

BOARD OF REGENTS

NEVADA SYSTEM OF HIGHER EDUCATION Jot Travis Student Union, Auditorium
University of Nevada, Reno
1664 North Virginia Street, Reno
8:30 a.m., Thursday, March 16, 2006
8:00 a.m., Friday, March 17, 2006

Members Present: Mr. Bret Whipple, Chair

Mr. Mark Alden
Dr. Stavros S. Anthony
Mrs. Thalia M. Dondero
Mrs. Dorothy S. Gallagher
Mr. Douglas Roman Hill
Mrs. Linda C. Howard
Mr. James Dean Leavitt
Mr. Howard Rosenberg
Mr. Steve Sisolak
Mr. Michael B. Wixom

Members Absent: Dr. Jill Derby
Dr. Jack Lund Schofield

Others Present: Chancellor James E. Rogers
Executive Vice Chancellor Daniel Klaich
Vice Chancellor, Academic & Student Affairs, Jane Nichols
Vice Chancellor, Information Technology, Lee Alley
Deputy Chief Counsel Bart Patterson
Special Counsel Brooke Nielsen
President Richard Carpenter, CCSN
President Stephen Wells, DRI
President Paul Killpatrick, GBC
President Fred Maryanski, NSC
President Philip Ringle, TMCC
President Carol Harter, UNLV
Interim President Joseph Crowley, UNR
President Carol Lucey, WNCC
Secretary to the Board Fini Dobyms

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; Mr. Anthony Filippo, NSC; Ms. Alanna Stewart-Bell, TMCC; Mr. Peter Goatz, UNLV; Mr. Frederick Krauss, UNLV-GPSA ; Mr. Jeff Champagne, UNR; Ms. Rebecca Bevans, UNR-GSA; and Ms. Elizabeth Contreras, WNCC.

Chair Bret Whipple called the meeting to order at 8:32 a.m. with all members present except Regents Anthony, Derby and Schofield.

Regent Dorothy S. Gallagher led the pledge of allegiance.

Pastor Steve Bond, from the Summit Christian Church, offered the invocation.

1. Introductions – NSC President, Dr. Fred Maryanski introduced Interim Provost, Dr. Joan McGee, who joined the college from CCSN. UNR Interim President, Dr. Joseph Crowley, introduced Mr. Jeff Champagne, Student Body President-UNR, who was recently elected to a second term. President Crowley then introduced Dr. Leah Wilds, Faculty Senate Chair-UNR, who is the only Faculty Senate Chair who has served two terms. He then introduced Ms. Jewell Radcliffe, UNR's 2005 Classified Employee of the year, who has been employed by UNR since 1979.

Chair Whipple announced that Mr. Tyler Trevor was leaving System Administration, noting that he had been a great asset to the System and would be missed. Regent Howard thanked Mr. Trevor for the hard work and research he provided.

WNCC President, Dr. Carol Lucey mentioned that WNCC's distance education team was in the audience.

2. Chair's Report - Chair Whipple thanked President Crowley for hosting the meeting, adding his excitement for the Wolf Pack's participation in the NCAA tournament.

Interim President Crowley introduced Dr. Fred Harris, Department of Computer Science and Engineering-UNR, and Mr. John Kenyon, a student from the Goodman Brain Computation Lab, who presented a highlight of their program and projects.

Dr. Harris reported that the Goodman Brain Computation Lab is a collaboration between the School of Medicine, Biomedical Engineering, and the Department of Computer Science and Engineering. Several faculty and students are involved in the lab's work, which involves brain modeling, parallel computation and visualization, and robotics. The lab studies how the brain works by building large scale models and large computer systems on which to run the models. Researchers visualize the work in three dimensional space using robotics for test purposes. One goal is to write software that simulates the brain in a biologically correct manner. Another goal is to simulate the effects of drugs on the brain to assist with Alzheimer's studies. The Office of Naval Research and the Department of Defense support the program with grant funding. A sister laboratory in Switzerland, the Brain Mind Institute at EPFL, provides students with educational experiences abroad while conducting neural testing experiments. UNR is focusing upon industry collaborations that would allow full hardware implementations. Two months ago, DARPA (*Defense Advance Research Program*) approached UNR regarding a \$3-10 million project to occur over the next two-three years.

Regent Alden complimented the presentation, noting that the System needs more of this kind of collaborative effort.

2. Chair's Report – (*Cont'd.*)

UNR graduate student, Mr. John Kenyon, has lived in Reno for 16 years and has worked with the Goodman Brain Computation Lab since 2001. He is currently involved with helping to understand the underlying functions of the brain.

Chair Whipple thanked them for the presentation.

President Wells noted that Dr. Harris has done a remarkable job interacting with DRI and their visualization program under construction at DRI, thereby assuring Regent Alden there is System-wide collaboration.

Chair Whipple thanked Interim President Crowley for the gift bag, which included a copy of his latest book, *In the Arena the NCAA's First Century*. Chair Whipple noted that the Board was enduring an intense time with three executive searches occurring simultaneously. He expressed the Board's appreciation for the hard work of staff. He then expressed his appreciation to fellow Board members for their hard work and commitment. He said he enjoys working with the Board and looks forward to working with Board members in the future.

Interim President Crowley reported the estimated start time of the UNR basketball game was 12:00 noon, noting a large screen television set was available in room 244.

The meeting recessed at 8:55 a.m. (*for committee meetings*) and reconvened at 1:10 p.m., on Thursday, March 16, 2006, with all members present except Regents Derby, Hill, Leavitt, and Schofield.

1. Introductions – (*Cont'd.*)

WNCC President, Dr. Carol Lucey, introduced the Student Government Chair and Vice Chair of WNCC's Fallon Campus, Ms. Cordi Freeland and Ms. Hazel Halbert. President Lucey then introduced Mr. Arnel Pascua, Vice President, Finance and Administrative Services-WNCC.

Regent Hill entered the meeting.

3. Public Comment – Dr. Richard Siegel, President, American Civil Liberties Union of Nevada, and Professor Emeritus, Political Science-UNR, asked whether he would be allowed to comment on the agenda item concerning University Admission Criteria when the Board considered that item for discussion. Chair Whipple asked Dr. Siegel to hold his comments until that item was up for discussion.

Ms. Paige Thie, American Civil Liberties Union of Nevada, reiterated her request that the issue of free speech zones be placed on the next Board agenda. She urged the Board to adopt a System-wide policy to ensure that each NSHE campus appropriately dispatch the First Amendment and the Nevada Constitution. She felt that NSHE should begin from the premise that all public areas, including non-sidewalks, parks, and campus streets are by default public forums. From this System-wide policy each school could then exempt

3. Public Comment – (*Cont'd.*)

specific designated areas from the public forum for reasons such as public safety hazards or disruption to classroom education. She suggested the restrictions be narrowly defined and tailored to time, space, and manner. Ms. Thie stressed the importance of open debate in a classroom setting. The ACLU feels this should extend to the entire university and that institutions of higher learning should be a place for open and public debate, and not for specific areas where free speech is and is not allowed. Chair Whipple offered to discuss the matter with ACLU of Nevada Executive Director, Dr. Gary Peck.

In recognition of his last meeting as UNLV Student Body President, Mr. Peter Goatz thanked the Board for everything they have been doing. Mr. Goatz praised the building going on at UNLV, adding that it would change the community and hopefully make the institution more traditional. He urged the Board to move quickly in approving increased admissions standards, adding that students with whom he had spoken all favored the increased requirements. He noted that some students would like to have additional SAT and ACT criteria for those not performing as well in high school. He advocated for increased outreach to the high schools in Clark County. Mr. Goatz noted that UNLV had passed a resolution regarding textbooks. It is hoped that help will be provided in making textbooks more affordable.

Regent Leavitt entered the meeting.

Mr. Robert Metz, President, American Sports Academy, Inc., reported that his organization was proposing a \$350 million Olympic sports training center to be located on a portion of the UNR Main Station Farm property. They expect to contribute approximately \$35 million in addition to the rent on the property to UNR. The organization has committed to providing a new home and a new pool facility for the UNR swimming and diving team. The facility design has been rated as one of the best in the world and includes the ability to take the entire facility to sea level. An Olympic ice center is also proposed to include a sports medicine research facility. He asked the Board to consider the matter for the next Board agenda. The project will generate approximately \$350-500 million in local revenue. Regent Wixom said it as an exciting program that raised a number of questions and opportunities. He noted that one issue would be ensuring the project's completion.

4. Presentation by Mayor Jim Gibson – Nevada gubernatorial candidate, Henderson Mayor Jim Gibson, shared his vision for the future of education in Nevada and his commitment to improving education in Nevada (*Ref. A on file in the Board office*) .

Mayor Gibson reported that many of the state's challenges are linked to its involvement with education. He said that education is the key to success in a global marketplace, as well as the key to the future, the economy, and the quality of life. Mayor Gibson felt that success in life can be traced to education. He said he was very familiar with NSHE institutions since one of his sons attends UNLV, while another is in his first year at the School of Medicine in Reno. Three of his children have attended classes at CCSN and several have attended NSC. Mayor Gibson said that political equity and/or political capital needs to be applied to the benefit of the people, adding that he fought hard for the

4. Presentation by Mayor Jim Gibson – (*Cont'd.*)

establishment of Nevada State College, feeling that it would directly improve the lives of Nevadans. He agreed that an additional avenue was necessary in order to produce a talented workforce, including teachers and nurses, while allowing UNR and UNLV to fulfill their missions in becoming research and doctoral granting institutions. The City of Henderson secured from the federal government a 550-acre parcel of land for the campus site. A unique piece of legislation was created granting that the property would flow to the state/City of Henderson for the benefit of the state college and its development and use. The City developed a plan for public/private partnership that will allow the state college to grow and mature much sooner as a campus community than has historically been accomplished. The land conveyed may be used for any purpose relating to the establishment, operation, growth, and maintenance of the college, and any uses relating to such purposes including residential and commercial development. The bill allows for leasing space for public interest and community service groups, in addition to valley-wide education and recreation programs. The plan allows the City to participate in the construction and operation of facilities on the campus site that have been conveyed for educational and recreational purposes.

Mayor Gibson said that Nevada must also serve as a welcoming beacon for those committed to life saving advances in research. As Nevada's next governor, he would aggressively advocate that Nevada make a long term commitment to cutting edge stem cell research, which could play a major role in developing an academic medical center. As someone dedicated to Nevada's future, Mayor Gibson was optimistic that this kind of research can transform Nevada's university System into a new and diversifying economic engine. Growing the medical school enrollments and direct involvement with hospitals is vital to Nevada's growing population.

Mayor Gibson acknowledged that NSHE is challenged by explosive growth and pledged his strong support for the following:

- · A commitment for increasing the percentage of formula funding for the System.
- · Support of the Board's efforts in increasing the admission standards, which will help place students where they have the best chance to succeed.
- · The state allocation must accommodate higher part-time salaries.
- · The use of unclaimed property taxes to develop an endowment to support research endeavors.
- · Affordable housing (*for faculty and medical residents*) as one of his top priorities.
- · Intensify efforts statewide on behalf of comprehensive high school reform.
- · Use of a retiree corps of seniors to tutor high school students in science, math, and engineering.

Mayor Gibson said the fundamental, overriding challenge the System must confront is increasing the quality of the public school system that produces the students who attend NSHE institutions. While the college going rate has increased and enrollments have doubled, less than half of those students graduate. An unacceptable number of Millennium scholars must take remedial courses. Students are arriving without the necessary skills to succeed in higher education. Nevada's special challenge is due in part to its pacesetting growth, the increasing diversity of the student population, and the

4. Presentation by Mayor Jim Gibson – (*Cont'd.*)

willingness of qualified students to settle for initially well paying, but ultimately limiting jobs prevalent in

Nevada's economy. He noted that the greatest predictor of college success is the quality of course of study provided in high school. Mayor Gibson advocated for a full fledged commitment from the business community in order to improve education in Nevada. He encouraged the elimination of competition between K-12 and higher education. He advocated for a progressive higher education agenda that works with and not against K-12; structural reforms in the public schools; and creative collaborations among public schools, businesses, communities, and higher education institutions.

5. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of items (3) (*Tenure*), (6) (*Handbook Revision, Host Accounts*), (7) (*Handbook Revision, President Search Committee Membership*), and (8) (*Handbook Revision, Intercollegiate Athletics Complimentary Ticket Policy, UNR*), which were approved separately:

(1) Approved-Minutes – The Board approved the minutes from the special Board of Regents' meeting held January 6, 2006.

(2) Approved-Appointment to WestEd Board of Directors – The Board approved Board Chair Bret Whipple's request for a three-year reappointment to the WestEd Board of Directors for Dr. William Sparkman, Dean, College of Education, UNR.

(4) Approved-Allocation of Grants-in-Aid, 2006-2007 – The Board approved the recommended allocations of Grants-in-Aid for 2006-2007. *Nevada Revised Statutes* 396.540 provides for tuition waivers for students from other states and foreign countries based on 3% of each institution's fall headcount enrollment. Board policy provides an equal number of grants-in-aid for Nevada students and requires that the total number of grants-in-aid allocated to each NSHE institution be approved annually by the Board. The recommended allocations are for academic year 2006-2007 and represent the total number each institution could award. In all cases, funding is not sufficient to support the maximum allowable number of grants-in-aid:

IN-STATE OUT-OF-STATE

UNR 500 500

UNLV 855 855

NSC 47 47

CCSN 1,087 1,087

GBC 86 86

TMCC 361 361

WNCC 166 166

(5) Approved-Capital Improvement Fee Funds, CCSN – The Board approved President Richard Carpenter's request to spend \$150,000 in Capital Improvement Fee funds for two projects that cannot be funded from other institutional funds (Ref. C-5 on file in the Board office) :

- · Boulder City Site renovation.
- · Mesquite Site furniture request.

5. Approved-Consent Agenda – (*Cont'd.*)

(9) Approved-Resolution #06-04, Approval of Bank Financing and Follow-up to January Board Approval, UNLV – The Board approved President Carol C. Harter's request for a formal resolution to finalize bank financing up to the sum of \$4,825,000, the proceeds of which will be used to fund the replacement of the chillers at the Thomas and Mack Center. The Board approved solicitation of this financing, up to the \$4,825,000 limit, at the January 2006 meeting (Ref. C-9 on file in the Board office) .

Regent Anthony moved approval of the Consent Agenda with the exception of items (3) (*Tenure*), (6) (*Handbook Revision, Host Accounts*), (7) (*Handbook Revision, President Search Committee Membership*), and (8) (*Handbook Revision, Intercollegiate Athletics Complimentary Ticket Policy, UNR*). Regent Gallagher seconded. Motion carried. Regent Rosenberg abstained. Regents Derby and Schofield were absent.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY:

(3) Approved-Tenure – The Board approved the NSHE presidents’ recommendations for tenure for the following faculty members. Each applicant met the standards for tenure in the NSHE Code and was positively forwarded by his/her institution following a peer review process. TMCC requested the withdrawal of Ms. Karen Fontaine’s name at her request.

CCSN – *(Ref. C-3a on file in the Board office)*

Mr. Levy C. Acosta, Jr. Mr. Mark Bird
Mr. Robert A. Bonora, Jr. Dr. Frederick Lee Conquest
Ms. Irene Coons Dr. William Eric Davis
Ms. Gail Flot Greenhouse Ms. Lupe Gomez Gunderson
Dr. Richard A. Howe Mr. Terry K. Jones
Mr. Mark E. Peplowski Mr. Stanley Walter Pinkos
Ms. Gail Ann Silva Ms. March Jean Sustarsic
Mr. Richard L. Williams Mr. John Ziebell

GBC – *(Ref. C-3b on file in the Board office)*

Ms. Bonnie Hofland Mr. Doug Hogan
Dr. Margaret Puccinelli Dr. Gretchen Skivington

TMCC – *(Ref. C-3c on file in the Board office)*

Ms. Elizabeth Baines Dr. Edmund Burke
Ms. Cheryl Cardoza Ms. Mai Anh Crowe
Dr. Julie Ellsworth Ms. Robin Griffin
Mr. Robert Lively Dr. Richard Waters

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY: *(Cont’d.)*

(3) Approved-Tenure – *(Cont’d.)*

UNLV – *(Ref. C-3d on file in the Board office)*

Ms. Raquel Aldana Dr. Andrew Andres
Mr. Bret Birdsong Dr. Stephen Brown
Mr. Glenn Casale Dr. Yi-Tung Chen
Ms. Jennifer Cox Dr. James Crawford
Dr. Michael Dalbor Dr. David Damore
Mr. Alfredo Fernandez-Gonzalez Dr. Ronald Gary
Dr. Gregory Ginn Dr. Andrew Hanson
Ms. Christian Hardigree Dr. David Hassenzahl
Dr. David Hatchett Dr. Jeffrey Jablonski
Dr. Jichun Li Dr. Anthony Lucas
Dr. Karl Mayer Dr. Aya Louisa McDonald
Dr. Trevor Moores Dr. Balakrishnan Naduvalath
Dr. Sandra Owens-Kane Dr. Phillip Patton
Mr. Bruce Paulson Dr. Kenneth Peffers
Dr. Steven Phelan Mr. Ngai Pindell
Dr. Ajit Roy Dr. David Schwartz
Dr. Jeffery Shen Dr. Takashi Yamashita

UNR – *(Ref. C-3e on file in the Board office)*

Dr. Graca Almeida-Porada Mr. Richard B. Anderson
Dr. Pamela Cantrell Dr. Craig R. Carter
Dr. Nora L. Constantino Mr. Rodney L. Davis
Dr. Andrei Derevianko Dr. Dayue Duan
Dr. Hatice Gecol Mr. Howard L. Goldbaum
Ms. Araby Y. Greene Dr. Jennifer Hill
Dr. Kwang J. Kim Dr. Karen Kopera-Frye
Dr. Jeffrey LaCombe Dr. Normand LeBlanc

Dr. Eric Marchand Dr. Richard Mason
Dr. Ron Mittler Dr. Klaus Moeltner
Dr. William J. Murphy Dr. Angela M. O'Callaghan
Ms. Tamara Scronce Dr. Gary Shen
Dr. David Ken Shintani Ms. JoAnne Skelly
WNCC – (*Ref. C-3f on file in the Board office*)
Ms. Sharon Tetly Mr. Randy Naylor

Regent Sisolak said he did not feel qualified to vote on the matter.

Regent Hill moved approval of the recommendations for tenure. Regent Anthony seconded.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY: (*Cont'd.*)

(3) Approved-Tenure – (*Cont'd.*)

Regent Alden asked whether tenure had been included on the Consent Agenda to avoid having the Board deliberate on the item. Executive Vice Chancellor Klaich replied that was part of the reason, though he did not believe it addressed Regent Sisolak's longstanding concerns about the item.

