board office*).

✓ · Doctor of Philosophy (*Ph.D.*) and Doctor of Education (*Ed.D.*), Educational Specialties, UNR (*Ref. ARSA-8 on file in the Board office*).

✓ · Doctor of Philosophy (*Ph.D.*) and Doctor of Education (*Ed.D.*), Literacy Studies, UNR (*Ref. ARSA-9 on file in the Board office*).

#### 24. Approved-ARSA Committee Recommendations and Report – (*Cont'd.*)

✓ · Doctor of Philosophy (*Ph.D.*) and Doctor of Education (*Ed.D.*), Special Education and Disability Studies, UNR (*Ref. ARSA-10 on file in the Board office*).

➤ · New Center Proposals – The Committee recommended approval of the following new center proposals:

✓ · Center for Multicultural Education, UNLV (*Ref. ARSA-3 on file in the Board office*) – The Committee approved the UNLV proposal for a Center for Multicultural Education within the College of Education as an outgrowth of an established entity supporting students and educators.

✓ · Center of Excellence in Women's Health, UNLV (*Ref. ARSA-4 on file in the Board office*) – The Committee approved the UNLV proposal for a Center of Excellence in Women's Health within the Division of Health Sciences to provide research and educational outreach services in the area of women's health, especially to medically underserved areas.

Regent Rosenberg moved approval of the Committee recommendations and acceptance of the report. Regent Alden seconded. Motion carried. Regents Anthony, Dondero, Howard, and Leavitt were absent.

25. Approved-Audit Committee Recommendations and Report - Chair Douglas Roman Hill reported the Audit Committee met February 3, 2005 and received follow-up responses for ten internal audit reports that were presented at the August 2004 meeting. Mrs. Sandi Cardinal, Assistant Vice Chancellor, reported on the Legislative Counsel Bureau audit, which has been completed. Five audit reports have been issued. Thirty-two recommendations were made in the audit reports. UCCSN has accepted all of the recommendations and various groups are in the process of implement the recommendations. Regent Hill requested Board action on the following Committee recommendations:

➤ · External Audit Reports – The Committee recommended approval of the following External Audit Reports (*Ref. S 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, NSC (*Ref. A-6 Bound Report on file in the Board office*).



- ✓ · Financial Statements, DRI (*Ref. A-7 Bound Report on file in the Board office*) .
- ✓ · Financial Statements, TMCC (*Ref. A-8 Bound Report on file in the Board office*) .
- ✓ · Financial Statements, CCSN (*Ref. A-9 Bound Report on file in the Board office*) .
- ✓ · Financial Statements, WNCC (*Ref. A-10 Bound Report on file in the Board office*) .
- ✓ · Financial Statements, GBC (*Ref. A-11 Bound Report on file in the Board office*) .
- ✓ · Office of Management and Budget (OMB) Circular A-133 Report (*Ref. A-12 Bound Report on file in the Board office*) .

25. Approved-Audit Committee Recommendations and Report – (Cont'd.)

- · Audit Exception Report – The Committee recommended approval of the Audit Exception Report for the six months ended December 31, 2004 (*Bound Report on file in the board office*) .

Regent Hill moved approval of the Committee recommendations and acceptance of the report. Regent Alden seconded. Motion carried. Regents Anthony, Dondero, Howard, and Leavitt were absent.

Regent Hill left the meeting.

26. Accepted-Budget & Finance Committee Report - Chair Mark Alden reported the Budget & Finance Committee met February 3, 2005 and heard the following reports:

- · The Committee requested and was provided a report that displays the projected funding per student full-time equivalent (*SFTE*) in the UCCSN 2005-2007 biennial budget.
- · Self-supporting budget revisions for the second quarter of fiscal year 2004-05.
- · State supported operating budget transfers for the second quarter of fiscal year 2004-05.
- · Mid-year fiscal year 2004-05 self-supporting budgets and summer school budgets calendar year 2005.

There were no action items.

Regent Alden moved acceptance of the report. Regent Whipple seconded. Motion carried. Regents Anthony, Dondero, Hill, Howard, and Leavitt were absent.

27. Accepted-NSC Presidential Search Committee Report - Chair Mark Alden reported the NSC Presidential Search Committee met December 8, and December 15, 2004. On December 8<sup>th</sup> , the Committee interviewed the finalists for the position of president. Two candidates were selected to return for visits to the campus and community. On December 15<sup>th</sup> , the Institutional Advisory Committee recommended Dr. Fred J. Maryanski to the Regents' Committee as their unanimous choice for the next president of Nevada State College. The Regents' Committee also unanimously recommended Dr. Maryanski to be the next president of Nevada State College to the full Board of Regents at a meeting held January 7, 2005.

Regent Alden moved acceptance of the report. Regent Whipple seconded. Motion carried. Regents Anthony, Dondero, Hill, Howard, and Leavitt were absent.

Regent Hill entered the meeting.

28. Accepted-Board Development Committee Report – Regent Schofield reported the Board Development Committee hosted an orientation meeting on December 16, 2004, with the chancellor's cabinet and all Regents. Newly elected Regents were particularly invited to attend. Regents-elect Gallagher and Leavitt shared their goals for their terms.

Chief Counsel Dan Klaich and Assistant Chief Counsel Brooke Nielsen reviewed the Open Meeting Law and ethics requirements for Regents.

