

Minutes are not final until approved by the Board of Regents at the January 2006 meeting

CORRECTION NOTED ON PAGES 356-357

BOARD OF REGENTS NEVADA SYSTEM OF HIGHER EDUCATION

Blasco Event Wing, Foundation Building
University of Nevada, Las Vegas
4505 Maryland Parkway, Las Vegas
Thursday-Friday, December 1-2, 2005

Members Present: Mr. Bret Whipple, Chair

Mr. Mark Alden
Dr. Stavros S. Anthony
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. Steve Sisolak
Mr. Michael B. Wixom

Others Present: Chancellor James E. Rogers
Executive Vice Chancellor Daniel Klaich
Vice Chancellor, Finance & Facilities Planning, Harry E. Neel
Vice Chancellor, Academic & Student Affairs, Jane Nichols
Vice Chancellor, Technology, Lee Alley
General Counsel Bart Patterson
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
Secretary to the Board Fini Dobyns

Also present were faculty senate chairs Dr. Darren Divine, CCSN; Dr. Paul Verburg, DRI; Dr. Linda Uhlenkott, GBC; Dr. Francine Mayfield, NSC; Mr. Kurt Hall, TMCC; Dr. Clint Richards, UNLV; Dr. Leah Wilds, UNR; Mr. Richard Kloes, WNCC; and Ms. Kathryn Weiss, System Administration. Student government leaders present included Mr. Cory Drumright, CCSN; Ms. Robbi Phillips, GBC; Mr. Anthony Filippo, NSC; Ms. Alanna Stewart-Bell, TMCC; Mr. Peter Goatz, UNLV; Mr. Frederick Krauss, UNLV-GPSA; Mr. Jeff Champagne, UNR; Mr. Ed Johnson, UNR-GSA; and Ms. Elizabeth Contreras, WNCC.

Chair Bret Whipple called the meeting to order at 8:05 a.m. with all members present with the exception of Regents Anthony, Derby, Howard and Sisolak.

The meeting recessed at 8:06 a.m. for Committee meetings and reconvened at 1:00 p.m. with all members present with the exception of Regents Hill and Leavitt.

Regent Gallagher led the pledge of allegiance.

Mr. Leroy Spotted Eagle, Spiritual Advisor to the Moapa Band of Paiutes Color Guard, offered the invocation.

1. Introductions – President Carpenter introduced Vice President for Administration Jeff Foshee.

Regents Hill and Leavitt entered the meeting.

President Carpenter noted that Dr. Foshee began his duties at CCSN on November 1 and will oversee human resources, facilities, construction, campus security and contract administration. President Ringle thanked Regents Derby, Gallagher and Rosenberg for meeting with the accreditation team. President Wells introduced Kathleen Badgett, Vice President for Finance and Controller at DRI. Regent Whipple introduced Mr. Tom Gallagher, a new appointment to the UNLV Foundation.

2. Chair's Report - Chair Bret Whipple, as part of the Chair's report, requested the president of the hosting institution introduce one student and one faculty member to discuss a topic of the hosting president's choosing to help provide Board members with a focus on the reasons they serve as Board members. He also discussed current NSHE events.

Regent Whipple thanked President Harter for the gifts. President Harter stated she was thankful to be able to introduce faculty and students and thought it important to provide gifts representative of faculty and students. She continued that the School of Architecture has distinguished itself over a short period of time. The School has been an active participant in the National Organization of Minority Architects (NOMA). Four UNLV students won first prize in the 2005 national design competition held in Birmingham, Alabama. President Harter introduced Travis Allen, Jose Arteaga, Sorayos Chuenchomphu and Jose Guadalupe Macias. Mr. Allen thanked the Board for allowing the students to display their project. NOMA has the goal of fostering communications and fellowship among minority architects, to speak with a common voice on minority issues related to the profession and to be an effective source of motivation and inspiration for minority youth. The project was located in the heart of the Civil Rights historic district in Birmingham, Alabama and composed an entrepreneurial/business incubator center and a downtown presence for the School of Architecture at Tuskegee University. The design concept tries to be sensitive to the many contextual issues that surround the site, but at the same time foster interaction with the community. Four types of interactions that can take place in public buildings which are regulated, accidental, repeated and regular. The design concept allowed the team to produce a very engaging building that reflects the team's values and positively impacts the community of Birmingham, Alabama. President Harter introduced Alfredo Fernandez-Gonzalez, the faculty advisor for the team.

President Harter introduced Dr. Clemens Heske, Associate Professor in Chemistry, one of the outstanding faculty members hired in support of the growing research programs in

2. Chair's Report – *(continued)*

science and engineering. She continued that he joined UNLV in April 2004, after serving as a research and teaching scientist in Germany. Since coming to UNLV, he has established a great research group with diverse international backgrounds. Dr. Heske stated there were many faculty members in chemistry who conduct research in the materials area. He was impressed by the high level and quality of research being conducted at UNLV. He reviewed the research approach and noted the group uses a world-wide unique combination of soft X-ray spectrometers to study interfaces which influence our lives.

Regent Whipple announced that a joint meeting with the State Board of Education would be held on Friday at 1:30. While at the DRI Foundation Dinner and the State of the System Address, he realized this is an extraordinary time and Nevada has an opportunity to make history. There is tremendous growth in the state which fuels opportunity and input. Leadership of the Regents is something to be proud of. The state is full of hope, desire and intent. The joint meeting will be the opportunity to bring forward discussions that have taken place over the last few months. All the ingredients necessary to make a difference and a positive change for the future are in place. Regent Whipple noted that joint meetings with the school districts will take place in the future. It is no longer K-12 and higher education, it is K-16.

Regent Whipple stated President John Lilley and Associate Vice Chancellor Chris Chairsell would be leaving the System. He stated that he would miss President Lilley and that he had enjoyed working with him. In the future, Regent Whipple thought people would realize his work moved mountains. Regent Whipple asked Mr. Champagne and Mr. Johnson to come forward. Mr. Champagne thanked President Lilley for the time he spent at UNR and noted the institution was stronger. He remembered being told he needed to meet with President Lilley regarding inviting Michael Moore to the campus. President Lilley was supportive but did not want to take over the event. He expressed his appreciation to President Lilley. Mr. Champagne stated the students at Baylor would be in good hands. Mr. Johnson noted that President Lilley enabled him to be a leader and feel like he is the GSA President and part of UNR. President Lilley wrote him that leadership has its challenges but it is rewarding. At this moment, the quote meant much to him. He thanked President Lilley for all he had done at UNR and wished him success at Baylor University. President Lilley was presented with a gift from the Board. Regent Whipple noted President Lilley would be missed. President Lilley expressed his appreciation to the Regents. Regent Howard expressed her appreciation to President Lilley. President Harter stated President Lilley had spent time in Las Vegas and the connection between the two universities and cities was important. She then presented President Lilley with a gift. Regent Schofield thanked President Lilley for the outstanding job he had done at UNR and noted he would be missed.

Regent Whipple stated Associate Vice Chancellor Chairsell was also leaving and would serve as the Portland Community College District's Chief Academic Student Affairs Officer. She spent 19 years with the System and is the only person who has taught at UNLV, was a Provost at CCSN and Acting President at NSC and held positions in the System Office. She will be missed. Regent Alden stated any time there was an issue in her area, Dr. Chairsell was very helpful.

2. Chair's Report – *(continued)*

Regent Whipple informed the Board that item 24, Leasehold Estate Encumbrance, DRI was withdrawn from the agenda.

Regent Schofield instructed those in attendance how to use their microphones.

3. Chancellor's Report - Chancellor James E. Rogers discussed initiatives proposed in the State of the System address, the presidential vacancy at UNR and other current policy matters.

Chancellor Rogers stated he had mailed the State of the System address to a number of people. He hoped that he would be here to help move the System forward. He had dinner with the president of Gonzaga University and talked about the future of that institution. He will serve on the Board of Gonzaga. Every institution is in the race to make education better and partnering with K-12. All speakers at his summer fishing trip talked about the growing need to partner with K-12. In the future he plans to work with K-12 to prepare students to come into the System. He felt the System was prepared to go forward and compete with others across the country and he will provide support. Students and faculty are not the support for administration of the System or the presidents' offices. Everyone is here to support the System, faculty and students. His concern is the teaching of the students in the System. Efforts will be pointed toward the classroom to ensure students graduate. The System needs to work on retention and ensuring graduation and the private sector will have to provide support.

4. Public Comment - Regent Whipple anticipated that there would be several items that would require public comment and he would allow comment before each item. Those that want to comment need to approach the podium.

Mr. Richard Aberle, English Department at UNLV, thought issues cropping up among faculty members were worthy of bringing to the Board. He is a part-time instructor and has been teaching most of his life at various levels. He noted that increasingly those teaching undergraduate courses are fools. He has almost 100 students in 4 courses and spends 20 minutes per paper. He also teaches at the community college at night and on weekends. This semester, with the burden of his course load and grading, he finished his dissertation. His total salary is \$22,000 per year and his first month was without pay. He is only now getting health insurance, which will expire December 31 and will not have insurance in January. This is not unusual for part-time faculty. This is an interesting class system that has developed. He felt it was appalling to pay adjunct faculty almost nothing, and making it difficult to get insurance and to move to the next level. His goal was to bring this issue to the Board's attention. He loves the students and makes himself available to them. He noted there is a morale issue with part-time faculty members. He shares an office with 11 other part-time instructors and does not have access to a copier without a day's notice. It is difficult to get the resources. Part-time faculty stay because they love the faculty and students. It would be wonderful if the Board would take this situation seriously. Part-time faculty are ignored. When he went to human resources to fill out forms, he discovered there was not a classified position advertised paying lower than a part-time faculty member teaching 8 courses per year. He asked that: health benefits for those teaching semester to semester be extended from the beginning of one

4. Public Comment – *(continued)*

semester to the beginning of the next; consideration of the amount of remuneration received; and extend other benefits such as grants-in-aid to faculty members of part-time faculty.

Regent Whipple asked about his monthly salary. Mr. Aberle answered \$2,200 for the four months he teaches. When asked how many hours per week he worked, Mr. Aberle answered he is on campus 7:30 – 5:00 every day and then grades papers at home. He stated that to give students the comments and attention they deserve, he could not grade faster than one paper every 15 minutes. Students expect attention and take writing seriously and faculty need to look at their papers. There is no efficient way to deal with that in a writing class.

Regent Howard asked if he taught undergraduate or graduate courses. Mr. Aberle answered he teaches undergraduate courses. Regent Howard asked if he taught remedial courses. Mr. Aberle answered no, but many part-time instructors do. Part-time employment is done at the last minute. Regent Howard asked if the university offered insurance that could be applied for and paid for. Mr. Aberle responded he asked about the amount that his insurance would cost for January and it was \$780 per month. He is currently paying \$114 for his family out of his paycheck. He has to find a job for December and January as he will not receive a paycheck from December 31 to the end of February. Regent Howard asked if this was a System problem or a state problem. Mr. Aberle replied it is a national problem and a university-wide problem. He came here with enthusiasm and has been impressed with students. He would have no shame for his son to attend UNLV. He discovered that he will have to pay his son's tuition to attend UNLV which he cannot afford. The seeds of discord are being fed. He is advocating that the System take the lead. He was paid more as a teaching assistant at Berkeley in 1983 than as a faculty member now. He noted that the more education he has, the less demand he has in the marketplace in terms of salary. He had a book proposal that he sent out which was accepted by an agent, but has not had time to work on it. Part-time faculty have the choice between starving and doing scholarship or avoiding scholarship to pay the bills.

Regent Derby thanked Mr. Aberle for coming forward as his story has highlighted the injustice in the System. She expressed her frustration at the tiny steps. She thought it was a disgrace the way part-time faculty are exploited. She noted the gaps in insurance were unconscionable and something needed to be done. She thought it was shocking to look at what presidents are paid and what part-time faculty are paid. Regent Rosenberg encouraged Chancellor Rogers that if the System can look for stars in administration, they need to look at stopping this practice. Part-time faculty is the market that needs to be taken care of. Regent Anthony stated that

before he became a member of the Board, he taught at the university and community college. He determined it was \$10 per hour. A serious look and a leadership role need to be taken. Regent Sisolak expressed his appreciation for Mr. Aberle bringing this issue forward. For 7 years he has heard this story. The Board needs to take a stand and make it a priority. Part-time faculty can be paid more from the reserve accounts at the universities and presidents will not do it until the Board takes a stand. Regent Schofield noted he made a decision to run for a position on the Board after hearing stories like this. This needs to be taken care of. Regent Rosenberg stated this is not just for us, this is endemic throughout the education system

4. Public Comment – (continued)

in the country. The value on education needs to be attended to. He knew that the instructional budget is a fixed situation from the legislature. Funds need to be reallocated and the priority placed where it needs to be. Regent Dondero recommended an agenda item to address this in the ARSA Committee.

Chancellor Rogers informed those in attendance that when he came into this job he talked about supplementing the pay of professors throughout the System. The foundation at Idaho State University has supplemented the pay of presidents and professors. Many of the law school faculty at UNLV have supplemental salary from outside sources. He was unsure if state funds could be reallocated but thought that making this an agenda item was important. He has discussed supplementing pay with the presidents and foundations. Dollars from the legislature are hard to come by and without other independent sources, we will never be able to catch up on salaries. Most of the professors teach because of their love and not for the pay. Regent Whipple asked that an agenda item be placed on the next agenda.

Lee Rowland, ACLU, stated the GPA issue is important to everyone. We are an education system that is not enrolling or graduating minority, low income or non first language English students in numbers approaching the general population of Nevada or college age students. With the changes coming in 2006, to institute a rush and increase standards in 2007 is the definition of putting the cart before the horse. This is a complex issue that affects minorities, those from lower incomes and those with English as a second language. Studies should be done linking trends before raising the GPA. When tied up with minority issues, to raise the requirements seems ill advised. She recommended that the System keep this in mind and have a discussion with high school administrators to see how this will affect high school teachers. She urged the Board to be mindful of the issues and measure the impact on minorities. She felt it was unwise to raise the GPA and potentially shut out students from low income families. She urged looking at the research and conducting further research. Ms. Rowland noted the ACLU was pleased that the System was looking at benefits for domestic partners. She stated that ACLU offers domestic partner benefits.

Peter Goatz, Student Body President, UNLV, stated there would be a speaker talking about higher education and he encouraged the Board to ask challenging questions regarding access. As tuition and fees rise, financial aid will decrease. He asked the Regents to encourage the speaker to support higher education by offering more financial aid. He referred to a handout (*on file in the Board office*) which provided information on what had been passed by the House on November 7. A petition was circulated which received 100 signatures.

Regent Derby stated she was running for a seat in the U.S. Congress and noted this required support and contributions from many. She is mindful of Regent policy to not solicit endorsements from fellow Board members. Out of respect for the office, she is operating beyond that policy and avoiding any appearance of conflict by not soliciting or asking for support from colleagues and those in higher education. Many have come offering support, which she has accepted. She wanted it clear that she would not discredit the office and will continue to be scrupulous to not solicit support.

5. Information Only-Presentation by Congressman Gibbons - Congressman Jim Gibbons shared his vision for the future of education in Nevada and his commitment to improving education in Nevada (*Ref. B on file in the Board office*).

Congressman Gibbons stated he was before the Board as a U.S. Congressman and not as a candidate for public

office and wanted to talk about the nexus between the federal government and Nevada's higher education system. He expressed his appreciation for the opportunity to discuss the education of Nevada's citizens. As an alumni of Nevada's higher education system, he takes pride in graduating from the University of Nevada and having a working relationship with President Lilley. He is also proud that his two eldest children graduated from the University of Nevada. There are unique challenges though growth which face the System and the state. It will be a difficult curve to negotiate. Experiences have provided him an opportunity to determine how the System could improve. In 2002, the Board approved a System-wide master plan to define goals and set objectives for the System. The quality of education children will receive depends upon the bridge built between higher education and K-12. Nevada's delegation can assist accomplish the goals in the master plan. As a fifth term member of the House of Representatives, and representing those in every county, he sees many opportunities for federal seed money. EPSCoR is a very successful program and a partnership that has worked well. He has supported this program since first being elected. It started with a modest federal investment and has yielded significant dividends. DRI has received \$3 million from the NSF Integrated Research Challenge in Environmental Biology Program, and with this modest investment developed a nationally recognized genomics program. EPSCoR is one of many federal opportunities that should be pursued by the System. Another avenue for higher education is seeking and acquiring federal earmarks in the annual appropriation process. Nevada secures millions of dollars every year with the assistance of the federal delegation and on a bipartisan basis for the higher education system. Oversight of programs that receive funding is another important aspect of the duties of those in Congress. The budget and appropriation process is the most time consuming and contentious and the process requires much of everyone engaged while choosing from hundreds of requests for funding. There are 434 other members of Congress submitting their highest priorities that will receive a fraction of the programs being sought. He thought it was a very competitive but doable process. The relationship of Nevadans and the ratio they receive back is changing. The change will be challenging. He believed that all public funding should be for the public good and funds should be redirected to higher priorities. Congress depends on the Board and their guidance while going through the appropriation process. The tax payers will be asked for a portion of their hard earned dollars. He believed the two most critical public investments were national homeland security and to provide the future of education for the people of America.