Regent Hill stated that he too did not know anyone listed on the agenda, adding that he did not object to voting at this time. He felt it provided a minimal amount of control for the Board of Regents for the presidents to realize that the Board was considering their recommendations and the possibility exists that someone could question whether or not the process had been followed. Regent Sisolak stated that he had total and complete confidence that the tenure recommendations had been thoroughly vetted. He said he had not even read the names, he did not know them, and no information had been provided. He preferred having the institutions make the decision. He was concerned that faculty could approach the Board and complain that they had not received a tenure recommendation.

Regent Dondero asked who submits the names. Chair Whipple replied it was a substantial process. President Harter related that it was a very elaborate process, including seven steps (*the department, the department chair, the dean, a college committee, a university committee, the Provost, and the President*) . She explained that the President formally submits the names to the Board.

Motion carried. Regent Sisolak abstained. Regents Derby and Schofield were absent.

(6) Approved-Handbook Revision, Host Accounts – The Board approved a revision to the *Board of Regents Handbook* , (*Title 4, Chapter 1, Section 13*) to bring Handbook language in line with current legislation authorizing a maximum of \$2,500 in Regent host funds (*Ref. C-6 on file in the Board office*) .

Regent Alden observed that the Legislature had changed the allotment to \$2,500 per Regent and, previously, the Board Chair had been allocated \$5,000. He observed that it was still an unfunded mandate using non-state funds. Executive Vice Chancellor Klaich agreed the state had never funded Regent host accounts.

Regent Anthony asked whether the Board could authorize the Chair to receive \$5,000. Executive Vice Chancellor Klaich replied that it was within the Board's constitutional prerogatives to spend its funds as it chooses. Another way would be to broaden the description of the Chairman of the Board to include some things considered host expenditures as applicable to their normal duties. He felt the latter approach would be better advised. Regent Anthony asked whether the Board would need to approve such a measure. Executive Vice Chancellor Klaich replied that it would, adding that staff could consider the definition and return to the Board for action. Regent Anthony requested the matter be considered.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY: (*Cont'd.*)

(6) Approved-Handbook Revision, Host Accounts – (*Cont'd.*)

Regent Dondero asked whether any left over funds could be designated for scholarships. Executive Vice Chancellor Klaich replied that unspent funds would revert back to Regents funds, since they are funded with non-state funds. They could carry forward or be designated for other purposes. He advised against a reversion.

Regent Howard asked whether a clear definition had been provided for the appropriate use of host funds. Executive Vice Chancellor Klaich replied that the host policy had been revised, adding that a copy would be provided to all Board members.

Regent Alden moved approval of the Handbook revision concerning host accounts. Regent Sisolak seconded. Motion carried. Regents Derby and Schofield were absent.

(7) Approved-Handbook Revision, President Search Committee Membership – The Board approved a Code Amendment, (Title 2, Chapter 1, Section 1.5.4(a)) , to increase the membership of the President Search Committee from five to six members. The first hearing of this item occurred at the Board’s special January 6, 2006 meeting (Ref. C-7 on file in the Board office) .

Regent Sisolak apologized, stating he had requested the removal of this item in error.

Regent Anthony moved approval of the Handbook revision concerning president search committee membership. Regent Whipple seconded. Motion carried. Regent Hill voted no. Regents Derby and Schofield were absent.

Regent Hill felt it was a very bad idea to move from an odd to an even number of participants. He suggested trying it for one time only on the UNR President Search to see how it would work. Chair Whipple observed that it was at Board discretion to appoint five or six members to such a committee.

Regent Rosenberg agreed with Regent Hill.

Regent Anthony asked whether this change would affect current or future searches. Executive Vice Chancellor Klaich replied that the amendment language was mandatory and indicated that a committee “shall” be appointed. Actions of the Board typically become effective upon passage. He saw no reason to void action taken by a prior Chair and to appoint another member unless they chose to do so.

Regent Howard asked whether this change would only be employed one time for the UNR President Search Committee. Regent Sisolak explained that the change was now permanent. Executive Vice Chancellor Klaich explained that Regent Hill had previously suggested moving membership from five to six on a trial basis. This is not a trial run and

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY: (*Cont’d.*)

(7) Approved-Handbook Revision, President Search Committee Membership –(*Cont’d.*)

now becomes a permanent change to the composition of presidential search committees from five to six members. Regent Howard asked why the Board would want an even number and whether there was an appetite for adding an alternate member to avoid the possibility for a tie vote. Executive Vice Chancellor Klaich replied that the motion was to take into account the growth of the Board over time. This particular Bylaw dates to a time when the Board had eleven members and no committee having more than a quorum of members. With the increase from eleven to thirteen members, the Board had the authority to add one more person without violating the quorum caution. Regent Howard said it did not make any sense to her. She questioned why the item was on the agenda if it was done solely for the UNR President Search Committee. Executive Vice Chancellor Klaich replied that it had been included on the agenda at the direction of the Board during the January 6th special meeting. He clarified this was the second reading of the proposed change. It could not be included for the January 26-27, 2006, meeting due to a timing constraint between that meeting and the Board’s discussion on January 6th . Regent Howard felt that an alternate should have been considered.

Regent Alden expressed his support for increasing the membership to six. He observed that the UNLV President

Search Committee could be increased to six members at the discretion of the Board Chair.

Regent Sisolak moved approval to reconsider. Regent Howard seconded.

Regent Hill questioned the validity of limiting the number of Regents that can participate on a committee. Executive Vice Chancellor Klaich explained that a committee of seven would comprise a quorum of the Board. When a quorum of the Board is present in a meeting it equates to the full Board meeting. He clarified that for committees meeting off-cycle the agendas have been noticed as meetings of the full Board so that non-committee members can fully participate, short of voting. Agendas for committees meeting with the full Board (*on-cycle*) include footnotes indicating that all members can participate. He related that staff was attempting to comply with the strict requirements of the Nevada Open Meeting Law.

Regent Leavitt explained there had been great interest expressed for allowing as many Regents as possible to contribute to the important decision of selecting the presidents. He felt that allowing the greatest number of Regents to participate in this effort outweighed the negative of a possible tie vote. He felt that any tie vote should be considered by the full Board. He favored a more inclusive committee structure and expressed his support for the agenda item as written.

Regent Sisolak withdrew the motion to reconsider. Regent Howard withdrew the second.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY: (*Cont'd.*)

(8) Approved-Handbook Revision, Intercollegiate Athletics Complimentary Ticket Policy, UNR – The Board approved Interim President Joseph Crowley’s request for a revision to the *Board of Regents Handbook* (Title 4, Chapter 10, Section 21.2), the NSHE Intercollegiate Athletics Complimentary Ticket Policy pertaining to UNR, as recommended in the department’s NSHE internal audit to clarify internal controls, require written approval to provide such tickets, simplify terms of the policy, change UNR’s ticket policy to mirror that of UNLV’s, which was approved at the January 2006 Board meeting (Ref. C-8 on file in the Board office).

Regent Alden moved approval of the Handbook revision concerning an intercollegiate athletics complimentary ticket policy. Regent Gallagher seconded. Motion carried. Regents Derby and Schofield were absent.

6. Approved-Resolution #06-05, President Emeritus Status and Regents’ Professor, UNLV The Board approved Chancellor James E. Rogers’ recommendation, in accordance with Board policy (*Title 4, Chapter 3, Section 20*), for approval of emeritus status and granting the title Regents’ Professor for Dr. Carol C. Harter, effective July 1, 2006 (Ref. B on file in the Board office).

Regent Sisolak moved approval of granting emeritus status and the title Regents’ Professor to Dr. Carol C. Harter effective July 1, 2006. Regent Rosenberg seconded.

Regent Hill left the meeting.

Dr. Clint Richards, Faculty Senate Chair-UNLV, confirmed the UNLV faculty senate’s support of this item.

Upon a role call vote, the motion carried. Regents Dondero, Gallagher, Howard, Leavitt, Rosenberg, Sisolak, Whipple, Wixom, Alden, and Anthony voted yes. Regents Derby, Hill, and Schofield were absent.

Regent Hill entered the meeting.

Chair Whipple said he was impressed with President Harter’s dedication, adding that she has an undying love for her institution. He then presented President Harter with Resolution #06-05 (*on file in the Board office*). President Harter thanked her husband, Dr. Michael Harter, her colleague presidents, and the Board for this honor.

6. Approved-Resolution #06-05, President Emeritus Status/Regents' Professor, UNLV – (Cont'd.)

Special Counsel Brooke Nielsen noted the intent to name the campus mall formerly known as the Academic Mall, *Harter Square*, upon the retirement of President Harter as president. She observed that approval of this naming recommendation would require waiver of provisions in the *Procedures & Guidelines Manual*(Chapter 1, Section 2.2.g), which provides that a building cannot be named for current System employees. She requested that any motion made include a waiver of that portion of the policy.

Chair Whipple stated that naming the Academic Mall, located in the heart of the institution, would be an appropriate way to honor President Harter.

Regent Rosenberg related that he had received a number of contacts suggesting a preference for naming the classroom building in honor of President Harter as it does not yet have a name.

Mr. Frederick Krauss, President, GPSA-UNLV, proposed naming a building after President Harter instead of the Academic Mall. He related that the classroom building is actually the heart of UNLV and includes a teaching complex, an auditorium, and the classroom complex. He proposed naming it the *Harter Classroom Complex*. Mr. Peter Goatz, Student Body President-UNLV, agreed with the comments, noting the building had not been named in over ten years. He felt it was a great way to acknowledge President Harter's achievement as UNLV's longest serving president.

Regent Howard agreed with the previous comments, adding that she too had been contacted by several people concerned about honoring President Harter in a more visible manner with a building instead of the mall area.

Executive Vice Chancellor Klaich observed that the agenda had not provided adequate notice for naming a building, referring instead to open space. He suggested bringing a proposal for naming a building in honor of President Harter to a subsequent Board meeting. Regent Howard observed the agenda item title discussed a naming recommendation and asked whether it could be amended. Executive Vice Chancellor Klaich related that counsel advised the item was best deferred. Regent Howard asked whether the item could be withdrawn and brought forward at the next meeting. Executive Vice Chancellor Klaich replied that it could.

Regent Anthony recommended the item be withdrawn and brought back to the next meeting.

Regent Sisolak requested clarification regarding the Academic Mall area. Chair Whipple explained it was the grassy, square area in the middle of campus. Regent Sisolak asked whether something had been named for a young, deceased student. President Harter replied that the area outside the student union, in front of the alumni amphitheater, had been named for that student.

Regent Leavitt suggested the Board vote on this naming opportunity and if the Board determined an additional honor was warranted, they consider the matter at a separate

6. Approved-Resolution #06-05, President Emeritus Status/Regents' Professor, UNLV – (Cont'd.)

meeting. Regent Gallagher felt if there was an appetite to do something different it should be brought back to the full Board at another meeting.

Executive Vice Chancellor Klaich explained that the Chair separated the honorary titles and the naming opportunity. The Board approved the honorary titles. He related that action on the naming opportunity could be deferred to the next meeting.

The meeting recessed at 2:25 p.m. and reconvened at 2:55 p.m. with all members present except Regents Derby and Schofield.

7. Information Only-Presentation by Lieutenant Governor Lorraine Hunt - Lieutenant Governor Lorraine Hunt shared her vision for the future of education in Nevada and her commitment to improving education in Nevada.

Lieutenant Governor Hunt acknowledged the challenges and responsibilities associated with leadership in both the public and private sectors. As a non-educator, she expressed her openness to the expertise of those prepared to analyze the many challenges of Nevada's educational system. As a business person, she does not follow a political model of wish lists, empty promises, and unrealistic plans, preferring instead a real business plan. Lieutenant Governor Hunt said she recognizes the value of a topflight higher education system, observing that the business community needs a pool of fresh, energetic, well educated, local talent. A first rate education system is one of the keys to successful economic development in symbiotic relationships with the private sector. She acknowledged the associated costs. As lieutenant governor, she managed two of the state's most significant revenue sources for education: economic development and tourism. She said she understands the value of a good investment, adding there is no better investment than the education of the community's youth. She believes that a strong system of higher education strengthens the state's economy and that a strong economy allows the needs of the people to be met. She believes the funding formula is a fair system, though she feels the common goal should be working on a means of attaining 100% funding. Lieutenant Governor Hunt also supports an increase in out-of-state tuition and reconsideration of where the additional revenues would go and how they would be used. She feels the university System generates the revenue and should have more control and use of its funds.

With respect to suggestions that municipal governments should become involved in funding the higher education system, Lieutenant Governor Hunt noted that local government benefits from a strong system and there should be consideration of some investment by municipalities and counties.

Lieutenant Governor Hunt stated that money could be saved on bricks and mortar by aggressively pursuing an expanded build/lease program. She noted that she and Governor Guinn initiated the first build/lease program in Nevada for the Richard Bryan Building in Carson City. She agreed that it makes good sense to eliminate the State Public Works Board. She acknowledged that capital improvement needs often outweigh the resources, which further underscores the importance for developing more public/private

7. Information Only-Presentation by Lieutenant Governor Lorraine Hunt –(Cont'd.)

partnerships. She stated that the medical and health facilities are high priorities for her, and felt they could become prime models for future public/private partnerships. The Nevada Commission on Economic Development is focusing its efforts heavily on nano-science and biotechnology. Lieutenant Governor Hunt felt that attracting Fortune 100 and 500 companies would make it easier to form public/private partnerships because they understand the need for higher education and would be willing to participate as good corporate citizens in helping achieve those goals. She observed the tremendous potential in Nevada to become the alternative and renewable energy capital of the world.

Lieutenant Governor Hunt then discussed her work with The Peoples Republic of China. Soon, UNLV will formalize an agreement to provide hospitality training to help the Chinese prepare for the 2008 Olympic Games in Beijing. She felt that Nevada was well on its way to position the university System on the global stage creating tremendous future opportunities. She observed that economic development and education are intrinsically tied to one another, providing a good return on investment and helping to mitigate the loss of Nevada's graduates. She wants Nevada's higher education system to be a bridge for students to the community and not an exit ramp to another state. She supports raising the standards for scholarship awardees, feeling that higher standards result in better performance. She urged that the standards be increased in a fair and incremental manner. She expressed her full support for the Board of Regents as it now exists. She suggested that when evaluating candidates for governor, that voters consider them as prospective employees. She felt her experience qualified her to serve as Nevada's next governor.

Chair Whipple asked about Lieutenant Governor Hunt's involvement with China and whether the Board was providing sufficient support for initiatives in China and Singapore. Lieutenant Governor Hunt replied that she believes that China is the Comstock Lode of the 21st Century. Her first trip to Singapore occurred while serving as Chairman of the Las Vegas Convention and Visitor's Authority. She noted that the U.S. population totals approximately 350 million, while the Peoples Republic of China alone totals 1.4 billion; 300 million of whom have the ability to travel abroad; 50 million Chinese are millionaires in U.S. equivalency. A subsequent trip to China in 2003 while serving as Lieutenant Governor followed, accompanied by various Nevada business people

and educators. Direct flights are now offered between Las Vegas and the Peoples Republic of China. The Reno-Tahoe airport has been established as a diversion airport when weather conditions in San Francisco prevent Air China from landing. She was very proud of the accomplishments in China. Nevada currently possesses the only license to allow such trade with China. Hawaii and other states are pursuing similar opportunities.

8. Approved-Athletic Director Contract Extension, UNLV – The Board approved President Carol C. Harter’s request for a new contract agreement for UNLV Athletic Director Michael A. Hamrick, extending his current contract (*which expires June 30, 2008*) to June 30, 2010 with increased compensation in both additional years (Ref. C on file in the Board office) .

8. Approved-Athletic Director Contract Extension, UNLV – (*Cont’d.*)

President Harter said it was important during this transitional period to provide stability in a number of areas. Mr. Hamrick has performed superbly on a number of different fronts and is very much in demand in the job market. Two institutions have already attempted to hire Mr. Hamrick away from UNLV, though he has committed to remaining with the university. Under his leadership, UNLV has realized unprecedented academic successes, including the highest graduation rate among athletes this year (53%) . Mr. Hamrick has helped bring athletes whose eligibility has expired back to the campus to complete their degrees. While basketball is notoriously lacking in academic success, UNLV’s team has a cumulative GPA of 3.0. Of UNLV’s seventeen various athletic programs, thirteen have above a 3.0 GPA. UNLV’s athletic department received an “A” rating for their hiring practices from the Black Coaches Association. UNLV and UNR were recognized by the NCAA as two of ten programs in the country for outstanding diversity in their athletic programs. She felt this represented a significant accomplishment by Mr. Hamrick and his staff. UNLV has incurred no NCAA violations. The athletic budget is balanced and will end with a \$1 million reserve thanks to Mr. Hamrick’s fine fiscal oversight. In addition to serving as the athletic director, Mr. Hamrick also provides administrative oversight for the Thomas & Mack Center, a \$20 million complex operation, which will realize a projected \$1 million surplus at year end. Mr. Hamrick was instrumental in bringing the Mountain West tournament back to Las Vegas beginning in 2007. He serves on two exclusive NCAA committees (*baseball and the bowl championship series committees*) . This year, UNLV moved up sixty-nine positions in the director’s cup competitions, now ranking 62 among 320 athletic programs in the country. The average salary for an athletic director across Division I programs is \$306,000. President Harter reported the current recommendation would move Mr. Hamrick’s salary to \$285,000 in 2010. She related that UNLV’s athletic program had greatly improved under his leadership and that the university would be well served assuring that he remains at UNLV along with the fine coaching staff he has assembled.

Regent Rosenberg moved approval of the contract extension for UNLV Athletic Director Mike Hamrick. Regent Hill seconded.

Mr. Frederick Krauss, President, GPSA-UNLV and Intercollegiate Athletic Council member, expressed his support and urged Board approval, adding that Mr. Hamrick is leading UNLV’s athletic department in the proper direction. While success on the field is important, the Intercollegiate Athletic Council ensures that success in the classroom is emphasized to student athletes. Mr. Hamrick has been extremely successful in this area, ensuring that UNLV’s student athletes are meeting and/or exceeding academic requirements. He emphasized that the athletic department’s 53% graduation rate was the highest in UNLV’s history. Mr. Hamrick has also been successful on the field. Over the last year, UNLV has won a record six Mountain West Conference championships and finished second in four other championships. He is responsible for hiring two exceptional coaches, Mr. Mike Sanford and Mr. Lon Kruger, in the revenue producing sports of football and men’s basketball. Mr. Krauss was highly satisfied and proud of the direction in which the athletic department was heading.