Regent Derby then made a presentation on the role of Regents and Board responsibilities. This was followed by Chief Administrative Officer Suzanne Ernst's review of Regent procedures and processes. General discussion followed and the meeting adjourned so the Regents could attend the Nevada State College commencement.

Regent Schofield moved acceptance of the report. Regent Whipple seconded. Motion carried. Regents Anthony, Dondero, Howard, and Leavitt were absent.

Chair Anthony and Regent Leavitt entered the meeting.

29. Accepted-Chancellor Search Committee Report - Chair Bret Whipple reported the Chancellor Search Committee met December 9, 2004 and January 20, 2005. On December 9<sup>th</sup>, the Committee considered search consultant presentations and selected a search firm. The Committee directed Chief Counsel and the Committee Chair to negotiate a contract with Greenwood and Associates, the firm chosen.

At the January 7, 2005 special Board meeting, the Board of Regents rejected the contract and sent it back for renegotiation. The new contract will be reviewed and reconsidered by the full Board at the February 2005 meeting.

A calendar for the search was adopted and a leadership profile was discussed at the Committee's January 20, 2005 meeting. It is anticipated that the chancellor Search will be completed prior to June 1, 2005.

Regent Whipple moved acceptance of the report. Regent Alden seconded. Motion carried. Regents Dondero and Howard were absent.

30. Approved-Technology Task Force Recommendations and Report - Chair Douglas Seastrand reported the Technology Task Force met January 7, 2005. Chief Counsel Dan Klaich provided a briefing on the Open Meeting Law. The Task Force reviewed a draft position announcement for the Vice Chancellor for Technology position and made several recommendations to the chancellor. The Task Force reviewed the goals set at the November 18<sup>th</sup> meeting and voted to leave them unchanged. Dr. Al Valbuena, Vice President, Information Technology & Strategic Planning-CCSN, provided a presentation on possible computing architectures. Dr. Steve Zink, Vice President, Information Technology-UNR, provided an overview of potential integrated information system vendors. Acting Vice Chancellor Becky Seibert provided a presentation on ways in

30. Approved-Technology Task Force Recommendations and Report – *(Cont'd.)*

which a consultant might be used to expedite the integrated information system project. Regent Seastrand requested Board approval of the following Task Force recommendations:

- · Hiring of Consultants – The Task Force recommended approval of the use of consulting services to aid in vendor review and selection. Chair Seastrand will assume responsibility for defining the scope of work and selecting a consultant on behalf of the Task Force. The Task Force requested that the business officers research funding options and asked Mr. Gerry Bomotti, Vice President, Finance-UNLV, to provide liaison with that group
- · Calendar – The Task Force recommended approval of scheduling future meetings for February 18, March 11, and April 8, 2005, subject to video conferencing availability, and recommended that financing models, vendor selection and the bid process be included as future agenda items.

Regent Seastrand moved approval of the Task Force recommendations and acceptance of the report. Regent Gallagher seconded.

Regent Alden suggested that a serious look be taken in regard to providing laptops for the Board meetings to eliminate the mass mailings.

Regent Seastrand stated that the Task Force might not be the proper committee to consider such a request. He suggested the request be forwarded to either the full Board or the Board Development Committee, explaining that the Task Force is very focused on the implication of the information systems they are trying to replace. Regent Alden asked that the full Board include a future agenda item to discuss his suggestion.

Regent Rosenberg thanked Interim Vice Chancellor Seibert for her phenomenal efforts. He noted that the

UCCSN was in desperate need of paying very careful attention to technology, particularly at the System level. Without technology, students cannot be enrolled or advised. Nothing can be maintained without technology. He said this was a vital committee and the recommendations would be very important.

Regent Seastrand expressed his appreciation for Mrs. Seibert's and SCS's efforts. He thanked those participating on the Task Force for devoting the time to this important function.

Vice Chancellor Klaich observed that this was one of the unfunded recommendations, adding they would need to address how the Board/System will implement the work of this Task Force.

Motion carried. Regents Dondero and Howard were absent.

President Harter introduced representatives from the Singapore collaboration with UNLV: Dr. Stuart Mann, Dean, College of Hotel Administration-UNLV; Dr. Andrew Nazarechuk, Professor-UNLV; and Mr. Keok Choon Seah, Director, Singapore Economic Development Board.

31. New Business – Regent Sisolak requested an update on AB 203. Vice Chancellor Klaich asked whether he would like an executive summary. Regent Sisolak requested a summary, including specific areas that Vice Chancellor Klaich felt should be noted. Vice Chancellor Klaich replied that Vice Chancellor Chairsell had prepared an executive summary, which would be made available to Board members.

Regent Sisolak said he was receiving a lot of e-mails about the agricultural issue at UNR. He was unsure how to reply and requested a brief synopsis. President Lilley replied there were approximately four issues. Three issues involve animal care and a fourth issue involves trapping predators. Chair Anthony suggested including an agenda item for the next meeting. Ms. Nielsen suggested the president could provide information to all of the Regents in written form, adding that this issue had not been included as an agenda item for this meeting. In order for the Board to discuss this issue as a body it would need to be included on a future agenda. Chair Anthony asked President Lilley to send out a summary of the proceedings to date. If there were still questions, it would be included on the agenda for further discussion. Regent Sisolak asked whether the item would be included on the next agenda. Interim Chancellor Rogers said he was following the matter closely. Regent Sisolak said he did not require an agenda item.

The meeting adjourned at 2:36 p.m.

Suzanne Ernst  
Chief Administrative Officer to the Board