Federal appropriations he works to achieve for colleges and universities come with opportunities to obtain funding projects that need immediate or additional financial assistance. A System measure for performance is workforce development for nursing. The nursing shortage is a national priority. Need to make sure that the growing population's health care needs are met. He has worked with President Ringle to find money to fund a fast track nursing program. The first students in that program are now serving in the community. Congressman Gibbons stated the higher education system

5. Information Only-Presentation by Congressman Gibbons – *(continued)*

needed to continue to establish academic relationships with all federal agencies. Recently the Davidson Institute brought forward an opportunity to provide for National Security Agency (NSA) critical needs which will provide a resource for the NSA. The Davidson Institute works with children with high IQs and a young child helped solve a complex encryption problem. This is a partnership that will help Nevada and the nation. Chairman Duncan Hunter, Chair of the Armed Services Committee, was impressed with faculty and staff at UNLV and promised to work through his committee to build on programs being offered. Working together, the Department of Defense will be educated on UNLV's education outreach program that will help to provide training and research to armed services, especially non-traditional solutions to challenges posed by Improved Explosive Devices. The development of this program will give national security a boost but will give national notoriety to higher education in Nevada. He agreed that private investment is the key to building a successful higher education system. Private capital investments and strong endowment programs are the DNA marker of the nation's highest ranked colleges and universities and he wants the System to be in that lofty category. With every private dollar invested, the multiplier effect will have an impact which will lessen the differences over the educational budget. The education system is making strides in this regard through ongoing capital investments and campaigns. It is vital that everyone share a common vision for the university system so goals can be achieved and advantage taken of opportunities offered in the state. He supports the development of a commission to identify potential private and federal relationships. He thought the commission would have a

great first step in developing the strategy outlined in the 2002 Master Plan. He is ready to help and noted there is a strong presence of the University of Nevada in the U.S. Congress.

Regent Whipple thanked Congressman Gibbons.

Regent Derby thanked Congressman Gibbons for his comments and support. She stated the federal budget had been passed with \$14 billion cuts to student aid and asked why he voted for that. Congressman Gibbons answered the amount of student loan funding was not cut, the administrative costs were changed. There were some who complained that the rate was not lowered from 8.5% to 6.8% on student loans. That is a mistake as the current rate is 4.7%. The loan origination fees were reduced to 1% to cover loans that are not paid back. Regent Derby understood that, as a result, students would be forced to pay more when paying back their loans due to the increase in fees and interest rates and in the consolidation process. Congressman Gibbons replied that there is a claim that the one time repayment incentives were eliminated. A 1.5% repayment rebate was provided for in the direct loan program which did not provide an advantage for many students as 75% of students do not receive the 1.5% rebate. He stated there are tough decisions that have to be made for the greater good to continue the program and the ability to provide federal dollars for student loans. He noted that detail could be provided. Regent Dondero stated with the 1998 Public Lands Act, approval was given to sell public lands in Southern Nevada with 5% going to education. She wondered if that amount should be increased and what the current funds are used for. Congressman Gibbons has preached for the last two years that the percentage of the Southern Nevada Public Lands Management Act account should be increased from 5% to 35% to go into education of students. If that happens, growth will pay for growth. How the money is spent also needs to be reviewed.

5. Information Only-Presentation by Congressman Gibbons – *(continued)*

He is fighting to keep other states from looking at the account, which has over \$2 billion not being spent, to see how those states can amend it to spend in the appropriation process for programs in their states. There is a narrow window that will require support to amend it. Regent Dondero asked what was needed from the Board. Congressman Gibbons answered that the public needs to be aware and be strong. It is a huge target and will become larger for other states and legislators to look at and try to change. Nevada needs to take action quickly and be stern on how it is set up. Regent Dondero asked Congressman Gibbons to contact her if there are things to do. Congressman Gibbons advised making the public aware to support putting more money into education.

Regent Alden noted that K-12 is under funded and he felt that 50% of the sale proceeds should come back to the state with 25% going to K-12 and 25% going to K-16. Congressman Gibbons responded that the original draft proposal requested that 50% be returned to the state and through negotiation it was compromised to 5%. He had no problem putting it at 50%. Even if all the funds were put into K-12, it would free the state to spend more on higher education as it relieves that obligation, as it would be an offset. Regent Howard expressed her concern, with the high cost of living, college not being affordable for low-income students. She asked if there was anything being done or anything that could be done on a national level. Congressman Gibbons answered he did not have an answer because he was not familiar with the educational workforce committee. He did know that the University of Nevada has one of the lowest tuition rates in the country. He stated there are grants in the educational system for assistance and he would be happy to work and determine what is happening. He will have his staff research this issue. Regent Howard stated that Senator John Boehner, Chair of the Educational Workforce Committee, visited and she thought more attention would be given to this area. Congressman Gibbons noted a problem of the United States Congress is that anything that occurs; happens slowly. Regent Howard noted that many universities are moving in a direction where low-income and minority students will not be able to get in. Congressman Gibbons replied that was one of the reasons why Regent Dondero's comments about the public lands act were important because the act provides a revenue source.

Regent Whipple thanked Congressman Gibbons.

Regent Rosenberg recognized that Mr. Gibbons was at the meeting as a Congressman, however, it was not unknown that he was also a candidate for governor. He asked if the other gubernatorial candidates had been

invited. Regent Whipple answered that all candidates had been invited.

6. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of items 3 (Handbook Revision, Investment Committee Adds Properties to Responsibilities) and 11 (Handbook Revision, Appointment with Tenure by President) which were approved separately.

(1) Approved-Minutes – The Board approved the minutes from the public hearing held September 7, 2005 and the regular meeting held September 22-23, 2005.

6. Approved-Consent Agenda – (continued)

(2) Approved-Handbook Revision, Board Development Committee to a Standing Committee – The Board approved making the Board Development Committee a standing committee as requested. This was the second hearing of a proposed amendment to Regents' Bylaws (*Title 1, Article VI, Section 3*) (Ref. C-2 on file in the Board office).

(4) Approved-Handbook Revision, Charge of the Academic, Research and Student Affairs Committee – The Board approved a revision of the charge in light of the June 2005 establishment of the Cultural Diversity and Security Committee and the presumed approval of the Research and Economic Development Committee and renamed the committee the Student and Academic Affairs Committee. This was the second hearing of a proposed amendment to the Regent's Bylaws (*Title 1, Article VI, Section 3*) (Ref. C-4 on file in the Board office).

(5) Approved-Handbook Revision, Establishment of a Board Standing Committee on Research and Economic Development – The Board approved the creation of a standing committee of the Board charged with reviewing and making recommendations on issues concerning research and economic development initiatives. This was the second hearing of a proposed amendment to the Regents' Bylaws (*Title 1, Article VI, Section 3*) (Ref. C-5 on file in the Board office).

(6) Approved-Handbook Revision, Residency Requirements for Tuition Purposes– The Board approved a proposed amendment concerning residency requirements for tuition purposes (*Title 4, Chapter 15, Section 4*). At the June 2005 Board meeting, members approved a proposal to align the Board's policy and residency with provisions adopted by the 2005 State Legislature under the enactment of Senate Bill 32 (Chapter 374, *Statutes of Nevada 2005*). The appropriate subsections of Title 4, Chapter 15, Section 4, were amended at that time providing that financially independent students must be a bona fide resident for at least 12 months prior to matriculation to qualify for in-state tuition. However, the necessary revision to subsection 1 concerning financially dependent students was inadvertently missed and requires revision to again align with state law (Ref. C-6 on file in the Board office).

(7) Approved-Handbook Revision, Clarification of Code Chapter 5 Regarding Notices of Nonreappointment/Termination – The Board approved clarification language to Chapter 5 of the NSHE Code to provide clarity regarding the effective date of the notices of nonreappointment and termination. This was the second hearing (Ref. C-7 on file in the Board office).

(8) Approved-Handbook Revision, Applicability of Code, Title 2, Chapter 5, Sections 5.6.2 and 5.6.3 to Letters of Appointment – The Board approved a change in the NSHE Code to ensure that the provisions of Title 2, Chapter 5, Sections 5.6.2 and 5.6.3, regarding confidentiality of personnel and payroll files, apply to employees on a Letter of Appointment. This was the second hearing (Ref. C-8 on file in the Board office).

(9) Approved-Handbook Revision, GIA for Dependents of Professional Staff Called to Military Service – The Board approved a change to the Handbook (*Title 4, Chapter 18, Section 5*) allowing dependents of professional staff called to active military service to have their period of eligibility for GIA extended (Ref. C-9 on file in the Board office).

6. Approved-Consent Agenda – (continued)

(10) Approved-Handbook Revision and Addition, Title 2, Chapters 5, 6, and 8 – The Board approved proposed

amendments to the NSHE Code (*Title 2, Chapter 5, Section 5.8 (5.8.2 and 5.8.3), Chapter 6 and the addition of a new Chapter 8*). The changes to Chapter 5 will clarify the nonreappointment policy and add benefits and protection for faculty. The exemption to Chapter 6 and addition of Chapter 8 are being requested to make disciplinary actions more streamlined, while protecting employee rights. This is the second hearing of the proposed amendments (*Ref. C-10 on file in the Board office*).

(12) Approved-Science Engineering Technology Building Utility Easement, UNLV - The Board approved a limited subsurface easement for the specific purpose of installing and maintaining the primary electrical feed to the new Science, Engineering and Technology building, which is under construction on the Maryland Parkway campus (legal description of the subject Grant of Easement is included in reference) (*Ref. C-12 on file in the Board office*).

(13) Approved-Request for Use of CIF Funds, UNLV – The Board approved the use of \$2,100,000 in Capital Improvement Fee Funds. Proceeds from this distribution will be utilized for ten projects, which cannot be funded from other institutional funds (*Ref. C-13 on file in the Board office*).

(14) Approved-CCSN Charleston, Cheyenne, Henderson Campuses – Upgrades to the Cashier’s Offices – The Board approved the use of Capital Improvement Fee Funds, in the amount of \$257,400, to upgrade the Cashier’s Offices at the Charleston, Cheyenne and Henderson Campuses (*Ref. C-14 on file in the Board office*).

(15) Approved-CCSN Cheyenne Campus – Police Services Building – The Board approved the use of Capital Improvement Fee Funds, in the amount of \$125,000, to convert the Operations & Maintenance Building at Cheyenne Campus to address the needs of CCSN Police Services (*Ref. C-15 on file in the Board office*).

(16) Approved-CCSN Charleston Campus – Science Building Door Replacement – The Board approved the use of Capital Improvement Fee funds, in the amount of \$62,000, to replace Science Building doors/closure mechanisms damaged by severe wind events (*Ref. C-16 on file in the Board office*).

Regent Sisolak moved approval of the Consent Agenda with the exception of items 3 and 11. Regent Anthony seconded. Motion carried. Regent Rosenberg abstained.

6. Approved-Consent Agenda – (*continued*)

Consent Agenda items considered separately

(3) Approved-Handbook Revision, Investment Committee Adds Properties to Responsibilities – The Board approved adding real property management and oversight to the responsibilities of the Investment Committee. This was the second hearing of a proposed amendment to Regents’ Bylaws (*Title 1, Article VI, Section 3*) (*Ref. C-3 on file in the Board office*).

Regent Sisolak stated this issue came up at the Investment Committee. He felt it was a complicated issue and he did not know enough about it. He thought the Committee would need professional assistance and expertise. Regent Dondero stated an inventory of all properties owned by the System was needed, which would take professional assistance. She stated an energy corridor would be placed through Nevada and may go through some of the System properties. Regent Derby noted professionals staff all committees and provide advice. She continued that the Investment Committee has System staff and Cambridge. She stated there are property issues that come before the Board and asked what the current arrangement was, how it would change. Regent Wixom thought there were 2 separate issues: whether real properties should be addressed as part the Investment Committee and how they would be addressed. He noted there were System staff at the last Investment Committee meeting, but he did not understand the scope of expertise in the System. He thought it appropriate to address the issue in the Investment Committee as property is a large asset base. Executive Vice Chancellor Klaich noted that the Board discussed why property issues were not elevated to the level of a committee structure. He continued that the System was not adequately staffed and noted there was an employee in the System who advised on facilities matters, but it was a coordinating effort. He thought Regents Sisolak and

Dondero were saying that we are taking a gamble with an asset without adequate staff. Regent Whipple thought the question was if additional professional staff was needed and where it would come from. Executive Vice Chancellor Klaich responded there is an open position that has not been filled and he thought that the qualifications and expectations needed to be reviewed and a search conducted.

Regent Dondero noted this item was only to include properties on the Investment Committee. Executive Vice Chancellor Klaich confirmed that was correct. He believed the item was being discussed to determine how professionals in the System were going to serve the Board with advice. He continued that staff was not available at this time.

Regent Dondero asked if the Committee could recommend a staff member. Executive Vice Chancellor Klaich noted that the point being raised was if the person is currently available and the answer is no. Regent Derby asked if there was a recommendation from staff regarding this item. She noted transactions have come before the Board and wondered who had been providing advice. Executive Vice Chancellor Klaich replied that as transactions have moved forward, the legal staff at the institutions and System office have reviewed the documents for correctness. The Board is linking properties and investments and treating property holdings as an asset, which is not transactional legal work but asset management. Regent Dondero thought properties could be handled separately from the investment portfolio. Regent Rosenberg asked if a search for a replacement was being conducted and Executive Vice Chancellor Klaich answered no.

6. Approved-Consent Agenda – *(continued)*

Regent Rosenberg asked if a search was planned. Executive Vice Chancellor Klaich answered yes. Regent Rosenberg noted that Regent Dondero has asked for a complete inventory of properties owned by the System to have an idea of the property and its worth. He continued that by moving this issue into the Investment Committee it will have a home to get the inventory started and make future recommendations. Regent Wixom clarified the Board had approved property management plans in the past and he did not believe it was the intent to undo that. It was his understanding that the Board was trying to determine what was owned so intelligent decisions could be made. Regent Sisolak expressed his concern that many property issues would be addressed that would go to the Committee and the Board would not know about them. Executive Vice Chancellor Klaich responded that was correct as property issues would go to the Committee, be vetted by the Committee and come to the Board as recommendations of the Committee. Regent Sisolak wanted Board members to realize that issues that the Board discusses would not come before the Board except as a report. He also noted the time commitments for the Investment Committee would be expanded. Regent Anthony echoed Regent Sisolak's remarks. The only fail-safe was to review the agenda and discuss issues during the Committee report. Regent Alden stated most higher education systems in the country bring everything through committees. His problem was that properties should be a separate committee. Regent Hill did not think legal counsel was reviewing leases and contracts with the idea of sound business decisions. He did not mind it going to the committee, but long-term leases need to be reviewed by the Board. Regent Schofield stated with property fluctuations in Las Vegas, value is based on land, and land makes the System wealthy. He thought including properties on the Investment Committee was an excellent idea.

Regent Anthony moved approval of Consent Agenda item 3. Regent Schofield seconded. Upon a roll call vote, the motion carried. Regents Anthony, Derby, Dondero, Gallagher, Leavitt, Rosenberg, Schofield, Wixom and Whipple voted yes. Regents Alden, Hill, Howard and Sisolak voted no.

(11) Approved-Handbook Revision, Appointment with Tenure by President – The Board approved proposed amendments to the NSHE Code (*Title 2, Chapters 3, 4 and 7*) which would allow a President to grant an academic faculty member tenure upon hire without seeking approval of the Board of Regents. This was the second hearing of a proposed Code change (*Ref. C-11 on file in the Board office*).

Regent Rosenberg noted he had received many phone calls and suggested adding “The president shall report annually to the Board on the tenure with hire appointments.” He asked that a complete listing of the individual appointed, which department and that the departments voted on the appointment be provided.

Regent Rosenberg moved approval of Consent Agenda item 11 as amended. Regent Derby seconded.

6. Approved-Consent Agenda – *(continued)*

Executive Vice Chancellor Klaich clarified that any item could be discussed and amended. He continued that Regent Rosenberg was suggesting an amendment, which the Board could vote up or down. Regent Hill clarified the amendment called for annual reporting of all tenures upon hire, department and that the faculty approved the hire.

Motion carried.

The Board recessed at 3:19 p.m. and reconvened at 3:28 p.m. with all members present.

7. Approved-Naming the New Student Union Building, UNR – The Board approved naming the new student union the Joe Crowley Student Union (*Ref. A on file in the Board office*).

Regent Sisolak moved approval of naming the new student union the Joe Crowley Student Union. Regent Dondero seconded.

Regent Sisolak withdrew his motion.

Regent Alden moved approval of naming the new student union the Joe Crowley Student Union. Regent Dondero seconded.

President Lilley noted that the Board approved a student request that they be able to tax themselves to build a new student union. It was his judgment that this was a building to be named for Emeritus President Crowley. He solicited help to get student support, which he felt was important because students were funding the building. Emeritus President Crowley was taken to lunch by many students who did not know him. The ASUN and GSA endorse naming the student union for Dr. Crowley. He thought this was appropriate to recognize his 23 years as president and hoped for approval. Regent Howard did not know why this item was moved before approving the presidential appointment. She wanted to know how many students were involved in the decision. President Lilley answered there were 40 students from ASUN and 20 from GSA in attendance. Regent Howard expressed her concern about the next agenda item and naming a building after someone working on campus. She did not know if it was appropriate. President Lilley responded the process began before the change of leadership was an issue. Regent Howard asked if the naming could be delayed. Executive Vice Chancellor Klaich echoed President Lilley's comments that this agenda item was in process before there was a vacancy in the president's office. He continued that unless there is a miraculous performance in construction, Dr. Crowley will be gone before the ribbon is cut. Regent Howard noted if someone had talked to her, she would not raise the questions. She thought she was going to have a meeting with Dr. Crowley which was cancelled.

Motion carried.

8. Approved-Appointment, Interim President, UNR – The Board approved the appointment of an interim president at UNR, including salary and other contract conditions.

Regent Whipple stated this was a recommendation made by Vice Chair Gallagher and himself. Regent Gallagher stated there is no real process for the appointment of an interim president. In the past, the Chancellor and Chair of the Board had visited the campus to talk to faculty, staff and administration. She noted that had been done and 9 different groups were heard from. Five nominations were received, of which, two were eliminated: the dean of the medical school and Provost John Frederick. As discussions continued, and the need to develop a budget and be ready for the next legislative session, it was felt appropriate to talk Dr. Crowley into becoming the interim. She thought it was a good discussion and the institution was pleased with the nomination. Dr. Crowley would begin effective December 5, 2005.

Regent Rosenberg moved approval of the appointment of Dr. Joseph Crowley as the Interim President at UNR. Regent Hill seconded.