8. Approved-Athletic Director Contract Extension, UNLV – (*Cont’d.*)

Regent Sisolak stated that his comments were not directed towards Mr. Hamrick personally as an athletic director. Regent Sisolak observed that UNLV was in a transitional phase and felt it was grossly unfair to

handcuff the new president with extended, lengthy contracts, and that the new president should have some input. He noted that two years remain on the existing contract. He appreciated the lack of violations, the increased GPA, and the six Mountain West championships, but felt that, over the past few years, the basketball and football programs had not enjoyed the success anticipated by fans. He felt the action was premature, unfair to the incoming president, and that it would be a great misuse of funds if extended contracts had to be bought out.

Chancellor Rogers expressed a general principle for allowing the incoming president as much flexibility as possible. He observed that Mr. Hamrick has been with UNLV for two years and had done a great job. He said there is a constant feeling of unrest in the community for a positive change with the football and basketball programs. He admired Mr. Hamrick's work in increasing the GPA's, but felt the average citizen desires a winning team. He expressed his support for Mr. Hamrick's program, citing Coach Kruger's supplemented salary, as well as others. He related that they could not continue with losing seasons. He felt that changes were necessary for the 2-9 football program and the 17-13 basketball program. He said that many Las Vegans were very distressed that they had invested time and money only to arrive at the same place. While it is not Mr. Hamrick's fault, they need a plan to effect positive change.

Mr. Hamrick said he had been the athletic director for nearly three years. Upon his hiring, the president indicated the following things required his attention:

1. NCAA violations; clean up the basketball program. This has been addressed. UNLV has quality student athletes.
2. Improve the graduation rates. This has been addressed. With the new academic performance rate, universities now suffer penalties for inappropriate graduation rates. UNLV did not suffer any penalties this year.
3. Return athletic program to a solvent financial condition. After inheriting a \$2 million deficit, the program now has over \$1 million in surplus and has paid back approximately \$750,000 in debt.
4. Address dysfunction between the Thomas & Mack Center and the athletic department. The Thomas & Mack Center will realize a \$1.3 million reserve.
5. Make UNLV programs competitive, but do not win at all costs. UNLV has begun to win. He has hired new coaches. These coaches have begun recruiting winning athletes. UNLV's athletic program is gaining credibility. Mr. Hamrick stated he was not the right athletic director to provide a quick fix to win games. He felt that over time, the football and basketball programs would be successful.

Chancellor Rogers agreed that two years was not sufficient to effect positive change, but noted the Board was being asked to extend the contract by four years. He requested an estimate for where Mr. Hamrick expected the programs to be in the coming years. Mr. Hamrick replied that he could not predict wins. He expects UNLV's programs to continue to improve. He expressed his and his family's commitment to UNLV and felt it was important to demonstrate that commitment to the coaches.

8. Approved-Athletic Director Contract Extension, UNLV – (Cont'd.)

President Harter stated that Interim President Crowley had also requested an extension of the UNR athletic director's contract through 2010. She felt that both transitional presidents were making a commitment they believed was necessary for the success of their institutions' athletic programs.

Interim President Crowley said he knows Mr. Hamrick, the kind of athletic director he has been, and the respect that he enjoys in intercollegiate athletics, which is due to Mr. Hamrick embracing the proper values. He acknowledged that athletic directors are ultimately judged, in part, on the records of these two major sports, but observed that a record can also be established by not embracing the proper values. He considers Mr. Hamrick a star who will bring success to the institution, adding that he would be delighted to inherit such an athletic director as an incoming president.

Regent Hill expressed his admiration for Mr. Hamrick and observed that the win-loss record would not matter if the athletes were not graduating.

Regent Wixom observed that the contract indicated that UNLV's primary purpose is educational and

commended Mr. Hamrick for the tremendous progress realized. He felt it was crucial to keep this focus in mind.

Regent Alden observed that the job of an athletic director for a Division I school is a very difficult job, requiring attention to balanced budgets, compliance, facilities, dwindling state funds, tuition and fee waiver issues, and graduation issues. The real purpose is to educate. While no one is happy when teams are not winning, UNLV has come a long way and is moving in the right direction. He felt the public should step back and realize the difficulty of the position. He commended Mr. Hamrick for improving the graduation rate and recruiting better student athletes.

Regent Sisolak stated that no one was saying they did not appreciate Mr. Hamrick or espousing winning at any cost. He objected to comments concerning two previous coaches who did not recruit near the end of their careers. He felt it demeaned their service to the institution. Mr. Hamrick replied that he was very fond of the previous football coach and appreciated his efforts. His comments were intended to highlight the impact to recruiting when a coach is at the end of their career. UNLV's football program is in a rebuilding mode.

Executive Vice Chancellor Klaich cautioned against the use of specific names.

Regent Leavitt observed the Board was in the process of hiring two new presidents. He was curious to know whether the incoming presidents would offer their full support of these extended contracts. He would normally agree that the Board prefers to extend such contracts in the year prior to expiration. Due to the upheaval, he felt it was important for the Board to support the current sports leadership and to demonstrate similar support to the incoming presidents.

8. Approved-Athletic Director Contract Extension, UNLV – (Cont'd.)

Regent Gallagher recalled previous winning athletic programs that sustained many NCAA infractions. She commended Mr. Hamrick for starting with and building upon a firm foundation.

Dr. Clint Richards, Faculty Senate Chair-UNLV, felt it important to consider athletes as students first. He too recalled past winning seasons at UNLV, which was exciting, but the student athletes were not as scholarly as today's mix. He felt that Mr. Hamrick has operated the athletic program with great honor and indicated his support for him.

Regent Howard objected to approving an extension with two years remaining on the contract. She felt the Board should consider establishing a policy addressing this issue for consistency. She said she could not support the motion and felt it was unfair to the incoming president. She observed there could be a large fiscal impact if the incoming president was not satisfied with the performance.

Regent Sisolak agreed the graduation rates have improved and there have been no NCAA problems. He did not feel that had to be mutually exclusive with success on the field.

Chair Whipple observed there is a clear division between students who graduate and those who do not. He observed the Board was in existence to help the students. He thanked President Harter and Mr. Hamrick for increasing the graduation rates.

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

9. Approved-Head Football Coach Contract, UNR – The Board approved Interim President Joseph Crowley's request for a new employment contract for University of Nevada, Reno's head football coach, Mr. Chris Ault. This new employment contract covers from July 1, 2006 through June 30, 2009 (Ref. D on file in the Board office) .

Interim President Crowley recalled Coach Ault's many years of university service, both as a football coach and

as an athletic director. Coach Ault had a successful 9-3 season, tying for the WAC conference championship, and winning a bowl game. Interim President Crowley recommended approval of the new contract, including a pay increase to \$360,000/year, and a fairly common bonus structure. Interim President Crowley related the salary may seem high, but was not considered so in the highly competitive field of Division IA head football coaches.

Regent Gallagher moved approval of the UNR head football coach's contract. Regent Anthony seconded.

Regent Sisolak recalled that, previously, UNR's athletic director claimed that head coaches and athletic directors do not qualify for cost of living increases. He observed that

9. Approved-Head Football Coach Contract, UNR – (Cont'd.)

the new contract included a cost of living increase. Executive Vice Chancellor Klaich agreed with Regent Sisolak's recollection. Interim President Crowley did not recall that. Interim President Crowley clarified that all employees are eligible for a cost of living adjustment (COLA). He could not think of any employees who were not provided a COLA. Regent Sisolak observed that the UNLV athletic director's contract salary included a COLA.

President Harter said these contracts are considered all inclusive. For example, Mr. Hamrick's contract includes a \$15,000 increment for each of the years of the contract, which becomes inclusive of COLA and merit. The employee signs the contract as inclusive of all aspects of the salary, which is then considered a closed contract. The COLA is not added to the contractual amount, it is included in the recommended increase. Executive Vice Chancellor Klaich asked whether that meant it was \$4,000 plus \$4,000 plus \$7,000, for a total of \$15,000. President Harter replied that the \$15,000 included the COLA or merit he would have earned, which would have been less than \$15,000. She clarified there was no COLA/Merit combination that totaled more than \$15,000. Executive Vice Chancellor Klaich observed the UNLV athletic director's salary was increasing from \$240,000 to \$255,000 and asked whether there was a circumstance under which that salary would exceed \$255,000. President Harter replied there was not.

Regent Sisolak observed that if the Legislature did not approve a COLA increase, employees did not receive one. The UNLV contract identifies \$255,000, which includes COLA and merit. The UNR contract indicates \$360,000 subject to COLA increases, which was not identical. He felt that if one received it, they all should. Interim President Crowley suggested it could be a simple matter of wording. The intention was for Coach Ault to receive COLA increases. Regent Sisolak observed that the UNLV athletic director would not receive such an increase. President Harter agreed, adding that was the contract that had been negotiated. Regent Sisolak recalled that UNR's athletic director had claimed that employees at this level do not receive COLA. Interim President Crowley recalled a previous conversation regarding the UNR athletic director's contract recommendation, which included yearly \$10,000 increases, which did not consider a combination of COLA and merit in excess of that amount. The new contract was crafted to remedy that situation. If the combination of merit and COLA is greater than the recommended figure, she would receive the additional money.

Executive Vice Chancellor Klaich wondered if the difference between the contracts was due to the recommendation for a flat salary for the duration of the four-year contract with a provision for COLA. Mr. Hamrick's contract includes a built-in increase, which would be a logical reason not to include COLA and merit. Regent Sisolak asked about the amount of COLA recommended in the previous year. President Harter replied it was 2%. Executive Vice Chancellor Klaich replied it differed between the years of the biennium (2% and 4%). Regent Sisolak asked how the recommendation would not exceed \$10,000 on a \$300,000 contract. Executive Vice Chancellor Klaich and Interim President Crowley replied that it would. Regent Sisolak said the contracts were written in a confusing manner.

9. Approved-Head Football Coach Contract, UNR – (Cont'd.)

Chair Whipple expressed the Board's appreciation for his insight. He observed they are valid contracts, which have been accepted by all parties.

Motion carried. Regent Sisolak abstained. Regents Derby and Schofield were absent.

Regent Wixom observed that Regent Sisolak raised a legitimate argument and requested the issue be included on a future agenda. Chair Whipple agreed to consider the matter in the Budget & Finance Committee.

10. Approved-Regents' Awards – The Board approved the 2006 Distinguished Nevadan, Honorary Degree, and Regent Scholar recipients:

Regent Howard asked whether the Distinguished Nevadans would be voted upon separately. Chair Whipple replied that they would so each Regent could present their individual nomination. Regent Hill observed the Board could vote upon the nominations collectively. Chair Whipple agreed that they could. Regent Howard asked to discuss one nomination separately.

A. Distinguished Nevadans - *Policy: Handbook, Title 4, Chapter 1, Section 14 (Ref. Eon file in the Board office)* .

➤ · Mr. Walter Cuchine.

Regent Howard asked why Regent Derby's name was included on the top of the nomination form. She said she would not vote upon a matter that included an ethical problem. She felt there was an ethical issue with the words, "*Jill Derby for Congress*" included at the top of the nomination form. Regent Howard wondered whether Mr. Cuchine had contributed to Regent Derby's campaign. Secretary Dobyms explained that this nomination had been faxed to the Board office, while the other nominations had been submitted electronically. The document was scanned in order to provide electronic copies of all of the nominations on the Board's website. She related that she neglected to edit out the fax identifier information prior to scanning the document.

Regent Howard asked whether a public admission regarding not eliminating the fax identifier information would correct the ethical issue and objected to staff speaking on behalf of Regents. Chair Whipple observed that Regent Derby was absent. Regent Howard said she would not vote on a matter that was unethical. She objected to a Regent using their political fax machine to convey a Regent nomination.

Regent Rosenberg did not believe that "Candidate for Congress" Derby had submitted the nomination, but rather that "Regent" Derby had. He related that Regent Derby had known Mr. Cuchine for a long time. Mr. Cuchine has been one of the most valuable members of a rural community. At times when he was offered positions paying a great deal more money, he chose to remain in Eureka to provide a service that has brought a great deal of honor and notice to a very small community. He did not believe that Mr. Cuchine was connected with Regent Derby's campaign or beholden to Regent Derby. Regent Rosenberg wanted to avoid this nomination reflecting poorly on Mr. Cuchine.

10. Approved-Regents' Awards – *(Cont'd.)*

A. Distinguished Nevadans – *(Cont'd.)*

Chair Whipple stated this was one area where Regents could do something unique, individual, nice, and good. He was attempting to allow each Regent the opportunity to present their respective nomination.

Regent Howard respected the fact that this person was likely a good person and deserving of the nomination. She said she was trying to protect the integrity of the process. She said it looked bad and felt the Board should be careful not to allow this kind of thing to happen. Regent Howard recalled a similar occurrence with a legislator using a campus fax machine to propose legislation for eliminating the Board of Regents. She felt that Regent Derby had been on the Board long enough to know better.

Regent Gallagher felt it would be a terrible injustice to vote against Mr. Cuchine because Regent Derby happens to be running for Congress. Mr. Cuchine has done a remarkable job in Eureka for a very long time.

Regent Gallagher moved approval of the nomination of Mr. Walter Cuchine for Distinguished Nevadan. Regent

Hill seconded.

Regent Howard said she was not voting against Mr. Cuchine and believed that he was worthy of the award. She asked how her concern could be addressed. Executive Vice Chancellor Klaich stated that Regent Howard had the right for the record to reflect the reason for her vote, which would not necessarily be against the individual, but rather against the process. He felt it would be sufficient for Regent Howard to clarify her remarks when she votes. Another option would be to abstain from voting and stating her reasons for abstaining. Regent Howard said she wanted to vote for this person, but was concerned how she could separate the two issues. Chair Whipple felt the matter had been clarified. Regent Howard felt there was something wrong with this and that it needed to be addressed. She suggested a future agenda item for informational purposes.

Regent Sisolak requested clarification of the editing process. Secretary Dobyms explained that when material is faxed to the Board office, staff removes the fax identifier information prior to releasing the document for mass distribution as reference material. Hundreds of documents were submitted for this agenda's award recipients and tenure recommendations. This submission was not edited prior to release as reference material. Regent Sisolak said he would be more concerned if a Regent had used their position for political gain. He was even more concerned that documents were cleaned prior to release. He was concerned about creating suspicion regarding what content was edited from the documents. Executive Vice Chancellor Klaich said that Regent Sisolak expressed a legitimate concern. He promised more diligence on such matters in the future. He agreed that such documents should not be altered in any regard. Regent Sisolak stated for the record that he does not condone the doctoring or cleaning of public documents. Executive Vice Chancellor Klaich agreed it was a dangerous area.

10. Approved-Regents' Awards – (Cont'd.)

A. Distinguished Nevadans – (Cont'd.)

Motion carried. Regents Derby and Schofield were absent.

➤ · Mr. Charles W. Fulkerson.

Regent Hill reported that Mr. Fulkerson came from a politically active family and has been very active in helping veterans in Nevada. He is one of the cofounders of the Veterans' Homes, which provides housing for families of hospitalized veterans.

Regent Hill moved approval of the nomination of Mr. Charles W. Fulkerson for Distinguished Nevadan. Regent Leavitt seconded. Motion carried. Regents Derby and Schofield were absent.

➤ · Dr. Leonard (Pat) E. Goodall

Regent Anthony reported that Dr. Goodall served the UNLV campus for 21 years, first as a university president and later as a professor of public administration. Now retired, he continues to serve on the NSHE Retirement Plan Alternatives Committee. Dr. Goodall was one of the founders of Commercial Bank of Nevada, now Colonial National Bank (Las Vegas), and serves as chairman of the board of directors. The Clark County commissioners appointed him as chairman of the county's Community Growth Task Force. He is the author of eight books and numerous articles in the field of economics, government, and public administration. He is the co-author of "*Government and Politics of Nevada: Conservatism in an Open Society*". His most recent book is "*Reinventing the System: Higher Education in Nevada, 1968-2000*" with James Hulse.

Regent Anthony moved approval of the nomination of Dr. Leonard (Pat) E. Goodall for Distinguished Nevadan. Regent Dondero seconded. Motion carried. Regents Derby and Schofield were absent.

➤ · Mrs. Marie E. Stever Daly McMillan.

Regent Howard reported that Mrs. McMillan is a long-time Nevada resident, an accomplished pilot, and very well known in the community. A former UNLV faculty member, Mrs. McMillan is married to former school

board trustee, Mr. James McMillan.

Regent Howard moved approval of the nomination of Mrs. Marie E. Stever Daly McMillan for Distinguished Nevadan. Regent Dondero seconded. Motion carried. Regents Derby and Schofield were absent.

10. Approved-Regents' Awards – (Cont'd.)

A. Distinguished Nevadans – (Cont'd.)

- · Mr. Kevin Page.

Regent Alden stated that Mr. Page has been very involved in his community. A graduate of UNLV, Mr. Page earned a B.S. in finance in 1986 and an M.B.A. in 1987. Mr. Page exemplifies the meaning of a Distinguished Nevadan.

Regent Alden moved approval of the nomination of Mr. Kevin Page for Distinguished Nevadan. Regent Howard seconded. Motion carried. Regents Derby and Schofield were absent.

B. Honorary Doctorate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14 (Ref. F on file in the Board office) .

- · Dr. Miriam Adelson, UNLV.
- · Dr. Gary Loveman, UNLV.
- · Mr. Robert L. Mendenhall, UNLV.
- · Dr. Susan D. Desmond-Hellmann, UNR.

C. Honorary Baccalaureate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14 (Ref. G on file in the Board office) .

- · Mr. Todd Hellman, GBC (*posthumous*) .
- · Mr. Al Huber, GBC.

D. Honorary Associate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14 (Ref. H on file in the Board office) .

- · Mr. Ed Curry, CCSN.
- · Ms. Eloiza Martinez, CCSN.
- · Mr. Fred Boyd, TMCC.
- · Mr. Cloyd Phillips, TMCC.
- · Mr. Ed Epperson, WNCC.
- · Mr. Steve Lewis, WNCC.

E. Regents' Scholars – Policy: Handbook, Title 4, Chapter 1, Section 15 (Ref. I on file in the Board office) .

- · Ms. Molly Smith, CCSN.
- · Ms. Kathy Robbins, GBC.
- · Mr. Anthony Filippo, NSC.
- · Ms. Marcia Gebhardt, TMCC.
- · Mr. Gregory P. Strauss, M.A., UNLV *Graduate*.
- · Ms. Alaina D. Cowley, UNLV *Undergraduate*.
- · Ms. Sara L. Henningsen, UNR *Undergraduate*.
- · Ms. Leslie A. Welser, UNR *Graduate*.
- · Ms. Diane R. Dahnert, WNCC.

10. Approved-Regents' Awards – (Cont'd.)

B. Honorary Doctorate Degrees – (Cont'd.)

C. Honorary Baccalaureate Degrees – (Cont'd.)

D. Honorary Associate Degrees – (Cont'd.)

E. Regents' Scholars – (Cont'd.)

Regent Anthony moved approval of the nominations for Honorary Degrees and Regents' Scholar. Regent

Gallagher seconded. Motion carried. Regents Derby and Schofield were absent.

Ms. Alanna Stewart-Bell, Student Body Chairperson-TMCC, commended the Regent Scholars present and the Board of Regents formally recognized them.

Chair Whipple left the meeting.

11. Information Only-Handbook Revision, University Admission Criteria/Student Success Model –At the December Board meeting, a request was made by the Chancellor and the Presidents of UNLV and UNR to revise the previously-approved 2010 university admission standards to take effect in Fall 2007 and to add a standardized test score as an additional avenue for admission eligibility. Based on input received from the Board of Regents and community input, Chancellor James E. Rogers and Vice Chancellor Jane Nichols provided the Board with an update on progress to date (*Ref. J on file in the Board office*).

Vice Chancellor Nichols reported that she had been working with Chancellor Rogers to address the following issues:

1. Has NSHE paid enough attention to the community and their concerns to ensure that all students have the opportunity for success?
2. Is the focus on a successful path to higher education and completion of a degree for all students?
3. Has NSHE paid enough attention to the exact criteria to be certain they are correct and fair, and the criteria most likely to result in success?

Vice Chancellor Nichols has been working on this process with the universities and community groups to listen to their concerns. A few things have become apparent resulting in a slight change to the recommendation coming back to the Board:

1. Changes in the SAT scores that will impact ACT scores.
2. Change the implementation recommendation from 2007 to 2008 due to the time it has taken to reach conclusion and to allow sufficient time for the incoming university presidents. The success of changes in the admission standards will depend heavily on the NSHE's success in working with K-12 and community groups who want to be certain they have access to the universities.

Vice Chancellor Nichols anticipated that part of the recommendation will include a commitment from the university presidents to work in outreach with K-12 and with community groups to ensure that NSHE has done all that is possible to open doors of

11. Information Only-Handbook Revision, University Admission Criteria/Student Success Model – (*Cont'd.*)

opportunity for all students in the community. The complexity of this recommendation will require some time. This matter will be addressed at a future meeting.

Regent Wixom asked whether there had been sufficient input from the community and educational and business leaders to formulate the proposal in a manner to which the Board can respond. Vice Chancellor Nichols replied it was a continuing process. It is likely they will never receive all of the possible input. She believed they were involved in a process in which the citizens were communicating and they knew the door was open for these conversations to go forward. Both universities, the community colleges, and the state college have participated and are involved in this conversation since they will be impacted by this decision. She felt the dialog was rich and sufficient at this point. She welcomed additional comment. The recommendation for the standards has not changed, but it must also include a commitment for both universities to be working with the community to ensure that high school students will have the opportunity to meet those standards.

Chancellor Rogers said he had monitored the situation very closely. The minority groups have revised the twenty-one point agreement from 2001, and everyone feels very comfortable with it. He felt they had done everything possible to speak with everyone. Dr. Nichols' meetings have been very productive. As the population makeup continues to change, the requirements and rules may also need to change. He was comfortable they

would arrive upon an agreement that works for everyone.

Regent Wixom thanked Chancellor Rogers and Vice Chancellor Nichols for doing an extraordinary job in addressing a complex issue. As the discussion has evolved, it appears they are facing a unique opportunity to address many concerns simultaneously while engaging the community in a positive fashion.

Regent Rosenberg asked whether a safety net was still provided (*i.e., exceptions for special cases*). Vice Chancellor Nichols replied that with the advent of higher standards, the Board had implemented an expansion of the number of students who can be admitted under the special admittance category (*special talents, special circumstances*) who indicate they have the potential for college, though not indicated on their test scores or grade point average. The universities let students know that policy exists. Regent Rosenberg asked whether it was an appeal process following the denial of admission. Vice Chancellor Nichols replied that one approach was through the appeals process. Other options include identifying talented students through the high schools and other programs.

Regent Whipple entered the meeting.

Chancellor Rogers observed there is a ten percent rule, which was not the final decision. Vice Chancellor Nichols reported the new policy would make it a twenty percent rule.

Dr. Richard Siegel, President, ACLU and professor emeritus political science-UNR, thanked Chancellor Rogers and Vice Chancellor Nichols for their work and communication. He felt the communication was unfinished, adding that the ACLU had

11. Information Only-Handbook Revision, University Admission Criteria/Student Success

Model – (*Cont'd.*)

been trying to organize a meeting with everyone involved for months. He felt it was important for the ACLU to be provided an opportunity to discuss the policy.

Chancellor Rogers asked how many times Dr. Siegel had contacted him. Dr. Siegel replied that he never had, adding that his contact had been through official channels. The ACLU is concerned about recognition of the problems associated with low income students. He reported that only 6% of low income students (*students with under \$35,000 family income*) graduate with a bachelor's degree in the U.S. Regent Dondero asked about the number of years under consideration. Dr. Siegel replied up to age 24. Regent Dondero clarified that she meant how many years it took to obtain the degree. Dr. Siegel replied that the data only revealed the age of the students. More important than the policy under discussion, is for the Board to realize the failure to matriculate students with low family incomes. He acknowledged the correlation between low family income and GPA. The Millennium Scholarship has aggravated the situation by increasing from 3.0 to 3.25. More low income students will not qualify. Tuition will increase, which will not help minority students, particularly those without scholarships. Special scholarships for Black, Latino, Native American, and women students are falling by the wayside. He asked what would be done to increase the percentage of low income graduates. He felt it was not for the NSHE to determine what is in the students' best interest (*i.e., attending community colleges*). The ACLU wants the Board to address the fact that minority graduation rates are not increasing on a par with Caucasians. The Board must recognize it must take care of all Nevada families at the university level, including those with low incomes, minorities, and those who do not vote.

Mr. Richard Harjo, Chairman, Nevada Indian Commission, said he represented one of the most statistically insignificant populations of people in Nevada, amounting to approximately 1% of the population base. Native Americans are constantly overlooked when considering issues such as the one under consideration. In 2005, Native Americans lost over three-fifths of their graduating class in Nevada. Since then, a commission has been developed to discover the reasons attributed to this loss. Even the *No Child Left Behind* data considers Native Americans statistically insignificant. He felt that a dialog should be developed to explain the reasons for increasing admission standards and why students will benefit.

Ms. Sherry Rupert, Executive Director, Nevada Indian Commission, reported that she is a native Nevadan and a

member of the Paiute tribe. She attended Douglas County schools and received a two-year degree from CCSN, and a bachelor's degree from UNR. She recognizes the value of an education and hopes to make that success a reality for other Native American students. Nevada is one of the lowest performing states in the nation for overall achievement and graduation according to a report by WestEd. Native American students are ill prepared for enrollment in the university system. Students are not receiving education and support services necessary to attain the higher GPA's under consideration. Increased support services are also required to improve retention. She felt that increasing the admission standards at the proposed accelerated rate would negatively impact the enrollment of minority and low income students. She felt that more studies

11. Information Only-Handbook Revision, University Admission Criteria/Student Success Model – (Cont'd.)

were necessary to include research regarding the relationships between grade point average and race, ethnicity, gender, and socioeconomic status, as well as studies regarding how this proposed change would affect the percentage of minorities at the universities. It is the recommendation and consensus of the Indian Education Advisory Committee to implement the new admission standards in 2010 as originally approved by the Board and that there should be increased support services available to both high school and college students.

Regent Hill objected to the insinuation that the quality of education offered at the community colleges was less than that provided at the universities. He felt that students are not prepared to perform at the university level and that it was an injustice to program them for failure. He felt it was unfair to interpret increased admission standards as a socioeconomic or racial issue.

Dr. Siegel said he supports the general idea of increased entrance requirements at universities. The ACLU's objection is not related to the quality of community colleges, but rather the transition record of students from the community colleges to four-year schools in Nevada, which is poor. He expressed the need for providing a ladder to assist those who are trying to improve themselves. He felt the policy contributes nearly nothing to student success by blocking students from one potential area of their education.

The meeting recessed at 5:00 p.m. on Thursday, March 16, 2006, and reconvened at 8:00 a.m. on Friday, March 17, 2006, with all members present except Regents Alden, Derby, Howard, and Schofield.

12. Chancellor's Report - Chancellor James E. Rogers discussed the Health Sciences Center, K-12 relationships, and major projects.

Chancellor Rogers discussed efforts underway to develop a cohesive system of higher education rather than eight separate entities, as well as one that operates from K-16. He said they had attempted to be all inclusive to all people and all thoughts. He related the Clark County School District had been tremendously cooperative. He recognized a general movement towards the support of education from the gubernatorial candidates who spoke the previous day. Legislators seem supportive of education and Chancellor Rogers expressed hope they would also be supportive financially in the next legislative session. Efforts will be made to present a united front with K-12 on common issues. Open forums have been held throughout the state to provide minorities an opportunity to discuss their issues. He was hopeful that raising admission standards to a 3.0 GPA would be met with agreement by all.

Regent Alden entered the meeting.

Regent Anthony left the meeting.

13. Accepted-Planning for Health Sciences Center Report – The Board accepted a report on planning for the University of Nevada Health Sciences Center *(on file in the Board office)* .

13. Accepted-Planning for Health Sciences Center Report - (Cont'd.)

Chancellor Rogers stated that nothing was more consistent with working as a system than the Nevada Health Sciences Center. Nevada requires more first-class medical care. The System is in a position to develop the

medical school and related areas for those medical needs. He related this effort will involve UNR, UNLV, NSC, and the four community colleges. Chancellor Rogers introduced Mr. Greg Hart, a consultant from LarsonAllen, and Dr. John McDonald, Dean, University of Nevada School of Medicine, who briefed the Board on the planning efforts for the Health Sciences Center.

Regent Anthony entered the meeting.

Dean McDonald presented the University of Nevada Health Sciences Center strategic vision and plan. Based on reputation, resources, and availability, the consulting group of LarsenAllen was selected to provide their recommendations for Nevada's healthcare educational programs based on the current condition of the health professional schools and Nevada's needs.

Mr. Greg Hart related the magnitude of the issues is sobering. He felt this was a tremendous opportunity to do a lot for the state; something that many states will not have. Over the past several months, many valuable conversations have been held with Presidents, provosts, deans, the Nevada Hospital Association, community physicians, legislators, and county and city officials. He related that Nevada's healthcare system is in and headed towards a very difficult situation. He asked the Board to consider the role NSHE should play in meeting the state's community health, health workforce, patient care, and research-driven economic development needs given the state's healthcare challenges. This effort will involve all of the health professional programs. He requested Board confirmation that this effort was headed in the right direction.

Mr. Hart related that the health of Nevada's population is not good (*40th in the nation in mortality, 47th in suicide rates, 37th in cancer deaths, 46th in senior flu vaccines, 49th in first trimester prenatal care*). Nevada has a major physician workforce shortage and major shortages in nursing and other health professional areas, combined with a small, limited scope medical school. Huge demand pressures are incurred by a growing and aging population, creating major access issues for the state's population.

Mr. Hart reported that Nevada ranks last in the nation in nurses in the workforce per 100,000 population. With the encouragement and help of the Nevada Hospital Association and others, NSHE has begun efforts to double nursing enrollments. Nevada ranks 47th in the nation in terms of physicians to population, which denies citizens access to physicians. Nevada's medical school will not be able to close this gap due to its small size. Nevada ranks last in the number of physicians in training of any state with a medical school. Many specialty training opportunities are not offered to graduating medical students. Students want to continue their medical careers and medical education in Nevada but are unable to.

Regent Howard entered the meeting.

13. Accepted-Planning for Health Sciences Center Report - (Cont'd.)

Dean McDonald reported the national residency match occurred the previous day, where students are matched with a specialty training institution for 3-5 years. All 52 UNR students matched except for three who had matched earlier in a more competitive match for specialties. Ten percent of the graduating class went to the Mayo Medical School. Overall students performed spectacularly going to some of the prestigious institutions in the nation, while nine remained in Nevada. Once a few get into an institution, more will follow. Almost half of the students matched in residencies that Nevada does not provide, thus Nevada is losing an opportunity and good students.

Mr. Hart related that Nevada's small and incomplete medical school was not related to its quality. Nevada's faculty research productivity is very competitive. Nevada's School of Medicine is a fraction of the size of its competitors.

Core Conclusions:

➤ · Nevada's healthcare needs have changed dramatically, notwithstanding the many positive accomplishments of the faculty. UNSOM and the other health professional schools need to do more to meet the growing and

changing needs of Nevada.

- · A small medical school with limited programs is not meeting and will not meet the needs of Nevada. While the primary care, rural health mission of UNSOM should continue to be a foundation, a new, expanded vision needs to be aggressively pursued: that of the University of Nevada Health Sciences Center.
- · The component parts of the University of Nevada Health Sciences Center: UNSOM and the other health professional schools need to collaboratively plan and grow as an integrated whole to meet the needs of the state.
- · Collaboration by the University of Nevada Health Sciences Center outside of the University is also essential. The vision cannot be executed isolated from the larger community.
- · The starting point for a great Health Sciences Center is great people. Development of a more robust faculty should be the first priority.
- · NSHE will need to implement the vision of the University of Nevada Health Sciences Center through creative funding approaches to resource development and with help from the state, the business community, and the philanthropic community. Those stakeholders should expect and demand quality results and meaningful collaboration.

Mr. Hart related that Nevada should increase the size of its medical school class (*suggested from 52 to 96*) and increase the graduate medical education programs for residency and fellowship opportunities (*suggested from 200 to 450*). Nevada should strengthen community relationships and partnerships to help meet the state's physician workforce needs. Significant increases in faculty will also be necessary (*suggested from 200 to 500*). Similar efforts should be made with nursing and the other health professions. Initiating a School of Pharmacy is also recommended. Nevada has distinct public health needs with an aging and growing population.

13. Accepted-Planning for Health Sciences Center Report - (*Cont'd.*)

Mr. Hart reported that Nevada's School of Medicine ranks 101st out of 126 medical schools in research. Increased efforts in this area are recommended as research is also an economic development driver for the state.

Dean McDonald reported that Nevada has an existing effort and center of excellence in cancer treatment. Nevada has one of the lowest rates of prenatal care. Infectious disease microbial defense is another area of needed development. The state's economy could be drastically impacted if there was a pandemic or bioterrorist incident. UNSOM is part of a large consortium and NIH grant to study microbial defense and runs the state health laboratory. Healthy aging is another area of concern with a rapidly aging population. Nevada has a shortage of care providers for the aging population. An opportunity is present to partner with the Lou Ruvo Institute for Alzheimer's and other neurodegenerative diseases. UNSOM has outreach across rural Nevada and is starting a rural residency program. Students will train in Las Vegas and enter rural communities for two of their three years of training. Molecular medicine and clinical and translational research have transformed medicine over the past decade. Modern molecular medicine focuses upon disease and molecular markers. Key points include the need to include community partners, we must be forward looking, and include areas in which we can have an impact.

Mr. Hart reported that a Health Sciences Center is a university-based, integrated set of health professional education and biomedical research programs, aligned with supportive patient care programs and facilities. A Health Sciences Center has:

- · Missions of health professional education, biomedical research, patient care, and community health improvement.
- · A medical school and other health professional schools (*nursing, public health, pharmacy, dentistry, etc.*).
- · An aligned teaching hospital (*or more than one*), deeply committed to the success of the academic programs and faculty.
- · A unifying leadership and organizational structure.

Mr. Hart related that, on a national basis, Health Sciences Centers are highly diverse, take many forms, and fulfill their missions in a variety of ways. It needs to partner with others in the community with mission synergy.

Mr. Hart reported that the UNSOM generates approximately \$137 million and should grow to a +\$300 million enterprise, excluding inflation; more than double its current scope of economic enterprise. The state will not be able to fund this growth entirely. Faculty success in research and broader funding for graduate medical education can also contribute. Clinical revenue can be generated while serving the growing population. Mr. Hart estimated the state's portion should not change proportionately (*just under 20%*). Most graduate medical education is federally funded. The number of funded slots has been capped. This effort will require extraordinary action. The Nevada Hospital Association has created a coalition with physician leadership groups in the community to help economically and politically where they are able. The effort will require additional funding.

13. Accepted-Planning for Health Sciences Center Report - (*Cont'd.*)

Mr. Hart then discussed capital investment. The planned expansion of programs and faculty at the UNSOM will require additional space for classrooms, research laboratories, outpatient clinical facilities, student support functions, faculty offices, and other needs. Using benchmark space data provided by the Innova Group, an estimated \$300-\$350 million capital investment will be required over the next 10 years for the UNSOM. Capital will be invested in both Las Vegas and Reno. These estimates do not include funding for parking, student housing, and other auxiliary services, which are assumed to be developed through private or other non-state financing mechanisms, and do not include land acquisition costs. Mr. Hart related that the results of such an effort would allow Nevada to improve access to care for its growing and aging population by providing 800-1,000 potential new physicians over the course of approximately fifteen years and several thousand more nurses. The pharmacy school will meet a critical workforce need. The state would also benefit from economic development through a more robust research enterprise and improved community health.

Chancellor's Request to the Board of Regents:

1. Acceptance of the report.
2. Endorsement of the vision and direction described.
3. Authorize LarsonAllen to provide additional detail for what is necessary.

Chancellor Rogers related this was an opportunity to provide good medical care for the state. He acknowledged the high cost involved. He estimated it would be a +\$500 million project, requiring additional efforts in generating the necessary funds. He felt Nevada's economy and the personal wealth of the state is strong enough to accomplish this task. He was hopeful the Board would allow efforts to continue. The budgets of surrounding states will continue to grow, thereby increasing Nevada's competition.

Regent Dondero praised the plan and suggested the Board should proceed.

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

Regent Rosenberg asked about the stakeholders. Dean McDonald replied that Nevada's citizens were the largest group, adding that the community and local physicians are another important group. Also included are the volunteer and private organizations that have responded to meet this need. Elected officials and those who deliver healthcare around the state are also stakeholders. Regent Rosenberg was concerned about the ability to provide core courses prior to students becoming medical students. He urged the Board not to lose sight of this concern. Chancellor Rogers assured Regent Rosenberg that would not happen. As this kind of a world class medical center is developed, it will raise every department's qualifications and abilities as well as the level of students and the level of education provided. He cautioned against setting their sights too low. He felt there is a mood in the state to recognize the necessity for this type of program, which will bring national prominence to the NSHE.