Regent Alden noted he had known Dr. Crowley for 40 years, and he is the right person at the right time. Regent Dondero asked what the effective date would be. Regent Whipple answered Monday, December 5, 2005. Regent Howard asked how many Regents, and which Regents, Dr. Crowley met with prior to this meeting. Regent Whipple answered he did not know who met with Dr. Crowley. He met with Dr. Crowley and there was a press conference with Regents present. Executive Vice Chancellor Klaich was aware of 3 Regents and he believed after the public hearings and identification of finalists, the Chancellor and Board officers spoke with Dr. Herzig and Dr. Crowley before making a recommendation. Executive Vice Chancellor Klaich continued that Regent Sisolak had met with Dr. Crowley and he was unaware of any other Regents who had met with him. Regent Howard thought she was supposed to meet with Dr. Crowley. Executive Vice Chancellor Klaich explained that was his fault. The Chair had asked Regent Alden to arrange social meetings with Dr. Crowley and he asked that those be cancelled. Executive Vice Chancellor Klaich was concerned that there would be a perception that the Board was interviewing or deliberating toward the decision of appointing Dr. Crowley. He did not want to see an open meeting law complaint filed. He thought the question to be asked during the search process would be how the Board has full and fair access to a candidate and how the Board makes a full and informed decision in light of the open meeting law. He cancelled the meetings because there was consensus about the nominee and he wanted to protect the Board. Regent Howard wondered if there was a problem with Tim Crowley being a System lobbyist and Dr. Crowley being the interim president. Chancellor Rogers answered that Mr. Crowley was employed by the System and reported to the System. No presidents would have input or a relationship with the lobbyists without the advice of the Chancellor. There would be nothing that Dr. Crowley or Mr. Crowley could do to interfere with process. Regent Whipple asked Dr. Crowley to come forward and expressed his appreciation for Dr. Crowley's willingness to return to UNR.

8. Approved-Appointment, Interim President, UNR – (continued)

Dr. Crowley thanked the Board for the honor of the naming of a building and for the nomination to do this job. It was unexpected, but he will do his best to honor the Board's confidence.

Motion carried.

9. Information Only-Handbook Revision, University Admissions Criteria – The Board discussed Chancellor James E. Rogers, President Carol C. Harter and President John M. Lilley's proposal instituting the already-approved 2010 standards in 2007 with the revision that follows. Therefore, in the fall of 2007, the following admission requirements would be in place at the two universities: freshmen would be required to have either a 3.0 or higher weighted high school GPA in the required 13 core courses **or a score of 1040 on the SAT (or 22 on the ACT)**; undergraduate transfers will need to earn a transfer GPA of 2.5 or higher (*Ref. I on file in the Board office*).

Chancellor Rogers stated he had met with many of the Hispanic group and minorities who expressed concerns over the effect this may have on minorities in the two universities. As it was designated on the agenda, it appeared there would be discussion and a vote held. He noted discussions would begin and meetings held prior to the January Board of Regents' meeting to work through the statistical analysis. He continued there was no effort on behalf of the System to ambush the minorities or any other group in these discussions. He thought the majority of the vote would not resolve the issue because there would be ongoing discussions. In his analysis and discussions with President Harter, he thought the effect of the change would be minor. A question raised in his meeting was that in 2001 a deal had been made between the Regents and community that the admission GPA would not be raised until 2010. This was viewed by some that it became a binding contract between the System and the public. He expressed his concern that there are entrance requirements and wondered if the System was falling behind due to grade inflation.

He asked staff to contact the Clark County School District (CCSD) to obtain figures to see what had happened

with grades since 2001 (*on file in the Board office*). Chancellor Rogers stated that if everything had stayed the same with grades from high schools, the System would have slipped behind because of present requirements. Between 2001-2002 and 2004-2005, the total number of students in CCSD with a GPA above 2.5 increased significantly while the number of graduates did not. He wondered if 62% of the graduating seniors from high schools in Las Vegas were qualified to be admitted to the two universities. With the requirement of 2.5, getting further behind. Projecting the figures forward to 2010, it would be found that 100% of students would be qualified to enroll in the universities. He would take exception if 8,890 of the 11,194 graduates were qualified to be admitted to the universities. His analysis makes no differentiation between minorities and includes every student graduating from high school. If we are going to make the universities competitive, we cannot have this admissions practice. For students who come with a 2.5 GPA or below, only 40% become sophomores; 2.0-2.49 GPA only 11% graduate. His feeling is that the standards adopted for admitting students are not accurate and a disservice is done to students when putting them into a college environment when they are not ready. He thought there was a presumption that there is a

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

flaw in the grading system in the CCSD and as the universities have raised entrance requirements, high schools have raised grades. It is getting to the point where high school grade averages will increase with increased admissions standards. He suggested that the System needed to look at more criteria than grade average.

President Harter stated the most important thing discussed was to ensure there was not a disparate effect on minorities. The presidents understand the mission as a public university, but they believe the System is ready for this kind of change. The Board developed a master plan to provide students with an excellent educational experience. NSC is important and without it, this presentation would not have come forward. She reinforced that every student would be able to transfer to the university if they desired to obtain a baccalaureate degree. In 2001, the Board approved two iterations to the admissions selectivity proposal. The first would take effect in the Fall of 2006 which required a 2.75 weighted core high school GPA, and in Fall 2010 the policy to raise the admissions requirement to 3.0 weighted core high school GPA was approved. In addition, a new standard for transfer students was approved. In 2006, transfer students would be required to have a 2.3 GPA; and a 2.5 GPA in 2010. President Harter clarified that if a student had earned an AS or an AAS degree, they are admissible to the university regardless of GPA. The Board also approved alternate criteria and increased the number of students that could be admitted under those criteria with UNLV able to admit 550 students and UNR able to admit 350 students under the alternate criteria. The current request was to implement the 2010 standards in the Fall 2007 and added a test score for admission as an optional criteria. The rationale is that Nevada will have more than double the rest of states in the number of high school graduates by 2018. Growth in headcount at the two universities represents 65% of the total headcount and 58% FTE growth in the entire System. This places enormous pressure on service and teaching of students. She stated that growth is disproportionately high at the higher cost institutions which strains services and the ability to educate well. UNLV does not have the dollars to hire full-time faculty to teach 6,000 additional students in the future and the success of students will be compromised.

President Lilley began by assuring Board members the data had been looked at in a variety of perspectives. The data reflect the impact on Nevada residents only. By implementing the 2010 standards in 2007, 955 Nevadans would have to begin their education at the community or state colleges, 558 Nevadans would not gain admission to UNLV and 397 would not gain admission to UNR. This fall, more than 40,000 students were enrolled at the universities. He clarified that the number impacted would be less with the addition of the test score criteria. Of the Fall 2005 freshmen, 600 students at the two universities had a GPA lower 3.0 but with an SAT score of 1040 or the equivalent ACT score. When reviewing the impact on ethnic distribution, it was found that the proportion of students in each ethnic group would remain unchanged when the new standards are applied. The two universities have a strong commitment to ensure that universities are diverse places and will continue to emphasize the recruitment and retention of students of color and continue to focus on influencing the best students of color to remain in Nevada for higher education. Regent Howard asked how not admitting 957 students was no change. President Lilley replied there would be no change in ethnic diversity at the university. Regent Howard asked if the numbers were based on core GPA

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

or overall GPA. President Lilley responded the comparison between 2006 and 2010 was done with the core GPA. Regent Howard asked if the UNLV numbers were based on overall GPA. President Lilley did not believe that to be true. Regent Howard commented the numbers kept changing. President Harter stated the chart showed Fall 2006 criteria which includes core GPA and the data were related to the criteria including the core. She continued that there would be fewer students overall, but the distribution among ethnic groups would remain the same. President Lilley stated the presidents were happy to be able to say that going to the 2010 standards would not impact the diversity of the universities. Regent Howard felt there would not be an impact if the standards were implemented in 2010 but increasing the standards in 2007 would have an impact. President Lilley reminded the Board that the first group of Gear Up students would be ready for college in Fall 2007 and it was hoped those students would choose to study at the universities in Nevada. As a result of changing demographics in school age children, it was expected that the proportion of students of color to increase significantly. The impact on retention by ethnicity at UNLV and UNR was reviewed and it was noted that retention would improve with improved criteria. The impact on graduation rates was then reviewed with the six year graduation rates increasing from 40% to 49% at UNLV and African American students increased from 33% to 50%. At UNR, the six year graduation rates improved from 48% to above 55%. He felt it was likely that with fewer students, attention could be focused to ensure more students move more efficiently through their programs. The request to change the admissions standards for the two universities fits long range plans for NSHE, enhances retention, enhances graduation rates, maximizes student success, maintains diverse student bodies and uses limited resources wisely.

Regent Howard asked if the numbers were based on core classes because numbers shown to her by UNLV prior to the meeting were not based on core classes. President Lilley answered the data compared 2006 with 2010 and core courses. President Harter confirmed that was the data also used at UNLV. Regent Howard asked if the UNLV data had been changed. President Harter did not know what Regent Howard saw. UNLV decided it would be useful to show the 2006 criteria imposed upon the class of 2001-04. The 2006 criteria are 2.75 weighted GPA on 13 core courses. Regent Howard continued the numbers she saw were the same as those presented at the forums. Dr. Rebecca Mills, Vice President, UNLV, stated the numbers shown to Regent Howard at their meeting had not been changed to reflect the core. Due to questions she had asked, the numbers were adjusted to ensure the comparisons were true. The ethnic distribution is not different. Regent Howard asked if the numbers shown her by Dr. Mills were the same as those presented at the forum. Dr. Mills replied yes. Regent Howard asked if the core classes had been included, with Dr. Mills responding yes. Regent Howard then asked if the numbers had been changed. Dr. Mills answered yes. Regent Howard asked if the numbers were based on admission standards. Dr. Mills replied the numbers were the proportion of freshman for those years. Regent Howard stated that UNR's numbers were for six years. Dr. Mills answered UNR looked at one class of their freshman while UNLV looked at the compilation of four classes of freshmen. Regent Howard felt that games were being played with the numbers and asked how are the Regents to determine "what's what". President Lilley responded that her questions had allowed the universities to refine the data. He hoped the presentation would be seen as improved by questions.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

Regent Howard appreciated that but the numbers are not matching. She asked why it could not be consistent. President Harter answered the universities were trying to make them comparable. The message is that the distribution shows the same thing. Regent Howard could not be convinced that the numbers were accurate. She continued that the numbers showed African Americans would be most negatively impacted and Hispanics second most. If that was not true, she wanted to know what happened. Dr. Mills replied it was still the same. Regent Howard noted she had just been told the ethnic distribution would not change. President Lilley answered there would be a 1% change and asked if she thought that was significant. Regent Howard stated she was not talking about percents, but rather talking about people's lives. President Lilley noted the equation seemed to be setting up that by having these standards it would harm students of color. It is believed that by raising the standards, they are trying to make those of color more successful. Students are not disadvantaged by going to the

community colleges or the state college. President Harter stated if the new criteria is applied early, there will be 550 slots for students to come into UNLV by alternative criteria. UNLV has been admitting a smaller number in the past, but 2/3 have been students of color. She expected that to be true of a larger number in the future. There is a check and balance in the System to ensure that those who can be successful have a way to enroll at the universities. Regent Howard stated she had not heard anyone address going back on the word given when it was agreed that admissions criteria would be raised in 2010. President Lilley stated that was a good point and has been struggled with. He continued that circumstances are changing and students will be better served by the change. Regent Howard said that was not what she saw because if any group is negatively impacted it hurts students. She asked why the change had to be made in 2007.

Regent Whipple asked those that wanted to speak to form a line. He noted no action would be taken and a number of public hearings will be held.

Alex Templeton stated the reality is that the Latino high school dropout rate is 9.6% and neighboring with the black community the graduation rate was 50% in 2004. Latino high schools are in dangerous and crime ridden communities. With the accountability report of CCSD, 15 schools were deemed inadequate. A misunderstanding of minority students is lack of access, there is limited or no data for guidance into honors or AP courses. Enrollment in advanced placement classes has increased, it has not increased in the amount of the student population. Of those who took the PSAT he wondered how many passed and how many were Latino. Mr. Templeton noted the current structure is not matriculating enough students. He saw there were lies in statistics and the issue is that the university is part of the community and needs to work with the community and district on new programs to improve schooling, teaching and matriculation. It is the universities responsibility to address the community at large and help to choose programs that will help future generations.

Anita Revilla, Professor of Women's Studies, UNLV, came to Las Vegas to serve the growing Latino student community in Las Vegas and the state. She is concerned about the decision being made. Her Ph.D. is in education from UCLA where she studied the experiences of students of color at the university and aspects of inequality that poor and minority students face in pursuit of a higher education. She stated students from lower

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

incomes do not receive equal education. She has undertaken a similar study of students in Las Vegas. She said it is clear that the State of Nevada does not provide adequate, equal education to all students. It is known that when students do not receive well funded K-12, it affects access to higher education. The change to admissions requirements would have detrimental consequences and ramifications on students struggling to gain access to UNLV. Student population is not representative of the demographics of the city, which needs to be a priority of the university. There must be better outreach which must happen before the increase takes place. The Latino population is growing rapidly and if the university denies students access it will be detrimental to the future of the state. She continued it was important to recognize the community colleges and Nevada State College are not necessarily better alternatives. The problem is that preparation and support are not taking place. By waiting until 2010 more resources could be created. She did not believe that UNLV was trying to reach out to the communities and was concerned about the number of students of color being representative of the city demographics and the GPA increase shows that to her.

Alma Castro, student at UNLV, wanted the university system to increase standards for 2010. She did not think a binding contract was needed to believe what the Board said about the increase. She has the pleasure of being a student but this is elitist. Many people do not transfer from the community college.

Emmanuelle Leal came before the Board in 2001 as a community college student advocating against raising the GPA. He is now a UNLV student and felt that UNLV could wait until 2010 to raise standards as this will hurt minority and low income students. He will continue to advocate for students.

Lee Rowland, ACLU, noted the bottom line is that no one has presented a sense of urgency for this change.

Social science is not an exact science. To force two changes in a row without evidence of what the change will bring, smacks of a lack of confidence in the figures. Need to keep in mind that minorities are severely underrepresented and will be affected.

Francisco Gonzales thought that to go back on a previous decision was unethical and wrong. Cannot slam the door. Demographics are not symmetrical. He has a gut feeling that this is going against people of color and waiting would be beneficial to people of color. Need to consider demographics.

Gil Lopez asked why are we trying to fix the universities when the schools need to be fixed. He is a tutor at Bridger Middle School and he commented that teachers do not care and students are out of control. He felt there should be a better transition and it is too sudden. He was hearing that looking at figures not the students.

Michael Klein stated this was discrimination against lower income schools. He has been working with Rancho High School where most students have one textbook in the English classes. It is unfair. Need to work with CCSD to get low income schools up to par. It is not fair and not equal.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

Pedro Espinoza, Student Body President at UNLV, commented he loves Las Vegas and UNLV. He went to an underprivileged high school. Students will not transfer from the community college to the university. He thought the GPA increase was too early. Need to take time and think about how it will impact the students. Numbers do not reflect the numbers in the school district. A negative impact of even 1% is large.

Christian Marquez noted he was in favor of raising standards but thought 2007 was too soon. Before the standards are raised, need to help high school underprivileged students. There are problems in the system and community and we need to improve both before standards are raised. There are many ways to get what you want and not getting it done this way. Setting up for failure by changing the GPA from one year to another.

Yazel Navarrete stated raising standards will impact the future. She was in favor of raising the GPA, but not now. Need to tackle the problem in the school system. The university offers solutions and help. Want to be part of the solution not the problem just need time.

Enrique Jimenez, Senator of the Liberal Arts college, represents over 2,500 students at the university. He believed that if this would help the university, need to look at how to help other ethnicities. He agreed the GPA needed to be raised in the future. He felt the numbers were not correct and the number of minorities will decrease. He would not be here with 3.0, however, his GPA is increasing. This will affect half of the high school students and he did not understand why the increase could not wait.

Maria Raquel Casas, Associate Professor of History at UNLV, has degrees from Fresno State, Cornell, U C Santa Barbara and Yale and taught at Madison, Wisconsin. The major difference between them and UNLV is that they have services to make the student successful. In order to make students successful, you need to look at services and quality of education. Asking the students to raise the level of the universities and denying access is not the way. If we want to be a top tier university, need to look at other institutions.

Adrian Havas, Professor of Journalism at CCSN, underscored that Nevada faces steep challenges in education. Massive population growth does not mask deficiencies. Need to upgrade the system and not increase barriers to that system. Need to improve lagging levels of educational achievements in the state's racial and ethnic minorities. The rush to implement the 3.0 GPA is a rush. The proper groundwork has not been made in K-12 or in the community colleges. CCSN remains under funded. This rush to change will cause other institutions to shoulder the burden of educating freshmen.

Ed Johnson, GSA President, UNR, observed that standards send a message. Being a minority did not mean that a person was unable to excel academically and aspire to attend a competitive institution. He was for minorities

excelling but felt we should be discussing funding minority families for education and embracing high standards. He felt that the Board was setting standards for CCSD and he wondered where CCSD's standards were. The Board is trying to be progressive and take the lead. He came from a single family home and had the GPA to get into college. Standards send a message and a message needs to be sent to CCSD and WCSU.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

Senator Mo Denis represents Assembly District 28, one of the highest Hispanic populations. He is a graduate of Rancho High School. He thought it was important to do what we can to improve education. Incredible things are going on in K-12 and kids are excited about education and going to college. He thought it was wonderful to talk about raising standards as we need to challenge our students. He expressed his disappointment in the attempt to speed up the plan. We want our kids to succeed, but need a chance to finish what has been started.

John Mendoza stated he was the President of the Latin Bar Association when they started developing scholarships for Latinos in the community. In the past 25 years, they have awarded \$700,000 in scholarships and brought many students to the campuses. He wondered why we are here. He remembered that in 2001 the Board addressed the issue and asked why the same thing was being done. He read the minutes and agreements that were signed by the Board and carried out by the Board and carried out by Chancellor Nichols. He noted the agreement stated that the community and schools would be brought into and involved in the process. This doesn't work unless you include the schools. He asked what the presidents had done. It seemed to him that many things had not been done. He knew the Chancellor's thought was great and all want to see the university excel. He taught law here before there was a law school. He saw that the problems had not been addressed. There has been a recommendation and attempt to make UNLV higher on the list. The Board made a commitment when they voted in 2001 that this plan would not change until 2010. You are chopping it off without first establishing a factual reason for it. If there is purpose to inquire, then inquire. He raised these issues as a resident of Clark County. He thought there is great promise and future which will come in time.