13. Accepted-Planning for Health Sciences Center Report - (*Cont'd.*)

Regent Anthony praised the report and endorsed it. He questioned the organizational chart required to achieve this mission. Mr. Hart replied he did not have a recommendation at this time. There are a range of options that need to be tailored to Nevada's setting. Some states, like Oregon, have created a new university with a new

board for its health programs. He did not believe that Nevada needed to follow this model. At a minimum, he suggested the Board think across the campuses and to consider the need for a vehicle to create the growth in the manner that makes the most sense. He said that clarity of leadership will be important. An organizational design will be required that meets the test of common sense and employs a set of close working relationships.

Chancellor Rogers said they were attempting to get people to work together slowly and in small increments and let the underpinnings of the System dictate what the eventual governing board will be. A lot of progress has been made, but more effort will be necessary.

Regent Hill asked about any alternative directions in which the System should focus its attention. Mr. Hart replied there were none that would be successful or would meet the test of the kind of contribution to the state that should be made. He said the Board could decide to keep the medical school as it is, adding that it was not working. Regent Hill observed there was no other direction to go. Chancellor Rogers agreed. Mr. Hart replied that the plan was necessary if the Board's objectives were to contribute to the kinds of problems that Nevada is facing. He asked for the Board to determine whether this method of contributing to the state's needs made sense to them. Regent Hill observed that Nevada would continue to fall behind. Mr. Hart replied that Nevada's healthcare crisis would become more acute and Nevada's citizens would find it increasingly more difficult to obtain the medical care necessary.

Regent Gallagher commended the strategic vision and plan. She expressed concern that realistic planning ensues tempered by common sense. She felt it was long overdue and expressed her support for the plan.

Regent Wixom heartily endorsed the plan. He observed the Board is engaged in a number of initiatives (*technology, student success, and capital needs*). He felt the Board needs to understand that cost must be considered in a thoughtful and sober manner. Undertaking all of these initiatives simultaneously without thoughtful consideration of future direction could be a recipe for failure. He felt it was an opportunity to define the System in a positive manner, but it was necessary to fully realize the direction in which they were headed.

Chair Whipple asked about the next step. Regent Wixom replied that Nevada has a crucial need and the NSHE has a unique opportunity to help define the state's future. He wants the Board to understand clearly that this undertaking will need to be seen through to completion. It will require commitment and vision from the Board and System staff, and the realization that all three initiatives are being undertaken simultaneously, which requires a great deal of effort, commitment, and initiative. Coordination will be required

13. Accepted-Planning for Health Sciences Center Report - (*Cont'd.*)

with the Governor, the Legislature and the community. Chair Whipple observed that with the leadership of Chancellor Rogers and Executive Vice Chancellor Klaich the Board was up to the challenge.

Regent Leavitt observed that a systematic and concentrated effort would be necessary. He observed the Board had recently adopted a Board policy for not having any more professional schools for a number of years. He felt the Board needs to determine which large projects to undertake and do well and that this should be one of them. He agreed they need to be careful about managing resources. When efforts are concentrated in one area, another is excluded in some manner. He then discussed the recently established Governor's Commission, which will examine Nevada's unmet health care needs. A Regents' committee will consider what the Board can do to allocate System resources through the School of Medicine to help meet those unmet needs. Input will be required from other stakeholders including the Nevada Hospital Association, physicians, Washoe and Clark County medical associations, and Touro. He felt this could be one of the most important projects the Board will undertake and that it will produce positive economic impacts. It is the School of Medicine's primary responsibility to produce the number of healthcare professionals required to meet those unmet healthcare needs. He expressed his strong support for the recommendation.

Regarding core courses, Executive Vice Chancellor Klaich observed that the legislative chair of the budget committee had allowed System staff to bring forth System budget requests that dropped all such courses into a category outside of the typical university needs. It is believed that there is something fundamentally different

about this project from the rest of the System budget. All of the other stakeholders mentioned have a stake in this, including a financial one. Staff is attempting to devise budgetary requests that indicate these are not in direct competition. He anticipated that others will come forward with contributions that would not normally be the case with university budgets.

Regarding other sources of potential revenue, President Harter noted that the City of Phoenix allocated \$230 million to ASU for the creation of the Phoenix campus, which includes their partnership with the University of Arizona medical school; a fairly significant contribution from a city to a public university. She felt there were public and private entities that could assist with this project, including a separate bond issue.

President Lucey asked how community colleges could assist with the new health sciences initiative. Mr. Hart replied they should get involved. His firm began by interviewing the SOM and extended to other professional schools in Reno and Las Vegas. They will need to address how the community colleges will fit into the vision. Dean McDonald noted that one advantage of having a community based School of Medicine is the network of providers and associations who have forged strong relationships with physicians and providers throughout the state. Video technology can be used to communicate with patients in a remote community. President Lucey asked Dean McDonald not to forget their willingness to partner with them. Dean McDonald assured her he would not, adding that the medical school component had been very time consuming. It is now time to involve other partners.

13. Accepted-Planning for Health Sciences Center Report - (Cont'd.)

Regent Dondero commended President Harter's idea for involving cities and counties. Regent Dondero has pursued an idea involving County assistance in providing affordable housing for the residents.

Chancellor Rogers said he felt very comfortable with the financial landscape available. He thought the Board would be pleasantly surprised by how much is indeed available. He promised to be mindful of the core requirements. Discussions have been held with the County regarding tremendous bonding capacity and acquiring more property. He felt the project was achievable.

Motion carried. Regents Derby and Schofield were absent.

Regent Hill left the meeting.

14. Approved-Handbook Revision, Credit Limits for Non-Degree Students – The Board approved Vice Chancellor Jane Nichols' proposal to revise the provisions of Board policy concerning the credit limit loads permissible for non-degree students (*Title 4, Chapter 16, Sections E.15, F.16, and G.13*) (Ref. K on file in the Board office) .

Regent Alden moved approval of the Handbook revision concerning credit limits for non-degree students. Regent Anthony seconded.

Vice Chancellor Nichols explained this revision establishes credit limits for non-degree students at 8 credits. These students have not been admitted to the university and do not receive advisement. Consequently, their success rate is very poor. This policy would make both universities consistent and sets a maximum of 32 credits. Though not often used, a policy is required on occasion.

Regent Rosenberg established that it was eight credits per semester.

Motion carried. Regents Derby, Hill, and Schofield were absent.

Regent Hill entered the meeting.

15. Approved-Handbook Revision, Definition of Full-Time Undergraduate – The Board approved Vice Chancellor Jane Nichols' request for a Handbook amendment (*Title 4, Chapter 16, Sections E, F, and G* (in

part)) providing that the credit load necessary for an undergraduate student to be considered full-time at UNR, UNLV, and NSC may include, under certain circumstances, coursework concurrently taken at another NSHE institution (Ref. L on file in the Board office) .

Vice Chancellor Nichols reported this policy addresses problems faced by students attending courses at two different institutions while seeking the Millennium Scholarship,

15. Approved-Handbook Revision, Definition of Full-Time Undergraduate –(Cont'd.)

federal financial aid or NCAA approval. The solution employs an existing method for federal financial aid of a consortium agreement between two institutions. Students taking courses at another institution are required to complete a form, which is approved by the university to enable the student to be considered full-time.

Regent Anthony moved approval of the Handbook revision concerning the definition of full-time undergraduate. Regent Gallagher seconded.

Regent Sisolak asked why this was not considered by the Student and Academic Affairs Committee. Vice Chancellor Nichols replied that Handbook revisions are normally considered by the full Board.

Motion carried.

16. Approved-Handbook Revision, Admission of Secondary School Students/the Davidson Academy – The Board approved Vice Chancellor Jane Nichols' proposal to clarify Board policy concerning the early admission and enrollment of secondary school students (*Title 4, Chapter 16*) , and to address the flexibility necessary to accommodate the Davidson Academy, a university school for profoundly gifted children (Ref. M on file in the Board office) .

Regent Alden moved approval of the Handbook revision concerning admission of secondary school students/the Davidson Academy. Regent Anthony seconded.

Regent Rosenberg asked whether students entering the Academy would also be admitted as university students. Vice Chancellor Nichols replied they would not. This revision establishes an opportunity for a student who has been identified as gifted and talented to take university courses and eliminates an age requirement. Regent Rosenberg related that some faculty were concerned about the appropriateness for 12-year olds who might not be socially ready for some classes. He asked whether the instructor would make such decisions. Vice Chancellor Nichols replied that the Davidson Academy will work closely with those students and the university to provide oversight for these students.

Regent Howard said she was also concerned about the social aspect. She asked about the proposed minimum age. Vice Chancellor Nichols explained that the revision eliminates a minimum age requirement. Other criteria have been established to determine admission for gifted or talented students. Regent Howard asked about the grade levels for the Academy. Regent Rosenberg replied they were essentially non-graded. Dr. Shannon Ellis, Vice President, Student Services-UNR, reported that the students ranged in age from 9-14 years of age. Regent Howard expressed concern regarding how the nine-year old students would interact with adults and be safe. Vice President Ellis replied it was a primary concern of the Davidson Academy. In all instances families are moving to Reno with their children in order to participate in the Academy. While the students are on campus they will be part of the Davidson classroom and under the jurisdiction of support

16. Approved-Handbook Revision, Admission of Secondary School Students/the Davidson Academy – (Cont'd.)

staff, who will ensure the young students do not wander around by themselves. Later in their careers (*as 13-14 year-olds*) the students will mix with college students, which will be monitored as well.

Regent Sisolak said he was more concerned about 13-16 year-olds mixing with college students. He was concerned it would be a tough environment and wanted to ensure the students were protected. Vice President

Ellis replied that the Davidson Academy staff has worked closely with UNR's academic programs on every component and was confident they were not taking this issue lightly. The Academy recently provided a presentation to UNR's undergraduate student government providing thoughtful questions and serious consideration for the students, as well as their academic and out of classroom experience. She was confident the Davidson Academy would monitor the situation closely, adding it was a strong partnership with UNR. She offered to provide more specific information to Board members. Regent Sisolak said he was not concerned with the Academy and asked what UNR was doing. He observed the students were at a vulnerable age. Vice President Ellis replied the partnership with the Academy begins when the student enters at age nine. They become familiar with the campus. UNR student services staff and the Academy staff help them to acclimate and mature socially as well as in the classroom. UNR will have a very assertive program with the Academy students and has also begun educating its own students about the presence of these younger scholars on campus. UNR will continue to encourage college students to act appropriately and to be welcoming. Regent Sisolak requested additional information. Vice President Ellis observed there were presently 9-17-year old students on the campuses and that it was not unusual. She said they work closely with the parents and the instructors. Regent Sisolak said he was most concerned about the younger students when they are not in the classroom.

Regent Wixom said he is a great supporter of the Academy. He then shared a personal experience concerning his 11-year old daughter accompanying her 20-year old sister to college. He asked whose responsibility it is to address the needs of the 11-year old. Vice President Ellis said that related to Regent Rosenberg's question regarding who makes the decision whether a young scholar is enrolled in a specific class. She said the faculty member, the student, and the parents will meet to discuss that and consider the curriculum. Sometimes it is not appropriate.

Regent Howard said she would be monitoring the situation and asking questions to ensure these students are provided with a safe environment. She asked whether a child psychologist had been designated to work with the students and who is liable for the students' safety. Dr. John Frederick, Executive Vice President and Provost-UNR, replied that the Davidson's plan to have a full staff with counseling professionals to work with the children and help them with their transition. The university carries liability insurance to cover students. Davidson Academy students would be eligible for that coverage. Classes taken within the scope of the Davidson Academy and in those premises would be covered by the Davidson Academy.

16. Approved-Handbook Revision, Admission of Secondary School Students/the Davidson Academy – (Cont'd.)

Regent Rosenberg observed that similar concerns had prevented something like this from being done before. This desperately needs to be done to prevent losing some of the best and brightest students in the world. He said they would be monitored very carefully and the college students realize they are still youngsters and need to be taken care of.

Motion carried. Regents Derby and Schofield were absent.

The meeting recessed at 9:43 a.m. and reconvened at 9:53 a.m. with all members present except Regents Anthony, Derby and Schofield.

17. Approved-Audit Committee Recommendations - Chair Douglas Roman Hill reported the Audit Committee met March 16, 2006, and heard the following reports:

- • Follow-up responses were received for six internal audit reports presented at the September 2005 Committee meeting.
- • Assistant Vice Chancellor Sandi Cardinal presented an update on a PricewaterhouseCoopers management letter comment that was previously discussed at the December 2005 meeting. The institution security coordinators and System Computing Services personnel provided updated comments regarding the process of removing terminated employees from the computer system.

Regent Hill requested Board action on the following Committee recommendations: (Audit Summary Document on file)

in the Board office)

- · Minutes – The Committee recommended approval of the minutes from the January 26, 2006 Committee meeting.
- · External Auditor Interviews – The Committee interviewed two external audit firms and selected Moss Adams LLP to be the NSHE external auditor for three years commencing with the June 30, 2006 financial statement audit. The institution financial statements will not be audited separately under the new contract as a cost savings measure. Moss Adams LLP was approximately \$100,000 per year less than the other firm.
- · Internal Audit Reports – The Committee recommended approval of the following Internal Audit Reports:
 - ✓ · Fire Science Academy, UNR (*Ref. A-3 on file in the Board office*) .
 - ✓ · School of Medicine Practice Plan, UNR (*Ref. A-4 on file in the Board office*) .

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

18. Approved-Cultural Diversity and Security Committee Recommendations - Chair Linda C. Howard reported the Cultural Diversity and Security Committee met March 16, 2006, and received a brief update from each institution on various activities occurring throughout the System in recognition of Black History Month. The Committee also received a

18. Approved-Cultural Diversity and Security Committee Recommendations –(*Cont'd.*)
presentation from CCSN Vice President of Student Services, Dr. Arthur Byrd, on the current state of student retention, persistence, and graduation at CCSN. Staff also presented information on declining participation and graduation rates of males in higher education.

Regent Howard requested Board action on the following Committee recommendation:

- · Minutes – The Committee recommended approval of the minutes from the January 26, 2006 Committee meeting.

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

Regent Hill encouraged Board members to pay specific attention to the information regarding the declining participation and graduation rates of males in higher education, noting that only 38% of university graduates are male.

Motion carried. Regents Anthony, Derby, and Schofield were absent.

Regent Howard left the meeting.

19. Approved-Budget & Finance Committee Recommendations - Chair Steve Sisolak reported the Budget & Finance Committee met March 2, and 16, 2006. At the March 2nd meeting, NSHE staff provided an overview of the Board of Regents' Capital Improvement Project (CIP) review and approval process, and included the System's internal Capital Budget process that was followed in developing a preliminary list of System-wide 2007-2009 capital construction needs for the Committee's consideration and direction. The proposed CIP projects for each of the NSHE institutions were presented to the Committee by each of the respective campuses. The Committee recommended that NSHE staff work together to prioritize the NSHE 2007-2009 CIP list and to relate the list to the following parameters

- · Master Plan compliance.
- · Partnership between institutions and with private sector.
- · Continuation rate.
- · Space utilization and inventory.
- · Mission differentiation.

Regent Sisolak moved acceptance of the March 2, 2006 report. Regent Gallagher seconded. Motion carried.

Regents Anthony, Derby, Howard, and Schofield were absent.

Regent Sisolak reported the Committee heard the following reports at the March 16th meeting:

19. Approved-Budget & Finance Committee Recommendations – (Cont'd.)

- · Student headcount and full-time equivalent enrollment projection methodologies utilized by the NSHE institutions. The Committee recommended a proposal be brought back for consideration of a System-wide uniform methodology for projecting student enrollments at the NSHE institutions.
- · All Funds revenues and expenses for the second quarter of fiscal year 2005-2006.
- · NSHE Fiscal Exceptions of self-supporting budgets and the status of state appropriations for the second quarter of fiscal year 2005-2006.

Regent Anthony entered the meeting.

Regent Sisolak requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the revised minutes from the December 1, 2005, and the regular minutes from the January 26, 2006, Committee meetings.

Regent Sisolak moved approval of the Committee recommendations and acceptance of the report. Regent Alden seconded. Motion carried. Regents Derby, Howard, and Schofield were absent.

- · IFC Approval for Reallocation of New Space Funding for Utilities – The Committee recommended approval for UNR to seek Interim Finance Committee authorization to reallocate funding within the Operations & Maintenance function to address a projected utility funding shortfall for fiscal year 2005-2006, subject to separate consideration of the Board (*Ref. BF-5 on file in the Board office*).

Regent Sisolak explained that this item had been previously tabled and that he had been advised by counsel to have the full Board vote upon the matter. He observed it related to operating and maintenance for the property at Luce Produce Company and requested the Chancellor's presence for discussion.

The meeting proceeded to the next committee report while the Chancellor was located.

20. Approved-Student and Academic Affairs Committee Recommendations - Chair Howard Rosenberg reported the Student and Academic Affairs Committee met March 16, 2006, and reviewed and discussed the Nevada Collaborative Teaching Improvement Program and the 2004-2005 Distance Education Report.

Regent Rosenberg requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the January 26, 2006 Committee meeting.
- · Handbook Revision, Millennium Scholarship Core Curriculum – The Committee recommended approval of an amendment to the Board's policy on the Governor Guinn Millennium Scholarship core curriculum (*Title 4, Chapter 18, Section 18*) requiring high school students graduating in Spring 2010 and thereafter complete

20. Approved-Student and Academic Affairs Committee Recommendations –(Cont'd.)

a specified curriculum for scholarship eligibility, including four years of math (*Ref. SAA-4 on file in the Board office*).

- · Regents' Awards – The Committee recommended approval of the following Regents' awards (*Ref. SAA-9 on file in the Board office*).

- ✓ · Nevada Regents' Creative Activity Award.

- ✓ · Mr. George E. Stelluto, UNLV.Nevada Regents' Researcher Award.

Dr. Joseph McConnell, DRI.

- ✓ · Nevada Regents' Teaching Award.

Mr. Michael Myrhow, GBC – *Community College Faculty*.

Dr. Thomas Nickles, UNR – *University and DRI Faculty*.

✓ · Nevada Regents' Academic Advisor Awards.

Mr. Jason S. Cifra, CCSN.

Dr. Jay Larson, GBC.

Dr. John Coles, TMCC.

Ms. Sue Muller, WNCC.

Ms. Christine Mason, NSC.

Ms. Tara Hall, M.Ed., UNLV *Undergraduate* .

Dr. Patricia "Pat" A. Markos, UNLV *Graduate* .

Ms. Kristine K. Van Gorder, UNR *Undergraduate* .

Dr. Scott H. Slovic, UNR *Graduate* .

➤ · New Unit Proposals – The Committee recommended approval of the following new unit proposals:

✓ · Center for Entrepreneurship, UNLV (*Ref. SAA-5 on file in the Board office*) .

✓ · Center for Information and Communication Technology, UNLV (*Ref. SAA-6 on file in the Board office*) .

✓ · Arthur C. Clarke Center for Imagination and Opportunity, UNLV (*Ref. SAA-7 on file in the Board office*) .

✓ · Black Mountain Institute, UNLV (*Ref. SAA-8 on file in the Board office*) .

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

19. Approved-Budget & Finance Committee Recommendations – (*Cont'd.*)

➤ · IFC Approval for Reallocation of New Space Funding for Utilities – The Committee recommended approval for UNR to seek Interim Finance Committee authorization to reallocate funding within the operations & maintenance function to address a projected utility funding shortfall for fiscal year 2005-2006, subject to separate consideration of the Board (*Ref. BF-5 on file in the Board office*) .

Regent Sisolak explained they were considering Committee authorization to reallocate funding within the operations & maintenance function to address a projected utility shortfall for fiscal year 2005-2006. The Legislature allocated money for UNR to buy a building (*the Luce Produce Company building*) . When this money was allocated, funds were

19. Approved-Budget & Finance Committee Recommendations – (*Cont'd.*)

also allocated for the operating and maintenance of that building. The building was not purchased. UNR is experiencing a shortfall in the utilities function. UNR proposes to use the operating & maintenance funds to offset the shortfall in utilities. Regent Sisolak observed that the other campuses are also experiencing utility shortfalls and did not have this option. He asked the full Board to address the matter.

Mr. Ron Zurek, Vice President, Administration and Finance-UNR, agreed with Regent Sisolak's summary. UNR has discussed this matter with the Legislative Counsel Bureau and LCB has been supportive of it, pending Board approval. The funds will remain within the physical plant function of the university and will be used to cover operating and maintenance expenses. No attempt was being made to reallocate appropriated funds out of the area to which it was appropriated. He agreed the money was originally assigned to a new building that UNR was unable to obtain. If the money is not used for this purpose, it will revert to the state general fund.

Interim President Crowley stated the funds had been appropriated to the university. If a similar sum had been received for a facility already owned or under construction by UNR and there was a construction delay, the money would remain with the university for use as best determined by the institution and could have been applied to the utility problem. A hiring freeze has been declared due to the utility shortfall. He said that applying the appropriated funds to the utility shortfall would improve the university's ability to fill critical positions which have been put on hold. He understood that the other institutions might not have this kind of money. When problems are encountered with utilities, the money must be located somewhere in the appropriation. He felt this was a useful expenditure of the appropriation.

Chancellor Rogers said he was uncomfortable with doing anything that would cause the Legislature to think the System is playing games. If UNR follows the proper procedures for requesting authorization to expend these

funds, he did not foresee a problem. He was concerned that inappropriate behavior would taint the entire System. He advised Interim President Crowley to fully disclose the use of the funds and to get everyone's blessing.

Interim President Crowley stated that he would never approach the IFC with such a request if he felt there was a risk for retribution. He said they would do it openly and that it would depend upon whether the IFC felt it was an appropriate request. He felt it was an appropriate request and that UNR's chances for approval were good.

Regent Sisolak observed that utility shortfall is a major issue for all of the campuses. He was concerned about the appearance. He would prefer approaching the Legislature, notifying them about all of the campuses' utility shortfalls, and making a request for emergency funding. He felt UNR's proposal was a backdoor approach.

Regent Gallagher disagreed with Regent Sisolak and agreed with Interim President Crowley. She felt that making a request to the IFC was the appropriate method. She felt it was foolish not to make the request and allow the funds to revert back to the state.

19. Approved-Budget & Finance Committee Recommendations – (Cont'd.)

Regent Hill felt that not allowing UNR to make the request because all of the institutions were experiencing utility shortfalls was somewhat specious. He agreed that full disclosure should be made and that nothing should be hidden. He observed that more money was required for all of the institutions.

Regent Sisolak clarified the request before the Board to allow staff to approach IFC for authorization to expend funds previously allocated for operating and maintenance of the Luce Produce Company building to address the utility shortfall.

Executive Vice Chancellor Klaich clarified that the Committee had approved the request subject to consideration and a vote of the full Board. He observed the Board could accept the Committee's recommendation. He clarified it would allow UNR to approach the IFC, disclose and request the reallocation of these funds.

Regent Hill moved acceptance of the Committee report with the condition that UNR and staff explain the matter clearly to the IFC so there are no questions about the request. Regent Rosenberg seconded.

Regent Wixom noted a point of order, observing that the Board had already accepted the Committee report.

Executive Vice Chancellor Klaich clarified that the appropriate motion would be to accept the Committee recommendation.

Regent Hill clarified his intent to accept the Committee recommendation.

Chair Whipple requested Committee Chair Sisolak's opinion on the pending motion. Regent Sisolak replied it was a difference of opinion. Like Interim President Crowley, Regent Sisolak did not want the funds to revert to the state, however, he would prefer a different approach.

Regent Alden expressed his support for the motion. He observed that higher education was rapidly growing. In a two-year time period the focus and the need for funds can change within an institution as well as among institutions. He felt the System needed more flexibility. He recommended that the matter of fund reversion and flexibility within the budgets be discussed with the Legislature.

Regent Sisolak noted a point of order, feeling that the discussion was straying from the agenda item.

Regent Rosenberg agreed with Regent Gallagher that this constituted full disclosure.

19. Approved-Budget & Finance Committee Recommendations – (Cont'd.)

Motion carried. Regent Sisolak voted no. Regents Derby, Howard, and Schofield were absent.

21. Approved-Research and Economic Development Committee Recommendations – Regent James Dean Leavitt reported the Research and Economic Development Committee met March 13, 2006, and discussed and reviewed the following: 1) activities and initiatives related to research and economic development at each NSHE institution; 2) a presentation identifying best practices to foster both research and economic development; and 3) potential NSHE program proposals and their budgetary implications. The Committee requested that staff, institutions, and the Research Affairs Council bring to the next meeting recommendations for Board action to further research and economic development. The Committee also directed staff to undertake a review of Board policies related to research and economic development for future discussion.

Regent Leavitt requested Board action on the following Committee recommendation:

- · Minutes – The Committee recommended approval of the minutes from the January 19, 2006 Committee meeting.

Regent Leavitt moved approval of the Committee recommendations and acceptance of the report. Regent Sisolak seconded. Motion carried. Regents Derby, Howard, and Schofield were absent.

Regent Alden left the meeting.

22. Approved-Technology Task Force Recommendations - Chair Stavros S. Anthony reported the Technology Task Force met March 8, 2006, and held the following discussions:

- · Project status report and next steps.
- · Project goals and progress measures.
- · Project funding.
- · Background information needed in order to approve the ERP contracts.

Regent Anthony requested Board action on the following Task Force recommendations:

- · Minutes – The Task Force recommended approval of the minutes from the November 29, 2005 Task Force meeting.
- · Information Needed for the June Board of Regents' Meeting – The Task Force recommended approval of the list of categories of background information that will be submitted in support of the Board's review of contracts for an ERP system.

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

22. Approved-Technology Task Force Recommendations – (Cont'd.)

Regent Wixom asked Executive Vice Chancellor Klaich to provide a brief update on developments that had occurred since the Committee meeting. Executive Vice Chancellor Klaich reported that a project of this magnitude includes critical stakeholders essential to the success of the project (*i.e. the primary users, the campuses, and taxpayers*). The campuses raised concerns about how the process was moving forward and whether the project definition included in the RFP was, in fact, going to meet their needs. At the direction of the Chancellor, Executive Vice Chancellor Klaich met with Vice Chancellor Alley, the Presidents, legal counsel, and the purchasing department to determine what is not being done that should be. The process has stopped for a review of whether the campuses' needs are being met. Board members are not pleased with this development. A quick and thorough review will transpire to determine the next steps. Campus representatives have been asked to define what is not desired in the proposed solution and to propose a preferred solution. If a second RFP is required for this option, the purchasing department will move quickly. The current RFP is locked in for one year. The project will be completed correctly.

Regent Anthony said that he expects the Presidents to pay attention to what is transpiring during these committee/task force meetings. A lot of ground was covered under the assumption that the Presidents were paying attention when it suddenly became apparent there had been a disconnect. He was very annoyed. Executive Vice Chancellor Klaich has assured Regent Anthony that the project will be brought back on schedule.

Executive Vice Chancellor Klaich said he would rely upon Vice Chancellor Alley's expertise and assured the Board there would be no further disconnects or communications problems.

Motion carried. Regents Alden, Derby, Howard, and Schofield were absent.

23. Approved-UNLV President Search Committee Recommendations - Chair Steve Sisolak reported the UNLV President Search committees met February 15, and March 9, 2006. On February 15th, the committees discussed the Open Meeting Law requirements, the presidential profile, a calendar of future meetings, and whether a search firm would be used. A decision was made to solicit quotations from firms via a Request for Quotation. On March 9th, the committees heard presentations from four search firms and selected Academic Search Consultation Service to conduct the search. Chancellor Rogers then provided an overview of the qualities a presidential candidate should possess. The committees established a \$110,000 budget for the search to cover the \$80,000 search firm fee plus out-of-pocket expenses and background checks for the finalists. The committees also agreed on an advertisement plan in various publications. Committee members were encouraged to provide desired qualities and attributes sought in a President. The committees agreed to ask Academic Search Consultation to prepare the leadership profile with final approval authority by Chair Sisolak.

Regent Sisolak requested Board action on the following Committee recommendations:

23. Approved-UNLV President Search Committees Recommendations –(Cont'd.)

- · Search Firm Request for Quotation – The committees recommended approval of hiring a search firm to conduct the search.
- · Search Firm Presentations and Selection – The committees recommended approval of the selection of Academic Search Consultation Service to conduct the search.
- · Budget Proposal – The committees recommended approval of a \$110,000 budget for the search.
- · Advertisement – The committees recommended approval of an advertisement plan.
- · Presidential Leadership Profile – The committees recommended approval of having Academic Search Consultation Service prepare the leadership profile.

Regent Sisolak moved approval of the Committee recommendations and acceptance of the report. Regent Hill seconded. Motion carried. Regents Alden, Derby, Howard, and Schofield were absent.

Regent Sisolak said the Regents Committee and the Advisory Committee had been incredible and thanked members for serving in such a thoughtful and involved manner.

Regent Alden entered the meeting.

24. Approved-UNR President Search Committee Recommendations - Chair Stavros S. Anthony reported the UNR President Search committees met February 3, February 17, and March 3, 2006 with Mr. Alberto Pimentel, A.T. Kearney, who discussed the process and timetable for the search. Lengthy discussions were held regarding the qualifications for traditional and non-traditional candidates. Mr. Pimentel related that he and his staff have contacted a number of candidates and that he would be presenting a quality pool to the committees for their consideration soon. On Friday, March 3, 2006, an open forum was held on the UNR campus for faculty, staff, students, and community members to learn of the progress of the search and to express their feelings and concerns for their next President.

Regent Anthony requested Board action on the following Committee recommendations:

- · Minutes – The committees recommended approval of the minutes from the January 20, 2006 Committee meeting.
- · President Leadership Statement, Advertisement, and Related Materials – The committees recommended approval of the leadership prospectus for the UNR President search.

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

Regent Sisolak left the meeting.

25. Approved-Board Development Committee Recommendations - Chair James Dean Leavitt reported the Board Development Committee met March 17, 2006 and had the following discussions:

- · The Committee discussed the current status of evaluating the Chancellor and recommended the evaluation begin by the Board Chair in March, with the public portion of the evaluation to be held at the June meeting.
- · A discussion was held regarding an annual Board Development workshop to be held each year approximately 60 days following the June meeting. For 2006, the Committee discussed having the workshop August 3-4, possibly at the Stan Fulton Building to keep costs down.
- · The Committee also discussed possible topics for the workshop including holding a policy summit, setting Board goals, and evaluating Regents. Vice Chancellor Jane Nichols will present a report at the next meeting addressing how other governing boards deal with these particular issues.
- · The Committee discussed scheduling Board Development meetings on the second day of Board meetings.

Regent Leavitt moved acceptance of the report. Regent Rosenberg seconded. Motion carried. Regents Derby, Howard, Schofield, and Sisolak were absent.

26. Approved-Handbook Revision, Peer Evaluation Action by a President – The Board approved the UNR Faculty Senate’s request for a proposed amendment to Board policy regarding actions to be taken when faculty request a peer evaluation (*Title 4, Chapter 3, Section 4*) and that peer evaluation results in a recommendation to change the evaluation (*Ref. N on file in the Board office*).

Dr. Leah Wilds, Faculty Senate Chair-UNR, reported that under existing *Handbook* language, a faculty member may challenge his/her annual evaluation by undergoing a peer review process, which includes a formal and systematic assessment of one’s performance over the previous year by a panel of one’s peers. The end result may be a different evaluation recommendation from the one originally given. Both evaluations then become part of the permanent personnel record. There is no provision for a final evaluation outcome to be determined. The proposed revision permits a President to make that determination so that merit can be assigned as appropriate.

Regent Alden asked whether all faculty senates were in agreement. Dr. Wilds assured him they were. Regent Alden asked whether all of the Presidents were in agreement. Dr. Wilds replied she believed that they were.

Regent Alden moved approval of the Handbook revision concerning peer evaluation action by a President. Regent Anthony seconded. Motion carried. Regents Derby, Howard, Schofield, and Sisolak were absent.

Regent Sisolak entered the meeting.

27. Approved-Tuition and Fees, William S. Boyd School of Law, and UNLV School of Dental Medicine, 2007-2009 – The Board approved President Carol C. Harter’s request for the fee structure of the 2007-2009 biennial request for the William S. Boyd School of Law and UNLV School of Dental Medicine; and changes to the *NSHE Procedures and Guidelines Manual* (*Chapter 7, Sections 3(A), (B), and 4(A)*), as first heard at the Board’s January 2006 meeting. The requested changes include a 10% increase for the School of Law in FY08, followed by an additional 5% increase in FY09, and no changes in the School of Dental Medicine fees (*Ref. P on file in the Board office*).

Regent Alden moved approval of the tuition and fees for the UNLV William S. Boyd School of Law and UNLV School of Dental Medicine for 2007-2009. Regent Anthony seconded.

President Harter reported the law school was requesting two incremental changes (10%-first year; 5%-second year) and the dental school was not requesting any increase.

Dean Richard Morgan, William S. Boyd School of Law-UNLV, recalled the Board had discussed this matter at its prior meeting. He felt the increase was well justified. The intent is to set aside 50% for access/need-based financial aid and 30% for faculty salary improvement.

Motion carried. Regents Derby, Howard, and Schofield were absent.

28. Approved-Tuition and Fees, School of Medicine, UNR, 2007-2009 – The Board approved Interim President Joseph Crowley’s request for the 2007-09 tuition and fees for students in the University of Nevada School of Medicine. The proposal includes consideration of a set-aside from the proposed increase to be used for need-based financial aid in the medical school and was first heard at the Board’s January 2006 meeting (*Ref. Q on file in the Board office*).

Regent Alden moved approval of the tuition and fees for the UNR School of Medicine for 2007-2009. Regent Anthony seconded.

Interim President Crowley reported the recommendation would increase tuition and fees by 9% per year for each year of the biennium. Non-resident tuition and fees would increase 5%. Regent Sisolak had previously asked why non-resident students were getting a better break on the increase than residents. Interim President Crowley stated the committee wanted to get as close to the peer institution median as possible. The 5% increase for non-residents actually gets closer to the median than does the 9% resident increase, which is well below the median. The committee felt that equal increases would not meet the goal for getting closer to the median tuition and fees.

28. Approved-Tuition and Fees, School of Medicine, UNR, 2007-2009 –(Cont’d.)

Motion carried. Regents Derby, Howard, and Schofield were absent.

29. Approved-New and Revised Special Fees, FY 2006-2007 – The Board approved new and revised special fees for FY 2006-2007. In accordance with Board policy (*Title 4, Chapter 17*), special student fees over \$50 require Board approval and are brought forward on an annual basis for such review and approval. These fees do not include per-credit student registration fees and non-resident tuition that are approved separately in the biennial budget process. The approved fees will be codified in the *NSHE Procedures and Guidelines Manual* (*Ref. R on file in the Board office*).

Executive Vice Chancellor Klaich explained that proposed fees included student health, diploma, and orientation fees. He recommended Board approval.

Regent Dondero moved approval of the new and revised special fees for fiscal year 2006-2007. Regent Gallagher seconded.

Regent Alden expressed his opposition to fees in general.

Motion carried. Regent Alden voted no. Regents Derby, Howard, and Schofield were absent.

30. Approved-Market-Based Faculty Salary Schedules for Higher-Compensated Academic Disciplines, UNLV & UNR – The Board approved President Carol C. Harter’s and Interim President Joseph Crowley’s joint request for approval of market-based academic faculty salary schedules for the Colleges and Schools of Business,

Dental Medicine, Engineering, Law, and Medicine effective July 1, 2006. They would be subject to re-evaluation of composite NSHE faculty salary schedules in 2007-2008. Upon approval, supplemental salary schedules for these colleges and schools will be included in the *NSHE Procedures and Guidelines Manual* (Chapter 3, Section 1) (Ref. S on file in the Board office) .

Regent Sisolak moved approval of the market-based faculty salary schedules for higher-compensated academic disciplines for UNLV and UNR. Regent Leavitt seconded.

Executive Vice Chancellor Klaich announced that Mr. Sam Connally, Associate Vice President, Human Resources and Affirmative Action-UNLV, and Ms. Gena Jones, Assistant Vice President, Human Resources-UNR, were present to answer questions. The proposal will assist the colleges in meeting their needs to hire people in disciplines that are not accommodated by the general salary schedules.

Regent Rosenberg asked about the present method, observing that people were currently paid at market value. Executive Vice Chancellor Klaich replied that the request would ratify actions the two universities had taken before. Discussions were held in the late

30. Approved-Market-Based Faculty Salary Schedules for Higher-Compensated Academic Disciplines, UNLV & UNR – (Cont'd.)

1980's and the institutions moved forward from those discussions. However, the salary schedules were never officially approved prior to this time.

Regent Rosenberg said that a differentiated salary schedule was currently in place. He asked whether other exceptions could be made and who would decide who would be eligible for such exceptions. Mr. Connally replied that all of the academic disciplines were evaluated in relationship to the current composite salary schedule. With the exception of the disciplines brought forward that day, the current salary schedule is adequate to recognize the market range of salaries paid in the national higher education labor market. The current salary schedule does not reflect the salary range of the proposed disciplines in the labor market.