Tom Rodriguez stated he had sent letters and information to the Board over the years. He found the dog and pony show interesting. He was opposed to the change when it first came up and has not heard a new argument. In 2001, they went through the same arguments and the Board decided to listen. The minority coalition worked out a unique agreement with an elected body. He left happy because there was an agreement. He continued that NSC was not ready to take the overflow. He has faith in President Maryanski and NSC will be a great college but they are not there yet. He noted that 61% of all students in CCSD are minority. In the next three years, 14,000 minority students a year will graduate and 9,000 want to go to college. Barriers are being put up by not providing access. There are real questions to answer in this state. The Board's role is to go to the legislature and ask what to do. There was a great plan and it does not need to go to 2007. Let NSC grow, let the school district get ready, and leave the legacy you're supposed to.

Tony Sanchez, Las Vegas attorney and product of CCSD, community college, and UNLV, noted it has only been 3.5 years since the plan was made and it was a six month process last time with hearings throughout state. He was not sure why we were here. Chancellor Nichols said in 2002 that a common theme was that minority organizations wanted to be a partner with the System. The hope was that the admissions standards would not be raised. He wondered if all 21 points adopted in 2002 had been

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

implemented. He asked the Board to work with the system that was given. There must be clear alternatives and NSC needs time to catch up.

Miriam Rodriguez, Las Vegas attorney and a graduate of UNLV liberate arts and Boyd Law School, stated she had recently met with Chancellor Rogers. She has worked for a non-profit housing organization and low income students had major problems at home and will be affected by this. They do not receive the necessary counseling, and come from families that probably never had a college graduate. They are coming ill prepared. The plan for

2010 needs to be respected to give participants time to catch up. If enrollment rates are down, she did not see the urgency.

Regent Whipple informed the speakers that the Board would be holding a joint meeting with the State Board of Education on December 2, 2005. He continued that the Board shares the concerns being expressed. He encouraged speakers to attend that meeting.

Sylvia Lazos, Professor at the Boyd School of Law, supports the goals of making UNLV a top research institution. She was part of the group that circulated a position paper on the status of Latinos in higher education and a brief analysis of the GPA change. She related to the Board that this was an honest attempt to help Regents on this complex

issue. Key questions are: is this the right time as many have claimed there are moral commitments which the Board will have to evaluate; is the system ready and are the sister institutions ready to take the students; and have we done our homework adequately. Another factor to be looked at is the impact on poor, working class families. Two weeks ago a national organization came out with a report ranking states nationally about educating Latinos and Nevada was last. She urged the Board to look at the issue from that perspective.

Otto Merida, President of the Latin Chamber, stated he had met with Chancellor Rogers and was told he came forward with problems and no solutions. A committee is being formed to bring forward solutions. The Latin Chamber wants to be part of the solution. At the school district there are 107,000 Hispanics enrolled in CCSD who will be affected. There is a tremendous amount of talent involved in the solutions but time is needed.

Henry Villanueva supports the universities' efforts to increase standards. It is a wise choice to set the standard to 3.0 but also to support the promise made in 2001. Rushing forward is ill-conceived as there is not sufficient data it is only speculation. Need to determine what students will be impacted who are enrolled in core courses. He wondered, historically, how many students enrolled are in core courses and if they reflect students. There is not sufficient data to assess the situation. He is a strong supporter of UNLV and his tenure has been rewarding and interesting. The institution needs to be careful and have quantitative data to make sound decisions. Rushing will not allow that. A challenge to be faced will be an adverse relationship.

Senator Joe Neal wanted to add a historic perspective. Over 30 years ago Richard Nixon introduced the southern strategy which included an education component and introduced synergistic education over and above cognitive thinking. This is now being seen coming up to the university level as discussion is taking place about students not trained in the

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

high schools. With a synergistic model they are not trained. The real purpose behind this is an attack upon public education. When setting standards is begun, people are cut out and we are now moving toward that system. This is what we are faced with. Everyone wants to have a good education and standards. He asked the Board to think about what they were doing and would lead to. No one wants to go to an elitist institution. This is taking place across the country. He hoped the Board would take into account where the System was going and what it would lead to and to look at the standards cognitively.

Regent Whipple asked Swisher to come forward and make their presentation and stated that this item would continue after.

Regents Derby, Howard, and Leavitt left the meeting.

10. Information Only-Presentation by the Swisher Company - The Swisher Company made a presentation to the Board on its privatized development and financing program and how it may serve the educational facility needs of NSHE.

Regent Whipple thanked Mr. Steve Swisher and Mr. Tony Traub for their patience. Mr. Swisher thanked the

Board for the opportunity to make this presentation. He noted the lease purchase approach is the cutting edge of project delivery.

TAX EXEMPT TURNKEY LEASE PURCHASE PROJECT DELIVERY PROGRAM – Swisher Garfield Traub Development

TAX EXEMPT turnkey lease purchase project delivery is the best way for the Nevada System of Higher Education to acquire critical facilities to meet educational goals

Program Benefits

- • Lowest Cost of Ownership
 - No developer ownership or arbitrage; Fee only developers
 - Usually .15% to .25% over bond rate
 - No buyout at the end of the project
- • Maximum owner control
 - Non-profit “owner” is the educational institution
 - Review of construction line-items
- • Fastest Project Delivery
 - Collaborative design build approach can establish GMAX and break ground in less than one year

Swisher Garfield Traub

- • Stephen L. Swisher, AIA-Principal, Las Vegas Office
 - 25 years of Las Vegas community involvement
 - 30 years of industry experience
 - Education & sustainable design expert
 - Leads Programming, Planning and Design consultant team

10. Information Only-Presentation by the Swisher Company – *(continued)*

- Eric “Tony” Traub-Principal, Las Vegas Office
- 30 years of Las Vegas community involvement
- Former CEO and President of American Nevada Corporation, Western Regional Director of Perini Corporation
- Leads creation of design and construction contract documents, life cycle cost analysis, construction phase oversight
- Swisher Garfield Traub
- Over \$11 billion project development experience
- Offices located in Las Vegas and Dallas
- Extensive education and public sector experience
- National developer of essential facilities for PUBLIC SECTOR clients
- Specializes in TAX-EXEMPT turnkey lease-purchase project delivery
- Over \$1 billion tax-exempt public/private lease-purchase developments in progress or recently completed
- We marry the best aspects of private development:
 - • Speed
 - • Collaboration during design phase
 - • Flexibility during construction
 - • Sole source of responsibility

Regent Alden left the meeting.

Special requirements of public assembly and educational facilities

- Buildings must serve a larger idea

- Support learning
- Create industry partnerships
- Ignite redevelopment
- Civic/Campus integration
- Collaboration and stakeholder involvement
- Transparency – Accountability
- Life Cycle Costing/Energy Reduction/Sustainability
- Assembly/Education building type expertise

High Performance Teaching and Learning Environments

- • Safe and secure
- • Technology rich; support multiple modes of teaching and learning
- • Flexible and Efficient
- • Daylighting
- • Energy reduction/Sustainability
- • Provide Presentation/Display space
- • Provide breakout/collaboration space
- • Integrate with the campus and community
- • Develop through a collaborative process

10. Information Only-Presentation by the Swisher Company – *(continued)*

Two types of Public Private Lease-Purchase Development

- • Conventional
 - Developer “owns” and controls the building
 - Leases over 25-50 years
 - Employs conventional financing
 - Pays property tax and sales tax
 - The private developer profits on rent plus equity
 - Construction costs are “closed book” lump sum
 - NSHE system pays “buys out” at the end of 25 years
- • Tax-Exempt
 - Owner controls project through Non-profit entity
 - Interest cost 35% lower than conventional financing
 - FEE ONLY developer
 - No sales or property tax
 - Open book/GMAX contract
 - NSHE system owns project upon payment of bond-NO BUYOUT at end

Regent Howard entered the meeting.

Toledo Multipurpose arena

Core Expertise

- • Public Private Partnerships
- • Tax Exempt Lease-purchase turnkey delivery
- • Public Assembly and Educational Facilities

Swisher Garfield Traub Tax-Exempt turnkey lease-purchase project delivery process:

- • Lowest cost of ownership
- • Maximum owner control

- • Fixed Fee Developer
- • Collaborative process
- • Maximum transparency and accountability
- • High performance teaching and learning environments
- • Energy conscious/sustainable design
- • Experience with NSHE institutions and the SPWB
- • Local team/national practice

Regent Whipple thanked Mr. Swisher and Mr. Traub for the presentation. Regent Dondero asked if a brochure were available that would provide an explanation. Mr. Traub answered there were a variety that could be sent. Regent Wixom stated it would be helpful to have the presentation in brochure form to use as a resource. Mr. Traub replied it would be printed and sent.

Regent Whipple thanked the Swisher Company for their patience and stated it was an excellent presentation.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

Regent Gallagher commented that the Board had been through this issue before and for her it was a fairness issue. When students are admitted to a four year institution when they are not prepared and they fail, their lives may have been ruined and they may have the idea they cannot succeed at anything. She felt raising admissions was not fair to the students, their parents and taxpayers. Regent Leavitt appreciated the comments and stated this is a huge issue. Alternate admission criteria had not been discussed. He applauded Presidents Harter and Lilley for trying to make their institutions flagships. He wanted the System to do everything possible to have the widest possible net for alternate admission criteria. He is a criminal defense attorney and 60-70% of his clients are non-Caucasian who do not have an education. There are not simple solutions. He hoped that as admissions are increased, alternative admissions would be as wide as possible. He expressed his appreciation for the comments made by Board members.

Regent Sisolak objected that this item was bifurcated. He did not appreciate President Harter's leaving the meeting. His problem was that a deal was made in 2001 which was not struck easily. If it is changed now, how can anyone be assured that it will not change again in 2007. He ventured to say that they do not differentiate on the grade reports what the GPA is in the core courses and that students do not know what their GPA is in the core courses. He believed a more inclusive discussion relating to this item was needed so that everyone has an opportunity to speak. He asked that open sessions be held related to this issue. Regent Anthony noted that in 2001 the Board went through a process to raise admissions standards and asked for clarification of the reason to change it now. Chancellor Rogers replied he was distressed and no one talked about grade inflation. The higher education system is trying to improve and set standards and expectations. Students go to the high schools and pressure is placed on the teachers for students to obtain a certain GPA. Higher education will never be ahead of grade inflation. Looking at the System's graduation rate, we should be talking about more than letting students into school. There should be a presumption that students can perform university work. Access has to be provided, but through the community college, the state college or university. With grade inflation, 80% of high school graduates are qualified to go to the university. He stated that increasing the minimum grade point average was not the answer, but one needs to be found in collaboration with the System, the minority community, CCSD and WCSU. It is a system that is self destructive. Chancellor Rogers commented Nevada will never be a real university system without setting standards. He did not want to exclude anyone, but not everyone has a vested right to go to the university. He was distressed that he is given the reason about not being ready for change. He thinks it should be changed and the state college built. Good school systems have decided that waiting does not work, good systems react and plan and if it does not work then it is changed. By 2010, the System will not be able to keep anyone out because of grade inflation. Regent Anthony commented the Chancellor made valid points. His concern was that a plan was put in place in 2001 and it is being changed mid-stream. Chancellor Rogers thought the 2001 plan was short-sighted and did not look forward to building two fine universities. The deal had to contemplate that the level of the student coming to the universities would remain at 2.5. A deal was made with the minority groups in the state with a system feeding students that changed the deal. Grades have no meaning. Presidents Harter and Lilley have provided the alternative of test scores. The System wants to be inclusive. As many meetings as necessary will be held.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

There is a problem caused by the K-12 system that we have no control over and the issues need to be worked out. There has been little effort to talk to CCSD and WCSD about students being sent to NSHE.

Regent Whipple left the meeting.

President Maryanski stated that NSC has plans in place to accept a larger class in 2007. NSC was created as the middle tier of the System and a detail plan will be brought to the Board next year. In the state funding formula, over 5 years, the budget will increase by \$13.5 million and the faculty will triple following the formula as is. NSC will ask for additional initiative funding to augment. The administration has consistently said NSC is ready to take the students. With state funding through the facilities formula, NSC will be able to provide classrooms and faculty offices. President Maryanski noted that all degree programs are accredited. NSC students participated in two national surveys: the educational benchmarking program looked at teacher preparation graduates and showed NSC students were above average on 69 of 70 questions; the national survey of student engagement showed that there were 11 questions where NSC was 3 standard deviations above the mean. The surveys demonstrate the quality of the educational experience at NSC. A proposal is being developed for a member of NSC's foundation board interested in funding outreach programs. The goal of the proposal is to provide educational opportunity for high potential, low income minority students by developing a support structure that will point them in the direction of a college education. NSC has started to work with the CCSD east region and is focusing on promoting higher education to parents and dual enrollment courses at the high schools. The proposal would augment that, offer transportation to college campuses and additional mentoring for at risk students and their parents. He provided a dramatic statistic that 60% of Latino males and 50% of Latina females in Clark County do not have a high school degree. Before getting into the issues of college admissions and graduation rates, something needs to be done about high school for minority students. The data is indicative of significant problems. NSC is poised to grow and plans are in place.

Regent Rosenberg knows there is a misconception about what the community colleges and NSC are and stated they are not ghettos for second class citizens. They are good schools and do more than they need to. Access is not entitlement and education is competitive. Most students work hard to get into college. Nevada has special needs and problems. Competition is not bad, it prepares students for life. He cares a great deal about the students. He knew there was good will and everyone wanted to do the best for the students. Need to find a way to get what the students need. He felt that much of the comments made needed to be made before the joint meeting with the State Board of Education.

Regent Hill stated he is from Washoe County and he did not know about the CCSD. If 25% of what he heard about CCSD was true, pickets should be in front of school board meetings. There may be those that feel a contract was made that cannot be broken, he was not one. He did not feel bound by what happened in 2001. He noted that 68% of Washoe County School District students have a GPA of 3.0 or above. Many millennium scholars are taking remedial courses. He continued that the community colleges needed

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

to be promoted more. He asked to hear about the impact on community colleges, if they are ready and whether they do a better a job of counseling. He noted that grade inflation has not arrived in the rural counties. Regent Sisolak agreed with much that had been said and there is a stigma to community colleges. He felt "community college" is antiquated. He was interested to know if the university presidents were willing to give up capital improvement funds to the community colleges to build classrooms for students. The System cannot continue to build expensive research buildings at the universities.

Regent Howard stated she was disturbed by things that had been said. She appreciated many things said, but believed the discussion had gotten off the topic. Instead of discussing what is at issue, the Board would rather talk about other things.

Regent Whipple entered the meeting.

Regent Howard believed the role of the chancellor needs to be redefined and asked what the Chancellor's role was. Ms. Neilsen tried to get the attention of the chair. Regent Howard was disappointed that the Chancellor took a public stand on this issue. Regent Whipple stated this discussion was off the agenda item and more of an evaluation. Regent Howard stated she did not appreciate the fact that the System's representative took a position before it came to the Board. She continued that the original plan was disturbing by having the GPA go from 2.5 to 3.0 in a few months. The problem is that these kinds of decisions will impact thousands who are trying to overcome other problems. No studies or assessments are done. She wondered how the presidents and campuses could be expected to respect diversity when the Board doesn't. There was no data on how low income students would be affected. She wondered why the question of urgency had not been answered. Students are the ones who need to be worried about. The Board needs to stick to its word; it is a breach of contract. She felt increasing standards to increase the quality of a university is hypocritical, especially with UNLV. Standards are being lowered at some colleges. The English Department wants to lower standards to not lose students to CCSN so that CCSN can take care of remedial students. Provost Alden asked if Regent Howard wanted him to address the issue. Regent Howard replied he could when she was finished. Regent Howard continued that every time the university did not want to do something, they say the community college can do it. The community colleges are the dumping ground. She believed the Board is dysfunctional. Good systems that people talk about do not react by increasing standards. What makes them good is how they treat students. Increasing tuition rates and admission standards at the same time is a "double whammy" on minority students by not benefiting students. She did not want admissions standards lowered. She believed in raising the bar, but felt it is how and when you do it. If this admissions requirement is put into place in 2007, the minority retention and graduation rates will go down because their numbers will be decreased. Regent Howard stated steps taken to put the item on the agenda were disregarded which needs to be addressed. If UNLV wants to do all this research, they should become a private institution like DRI.

Regent Whipple thanked Regent Howard for her comments and noted this is a serious matter.

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

Regent Wixom understood that if a student was admitted to UNLV or UNR with a GPA of 2.5, their failure rate is guaranteed. He wondered what the percentage was of graduates from UNR and UNLV who entered with a 2.5 GPA. President Lilley agreed with Regent Rosenberg. He noted that Washoe County is not a paragon of public school education, but they are supportive of the increase. UNR also has the support of underrepresented groups. The county is becoming more Hispanic and they are supportive of the change. Data for UNR is available for students from low socio-economic areas and there is no disparate impact. Dr. Shannon Ellis, Vice President for Student Services at UNR, stated the average entering GPA of the freshman class is 3.38. The majority of students have well over a 3.0 GPA. There is not a large percentage of students who have less than a 2.75 GPA and those students are known to not succeed. Regent Wixom felt there has been a disconnect. On one hand there is a drive for students to succeed and the emphasis is to try to create admissions standards where they will succeed and on the other hand it has been called elitist. He thought the disconnect needed to be addressed and wondered where do we go from here to address it.

Regent Howard left the meeting.

Executive Vice Chancellor Klaich responded part of disconnect came from different interpretations of data or lack of data. A different kind of disconnect is the one in the pipeline between what we are getting and how to help them succeed. He did not know how to bridge that gap other than talking to the stakeholders to examine issues and come to a conclusion that all looking at the same data, the data is solid and it shows what is or isn't. There are not easy solutions or decisions. He did not know how to make decisions without involving other stakeholders. Dr. Ellis stated when the admissions standards were raised in 2001, the WCSD developed the Gateway Curriculum. Every student entering a Washoe County high school will automatically be on the college track and all are eligible to attend the university. Parents must sign a document removing a student from the

program. Work needs to be done with students in grades 6-8 and their families to tell them what needs to be done in high school. It is easier when the connection is there. This will have a profound effect on students in the north.