Regent Rosenberg asked how someone could be hired above the published salary schedule and whether the proposal before the Board would preclude doing more for a discipline that was not included. Mr. Connally replied it would not. The appropriate mechanism to hire a faculty member above the current composite salary schedule or one of the discipline-specific schedules would be for the President or the institution to submit a request to the Board to exceed the Board approved salary schedule. Regent Rosenberg established that only the Board could approve such a measure.

Executive Vice Chancellor Klaich noted that the Chancellor had made a request for such a hire and was told he could not do it without Board approval. Regent Rosenberg said his concern was an equity situation, adding that he felt such matters warranted Board attention.

Regent Gallagher asked whether problems arose when hiring occurs in between regularly scheduled Board meetings. Executive Vice Chancellor Klaich acknowledged that could be a problem. He equated it to situations involving tenure upon hire where offers are extended contingent upon Board approval.

Motion carried. Regent Rosenberg voted no. Regents Derby, Howard, and Schofield were absent.

31. Approved-School of Nursing, Faculty Doctoral Education Promotion Proposal, UNLV – The Board approved President Carol C. Harter's request for the UNLV School of Nursing: Faculty Doctoral Education Promotion Proposal, which would provide tuition assistance to faculty in good standing, equal to tuition costs at UNLV, as they pursue their doctorates at other institutions (Ref. U on file in the Board office) .

President Harter observed a national problem for developing nursing faculty. Nevada has a profound problem producing sufficient nurses, which is partially a function of not having Ph.D.-prepared nursing faculty. This proposal attempts to allow UNLV masters level faculty members to pursue a Ph.D. at another institution with

support up to the level of graduate tuition charged at UNLV (\$9,700 maximum). Candidates must sign a contract to continue working at UNLV in exchange for the funds supporting his/her doctorate work.

31. Approved-School of Nursing, Faculty Doctoral Education Promotion Proposal, UNLV – (Cont'd.)

Regent Leavitt moved approval of the UNLV School of Nursing faculty doctoral education promotion proposal. Regent Rosenberg seconded.

Regent Sisolak asked for an example of the “other” institutions. President Harter replied it would apply at an institution where the faculty member was pursuing a doctorate (*i.e., out of state, online*) . Faculty members must continue to teach at UNLV while they are pursuing the degree. She related there were only a few institutions offering a Ph.D. in nursing sciences. She said faculty could travel to those locations during summer or break periods. Regent Sisolak asked whether it would impact their attendance. President Harter replied that the contract included a clause for not negatively impacting their faculty responsibilities. Regent Sisolak asked whether the contract was included in the reference material. President Harter replied it was not.

Dr. Ray Alden, Provost-UNLV, replied that the contract would be written around the information in the faculty doctoral education program proposal and would specify that should someone not remain as UNLV faculty, they would repay the money as a loan. He related that approximately 43 states offer such programs where faculty agree to accept tuition in exchange for service in a critical-need area. UNLV is part of the Northwest Academic Forum, a consortium of a number of mountain west and northern-tiered states offering a NEON program offering a Ph.D. program, mostly online. UNLV expects these nursing faculty to have summers free for clinical or laboratory requirements elsewhere.

Regent Sisolak asked about the number of potential students. Provost Alden replied that approximately 8-9 faculty members did not have doctoral degrees. As additional faculty are hired, more may take advantage of this program.

Regent Alden asked whether Vice Chancellor Nichols had reviewed the proposal and whether she recommended approval. Vice Chancellor Nichols said the proposal was very similar to the WICHE exchange program offered in other underserved professional areas, where NSHE students can attend other universities out-of-state. In exchange, they owe Nevada a number of years of service, traditionally in underserved areas. She felt it was an innovative program and admirable for UNLV to be offering such a program. She said Nevada cannot recruit enough Ph.D. nursing faculty. She felt it was a fine program.

Motion carried. Regents Derby, Howard, and Schofield were absent.

Regent Leavitt left the meeting.

Chair Whipple announced that agenda items #24 (*Information System Project*) had been withdrawn and #25 (*2007 Bill Draft Requests*) would be considered at the June meeting.

32. Approved-Tuition and Fee Increases, 2007-2009 – The Board approved Executive Vice Chancellor Dan Klaich’s recommendation for tuition and fees for academic years 2007-

32. Approved-Tuition and Fee Increases, 2007-2009 – (Cont'd.)

2008 and 2008-2009. The first hearing on the recommended tuition and fees occurred at the January 2006 meeting (*Ref. Q on file in the Board office*) .

Executive Vice Chancellor Klaich explained that the recommendations of the tuition and fee committee had been reported at the previous meeting. He reported the committee followed the proper policies and procedures and had obtained excellent input from students and Presidents. He recommended Board approval of the fee increases suggested by the committee.

Regent Hill moved approval of the 2007-2009 tuition and fee increases.

Regent Sisolak noted a point of order, stating the item was listed as information only. Regent Gallagher observed it was an information/action item.

Regent Anthony seconded.

Regent Alden suggested separating out-of-state tuition from the vote and objected to increasing in-state tuition for Nevada residents by more than the cost of living (COLA) increase. He felt that out-of-state tuition rates were still reasonable. He expressed his opposition to the motion.

Ms. Rebecca Bevans, Student Body President, UNR-GSA, explained that graduate students understand the increases, but hope they will be held to a minimum. Only 25% of graduate students have assistantships, the rest will pay out of their pocket. Less than 31% of graduate students earn \$15,000/year. The increase will discourage low-income students from attending, which in turn, hurts Nevada. She said that students were having a difficult time keeping pace. She asked the Board to consider keeping the increase to a minimum and providing more assistantships and grants to help offset the increase.

Mr. Lee Massey, Student Senator-TMCC, reported that students were not as concerned about the increase as they were about money not reverting to help the students who pay the fees. He asked what the tuition increase would be used for and whether the students would benefit. Chair Whipple said a copy of the budget would be provided to him by June. Mr. Massey expressed a preference for delaying action until the budget could be released and students could be notified.

Mr. Peter Goatz, Student Body President-UNLV, agreed with Regent Alden that in-state student tuition should not increase more than the rate of COLA and that out-of-state students should bear more of the burden. He was disappointed the agenda did not include an item considering the funding formula. He observed that out-of-state tuition goes directly to the general fund, while a portion of in-state tuition increases are retained by the institution. He said students want to see more of that money directed back to the university to address needs (*i.e., advising services, enrollment services, parking*). He said it was difficult for students to bear any increase.

32. Approved-Tuition and Fee Increases, 2007-2009 – (*Cont'd.*)

Mr. Jeff Champagne, Student Body President-UNR, echoed the previous comments. While students realize a tuition increase is necessary, lower in-state tuition is preferred and there are needs for student support services and faculty. He was hopeful they could discuss where the money would be directed. He said students would be very interested in being involved in the next legislative session.

Regent Dondero suggested holding the item until students understood the budget.

Regent Sisolak moved approval of tabling action on the item. Regent Rosenberg seconded. Upon a role call vote the motion failed. Regents Hill, Whipple, Wixom, Anthony, and Gallagher voted no. Regents Rosenberg, Sisolak, Alden, and Dondero voted yes. Regents Derby, Howard, Leavitt, and Schofield were absent.

Regent Dondero felt the students desired more information on the budget and a better understanding for the increase.

Regent Leavitt entered the meeting.

Regent Alden felt the item should be separated. He said this was a serious issue requiring a more developed planning process. He recommended the establishment of a permanent tuition and fee committee to meet once or twice per year. He said he objected to voting on in-state and out-of-state tuition simultaneously.

Executive Vice Chancellor Klaich reported that staff was following Board policy. The tuition committee

includes president and student representatives. Any allocations of the fee increase must be considered by the full Board. It is the Chancellor's intent to support the highest allocation possible returned to the institutions.

Regent Rosenberg recalled a plan to increase tuition on a steady, incremental basis to reduce the impact to students. Vice Chancellor Nichols agreed. Prior to the mid-1990's, the Board raised tuition in a rather haphazard manner. Tuition increases could amount to as much as 25% following a sustained period of no increases. The Board adopted a policy for maintaining a low tuition and trying to set the tuition with a 3-year lag behind the median of the WICHE states. Staff agreed to bring recommendations every two years. The cost for higher education and tuition in other states has outpaced the COLA.

Regent Rosenberg recommended informing students where the money will go, contingent upon Board approval. The Legislature feels the students are not bearing their fair share of the burden when compared with other states. He said the money would be used for students.

Regent Sisolak expressed concern about in-state versus out-of-state rates. He felt that out-of-state rates could be further increased thereby reducing the in-state increase. He felt the students had not received enough information regarding the intended use for the

32. Approved-Tuition and Fee Increases, 2007-2009 – (Cont'd.)

increase. He expressed his support for the students' viewpoint and his opposition for the increase.

Regent Hill established that everyone was uncomfortable with increasing tuition and fees. He noted that Nevada's rates are still among the lowest in the nation. Tuition is increasing because the Legislature is funding less of the cost. He noted the money was necessary. He asked whether the Presidents felt the tuition was increasing too much. None expressed that they did.

President Harter recalled that the tuition and fees committee agreed it was inappropriate to raise tuition at this level if the institutions do not receive any of the out-of-state tuition. Currently, none of the out-of-state tuition increase is returned to the institutions, thereby reducing the state's share of the burden. She felt the institutions should receive a portion of the out-of-state tuition increase. The in-state portion is representative of the Board approved policy. The distribution of those increases is currently under debate. The committee felt that such increases were warranted if the institutions could get back more of those increases for purposes of enriching students' lives, programs, and education.

Chancellor Rogers stated they had promised all of the presidents they would approach the Legislature this session. In speaking with several of the legislators, it was discovered that many were not aware of this particular issue. He said they would emphasize this request.

Regent Sisolak was concerned they would reach a point where it would be so low that a step increase of 25%-30% for out-of-state tuition will be too large of an increase. He preferred more gradual increases in addition to approaching the Legislature to request a portion be returned to the institutions. Regent Sisolak asked how many of the student representatives felt the increase was too great or that they had not received enough information regarding the uses of the money. All student representatives present indicated affirmatively.

Chair Whipple acknowledged that no one wanted to raise tuition and that it was painful to discuss, noting that costs are increasing. He encouraged staff to work with the Legislature to bring more money back to the institutions.

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

33. Approved-Athletic Fee Waivers – The Board approved funding athletic fee waivers for CCSN and WNCC with a maximum of \$300,000 on a permanent basis. Staff was directed to approach the Legislature every session

to request the funding of tuition waivers. If tuition waivers are funded, further withdrawals from the operating pool earnings will discontinue. At the January 2006 Board meeting, the Regents took action instructing the presidents of UNR, UNLV, CCSN, and WNCC to develop a plan for

33. Approved-Athletic Fee Waivers – (Cont'd.)

funding athletic fee waivers at the community colleges. The aforementioned Presidents reported on the status of their development of such a plan.

Regent Anthony recalled that he and Regent Sisolak made the original motion, which was unanimously approved. He related that System staff did a good job researching the matter and providing a recommendation.

Regent Anthony moved approval of: 1) Effective immediately funds be taken from the investment operating pool to fund athletic fee waivers at WNCC and CCSN on a permanent basis; and 2) Every legislative session the System will request the Legislature to fund athletic fee waivers. If athletic fee waivers are eventually funded, the withdrawals from the investment operating pool will cease.

Regent Sisolak clarified the money would be taken from the earnings of the operating pool and seconded the motion.

Ms. Kathleen Payne, Director of Banking and Investments-System Administration, reported the operating pool currently totaled \$300 million. Chair Whipple asked about the amount of interest income generated. Ms. Payne replied it had been earning 5½% - 7% per year. The operating reserve totaled \$26 million. The Investment Committee recently agreed to use \$15 million of this reserve for the ERP project, resulting in a remaining balance of \$11 million.

Chair Whipple asked about the approximate annual deduction. Regent Sisolak replied it would be approximately \$200,000/year.

Regent Sisolak asked when the motion would become effective. Regent Anthony requested that it become effective immediately so as to apply to the current academic year. Executive Vice Chancellor Klaich replied that it could. Chancellor Rogers stated that it should be effective immediately due to the shortfalls. Regent Sisolak said he had assumed the motion was retroactive to Fall 2005.

Regent Anthony clarified the motion, if approved, would be retroactive to the previous academic year, Fall 2005.

Executive Vice Chancellor Klaich asked whether the fee waivers/this allocation was in the amounts requested from the previous biennial budget that had been reported to the Board. Regent Sisolak said it was based on the figures brought forward by staff (\$112,000 and \$90,000) . Executive Vice Chancellor Klaich clarified that it was the amounts that had been previously discussed.

33. Approved-Athletic Fee Waivers – (Cont'd.)

Regent Wixom observed that the State Senate made it clear that they did not support fee waivers at the community college level. Though the Board enthusiastically supports such fee waivers, it does not want to run afoul of legislative intent and must cooperate with the Legislature in order to achieve the System's long-term goals.

Regent Sisolak recalled that CCSN had been receiving athletic fee waivers. When WNCC submitted a similar request for athletic fee waivers the Legislature not only denied the request, but also withdrew approval of CCSN's athletic fee waivers as well.

Regent Sisolak clarified that the money under discussion is the interest derived from the operating pool, which is discretionary in nature. He felt there was a legislative appetite to fund fee waivers at some level. He was unsure whether funding athletic fee waivers for the community colleges would reduce the amounts allocated to the

universities.

Chancellor Rogers said he had many discussions with the legislators about this issue. He felt it was something the System should pursue, adding they would openly disclose to the Legislature the source of funds and the thought process employed to arrive at this decision. He felt the Board's position could be explained, though it differed with the Legislature's.

Chair Whipple asked Chancellor Rogers to characterize the discussions. Chancellor Rogers explained that the Legislature had been clear in its opposition for funding athletic fee waivers at the community college level.

Regent Sisolak said that some individuals had commented that they were very supportive of this proposal.

Executive Vice Chancellor Klaich was unsure that staff had done its best in presenting this item to the Legislature because they were not aware it was a matter of such great importance. One of the things under discussion is creating an atmosphere at the community colleges that is conducive to attracting and retaining more traditional students. He said he would be better prepared for this session to discuss the link with mission differentiation and the new student demographics.

Regent Hill expressed concern there was no cap identified. He also felt it was dangerous to use the operating pool earnings to fund such a venture and that it could set a dangerous precedent. He was concerned about upsetting the legislators and strongly urged that a cap be established.

Interim President Crowley stated that he favors athletics and fee waivers at the community college level. He felt that asking the Legislature to fund such fee waivers would need to be a Board priority. He shared concerns about the precedent that could be set with this action, in addition to the possibility the System could face the withdrawal of existing fee waivers for the universities. It is very unusual for states to provide athletic fee waivers for public institutions. It is a tremendously valuable commodity for the athletic programs. The NCAA has agreed that it can be done since it is pooled funds. He felt there was a fairly significant degree of risk involved, though he did not want to deny

33. Approved-Athletic Fee Waivers – (Cont'd.)

his colleagues the opportunity for similar funding. He felt a better method would be to seek priority support for fee waivers.

Chancellor Rogers thought this Board and the System has great credibility with Senator Raggio. As long as staff is honest with him, he did not feel reluctant about discussing the matter. He felt they should do it. Regent Hill asked whether he had discussed the matter with Senator Raggio. Chancellor Rogers replied he had discussed the matter three-four times in the past. He was reluctant to entertain a private debate in a public forum.

Regent Rosenberg observed they were creating a new System comprised of two research institutions, Nevada State College, and four community colleges. He observed that many students would enter at the community college level and would want to participate in sports. He wondered how the Board could worry about anything else if they agreed this would be good for the students. He too did not want to insult the Legislature, but felt the Legislature would recognize that the students, their constituents, would be punished. He also felt it was a matter of the Board's constitutional autonomy.

Regent Leavitt felt this was the right thing to do. He suggested that the Board and staff work closely with the institution presidents and students to ensure the importance of the request is made clear to the Legislature. He requested that the System marshal its resources better for the next session and have representatives from the community colleges present. He suggested the motion could be approved with a sunset provision in the case that a different solution is determined.

Regent Sisolak clarified the motion. Retroactive to Fall 2005 semester, use excess operating fund reserve earnings to fund the capped tuition and fee waivers at the community colleges in the specific amounts mentioned

in previously provided source material (\$112,000 and \$90,000) , with the assumption that in the next legislative session a request to fund future athletic fee waivers for the two community colleges be made a priority.

Regent Rosenberg proposed a friendly amendment to cap the request at \$225,000.

Regent Sisolak said it was capped, but they did not know what the tuition increase would be. He suggested a \$300,000 cap instead. Regent Anthony observed that a cap could not be employed because it would result in students being denied as tuition increases.

Regent Anthony restated the motion. He moved approval of: 1) Fund tuition waivers at CCSN and WNCC; 2) Tuition waivers to be funded at whatever they will be with a cap of \$300,000; 3) This policy will be permanent; 4) Staff is directed to approach the Legislature every session to request

33. Approved-Athletic Fee Waivers – (Cont'd.)

other funds to fund tuition waivers; 5) If tuition waivers are funded, the withdrawal from the operating pool will discontinue.

Regent Sisolak clarified that this applies to the current year as well as the following year.

Regent Anthony clarified there was no sunset clause and that it would continue until the Legislature funds athletic fee waivers. Regent Sisolak seconded the motion.

Regent Gallagher agreed with President Crowley that the Legislature would likely expect the System to fund additional fee waivers for other institutions from a similar source. She felt a stronger case could be made by approaching the Legislature with a request accompanied by students in the athletic programs. She felt this was a dangerous precedent. Regent Gallagher recalled a time when the Board refused to increase tuition and the Legislature deducted the difference from the System budget. She did not feel this was the proper way to achieve this goal.

Regent Anthony stated that such logic would dictate the Board could never spend money from the operating pool for fear of upsetting the Legislature. If the Legislature does not fund the fee waiver request, the community colleges will be three years behind and would never be funded. He felt it was the right thing to do and well within the Board's constitutional authority. He acknowledged that the Board and Legislature would not always agree on such matters.

Regent Gallagher cautioned that the Board's constitutional authority did not extend to appropriating the funds. She felt it could be accomplished if it were handled in the right manner.

President Killpatrick asked whether the motion included expansion to include GBC and NSC should they develop athletic programs in the future.

Regent Sisolak noted a point of order, feeling that expansion of the motion constituted a separate matter, which was not included on the agenda.

Regent Hill noted a point of information, asking whether President Killpatrick's request to include GBC and NSC had been answered. Chair Whipple clarified that the motion only included CCSN and WNCC.

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

34. Approved-Investment Committee Recommendations - Chair Thalia M. Dondero reported the Investment Committee met February 24, and March 10, 2006, and discussed the following:

- · Capital market returns and valuations as of December 31, 2005.
- · Asset allocation and investment returns for the period ended December 31, 2005. Endowment investments returned 2.5% for the quarter (*compared to the 2.1% benchmark*) and 10.8% for the calendar year (*compared to the 7.5% benchmark*) . The total return for the pooled operating funds was 1.7% for the quarter (*compared to the 1.6% benchmark*) and 5.6% for the calendar year (*compared to the 5.6% benchmark*) .
- · The Committee reviewed their investment in TCW Value Opportunities L.P. and decided to keep this manager in their portfolio.
- · The Committee reviewed its current rebalancing policy and determined that where the quarterly withdrawals from the endowment fund come from should be determined by the Investment Committee.
- · The Committee approved using \$15 million of the operating reserve to fund the new ERP project.

Regent Dondero moved acceptance of the report. Regent Rosenberg seconded. Motion carried. Regents Derby, Howard, and Schofield were absent.

Regents Alden and Sisolak left the meeting.

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence - Regents Stavros S. Anthony, Bret Whipple, and Michael B. Wixom requested discussion of whether the NSHE should adopt a policy forbidding an institution from sponsoring, hosting or booking commercial entertainment events that involve acts or performances whose purpose is to advocate felony illegal conduct, such as the commission of assault or murder.

Regent Anthony said he was interested in prohibiting events on System campuses that are commercial events (*not to include political speech, forums, lecture series or classes*) and include messages that promote violent, felony activity including death. He said it was a security issue since there had been incidents of violence at such events resulting in death. He said the discussion was not directed toward any particular individual, group, or artist, but rather toward a message. He said there was tremendous community support for prohibiting events promoting violent, felony activities from being held on System campuses. He asked whether groups promoting hatred, violence, and death should be allowed to use System event centers. He provided a graphic, visual display depicting the rise of the modern street gang leading to a new music genre of the gangster rap artist, whose lyrics include murder, beatings, and challenges to other gangster rap artists. Gangster rap artists portray themselves as hardcore gang violence. Rappers slandering one another in public led to many violent incidents. Regent Anthony listed a number of recent violent occurrences at such events both internationally and locally. He said their message is violence related and that such events should not be held on System property. He acknowledged concerns about violating First Amendment rights while citing several cases that determined the right of free speech is not absolute at all times and under all

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence – (*Cont'd.*) circumstances. There are certain well defined and narrowly limited classes of speech which when prevented or punished have never been considered constitutionally problematic (*including leud, obscene, profane, libelous, insulting, or fighting words*) . He noted that words inciting violence or intending to provoke others to commit violence are included. He felt that such violent messages could be prohibited from System property.

Chair Whipple noted that the Investment Committee report had not been completed and there were items included requiring Board approval.

34. Approved-Investment Committee Recommendations – (*Cont'd.*)

Regent Dondero requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the January 18, and January 26-27, 2006 Committee meetings.
- · Construction Utility Easements, UNLV – The Committee recommended approval of rights of entry and standard limited subsurface easements for installing and maintaining utilities to currently funded construction projects at the UNLV Maryland Parkway and Shadow Lane campuses.
- · Memorandum of Understanding, UNR – The Committee recommended approval of a Memorandum of

Understanding between the NSHE Board of Regents, Channel 5 Public Broadcasting, Inc. (*KNPB*), and the Davidson Institute for Talent Development which, among other matters, cancels the Facility Use Agreement between KNPB and the University of Nevada, Reno so that the Davidson Academy may move into the second floor of the Channel 5 building.

- · Staff Support – The Committee recommended approval of the hiring of an additional staff person with appropriate expertise in the property matters of the Committee.
- · Leasehold Estate, DRI – The Committee recommended approval to allow Regency Auto Spa, Inc., lessee of property owned by DRI, located at 4590 Maryland Parkway, Las Vegas, Nevada, to obtain a loan on their leasehold estate of the property.

Regent Dondero moved approval of the Committee recommendations. Regent Anthony seconded.

Regent Hill asked about the Committee's discussion about the sale of the Mill and McCarran property. Chair Whipple replied that item would be considered separately since speakers were present to discuss the matter.

Chair Whipple praised the decision to hire an additional staff person to address property matters. He requested that the matter be more thoroughly discussed at the next meeting.

Motion carried. Regents Alden, Derby, Howard, Schofield, and Sisolak were absent.

The meeting recessed at 12:23 p.m. and reconvened at 12:30 p.m., on Friday, March 17, 2006, with all members present except Regents Alden, Derby, Howard, Schofield, and Sisolak.

34. Approved-Investment Committee Recommendations – (*Cont'd.*)

- · Sale of Mill & McCarran Property, UNR – The Committee discussed the sale of the Mill and McCarran property (*Parcel 012-320-02*), totaling approximately 63.8 acres for \$13.2 million and voted to table this item.

Regent Hill moved approval of the sale of land totaling approximately 60 acres to the Flood Control District for approximately \$13.2 million subject to a \$1/year leaseback of the farms for 99 years. The Flood Control District can provide a minimum of one-year notice for the Agricultural Experiment Station to vacate the premise on the condition the property is necessary for the flood project and demolish the property. Regent Rosenberg seconded.

Ms. Naomi Duerr, Director, Truckee River Flood Project, endorsed the motion, adding that the Project looks forward to working with the Board and the Cooperative Extension while implementing the flood control project.

Chair Whipple asked about the change from 55 to 60 acres. Ms. Duerr replied that the original offer was to purchase 55 acres for \$12.1 million. During sale negotiations the benefit of selling the entire parcel was realized by both parties. Chair Whipple asked whether the property was contiguous. Ms. Duerr replied that it was. The Cooperative Extension is currently housed on a portion of the property, which is leased by the County from the University on behalf of Cooperative Extension. The land is required for flood storage. Chair Whipple asked whether the additional five acres had been anticipated as part of the original sale or specifically excluded. Ms. Duerr replied that the University had initially advertised a 55-acre parcel for sale. The flood project originally offered to buy the entire parcel less the Cooperative Extension area. She said the additional property would provide significant flood plain storage. The goal is to develop a parkway to act as a floodway along the entire river so the river can flood naturally and prevent flood damages. If the Cooperative Extension area is required, they will recommend the building be demolished and Cooperative Extension be relocated. Chair Whipple asked whether the price for the additional 5 acres was the same as offered before. Ms. Duerr replied that it was, adding that the original appraiser valued the land at the same rate. A small portion of the five acres is leased to Cooperative Extension. Chair Whipple established that the County would lease the property to the Cooperative Extension and they would have use of the building as long as the building remained standing. Chair Whipple asked what would occur if/when Cooperative Extension had to vacate the property. Ms. Duerr replied that the University and County would enter into negotiations regarding the future location of their facilities. The County

has a responsibility to provide the Cooperative Extension housing.

Chair Whipple asked whether Interim President Crowley was comfortable with the negotiations. Interim President Crowley replied that he was. The five acres is of no use

34. Approved-Investment Committee Recommendations – (Cont'd.)

to the University for agricultural purposes, though of significant use to the flood coalition. UNR strongly recommends approval.

Regent Hill clarified that the appraiser felt the building itself had no real value. The University will have a 99-year lease on the building for \$1/year. The flood control project can provide one-year notice to vacate the premises if they decide to demolish the building for water retention purposes. Executive Vice Chancellor Klaich clarified it was a 99-year extension on an existing lease that expires in 2010. The right of removal would not arise until after 2010.

Regent Leavitt left the meeting.

Regent Wixom recalled the first concern was the actual value of the land, which included the building. The building does have some useable value, which was Regent Sisolak's concern. The matter was tabled to address that specific question. Regent Sisolak's question regarded the valuation of the building and the methodologies used in determining that value. The other concern was the Cooperative Extension's use of the building. One of the arguments made when the sale was originally approved was that the property would continue to be used for the Cooperative Extension service. Assurances have been made that will be the case, but that question was not answered at the Committee meeting.

Ms. Duerr said that the value of the building accrues to the System while they have the use of the building. It is valuable to those who use the building. Regent Wixom clarified that was not the question. Regent Sisolak was concerned that the appraisal did not attribute any value to the building.

Regent Dondero asked whether a second appraisal had been conducted. Ms. Duerr clarified that UNR asked the original appraiser to consider the additional property not included in the original appraisal.

Mr. Ron Zurek, Vice President, Administration and Finance-UNR, said they were very sensitive to the concerns of the Investment Committee. He recalled the item had been tabled due to concerns regarding valuation for the improvement and a more permanent plan for the Cooperative Extension. Cooperative Extension will be granted additional time beyond 2010. A new appraisal was ordered to consider the additional five acres. The appraiser found that although the improvements were currently occupied and utilized by the Cooperative Extension service, they no longer represent the highest and best use of the subject's larger parcel. The improvements are capable of providing interim rental income until such time the subject property is developed to its highest and best use. Any contributory value of the existing improvement is considered to be offset by their demolition costs.

Motion carried. Regents Alden, Derby, Howard, Leavitt, Schofield, and Sisolak were absent.

Regent Leavitt entered the meeting.

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence – (Cont'd.)

Chancellor Rogers discussed the obvious unconstitutionality of any attempt to create a policy forbidding the institutions from sponsoring such events. He was unsure how a policy could be drafted that would not violate the First Amendment. He felt that freedom of speech should be supported in academic institutions. The NSHE has been criticized for meddling with academic freedom and the First Amendment. He cautioned against taking any action that could give the impression that the Board was opposed to the First Amendment in trying to prevent outrageous conduct.

Chair Whipple asked for discussion to include how events are prioritized at the event centers.

Regent Hill said his comments were not intended as support of the kind of speech exercised by the gangster rappers. He said they could not restrain someone else's speech. He expressed his admiration for Regent Anthony, though he disagreed with him on this issue. He said the spoken word has a great impact on people. He acknowledged that all speech is not protected. He noted that freedom of speech is a right extended to all, even those with whom we disagree.

Special Counsel Brooke Nielsen observed that Regent Anthony had presented a serious problem of violent occurrences, especially for law enforcement. She understood why the Board was considering this matter. As special counsel, she was asked to consider whether the Board could pass a policy that would ban groups from appearing at NSHE facilities if the groups advocate felony, violent acts. From a legal perspective they cannot. Groups cannot be banned based upon the content of their performances. The First Amendment is very complex. While the basic principles are generally understood, it is complicated when trying to apply it to particular situations. Freedom of speech is a hugely protected right enjoyed by all. The right of government to regulate or restrict it is quite small in comparison. A United States Supreme Court summary stated, "*The hallmark of the protection of free speech is to allow free trade and ideas, even ideas that the overwhelming majority of people might find distasteful or discomfiting. If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. Thus, the First Amendment ordinarily denies a state the power to prohibit dissemination of social, economic, and political doctrine which a vast majority of its citizens believe to be false and fraught with evil consequence.*" Even speech considered evil and distasteful by a large majority of the people is still protected from censorship under the First Amendment.

Special Counsel Nielsen stated that the issue is complicated when considering that this speech would occur on a System campus. It has been suggested that a public university or college campus is considered a public forum, which is not true. The Nevada Supreme Court has determined that a university is not a traditional public forum like a street or sidewalk. While academic freedoms are protected on a university campus, universities are not automatically open for people to come onto the campus to express themselves. The character of a campus is changed when members of the public are invited to campus and public events are held on campuses. Each of the NSHE campuses allows events to be

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence – (Cont'd.)

held at various venues on campus. Thus, to some degree, the campuses are public forums and caution must be exercised when trying to restrict the type of events allowed. There are two ways where speech can possibly be restricted. One is if the government has a compelling state interest (*i.e., overwhelming importance, national security, prevention of violence*) . The most narrowly intended policy possible must be drawn to achieve the protection of that compelling state interest. In the instance of violence amongst gangster rappers, she did not see how a policy could be defined that would properly target the prevention of violence.

Special Counsel Nielsen indicated that another way to address the concern of violence at System facilities is to focus on the security provided. The Board could direct in policy that the event centers must take special care to ensure the safety of patrons and the provision of violent free venues. She said the event centers have a process for booking events and precautionary methods. She said they might be able to require additional security measures for events with a history of violence. This policy or regulation would not address the content of the entertainment or speaker. She suggested that only content neutral, narrowly drawn, time, place, or manner restrictions be employed. Commercial speech involving the sale of a product can be somewhat regulated. However, case law has determined that rappers' songs are not commercial speech, but merely an artistic expression. The fighting words doctrine requires the imminent threat of the occurrence of violence from the words used. The lyrics used in rap songs cannot be criminalized or prohibited.

While acknowledging the First Amendment issues facing the Board, Regent Wixom felt this was an issue that could not be ignored. He felt the Board has a fiduciary responsibility to Nevada's citizens to take care that the

facilities are used in such a manner that people can be safe and the value of the facilities can be preserved. He asked that the discussion focus on what can be done to prevent or minimize the conduct and activities that give rise to the tragic events that have occurred in the past. Special Counsel Nielsen felt there was room to address the concern about violence. Events cannot be held (*whether football or concerts*) where the public is at risk of being involved in violence. She felt the Board should focus on what can be done to ensure that proper security is provided at all events. Perhaps addressing a performer's prior history of violence can lead to proper steps that can be taken to prevent violence. She suggested the event center and facility managers pose that question to all potential customers and take additional safety precautions to protect the attendees. She acknowledged that it was possible that could be applied in an arbitrary manner. She did not advocate excluding performers who had encountered violence at a prior event. She said that steps could be taken to make the event secure.

Regent Anthony felt the situation could not be ignored. He said he now had a better understanding of the First Amendment issues. He recommended that Special Counsel Nielsen and the special events staff work together to create a policy that is not content based to enable attendees to be safe.

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence – (*Cont'd.*)

Regent Rosenberg noted the availability of a publication listing the name of the act, the cost, attendance at the last venue, the response, whether there was violence, and how many police/security were employed. He asked whether certain requirements could be made based upon prior history at a cost to the performer. Special Nielsen agreed, adding that caution was necessary in applying those requirements. It would need to be based on real history and the additional requirements would need to be reasonable. She said the promoters or producers normally pay for the additional security requirements. She said it would need to be applied in an evenhanded and reasonable manner. Regent Rosenberg was concerned it was a form of censorship in the arts.

Dean Richard Morgan, William S. Boyd School of Law-UNLV, respectfully disagreed with the Board involving itself in this issue. He observed that people feel pressed to do something by reason of public opinion. The Bill of Rights is intended to protect the public's freedoms from public opinion. He hoped that any Board action would preserve liberty. He too views university campuses and the System as the bastions of free expression. He urged that speech not be prohibited. The university is providing its function when speech occurs on a campus that is disagreeable and it does not mean the university or System endorses it. He felt it was wrong to stifle free speech. He expressed concern that banning such acts on campus could lead to wider bans of the music in general. He felt that any policy should be neutrally applied and would need to consider violent acts from all potential performers. He advised the Board not to involve itself and to allow freedom of expression to flourish on the campuses.

Mr. Peter Goatz, Student Body President-UNLV, felt the Board was sending a message that it was negative that this music was appreciated. College students understand that the messages portrayed in the songs are wrong, but they enjoy the music. The student organization is concerned the policy could have a negative impact on the type of performances they offer. Students are also concerned about safety. He noted that special insurance and security are required for certain acts. He recommended that on-site medical care and security be considered in any potential policy. He expressed concern regarding the student government's ability to afford such requirements and that events could become cost prohibitive.

Mr. Eric Dubuque, UNR student, observed that a religious fanatical group recently received a permit to preach in front of Getchell Library. During their speech the group engaged in hate speech against homosexuality. He said that First Amendment rights are crucial and especially true on a university campus where conflicting ideas are presented, debated, and thought about. He felt the evangelical group had the right to express themselves, though he disagreed with it. He felt that hiding behind the First Amendment so that verbal abuse, intimidation, and bullying of an already persecuted group can occur was cowardice. He felt that speech of this nature took away the First Amendment rights of the persecuted group. He felt the university has a duty and obligation to provide a safe environment for all of its students. If for some reason their policies do not guarantee a safe environment, perhaps it is time to reassess what is occurring on the campuses. He asked the Board to consider extending its ban to non-commercial events where students are being verbally abused and harassed while

walking to the library or their classes.

35. Information Only-Sponsoring Non-Educational Events that Advocate Violence – (Cont'd.)

Mr. Allen Lichtenstein, General Counsel, ACLU of Nevada, did not object to the discussion of security issues. Relevant case law regarding banning or controlling particular content type is relatively clear. He said that a content-based prior restraint is not viable. He disagreed that speech containing an imminent threat or perceived imminent threat could be prohibited, but acknowledged that it can be punished. A prior restraint involving governmental approval to speak is the most blatant form of censorship and has only been upheld in rare circumstances. He felt the questions of security are being addressed at UNLV. There are other events that are more problematic. He said it did not relate to content, but rather to people obeying the law and ensuring that they do. Considering a performer's background can easily be used as a pretext for determining a threat. He questioned whether Martin Luther King would have been allowed to speak with the current concerns for security. Charging certain performers more for security could create a problem in terms of censorship. He said the ACLU was willing to work on these issues, noting that it could not be based upon content or who the performer is.

Regent Dondero asked whether carrying a weapon limited someone from their own free speech. Mr. Lichtenstein said it would depend on the situation. Carrying a gun on an airplane is not allowed. Guns are not allowed in a courtroom. These are not related to content. The use of unloaded weapons in acts symbolically is protected speech because it is a symbolic message and not an actual threat. A line is drawn between speech and reasonable security. He acknowledged the issues are difficult. People advocating something very different from the mainstream is difficult.

Mr. Michael Higdon, UNR student, said he enjoys speaking and the ability to be offensive and not arrested. He said the lyrics could not be linked to the violence. He questioned the reason Regent Anthony used only gangster rap as an example for an item addressing events that incite felonious activity. Since gangster rap is predominated by African Americans, he felt the idea itself was racist. He noted that swing music was once considered racy. He felt the Board's resolution should be destroyed.

ACLU of Nevada Executive Director, Dr. Gary Peck, said the ACLU welcomes the opportunity to work with the System to discuss policies that address security issues in a manner that does not infringe on constitutional rights. He hoped this was the beginning of a broader conversation regarding free speech on the campuses. He felt that campuses should be open to free speech and that exceptions should be narrowly and carefully determined.

Chair Whipple encouraged Dr. Peck to contact Chancellor Rogers regarding the free speech zone issue.

36. New Business – Chair Whipple complimented the remaining Board members.

The meeting adjourned at 2:32 p.m.

Fini S. Dobyms
Secretary to the Board of Regents