President Lucey stated that three years ago when the issue came up, she was silent and community colleges were not mentioned. She vowed at that time that she would defend her college. She is fortunate to lead a good community college. Her experience in Nevada has been that the public arena treats community colleges with contempt. She sent her son to a community college and his community college experience saved him from a disaster at NYU. Every year she sees young people who get bruised by their experiences at the university. They come to community colleges and are put back together. She is very proud of her faculty. She supports the university presidents' initiative as it will save academic lives, not ruin them. Regent Whipple thanked President Lucey for her comments. He noted that he has three degrees, one from CCSN. President Carpenter stated many people had been heard from this afternoon. He observed when messages are delivered with emotion, content gets lost and he resisted the urge to assume a defensive posture. A common theme emerged which is there is a general concern that the Board would take action that would limit access to a quality four year degree in Nevada. He urged the Board to go back to discussions regarding retention, student

9. Information Only-Handbook Revision, University Admissions Criteria –(continued)

success, graduation rates, funding for student support and formalized 2+2 contract, and link the GPA discussions to those. He felt this might provide assurance to the public and allay concerns.

Regent Schofield stated he has mixed emotions on the issue. A commitment was made in 2001 for 2010 and pleas were heard from many who are concerned. The issue is to stick by our word. If the Board moves forward, and there are strong negative feelings, there will be problems in the future. Need to make sure we are on a team. It is felt that the Board is violating an agreement made in 2001. The problem is that the K-12 system is sending products that create this problem and a K-16 team needs to be created. He knows there are problems in the school district. Discipline and respect have been lost.

President Ringle heard the admission requirement is not simply a university issue, it is a System issue. He encouraged the Board to look at the systemic issues. He thought the issue was success and access. He wants to be part of a system where every Nevadan has access and can achieve as much as they want. He agreed with raising standards as it would raise success and graduation rates.

Regent Wixom felt the affect on formula funding must be addressed. Regent Sisolak replied funding would be affected on the capital and operating sides. It will cause a large strain for the initial three year period because students will move but the community colleges will not receive additional funding. He felt looking at the name issue might help in the legislature. Regent Schofield stated he has 6 children, 30 grandchildren and 32 great grandchildren. He has taken classes at CCSN and UNLV, and is a graduate from UNLV and UNR. He has been to GBC, WNCC and TMCC. He would send any one of his family to any of the schools and be proud.

President Lilley did not want to leave the impression that the universities were signing away their capital budget. He reminded those in attendance that on the rolling average 50% of the formula was what happened in the previous year. Raising the admission standards was not to shrink the size of universities. He expressed his concern about how to get from here to there. He noted that in public sessions people just talk and there is no "give and take". Regent Dondero felt an issue to be addressed was that the Board was not keeping their word. Regent Whipple stated there would be many opportunities to discuss this issue.

The meeting recessed at 7:00 p.m. and reconvened at 8:00 a.m., Friday, December 2, 2005 with all members present with the exception of Regents Anthony, Derby, Howard, Schofield and Sisolak.

11. Information Only-Foundation Reports - Sitting as members of the respective institution foundations, the Board reviewed presentations from the institution foundations.

The meeting recessed to hear the foundation reports at 8:00 a.m. and reconvened at 8:51 a.m. with all members present except Regents Anthony, Howard, Leavitt, Rosenberg and Sisolak.

12. Approved-William S. Boyd School of Law Fee Increase, UNLV – The Board approved President Carol C. Harter’s request for approval to increase tuition and registration fees for students “grandfathered” from the previous tuition increase, approved by the Board of Regents in March 2004, by an amount equal to 10% of their current tuition effective July 1, 2006. This increase is consistent with assurances made at the Legislature during an April 8, 2005 hearing of the Joint Subcommittee on Higher Education and Capital Improvements (*Ref. C on file in the Board office*).

President Harter recalled that last year Dean Dick Morgan recognized the need to raise tuition at the law school while not hurting students currently enrolled, which was not popular in the legislature. There was a sense that there needed to be a tuition increase to take effect on the current students. A way was found to not penalize current students which appeased the legislature

Regents Sisolak, Anthony, Howard and Rosenberg entered the meeting.

Dean Morgan stated when it was decided to grandfather existing students, it did not occur to him to put a modest increase on those students. Senator Raggio, who is a supporter of the law school, pointed out that it could have been done and asked why it was not. Senator Raggio suggested a 10% increase on the few students who remain grandfathered in the school. The students are part-time resident students and the revenue gain will be \$16,000 per year. He stated this was done to keep faith with the legislature.

Regent Hill moved approval of the William S. Boyd School of Law fee increase. Regent Derby seconded. Motion carried. Regent Leavitt was absent.

8. Approved-Appointment, Interim President, UNR – (*continued*)

Regent Hill moved, pursuant to the Board of Regents’ Bylaws, Article V, Section 20, to reconsider the Board’s action on item 8, the confirming of Joe Crowley as Interim President as the terms and conditions of employment were not read into the motion. Regent Alden seconded. Motion carried. Regent Leavitt was absent.

Regent Hill amended the previous motion to add the contract terms: base salary of \$208,845, effective December 5, 2005, car allowance of \$8,000 per fiscal year, prorated for partial year service, housing allowance of \$18,000 per fiscal year, prorated for partial year service, \$5,000 host account, contract period through June 30, 2006 or before if the search is completed and a president is selected, standard termination and disciplinary clause and benefits package and no additional tenure. Regent Anthony seconded.

8. Approved-Appointment, Interim President, UNR – (*continued*)

Regent Sisolak asked how the salary was developed. Chancellor Rogers answered the standard salary for an interim president was 90% of the president’s salary and no part of the foundation money was used. Regent Sisolak asked when President Lilley’s salary would end. Chancellor Rogers replied he would be paid through January 2, 2006. Regent Sisolak noted that two presidents would be on salary. Chancellor Rogers noted that would give President Lilley the time to get out of the office and do things needed to move on. He continued that the problem was not that the presidents are paid too much or there is an overlap, it is that part-time professors are not paid enough.

Motion carried. Regent Leavitt was absent.

13. Information Only-Extending Board Controlled Benefits to Domestic Partners of NSHE Employees – The Board discussed the issue of extending Board controlled benefits to domestic partners of NSHE employees (*Ref. M on file in the Board office*).

Chancellor Rogers expressed his support for the adoption of this plan, as have the presidents. Dean Morgan thanked the Board, Chancellor and presidents for considering a very important issue. He thanked President Harter who has been a great champion of this issue. His purpose was to build a great law school as part of a great System and to do that he needs to recruit and retain excellent people. In that process, benefits and fairness are important. Benefits can make a difference in who applies and who stays. Domestic partner benefits can be an important factor in the institution's tone and atmosphere. Faculty do not want to worry about losing colleagues to other institutions. Faculty and staff want to know the System is treating people fairly. He wants to be able to recruit and retain the best people. He assumed it was that business sense that has motivated most of the Fortune 500 companies to adopt these benefits. He asked for serious consideration of the matter and noted the System will need to go to the legislature to consider health benefits. Regent Hill stated he did not have problems extending domestic partner rights to those who cannot legally marry, but he has problems extending benefits to those legally allowed to marry and asked to be enlightened. Dean Morgan answered benefits would be extended to those who are committed life partners. He noted there are some whose moral code dictates that the relationship will be more meaningful and valid if they do not succumb to societal pressure. He did not think it was something they were doing lightly, it was a personal choice. Regent Anthony did not see a specific definition of domestic partner. Dean Morgan replied it was included on the form at the end of the briefing paper. The definition was crafted by the System Office and it will be up to the Board to decide if it was appropriate. Regent Anthony asked if boyfriend and girlfriend would be considered life partners. Dean Morgan responded yes, if they committed themselves as life partners. He continued there is an affidavit form to be completed. Regent Anthony asked how you would know if they are life partners. Dean Morgan answered because they would complete the paperwork.

Regent Howard clarified that domestic partners does not always mean same sex couples. Dean Morgan answered not under this definition and census data shows same sex domestic partnerships in the country are about .7% of the population and heterosexual, unmarried domestic partnerships are 5.8%. Regent Howard asked if there are guidelines for the length of time that qualified partners to be domestic. Dean Morgan responded

13. Information Only-Extending Board Controlled Benefits to Domestic Partners of NSHE Employees –
(continued)

there is no such guideline in the briefing paper but one could be considered during the discussions. The briefing paper states that people have to declare themselves as being in a committed life relationship. Executive Vice Chancellor Klaich noted this item was brought to secure input, information and questions. He noted a number of definitions were surveyed and some states do set time limits but the more common definition found did not. Currently looking for guidance from the Board. Regent Howard asked if Dean Morgan had considered any safeguards to make certain domestic partners are not discriminated against. Dean Morgan thought the goal was to be as fair and inclusive as possible. The intent of the Nevada statute is to treat public and private employees in a fair and inclusive way.

Mr. Gary Peck, ACLU, noted Dean Morgan emphasized the business angle and the desire to elevate Nevada's institutions to world class status. All institutions he has spent time at have expansive domestic partner benefit programs. The ACLU has a domestic partners program, which could be used as a model, because it is a fairness issue. Nevada has laws regarding the protection of marriage and when that law was passed, the advocates insisted it was only about marriage, not benefits. Advocates said they were not opposed to extending all of the benefits attached to marriage to unmarried same sex couples. Nevada has also passed an employment non-discrimination act. The legislature enacted language that it is against state policy to discriminate in public accommodations based on actual or perceived sexual orientation. He wanted to emphasize that the policy is consistent with the values of the State of Nevada, which prides itself on being inclusive. The ACLU can provide Executive Vice Chancellor Klaich with a vast array of models and best practices. He noted that ACLU has dealt with this issue nationally.

Mr. Richard Ziser, Nevada Concerned Citizens, sent a letter to the Board which gave an outline of his position and his group. The public policy of the state has been well defined in this area. He felt it important to note that

most of this began with Erin Kenny in 1999 when domestic partner benefits were being considered for the county. The attorney for the county believed it was against state law to provide those benefits in a government entity. The county dropped the issue, but Ms. Kenny said the legislature would be approached to have the term “spouse” redefined by state law. The legislation did not pass. The legislature discussed the concepts and definition of domestic partnerships and referred to it as reciprocal beneficiaries chose not to pass it and a precedent has been set. Mayor Goodman requested domestic partnership benefits be looked into at the city level. His letter stated that the ruling of Mr. Priebe that extending benefits in a government entity was illegal must be looked at. The city dropped the issue as well. If the Board has any inclination to move forward against public policy, the ruling put forth by the county needs to be challenged. Ms. Kenny had an opportunity, through the Attorney General, and chose not to pursue it. He believed the best place to challenge the ruling is through the Attorney General. The Defense of Marriage Act that was passed in the state of Nevada must also be included. There are many examples of lawsuits across the country challenging domestic partnership benefits based on the definition of marriage. There is a public policy that has been established. Moving forward would go against the overwhelming public policy of the state.

13. Information Only-Extending Board Controlled Benefits to Domestic Partners of NSHE Employees –
(continued)

Dr. Clint Richards, UNLV Faculty Senate Chair, noted that the Faculty Senate Chairs unanimously support extending benefits to domestic partners. They urged NSHE to join hundreds of colleges and universities and thousand of organization across the United States in offering these benefits. They believed it would have a positive impact on recruitment and retention of faculty and other professional staff and that it was fair and equitable. He received an email from Dr. Jim Richardson that 74% of the top 50 national four-year institutions as ranked by US News & World Report provide domestic partner benefits.

Professor Jim Richardson stated he was speaking at the request of Frank Hartigan, the state NFA president, about the NFA and the national AAUP positions. The national AAUP has had a position that this is a fairness issue and should be addressed in those terms. He appreciated that people can disagree. Nevada is in the big leagues and needs to recruit and retain faculty. Competitors are rapidly jumping on board. He noted that one could debate all day what public policy is on this issue. He reminded the Board that the document says this is not an issue in the state in terms of retirement. He was present at the legislature when it was recommended to change the law that anyone could be designated as a beneficiary for retirement benefits. The legislature has determined anyone could be designated as a beneficiary in PERS or the alternate retirement system. He also pointed out that the Board has constitutional autonomy and NFA has defended that autonomy in courts in the state. Faculty are happy and proud that the Board is autonomous. The Board has authority over the System and a responsibility to do the right thing. He thought this was the time for the Board to establish public policy in this area.

Regent Sisolak commented that some relationships do not marry due to alimony issues. He asked if states offered a “cafeteria plan” related to benefits. Regent Whipple asked that this information be brought back during future discussions. Regent Leavitt asked if a group of people would be discouraged from marriage if the policy were adopted. Mr. Peck was unsure if it should be the job of the Board to create incentives or disincentives for employees to marry or not marry and believed there were many reasons that people do or do not choose to get married. He thought the concern was that people will gain the system and those not in long-term relationships will try to get into the system. The ACLU has employees sign affidavits, which carry the force of law. Mr. Peck continued the policy would not be the determinate factor for people in deciding whether or not to marry.

Regent Dondero stated the Public Employees Retirement System (PERS) book indicated all classified employees belong to PERS but professors do not. She wondered if professors could be included or if they had their own organization. Ms. Carla Henson, NSHE System Human Resources Director, responded there were faculty members in PERS, but the majority are in alternative plans. She noted that any beneficiary could be designated in any of the companies. Regent Dondero asked if it was possible for faculty to belong to PERS. Ms. Henson replied no. She continued there are professors hired many years ago that are in PERS. President Harter stated that PERS was only for retirement, not for other benefits like grant-in-aid that the Board has the authority

to offer separate from the State of Nevada. She noted that a study showed great cities with great

13. Information Only-Extending Board Controlled Benefits to Domestic Partners of NSHE Employees –
(continued)

economies have domestic partnership benefits. Regent Derby acknowledged and thanked staff for putting together background information on the issue and continued that this has not been a simple issue for the Board. She thanked everyone for bringing forward the information. She thought it was more an issue of sexual orientation, however she noticed that 90% of those impacted were heterosexual couples. She was interested in the timing issue for those in committed life relationships. She expressed her curiosity about other systems who have this in place.

Regent Rosenberg stated in 71 years he did not think he would hear this discussion. Regent Wixom stated it was positive to have discussion and have it in a civil way. He noted that over the last two weeks he attempted to do his own investigation and found few materials that were not put forward without a point of view with little objective analysis of the nature of consequences of extending domestic partner benefits. The information he received indicated that costs were being underestimated, administrative difficulties in addressing the issue were being underestimated, and it seemed to him that by extending benefits recognition would be given to a relationship with no precedent. He did not think the Board was empowered to give that recognition and he asked staff to address this issue. He stated it was the Board's responsibility to understand the consequences of the decision. Regent Derby was curious about the range of options when other policies and models were reviewed. Regent Howard asked if it was the intention to put it on the next agenda. Regent Whipple answered no as he wanted to provide staff the opportunity to gather the information. Regent Howard asked how long it would take to gather information and when it would come back. Executive Vice Chancellor Klaich felt it could be prepared by the March meeting.

Regent Leavitt entered the meeting.

14. Approved-Handbook Revision, Hiring Above the Executive Salary Range – The Board approved Chancellor James E. Rogers' request of a change in Board Policy (*Title 4, Chapter 3, Section 21(2)*) to clarify that the Chancellor may, in extraordinary circumstances, approve initial placement above the executive salary range, subject to annual report to the Board. For the Chancellor to approve placement above the schedule, the institution president must demonstrate that the placement is appropriate based on extraordinary qualifications, the competitive nature of the field or discipline and the candidate's salary history (*Ref. D on file in the Board office*).

Executive Vice Chancellor Klaich noted this item was one of many requiring guidance from the Board. There was a situation where someone was hired above the salary range and the Board needs to decide if they want to see and approve these items or have the Chancellor approve them and report to the Board. Regent Derby stated after the discussion of part-time faculty and how underpaid they are, she is more sensitive to executive salaries and she wants them to continue coming to the Board rather than delegating the authority.

14. Approved-Handbook Revision, Hiring Above the Executive Salary Range –(continued)

Regent Alden moved approval of allowing the Chancellor to approve initial placement above the executive salary range. Regent Hill seconded.

Regent Sisolak reiterated Regent Derby's comments and expressed his opposition. He asked if the Chancellor could approve part-time faculty salaries over the salary schedule. Executive Vice Chancellor Klaich answered not that he was aware of. Ms. Nielsen noted Handbook policy would not allow the Chancellor to pay above the established salaries. She continued there is a formula in the Handbook for part-time salaries. Vice Chancellor Nichols believed the System did not have a maximum salary range for part-time faculty but there is a minimum salary. The range is at the discretion of the campus. There would never be an issue of paying more to part-time faculty, however, it is an issue of money. Ms. Nielsen stated funding drives part-time salaries. Regent Sisolak clarified that there was a range for executive salaries but not for part-time salaries. Vice Chancellor Nichols

replied there is a minimum. Regent Sisolak again noted he could not support this item.

Regent Hill wondered if a report to the Board could be required and offered a friendly amendment that any hires above the range would be reported to the Board annually. Ms. Nielsen noted that is in the proposal. Chancellor Rogers stated these situations happen during hiring and the Board could be informed shortly thereafter. Regent Rosenberg noted if a hire was brought before the Board they could not deny it because there would be a contract. Chancellor Rogers asked that this be given a chance as it could be withdrawn if a problem arises. Regent Gallagher asked what the problem would be reporting to the Chair during negotiations as she thought that would be a better arrangement. Chancellor Rogers did not have a problem discussing with the Chair and thought those discussions would be held regardless. Regent Gallagher thought it better if the Chair was aware. Chancellor Rogers stated he would not make the offer without the consent of the Board Chair.

Mrs. Dobyms clarified the proposal was to modify the motion so that any discussion be brought to the Board Chair's attention and his permission gained in addition to an annual report to the Board. Regent Alden and Regent Hill accepted the modification.

Regent Sisolak noted a point of order and asked if he understood that any figure above the range could be offered. Regent Whipple answered yes.

Upon a roll call vote the motion carried. Regents Alden, Anthony, Gallagher, Hill, Leavitt, Schofield, Whipple and Wixom voted yes. Regents Derby, Dondero, Howard, Rosenberg and Sisolak voted no.

15. Information Only-Handbook Revision, Regent Compensation - Executive Vice Chancellor Daniel Klaich provided information on a revision of Board of Regents' Bylaws, Title 1, Article III, Section 8, to conform to NRS 396.070(1), which provides Regents a salary of \$80 for each meeting attended. This was the first reading of a Bylaw amendment, with final action to be taken at the January 2006 meeting (*Ref. E on file in the Board office*).

Executive Vice Chancellor Klaich noted this was an amendment to Regents Bylaws providing that Regents may receive compensation. Regent Alden stated that when he was sworn into office there was no pay and he is still not taking pay. Regent Gallagher asked where the money comes from. Executive Vice Chancellor Klaich answered there was no appropriation and the salary comes from non-state funds.

16. Approved-Agreement Regarding the Davidson Academy of Nevada, a University School for Profoundly Gifted Children, UNR – The Board approved President John M. Lilley's request of the Agreement Regarding the Davidson Academy of Nevada, a University School for Profoundly Gifted Children (*Ref. Y on file in the Board office*).

President Lilley expressed his pleasure at being able to bring the proposal forward. He noted the Davidsons are remarkable entrepreneurs and UNR has been fortunate to develop a partnership with the Davidson Institute for Talent Development. The proposal is based upon authorization passed by the legislature that made this opportunity possible. With approval of the contract, UNR will be able to have young very gifted students on campus, which will have an impact on the economy and security of the country. Provost Frederick stated this was an exiting concept for the university. The last two summers, UNR has hosted the Davidson Think Summer Institute, which has brought 20 talented and gifted young scholars to campus for a three week summer camp. The students earn 7 college credits on an accelerated basis. Work has been done with the Davidsons over the past several months in developing the proposal. The academy would be housed on UNR's campus, students would be between 10-15 but there are no age restrictions, they would not have achieved their high school diploma but most would finish their high school diplomas in a few years and move into college level courses. As students finish their high school diplomas, they would also be enrolling in university courses and paying fees to take those courses. At the time they finish their programs, it is anticipated they would enroll in graduate programs.

Mr. Davidson acknowledged and thanked those at UNR who had worked in the summer program. The Davison

Academy would be a public 6-12 Nevada school which received special legislation for its creation. Children are not subject to seat time in a course, they proceed at their own pace. The children are profoundly gifted and represent about 1 in every 25,000 births and approximately 200 of these children are born in the U.S. each year. The Academy is expected to graduate 50-100 students per year, which would mean UNR would receive 25-50% of the students. Permanent quarters are being planned and the university will not be bearing the cost. Mrs. Davidson stated they have been serving this population for six years. The main program serves 800 students and will serve over 1,000 next year. Students are served on an individual basis according to their needs. Students have a desire to learn and it is difficult for them to be placed in a classroom where they have to wait for others to catch up with them. They have been working hard to find appropriate educational accommodations. She noted she had never worked with a

16. Approved-Agreement Regarding the Davidson Academy of Nevada, a University School for Profoundly Gifted Children, UNR – (continued)

university so focused on meeting the needs of students as UNR and the attitude from professors and administration is what is right for the students. Families at a gathering did not believe how interested the faculty were. Executive Vice Chancellor Klaich commented that when a contract comes to the Board, legal counsel is asked if they reviewed it. He noted this contract had not been reviewed, it was done by the Davidsons and through a brainstorming session to put together a document to benefit the children and the university. He expressed his appreciation for the spirit brought to discussions of the contract. Executive Vice Chancellor Klaich continued that this was an example of work being done between K-12 and higher education.

Regent Derby thanked the Davidsons for their generous philanthropy and a creative proposal. She noted the System was committed to diversity and inclusiveness and this was an issue of inclusiveness for a group of children that had not been addressed. She expressed her excitement about the program and felt this was a great opportunity. Regent Dondero thanked the Davidsons for the program. She asked if the professors were from the university or others brought in to teach. Mr. Davidson answered that while the children were taking 6-12 courses they will be taught in the academy and the courses will be free. An individual education plan will be developed for each student and appropriate instructors will be selected for the student. Teachers will be trained on how to deal with the population. When the children take a college course, they would have the normal college instructors. Regent Howard also commended the Davidsons and felt it was important. She discovered accommodating gifted children was just as important as those with disabilities. Mr. Davidson stated the level being accommodated is the very most talented and gifted and most are relocating to Nevada. Regent Derby asked how students are recruited. Mr. Davidson replied there are other programs and there are many outreach programs. Regent Rosenberg asked if children taking pre-college courses would be taught by academy staff. Mr. Davidson answered yes. Regent Rosenberg asked if they would be degree seeking students. Mr. Davidson believed so. The initial cadre will be residents of Nevada, however, they will be young. A residential program will be looked

at in the future. He expected the students would be highly recruited. He continued that the students would be the honors college and the Davidsons and university will be working to introduce the student to the university and the university to the student. He noted there were many young people in college all over the country and they are good students. Regent Rosenberg commented that older students enrich programs and he could see that happening with the younger students.

Regent Alden moved approval of the agreement regarding the Davidson Academy of Nevada. Regent Howard seconded. Motion carried.

President Lilley stated the Davidsons were contributing \$15 million to the new math and science building and the Davidson Academy will be located in that building.

The meeting recessed at 10:32 a.m. and reconvened at 10:50 a.m. with all members present.

17. Approved-Lease Agreement – Golden Baseball League, UNR – The Board approved President John M. Lilley's request for a 10-year lease agreement between the Board of Regents of the Nevada System of Higher

Education on behalf of the University of Nevada, Reno Intercollegiate Athletics and The Diamond Project, LLC (dba The Golden Baseball League (GBL)) for GBL to use Peccole Park for the team's home games and pre-games practices (*Ref. R on file in the Board office*).

Regent Hill stated he had reviewed the contract and noted amendments had been distributed (*on file in the Board office*), which he reviewed.

Regent Hill moved approval of the lease agreement with the Golden Baseball League. Regent Gallagher seconded.

Regent Sisolak asked when the team would start using the field. Ms. Groth answered their season would be Memorial Day to Labor Day. Regent Sisolak noted the lights needed to be put in before May 1, but GBL would not pay rent until December 1. Mr. Dave Kaval, Founder and CEO of GBL, replied that putting in lights serves as rent credit and assists with turf improvement. Regent Sisolak noted it was confusing that GBL would take possession but not pay rent. Mr. Kaval responded it was an offset for the lights. Executive Vice Chancellor Klaich confirmed the contract was supported by the consideration but there is an offset so there is no payment of rent for the first several months. Regent Sisolak stated the contract did not view the improvements as rent and he thought facility improvements were in addition to rent. Mr. Kaval noted the value will be taken as rent payments over time. Regent Sisolak stated he had not had time to read the addendum. Regent Whipple noted this item would be continued later in the meeting.

Regent Hill left the meeting.

18. Approved-North Las Vegas Federal Land Reservation, UNLV – The Board approved President Carol C. Harter's request for permission to increase the proposed UNLV North Las Vegas federal land reservation in the City of North Las Vegas, authorized by the Board of Regents in January 2004, from 761 to approximately 2,009 acres and to discuss with the Nevada U.S. Congressional delegation options to acquire the property via specific federal legislation. UNLV will consult with the City of North Las Vegas and BLM to draft special legislation that includes specific conditions requiring remediation of the former Nellis Small Arms Range prior to conveyance of the property to NSHE. This draft legislation will then be submitted to the Board of Regents for approval prior to submission to the Nevada U.S. Congressional delegation (*Ref. S on file in the Board office*).

Regent Alden moved approval to increase the proposed UNLV North Las Vegas federal land reservation. Regent Dondero seconded.

President Harter noted NSHE had a tremendous window of opportunity to increase the proposed North Las Vegas federal land reservation to over 2,000 acres. Land in prime areas in the Las Vegas Valley is becoming increasingly valuable and this land acquisition will advance UNLV and other System institutions. The request is to formally request that the BLM increase the land reservation from 761 acres to 2,009 acres and grant

18. Approved-North Las Vegas Federal Land Reservation, UNLV – (*continued*)

permission to formally discuss with the Nevada delegation options to acquire the property via specific federal legislation. She has had informal discussions and the delegation is supportive. Regent Derby asked how this fit in with the master plan of the System. She noted that consultants in the AB 203 process stressed the need to grow the state college level of institutions and not have branch university campuses. President Harter replied UNLV was working with all three institutions in the south and the first building foreseen would be an innovative center to include CCSN, NSC and UNLV teaching at different levels and programs. The additional land, which has potential for research, would include a partnership with DRI in that regard. It is a model of higher education partnerships that the System has not had. She continued that feasibility studies would need to be done. This is a long-term project and plans will be coming to the Board. She saw this as an innovative campus that will bring together all the institutions in the south. UNLV is taking the lead as requested by the City of North Las Vegas on behalf of the System. Chancellor Rogers added that he had extensive conversations with CCSD, which has an interest in building a high school on the property integrated with the three System institutions. Regent Derby

stated there were members of the Board who were new and the master plan and recommendations of the AB 203 committee were clear about expansion of the System regarding access to accommodate growth. It was clear that the System needed the state college system to expand to accommodate the growing number of Nevadans who want a baccalaureate degree.

Regent Sisolak asked how much was being requested from the state for operating and maintenance. Mr. Bomotti answered nothing has been requested this is just a request for permission to expand the reservation. There is a long process before the deed would come to the Board. The Board supported a request for \$562,000 to plan a building on the site. Still have to get formal approval through the legislative process and the site would be subject to some mitigation as it was a range for the Air Force. A request for O & M funds would not be immediately made. The initial request to be submitted to the Board would be for planning for the initial facility. Regent Sisolak noted that an original claim for Sunrise Gardens was that there was a huge expense to monitor the land. He asked how much it would cost to get the vacant land. Mr. Bomotti stated a specific development plan was not being brought forward. This is different from Rainbow Gardens which was isolated and where there was a history of illegal burning. The neighbor is Nellis Air Force Base and he did not foresee problems. The necessary mitigation was caused by the Air Force, is documented and easy to clean up. President Harter clarified that the land would not be accepted without it being cleaned up. Mr. Bomotti stated any request being made to the legislature would be brought to the Board. Regent Sisolak asked if there was a cost estimate to secure, patrol and own the property. Mr. Bomotti answered an estimate had not been developed. The state has a formula for campus grounds and a precise budget would have to be developed. Regent Sisolak clarified that UNLV did not know what they were going to ask the state for owning vacant land. Mr. Bomotti responded that UNLV would ask the state for funding as they do for new facilities. Regent Sisolak expressed his concern that the vacant land would require an enormous figure for security. Mr. Bomotti replied that detail had not been developed; however, he did not believe there would be a large request. The only issues are related to Air Force use in the past. It would depend upon development around the

18. Approved-North Las Vegas Federal Land Reservation, UNLV – (continued)

parcel. He thought it would be a few years before the transaction was final and the site cleaned up.

Regent Schofield stated the Board's legacy would be accomplishments made and he will boast about this land acquisition. Regent Rosenberg asked if the normal coverage of the System extended to the land, should something happen there. Executive Vice Chancellor Klaich replied that no one is asking the Board to take title to the property, President Harter is asking for authority to negotiate. He expected that if the Board granted the authority, the legislation moved forward and the System was in the position to take title to the property, that the questioning by the Board would be more intense before taking title and assuming liability. He continued through this action, zero liability would be assumed. Regent Rosenberg asked if this would provide permission to make the reservation, with the answer being yes.

Motion carried. Regent Hill was absent

President Harter introduced Mike Myeski, Director of Development for the City of North Las Vegas. She noted he had been a wonderful partner in helping UNLV move forward with the proposal. Regent Whipple thanked Mr. Myeski for working with the university.

Regent Hill entered the meeting

17. Approved-Lease Agreement – Golden Baseball League, UNR – (continued)

Regent Sisolak asked if different signs would be placed on the field. Ms. Groth answered that currently advertising is done on the scoreboard but an outfield fence is being built with advertising possibilities as well as opportunities to advertise at home plate. Regent Sisolak asked who picked the advertisers. Ms. Groth replied all advertising has to be approved by athletics. She noted advertising was addressed in Section 8.3 of the agreement and that placement of signs must be approved by the university and previous marketing relationships. She

continued that the policies are in writing and have been provided to GBL. Regent Sisolak asked if it was the practice to sell or rent the season ticket holder list. Ms. Groth answered that schools who have partnered with GBL have done that and it has helped enhance the university's baseball program. UNR felt it was a good partnership to cross promote. Regent Sisolak asked if permission was asked from the season ticket holders. Ms. Groth noted the cross promotion would be done with information provided in the season ticket holders' mailing. GBL will not be given the list. Regent Sisolak asked if the insurance was typical and sufficient. Executive Vice Chancellor Klaich answered he did not negotiate the terms, but noted there are statutory tort liabilities that would apply to the university. The insurance in the agreement would be for the benefit of GBL if they should incur liabilities. Mr. Ron Zurek noted these were the updated limits that Jon Hansen, Risk Manager for the System, worked with UNR to establish.

Motion carried.

19. Approved-Tuition Waivers for Community College Athletes – The Board approved Regents Stavros S. Anthony, Jack Lund Schofield and Bret Whipple's request regarding providing athletic fee waivers to community college student athletes (*Ref. N on file in the Board office*).

Regent Anthony stated athletic programs had been approved at CCSN and WNCC and once that is done, they are expected to support themselves. He thought it imperative for the Board to show support for the programs and one way is to provide tuition waivers. The athletes are representing the schools. He provided examples of institutions that provide tuition waivers. He contacted Presidents Carpenter and Lucey who were excited to see this at their schools. He thought this was a great way to support the programs. Regent Whipple commented that his name was on the agenda item as he believes in tuition waivers. He has had an opportunity to visit with Senator Raggio about this issue and the policy of the legislature is to not allow fee waivers for two-year schools which needs to be recognized. Regent Derby asked if the legislature's policy was not to allow for two-year institutions. Regent Whipple replied his interpretation was that their policy is that fee waivers are not accepted at two-year schools. Regent Derby stated there had not been support in the legislature in the past for athletic programs at community colleges. She believed the community college athletic programs had proven themselves and are an important element. This is a stand the Board should take. Regent Leavitt believed this was within the authority of the Board. Regent Rosenberg clarified that CCSN had athletic fee waivers which were removed when WNCC was included in the request. He endorsed Regents Derby and Leavitt's comments. The Board decided that there should be equality between the community colleges and the universities. Chancellor Rogers stated he had several discussions with Senator Raggio during the last session. Chancellor Rogers is supportive of the programs at CCSN and WNCC and he and his wife have made commitments to the programs. He has talked with donors. He views their support as faith in the program and that it should be put on the agenda for the next legislative session. He urged passage of this agenda item. The athletic programs have a valuable effect on the communities they serve. President Killpatrick noted GBC was looking at athletic programs and the removal of fee waivers presents a problem. He continued that GBC has one of the highest graduation rates in the System which will increase if this is passed.

Regent Schofield moved approval of tuition waivers for community college athletes. Regent Anthony seconded.

Regent Rosenberg stated he was hearing about Senator Raggio's feelings. He was grateful for Senator Raggio's support, but suggested many members of his constituency would support this issue. He suggested the Board needed to support this item. President Harter expressed her support for the community colleges and their desire for athletics, but reminded the Board that UNR and UNLV have \$3.5 million per year in fee waiver authority which was in jeopardy due to the community college issue. The universities lost funds for tuition waivers in the second year as a punishment for the discussion. The universities will be required to bring this forward again for what should have been a base budget continuing commitment. She cautioned the Board that they could be putting Division I athletics in jeopardy. Regent Sisolak expressed his support of this item as it is only fair that everyone receives fee waivers. Chancellor Rogers responded the

19. Approved-Tuition Waivers for Community College Athletes – (*continued*)

community college issue might have had some influence, but it was not critical. The System needs to be mindful of it, but the issue can be brought forward to the legislature without prejudicing the university programs. Regent Gallagher echoed President Harter's concerns. She stated it was a fight to get athletics at the community colleges. She did not believe it could all be pinned on Senator Raggio. Her concern was that if the issue was pushed now, all fee waivers would be eliminated. Caution needs to be used.

Regent Wixom asked if the fee waivers would take effect in FY 2007 and approving the motion would forward a request for funding to the legislature. Regent Anthony was under the impression that the fee waivers would take effect the next semester. Executive Vice Chancellor Klaich answered there is no funding provided in the biennium. He thought there needed to be clarification from Regent Anthony if presidents should be allowed to find funds in their budgets as funds cannot be requested from the state before 2007. Regent Wixom asked if this item was approved, are we approving a budget request to the 2007 legislature to approve fee waivers and if the community college presidents desire, they can find funds in their budgets they could make the fee waivers effective now. Executive Vice Chancellor Klaich replied yes to the first part but could not answer the second part. Regent Anthony asked the presidents if they would be able to begin tuition waivers at the next or following semesters. President Carpenter reminded the Board that CCSN had athletic fee waivers. Without fee waivers, CCSN does not have a team because they cannot compete. CCSN had a major donor to the baseball program who is now contributing significantly less. The donor's concern was that the state was not doing anything. CCSN is on the brink of discontinuing athletics as he either violates Board policy or finds funds for the expenses of the program. CCSN is dramatically reducing the program to keep it afloat. This is a serious problem. He needs the means to support athletic programs. Regent Wixom asked President Carpenter if he had the funds to implement fee waivers if they were approved. President Carpenter replied it would not take significant resources. It would be not collecting fees from 50 students. Regent Wixom was trying to find a clear path for the authority to provide fee waivers. President Carpenter noted it is a long time between now and the next biennial budget and he did not know if there would still be a program at that time. Regent Wixom asked what good the approval would do if fee waivers were not in place. Chancellor Rogers stated his view was to show good faith to the donors. If the resolution was passed to go back to the legislature, he would find the money.

Regent Rosenberg asked for clarification of the motion and if it was to go to the legislature to ask for money at the next session and did not include support from existing funds. Regent Whipple responded the motion just adopts language.

Regent Derby stated this was a matter of equity and was an important issue for the community colleges. She wanted to vote for going back to the legislature and making donor funds available. Chancellor Rogers thought it would be a mistake to pass a resolution to have the community college presidents move funds to athletics. They are trying to bridge with private funds. Regent Dondero thought the Board was losing perspective and she did not want students to think the programs would not continue. She believed it needed to be resolved.

19. Approved-Tuition Waivers for Community College Athletes – *(continued)*

President Lucey provided perspective on the WNCC program. It was not her intention to hurt CCSN or the universities and she apologized for the consequences. When the request for athletics came forward, it was thought that WNCC would join a small conference in California in Division III which does not permit fee waivers. WNCC was not admitted to the conference. CCSN helped WNCC get into another Division III conference. WNCC has other resources that have been used for athletic scholarships. She noted there is a chilling effect on her ability to raise money because WNCC is not eligible for fee waivers. She thought, if the Board were to take a step to affirm for community colleges to have fee waivers, that would go a long way to alleviate concerns of donors. President Lucey mentioned the women's soccer team finished their freshman year with a record of 500.

Regent Anthony noted there is support for going to the legislature. He asked why tuition waivers could not start next semester. Executive Vice Chancellor Klaich replied because there is a limited number of funded tuition waivers which have been allocated. Regent Anthony stated the Board had approved tuition waivers during his tenure and funding was never discussed. Chancellor Rogers replied the legislature provided a total amount and

designated the areas. Vice Chancellor Nichols clarified the Board has the power to waive any fees. Most of the System fees are state approved fee waivers. This means that, into the budget calculations of the dollars from the state, the state does not expect the System to give the tuition money for those students to them. When the Board provides a fee waiver not in the legislative budgetary process, money has to be found from a source other than state funding. In the budget process the legislature has said it will not provide state funding. She did not believe there was a prohibition on private funding for community college fee waivers. The problem is that CCSN does not have a source of money, but the Board could approve the fee waivers and if CCSN could find the money they could be implemented. Regent Gallagher stated she was not against fee waivers. Her fear was that if fee waivers were provided to the community colleges effective January 1, the legislature would not provide further funding. President Lucey clarified she provides scholarships for athletes from private sources. Regent Schofield noted there are many high schools in the state and students need athletics at the community colleges.

Regent Whipple read a resolution: Resolved: That the NSHE Board of Regents affirm their support for community college athletic programs, express their intent to request funding for community college athletic fee waivers in the 2007-2009 biennial budget, encourage the Chancellor and community college presidents to endeavor to secure private donor non-state funds to continue existing programs for the current biennium. The resolution was accepted by Regents Schofield and Anthony.

When Regent Sisolak asked if there would be a way to reallocate existing dollars from the legislature if the resolution was passed, the answer was no. Regent Derby spoke in favor of the motion. This is the opportunity for presidents to find private funds to support the programs to go forward.

Dr. Roger Schmidt expressed his support for tuition waivers. There are 1,500-1,700 boys playing baseball in the school system in Las Vegas. The average number of scholarships

19. Approved-Tuition Waivers for Community College Athletes – *(continued)*

provided in the southern region is 56, while Southern Nevada has 11.5 with 4 going to Nevada residents. He thought this should be a model and expressed the need to move forward and provide tuition waivers. Coach Tim Chambers stated CCSN is in the process of making some dramatic cuts in the athletic program and they will not be as competitive in the future. He felt that saving the program is important. It will be important to get help in the future. He invited everyone to the field on January 27 when CCSN will play WNCC. Regent Whipple asked that an invitation be sent.

President Carpenter asked if the language could include authorizing use of non-state funds, which would open more avenues. Executive Vice Chancellor Klaich replied the resolution says private donor and non-state funds. Regent Howard disclosed her daughter is part of CCSN's athletic department but she did not believe it would impact her and she would be voting on the matter.

Motion carried.

20. Information Only-Handbook Revision, Notice of Meetings - Executive Vice Chancellor Daniel Klaich recommended Board approval of a Handbook revision(*Title 1, Article V, Section 6*) to bring Handbook policy in line with the Open Meeting Law provision for providing notice of regular meetings at least **three** days in advance of the scheduled meeting. This was the first hearing of a Bylaw amendment, with final action to be taken at the January 2006 meeting (*Ref. F on file in the Board office*).

Executive Vice Chancellor Klaich informed the Board that this was a clarification item to conform Regents Bylaws with the Nevada Open Meeting Law. Currently the Bylaws provide for a five day notice and it is being changed to three. Regent Alden clarified that the statute says 3 days and the Board would be conforming to state statute. Executive Vice Chancellor Klaich responded the statute says three working days.

The meeting recessed at 12:04 p.m. and reconvened at 12:19 p.m. with all members present.

21. Information Only-Handbook Revision, Title 2, Section 6.9.6 - President John M. Lilley presented for information a proposed amendment to the NSHE Code (*Title 2, Section 6.9.6*), requiring, in the event a person charged advises that he or she will be accompanied by an attorney as advisor, that the administrative officer advise the Executive Vice Chancellor so that an attorney will be present at the hearing to represent and advise the administrative officer and to present the evidence on behalf of the administrative officer. This is the first hearing of a Code amendment, with final action to be taken at the January 2006 meeting (*Ref. G on file in the Board office*).

Executive Vice Chancellor Klaich stated this was an item brought forward by UNR due to a situation that occurred on campus. The revision provides that both parties be treated equally at a grievance hearing.

Regents Derby and Hill left the meeting.

22. Approved-Handbook Revision, Rebel Yell Bylaws/Rebel Yell Operating Policy, UNLV – The Board approved President Carol C. Harter request for proposed changes to the Rebel Yell Operating Policy; the change will define more broadly the individuals eligible to serve as advisor to the newspaper (*Ref. J on file in the Board office*).

President Harter noted this was an attempt to broaden the Rebel Yell operating policies, to allow professionals as well as faculty to serve as advisors for the Rebel Yell.

Regent Alden moved approval of the Rebel Yell Bylaws/Rebel Yell Operating Policy. Regent Sisolak seconded. Motion carried. Regents Derby and Hill were absent.

23. Approved-Handbook Revision, Employment of Regents at NSHE Institutions, Units Or Foundations – The Board approved Chair Bret Whipple’s request for a change to the Board of Regents’ Policies (*Title 4, Chapter 1, Section 3*) to establish a policy regarding the employment of Regents at institutions, units or foundations of NSHE (*Ref. K on file in the Board office*).

Regents Derby and Hill entered the meeting.

Regent Wixom asked that the language be amended so that there would be subsections 3A, “In accordance with provisions of NRS 281.481(10) a Regent shall not seek other employment or contracts through the use of his or her official position” and 3B, “In light of the provisions of the Ethical Code of Conduct for Public Officers set forth above, and in particular, to enhance public trust in the office of Regent, a Regent may not apply for or accept a new or different position with an institution, unit or foundation of the Nevada System of Higher Education for a period of 1 year after the termination of the Regents’ Service on the Board”.

Regent Wixom moved approval of the policy regarding employment of Regents at institutions, units or foundations of NSHE as amended. Regent Leavitt seconded.

Regent Howard refreshed the Board’s memory about the past discussion of the agenda item of including others such as higher management in the provision which she did not hear included in the language. Regent Wixom understood and appreciated Regent Howard’s concerns but was afraid that too many issues were being addressed within this item. He felt other staff should be discussed separately at a future meeting. Regent Howard did not understand the reason for separating the two issues. Most boards and entities with these policies include board members and others. Regent Wixom’s concern was that by addressing all positions together, they get lost and become merged in one. They require different approaches. Regent Leavitt noted the Board Development Committee will look at expanding the ethical code of conduct and will want input from Board members. Regent Alden stated he had a problem with the wording. He felt there should be a policy that while a person is a Regent, they should not seek employment at System institutions; there should be a period of one year. The amendment needs to be clearer because his firm could receive a contract and it could appear that he used his

23. Approved-Handbook Revision, Employment of Regents at NSHE Institutions, Units Or Foundations –
(continued)

position to influence the award. He thought it was clear that Regents could not use their official position to enhance economically. Regent Wixom answered the purpose of the subsection was to mirror provisions in NRS. Regent Alden asked if that was the exact wording of the statute. Regent Wixom believed it was. Regent Alden expressed another concern that it should be clear that Board members should not be applying for jobs while a Regent. Regent Wixom believed that was inherent. Regent Alden asked what the impact would be for promotion or receiving raises if a current Board member who works in the System was elected. Regent Wixom responded the language says they could not apply for or accept a different position, they would be frozen in their current position. The purpose of the language is to allow the Board to move forward without creating legal problems. Regent Alden had a problem because an elected person would be frozen in a position. Executive Vice Chancellor Klaich noted the language is identical to the statute sighted with the exception of the addition of gender neutral language. Regent Leavitt noted the statute mirrors existing state law that applies to all elected officers. The second section is the amendment.

Regent Rosenberg stated he had no problem with this policy. If there is a problem, it would come in the future and not affect him. He asked, if the Board enacted a policy, could they also suspend the policy. Executive Vice Chancellor Klaich answered yes. Regent Rosenberg noted the Board would have flexibility.

Regent Whipple left the meeting.

Regent Anthony asked, under 3b, if a Regent left the Board they could not apply for a position for one year. Executive Vice Chancellor Klaich replied that was correct. Regent Howard asked if contracts were included and wondered if a business owner, that was a former Regent, could do business with the System. Executive Vice Chancellor Klaich responded the wording of 3A and the statute was reflective of using a position for an advantage. A former Regent seeking to do business with the System the policy of 3A and statute would not apply. Regent Howard asked why it would not apply. Executive Vice Chancellor Klaich answered because the cooling off period was for seeking of employment but not for seeking contracts. Regent Howard wondered if there was a cooling off period for business owners who wanted to do business with the System. Executive Vice Chancellor Klaich did not think so.

Regent Howard offered a friendly amendment to include business owners. Regent Wixom offered friendly amendment language which added "...position, contract or business relationship..." to subsection 3B.

Regent Howard stated she could think of one more instance such as a Regent being on the Board of Directors.

Regents Wixom and Leavitt accepted the language.

23. Approved-Handbook Revision, Employment of Regents at NSHE Institutions, Units Or Foundations –
(continued)

Regent Whipple entered the meeting.

President Maryanski asked if the language applied to internal personnel actions and promotion and tenure decisions should a Regent be employed by the System when elected, with the answer being yes. Regent Hill expressed his concern that a Regent could not apply for a position prior to the one year mark, as long as they took the job after the one year. He thought the Board should be addressing issues of Regents making demands for privileges not available to all Regents, orders for operations, management and admissions given by Regents. Regent Hill stated he would give his language to Regent Wixom and Leavitt and asked them to help him with this item. Regent Alden expressed his concerns that subsection 3A did not say that Regents should not seek employment within NSHE; thought 3B should be "for the period of 1 year after termination of service on the Board"; and if 3A addressed that standing Regents could not apply for a job. Regent Wixom did not see that adding NSHE to 3A would present an issue, however, as indicated before, 3A mirrors the provisions in NRS and

he was hesitant to make substantive revision to that.

Regent Leavitt called for the question. Regent Gallagher seconded.

Ms. Nielsen clarified calling for the question took a 2/3 majority vote and was not debatable.

Regent Howard stated she needed to hear the motion.

Regent Sisolak noted a point of order observing there could not be an explanation after a call for the question. Ms. Nielsen clarified a vote needed to be taken on the issue of calling for the question which requires a 2/3 vote to pass, then debate is ended and the main motion needs to be voted on.

Regent Howard noted a point of order as she did not know what she was voting on and needed a ruling from legal counsel. Regent Whipple answered the call for the question was being voted on. Ms. Nielsen stated the motion was to call for the question. If it passes by a 2/3 majority then the main motion must be voted on without further discussion. She noted this was a procedural motion. Regent Howard noted a point of clarification and stated she understood there could be no debate. She needs clarification as she cannot vote on something when she does not know what she is voting on. Ms. Nielsen responded that once a motion is adopted a vote needs to be taken. Regent Howard asked for a clarification of the motion. Executive Vice Chancellor Klaich responded the motion was amended to include "...position, contract or business relationship" in 3B.

23. Approved-Handbook Revision, Employment of Regents at NSHE Institutions, Units Or Foundations –
(continued)

Upon a roll call vote, the motion failed. Regents Gallagher, Leavitt, Sisolak, Whipple and Wixom voted yes. Regents Alden, Anthony, Derby, Dondero, Hill, Howard, Rosenberg and Schofield voted no.

Regent Alden asked for clarification on subsection 3A.

Regent Sisolak noted a point of order as this was the third time Regent Alden had spoken and Regent Derby had not had the opportunity to speak.

Regent Derby recalled only one instance where there was a sense of infraction. She believed it was a public trust issue and she was in favor of the motion. Regent Leavitt noted if this was adopted, these are public policy statements and the Board was sending out a message that we are going as far as other bodies and he supported the language prepared. Regent Alden asked that NSHE be added to 3A and "for a period of one year" be added to 3B.

Regents Wixom and Leavitt accepted the modifications. Motion carried.

24. Approved-Handbook Revision, Host Expenditures – The Board approved Executive Vice Chancellor Daniel Klaich's request for a proposed amendment to the Board's policy on host expenditures (*Title 4, Chapter 10, Section 17*) clarifying that certain expenditures shall be considered normal expenses and not host expenses (*Ref. L on file in the Board office*).

Executive Vice Chancellor Klaich stated this change was to make it clear that expenditures for marketing of programs were program expenses and not considered host expenditures. This change was recommended by the business officers

Regent Galagher moved approval of the policy on host expenditures. Regent Alden seconded. Motion carried.

25. Approved-School of Dental Medicine Student Honor Code, UNLV – The Board approved President Carol C. Harter's request of a student honor code for the UNLV School of Dental Medicine (*Ref. Q on file in the Board*

office) .

Regent Alden moved approval of the School of Dental Medicine Honor Code. Regent Rosenberg seconded.

Regent Whipple acknowledged Dean Ferrillo.

Regent Hill did not know what the standard of conduct for dentists was and nothing in the proposed code referred to lying. Dr. Rebecca Mills, Vice President for Student Life,

25. Approved-School of Dental Medicine Student Honor Code, UNLV –

answered the UNLV student conduct code provides the umbrella for student conduct of all students at the university and this is a subset of that code. Provisions for lying and academic dishonesty are included in the UNLV conduct code. This code is specific to the School of Dental Medicine. Regent Hill stated section 2F noted that students “should” report incidents that violate the honor code and he thought this should be “must”. Dr. Mills responded that faculty, students and staff of the School of Dental Medicine created the honor code from similar ones across the country and she was not involved in the creation. Dr. Ferrillo stated the suggestion was well taken and the honor code was pushed to be as rigid as possible and Regent Hill’s suggestion could be incorporated without problem. Regent Hill asked if the language should be amended now or be brought back. The student body generated the code. Student doctors are harsh on themselves and he thought they would accept the change.

Regent Hill offered a friendly amendment that students “must” report. The amendment was accepted by Regents Alden and Rosenberg.

Regent Leavitt left the meeting.

Regent Hill suggested the umbrella code be attached so that students know it is part of it. Dr. Mills replied that is part of the practice at UNLV. Regent Sisolak asked if there were consequences for students who knew but did not report. Dr. Mills responded that would be part of the investigative process. Regent Rosenberg noted this is a difficult time in education because there are different ways for students to be dishonest. Dr. Mills did not believe the System puts students in harm’s way, they put themselves there and that is why processes are needed to treat them fairly and have reasonable consequences attached. Regent Sisolak expressed his concern about what would happen if a student knew another did something and was intimidated. Dr. Mills noted that intimidation does happen and there are hearing officers and others on campus to be student advocates. Intimidation is a violation of the conduct code. She stated it was typical in professional schools to have the requirements. Regent Hill noted that lawyers have the duty to report other attorneys. Regent Anthony stated that was also the case for law enforcement.

Motion carried as amended. Regent Leavitt was absent.

26. Approved-Revision of Great Basin Plant Materials Center (PMC) Lease, UNR – The Board approved President John M. Lilley’s request to revise the lease agreement between the University of Nevada, Reno and the U.S. Department of Agriculture (USDA) to establish the Great Basin Plant Materials Center at the Newlands Experiment Station in Fallon, Nevada. The original lease was approved by the Board at the June 2005 meeting and was sent to USDA for signature. The agency requested changes to the lease which resulted in two documents: a revised Lease Agreement and a Memorandum of Understanding. The original lease has not been fully executed (Ref. Q on file in the Board office) .

Regent Alden moved approval of the revision of the Great Basin Plant Materials Center lease. Regent Wixom seconded. Motion carried. Regent Leavitt was absent.

27. Approved-Grant of Easement – Sunrise Mountain/Rainbow Gardens, UNLV– The Board approved

President Carol C. Harter's request of the Grant of Easement with Nevada Power on approximately 17 acres of the Sunrise Mountain/Rainbow Gardens property that is required for the Harry Allen/Man Transmission Line Project in exchange for consideration based on the updated appraisal to be received, but not less than \$111,113.00. Initially, Nevada Power offered NSHE \$111,113.00 for this easement based on an October 8, 2004 appraisal. That offer was deferred due to the pending sale of the entire 517 acres to the Bureau of Land Management (BLM). The easement is now required due to the fact that the sale of the 517 acres to BLM will not occur prior to Nevada Power needing to begin construction on the site. UNLV has reviewed other options for access to the site by Nevada Power prior to the sale to BLM, but none were feasible for their construction needs. The Nevada Power appraisal is being updated and will be submitted for independent review by UNLV and NSHE prior to the Board of Regents' meeting. UNLV is requesting approval of the easement described above and further requesting delegation of authority to the Chancellor for execution because timing of the easement is critical to Nevada Power and their construction plans, and will be required prior to the January 2006 Board of Regents' meeting (*Ref. T on file in the Board office*).

Regent Alden moved approval of the grant of easement. Regent Rosenberg seconded.

Regent Rosenberg left the meeting.

President Harter informed the Board that conditions have improved in the cost of remediation and the offer received for the easement from Nevada Power. She stated Mr. Bomotti was available to answer any questions. Regent Sisolak asked why this was not an issue previously. Mr. Bomotti answered UNLV was given authority to sell the property to BLM. In 2003, the Chancellor authorized Nevada Power to do survey work on this easement. It was thought that the BLM activity would be done prior to the time that Nevada Power would need to be on site for construction. UNLV's schedule has moved to the end of February to have the sale completed and Nevada Power's timeframe is earlier. Trying to accommodate their schedule. Regent Sisolak requested these be

27. Approved-Grant of Easement – Sunrise Mountain/Rainbow Gardens, UNLV– (*continued*)

presented at the same time. Mr. Bomotti noted it was UNLV's intent to limit the time spent on this item.

Motion carried. Regents Leavitt and Rosenberg were absent.

28. Approved-Update on Advanced Dental Education Building, UNLV – The Board approved President Carol C. Harter presentation of an update on the Advanced Dental Education Building. A special Board of Regents' meeting will be required to approve the final contract award and to receive authorization to move forward with the installment-purchase financing of this project (*Ref. U on file in the Board office*).

Regent Rosenberg entered the meeting.

Mr. Bomotti noted UNLV was asking that in order to accelerate the schedule on the project to have action for approval of the contractor and authorization for financing at a January meeting. Regent Alden asked if all private funds would be used. Mr. Bomotti replied all funds would be generated from the orthodontics program.

Regent Alden moved approval of the Advanced Dental Education Building. Regent Gallagher seconded.

Regent Sisolak stated the reference material noted that no state funds would be used for any portion Mr. Bomotti answered that once final design is received, the amount of space orthodontics will use will be identified. Funds for O & M for the orthodontics space will not be requested. Another review will be conducted once the building is completed. Regent Sisolak asked if state money would be requested because the building will be used by other programs. Mr. Bomotti replied O & M money would be requested if there are other state funded programs housed there. Regent Alden noted he shared Regent Sisolak's concerns.

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

Regent Leavitt entered the meeting.

29. Approved-Emergency Loan, CCSN – The Board approved Chancellor James E. Rogers’ request for authority to negotiate an emergency loan for the Community College of Southern Nevada (CCSN) in the net amount of \$5 million to support the construction of the new Learning Center/Classroom Building to be located at the West Charleston Campus as authorized by Senate Bill 524 (2005 CIP Bill) (*Ref. V on file in the Board office*).

Executive Vice Chancellor Klaich stated the purpose of this item requested that the Chancellor have the ability to negotiate a loan, which will be brought back to the Board. There is a \$5 million funding shortfall due to the way this item closed in the legislature. CCSN would like to borrow this money because without it construction cannot take

29. Approved-Emergency Loan, CCSN – (*continued*)

place. If money is borrowed, efficiencies generated in building would be applied against the loan along with estate tax funds.

Regent Whipple left the meeting.

Regent Alden moved approval of authorizing Chancellor Rogers to negotiate an emergency loan. Regent Rosenberg seconded.

Executive Vice Chancellor Klaich informed the Board that Chancellor Rogers would like to come back with information at the January meeting. Regent Hill stated he would not be able to vote for a loan without knowing how it will be repaid.

Regent Whipple entered the meeting.

Motion carried.

30. Approved-Approval to Solicit Bank Financing, UNLV – The Board approved President Carol C. Harter’s request to solicit bank financing up to the sum of \$11,500,000 for the construction and acquisition of various capital projects on the UNLV campus. Authorization to secure this financing will be brought to a future Board of Regents’ meeting for final approval (*Ref. W on file in the Board office*).

Mr. Bomotti stated UNLV was asking to solicit bank financing for 4 basic capital projects. UNLV wishes to use available indirect cost recovery funds from federal grants and contracts in part because of the relief granted by the state on the 25% returned to them. It was estimated these fees would be \$670,000-775,000 per year for the payment period. They were also proposing capital improvement fees and donor funds to support five year financing of tennis courts, additional funding for student services building and adding 8,600 square feet of instructional lab space.

Regent Rosenberg moved approval allowing President Carol C. Harter to solicit bank financing. Regent Gallagher seconded.

Regent Dondero asked about the demolition of Frasier Hall. Mr. Bomotti answered the south end would remain but the rest of the building will be replaced by the student services expansion. President Harter noted Maude Frasier’s name would be preserved in a prominent place at the entrance to campus. It was the first and most nonfunctional building on campus and is not worth doing much with. Regent Schofield asked President Harter to preserve the name and legacy. President Harter stated Maude Frasier made UNLV happen and that is recognized.

Motion carried.

Regent Whipple welcomed the participants from the State Board of Education.

31. Approved-Academic, Research & Student Affairs Committee - Chair Howard Rosenberg presented a report on the Academic, Research & Student Affairs Committee meeting held December 1, 2005 and requested Board action on the following Committee recommendations:

The Committee reviewed NSHE institutions' graduation rates and an overview of transfer 2+2 issues related to the Associate of Applied Science degree and the Bachelor of Applied Science degree as compared to the Associate of Arts and the Associate of Science and the Baccalaureate degree. The Vice Chancellor for Academic and Student Affairs was asked to bring back to the next meeting a recommendation for completion of an associates degree prior to transfer.

Regent Rosenberg requested Board action on the following Committee recommendations:

- • Minutes – The Committee recommended approval of the minutes from the September 22, 2005 ARSA Committee meeting
- • New Unit Proposals – The Committee recommended approval of the following new unit proposals:
 - Center for Corporate Governance and Business Ethics, UNR (*Ref. ARSA-4 on file in the Board office*)
 - Department of Environmental and Occupational Health (EOH), UNLV (*Ref. ARSA-5 on file in the Board office*)
 - Center for Materials and Structures, UNLV (*Ref. ARSA-6 on file in the Board office*)
 - Energy Materials Interaction Technology Initiative of Nevada (EMITION), UNLV (*Ref. ARSA-7 on file in the Board office*)
 - Center of Atmospheric, Oceanic & Space Sciences (CAOS), UNLV (*Ref. ARSA-8 on file in the Board office*)
 - Center for Advanced Visualization, Computing and Modeling (CAVCaM), DRI (*Ref. ARSA-9 on file in the Board office*)
- • Committee Review and Approval of Institutional Initiatives – The Committee reviewed a list of academic partnerships, organizational units and plans that currently require Board review

Regent Rosenberg moved approval of the Committee recommendations and acceptance of the report. Regent Gallagher seconded. Motion carried.

32. Approved-Audit Committee - Chair Douglas Roman Hill presented a report on the Audit Committee meeting held December 1, 2005 and requested Board action on the following Committee recommendations:

The Committee heard follow-up responses for seven internal audit reports that were presented to the Audit Committee at the June 2005 meeting. Ms. Denise Baclawski, Executive Director, UNR Fire Science Academy reported on the status of the University of Nevada, Reno Fire Science Academy. The FSA is on target with projected revenues and expenses for this fiscal year as reported in the Business Plan. Enrollment has increased by 27% compared to the same period as last year. Dr. Jane Nichols, Vice

32. Approved-Audit Committee – (*continued*)

Chancellor for Academic & Student Affairs, presented an update on the Management Assistant Partnership (MAP) internal audit report. Ms. Sandi Cardinal, Assistant Vice Chancellor, presented an update on the Audit Exception Report that was presented at the September 2005 Audit Committee meeting. A status report was presented on the Audit Committee responsibilities noted in the AGB Publication, *The Audit Committee* .

Regent Hill requested Board action on the following Committee recommendations:

- • Minutes – The Committee recommended approval of the minutes from the September 22, 2005 Audit Committee meeting
- • The Committee recommended the approval of the following External Audit Reports:
 - Consolidated Financial Statements, NSHE (*Ref. A-2 Bound Report on file in the Board office*)
 - Management Letter, NSHE (*Ref. A-3 Bound Report on file in the Board office*)
 - Financial Statements, UNR (*Ref. A-4 Bound Report on file in the Board office*)

- Management Letter, UNR (*Ref. A-5 Bound Report on file in the Board office*)
 - Financial Statements, UNLV (*Ref. A-6 Bound Report on file in the Board office*)
 - Management Letter, UNLV (*Ref. A-7 Bound Report on file in the Board office*)
 - Financial Statements, System Administration (*Ref. A-8 Bound Report on file in the Board office*)
 - Management Letter, System Administration (*Ref. A-9 Bound Report on file in the Board office*)
 - Financial Statements, NSC (*Ref. A-10 Bound Report on file in the Board office*)
 - Management Letter, NSC (*Ref. A-11 Bound Report on file in the Board office*)
 - Financial Statements, DRI (*Ref. A-12 Bound Report on file in the Board office*)
 - Financial Statements, TMCC (*Ref. A-13 Bound Report on file in the Board office*)
 - Management Letter, TMCC (*Ref. A-14 Bound Report on file in the Board office*)
 - Financial Statements, CCSN (*Ref. A-15 Bound Report on file in the Board office*)
 - Management Letter, CCSN (*Ref. A-16 Bound Report on file in the Board office*)
 - Financial Statements, WNCC (*Ref. A-17 Bound Report on file in the Board office*)
 - Management Letter, WNCC (*Ref. A-18 Bound Report on file in the Board office*)
 - Financial Statements, GBC (*Ref. A-19 Bound Report on file in the Board office*)
 - Management Letter, GBC (*Ref. A-20 Bound Report on file in the Board office*)
32. Approved-Audit Committee – (*continued*)

➤ • Office of Management and Budget Circular A-133 – The Committee recommended approval of the OMB Circular A-133 report for the year ended June 30, 2005 (*Ref. A-21 Bound Report on file in the Board office*)

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

Regent Alden stated during audit committee Chair Hill asked if an audit needed to be conducted on all institutions separately or if there should be one audit for the System. Regent Hill replied the discussion would take place at the next meeting.

Motion carried.

33. Approved-Budget & Finance Committee - Chair Steve Sisolak presented a report on the Budget & Finance Committee meeting held December 1, 2005 and requested Board action on the following Committee recommendations:

The Committee heard reports on the funding comparison of the fiscal year 2005-2006 UNR and UNLV Intercollegiate Athletics State Operating Budgets, Self-Supporting Budget to Actual Comparison for fiscal year 2004-2005, State Operating Budget to Actual Comparison for fiscal year 2004-2005, the NSHE current debt policy and procedures and the refunding status of all outstanding bonds were reviewed, Self-Supporting budget revisions for the first quarter of fiscal year 2005-2006, State operating budget transfer for the first quarter of fiscal year 2005-2006, All Funds revenues and expenses for the first quarter of fiscal year 2005-2006, NSHE Fiscal Exceptions of self-supporting budgets for the first quarter of fiscal year 2005-2006 and Student association reports of revenues and expenditures for fiscal year 2004-2005. **The Committee also discussed a proposed reallocation of \$420,000 from FY06 funding within the Operations & Maintenance function to address a significant utility funding shortfall at the University of Nevada, Reno campus. No action was taken.**

Regent Sisolak requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the September 22, 2005 Budget & Finance Committee meeting
- Requests for Information from the September 22, 2005 Meeting – The Committee reviewed a comparison report of the UNR and UNLV Intercollegiate Athletics State Operating Budgets and determined if NSHE needed to seek Legislative action from the 2007 Legislature to address the levels of funding support provided to the state supported intercollegiate athletic budgets of the two universities (*Ref. BF-2 on file in the Board office*)

- FY 2004-05 Accountability Report-Board of Regents' Approved Budget to Actual – The Committee recommended approval of the fiscal year 2004-05 Accountability Report (*Bound Report on file in the Board office*)

33. Approved-Budget & Finance Committee – (continued)

- Debt Policy and Procedures – The Committee reviewed the System's current debt policy, including, but not limited to, the refunding policy and determined if the policy should be an internal policy or a Board policy and if any revisions needed to be made. The Committee also reviewed the refunding status of all outstanding bonds (*Ref. BF-6 & Bound Report on file in the Board office*)
- IFC Approval for Additional Student Fee Revenues – The Committee recommended approval to seek Interim Finance Committee authorization to expend additional student fee revenues (*Ref. BF-12 on file in the Board office*)

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

Regent Alden asked that when budgets are received they be presented in the same manner to prevent confusion.

Motion carried.

34. Approved-Cultural Diversity & Security - Chair Linda C. Howard presented a report on the Cultural Diversity & Security Committee meeting held December 1, 2005 and requested Board action on the following Committee recommendations:

The Committee received an overview of the NSHE Diversity Report and discussed plans for receiving a detailed presentation on the report at the next meeting. The Committee also heard presentations from representatives of each institution on emergency planning and preparation efforts occurring throughout the System. Representatives addressed questions related to organizational structure and resources allocated for emergency planning; the status of each institution's planning process as well as efforts to increase safety for minority groups and women.

Regent Howard requested Board action on the following Committee recommendations:

- Minutes – The Committee recommended approval of the minutes from the September 22, 2005 Cultural Diversity & Security Committee meeting
- Committee Charge – The Committee reviewed and took action to approve a formal charge for incorporation into the Board's Bylaws (*Title 1, Article VI, Section 3*) (*Ref. CDS-2 on file in the Board office*)
- Emergency Response Plans – The Committee reviewed campus emergency response plans (*Ref. CDS-4 on file in the Board office*)

34. Approved-Cultural Diversity & Security – (continued)

Regent Howard moved approval of the Committee recommendations and acceptance of the report. Regent Alden seconded. Motion carried.

35. Approved-Technology Task Force - Chair Stavros Anthony presented a report on the Technology Task Force meetings held October 14, 2005 and November 29, 2005 and requested Board action on the following Task Force recommendations:

The Task Force members discussed the rationale for the NSHE Integrated Information System Project and the status of and process for developing a financing plan for the NSHE IIS Project. Members reviewed the oversight process for the NSHE IIS Project and discussed the current project status, relationships with vendors during vendor selection, key dates for bidding and contracting, plans for project assurance procedures, and checkpoints for the Task Force to monitor Progress. Members also discussed plans for funding the NSHE IIS Project.

Regent Anthony requested Board action on the following Committee recommendations:

- • Minutes – The Task Force recommended approval of the minutes from the September 16, and October 14, 2005 Technology Task Force Meetings
- • Organization, Oversight and System-wide Coordination of the Integrated Information System Project – The Task Force reviewed and recommended approval of plans for project organization, system-wide coordination and communication
- • Goals for the NSHE Integrated Information System Project – The Task Force recommended approval of specific goals and priorities for the NSHE Integrated Information System Project
- • Scope of the NSHE Integrated Information System Project – The Task Force discussed and recommended approval of a scope for the NSHE Integrated Information System Project
- • Selection of Vendors for Software and Implementation Services – The Task Force recommended approval of the criteria and process for selecting vendors for the NSHE Integrated Information System Project
- • Rescission of December 2005 Meeting Date – The Task Force rescinded the December 7, 2005 meeting date
- • Request for Proposal – The Task Force recommended approval of the request for proposal for the NSHE Integrated Information Project (*Ref. X on file in the Board office*)

Regent Anthony moved approval of the Task Force recommendations and acceptance of the report. Regent Hill seconded.

Regent Alden thought the Task Force had done a good job, however, he has requested accountability for the money spent on consultants, which he has not received. He believed there should be no communication between vendors and the Director of Purchasing. He did not believe the cost estimate should be included in the RFP. Vice Chancellor Alley asked for clarification about the concerns of communications. Regent

35. Approved-Technology Task Force - (*continued*)

Alden responded the RFP stated if vendors had questions they could contact Mr. Moran, and he has problems with vendors contacting anyone.

Motion carried. Regents Alden and Howard voted no.

36. Approved-Board Development Committee - Chair James Dean Leavitt presented a report on the Board Development Committee meeting held November 4, 2005 and requested Board action on the following Committee recommendation:

The Committee and attending Board members discussed conflict resolution techniques, participated in a presentation on communication techniques to encourage relationship building among Regents and discussed Board/Chancellor relationships and current chancellor projects including K-12 partnerships. Executive Vice Chancellor and Chief Counsel Dan Klaich presented information on the open meeting law and ethics requirements of Regents. Board members also reviewed basic Board responsibilities and reviewed the role of a Regent. Those in attendance also participated in a discussion on Regent protocol and the responsibilities of the public information office.

Regent Leavitt requested Board action on the following Committee recommendations:

- • Minutes – The Committee recommended approval of the minutes from the August 12, 2005 Board Development Committee meeting

Regent Leavitt moved approval of the Committee recommendation and acceptance of the report. Regent Gallagher seconded. Motion carried.

37. Approved-Investment Committee Meeting - Chair Thalia Dondero presented a report on the Investment Committee meeting held November 9, 2005 and requested Board action on the following Committee recommendation:

The Committee discussed the potential expanded scope of the Investment Committee to include real property issues of the System, Capital Market Returns and Valuations as of September 30, 2005 and Asset Allocations and Investment Returns for the period ended September 30, 2005. Endowment investments returned 3.6% for the quarter compared to its benchmark of 3.5% and 6.9% for the calendar year compared to its benchmark of 5.3%. The total return for the pooled operating funds was 2.1% for the quarter compared to its benchmark of 2.2% and 3.9% for the calendar year compared to its benchmark of 4.0%.

Regent Dondero requested Board action on the following Committee recommendations:

➤ • Minutes – The Committee recommended approval of the minutes from the August 24, 2005 Investment Committee meeting

Regent Dondero moved approval of the Committee recommendation and acceptance of the report. Regent Rosenberg seconded. Motion carried.

38. New Business - none noted.

Regent Whipple complimented the Board for their work over the past one and one-half days.

The meeting adjourned at 1:46 p.m.

Fini Dobyns
Secretary to the Board