

REVISED

Correction noted on page 37

Board of Regents' Minutes Page 1
06/08/06 & 06/09/06

BOARD OF REGENTS MINUTES

NEVADA SYSTEM OF HIGHER EDUCATION

Sierra Building, Elizabeth Sturm Library
Truckee Meadows Community College
7000 Dandini Boulevard, Reno
Thursday-Friday, June 8-9, 2006

Members Present: Mr. Bret Whipple, Chair

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

Others Present: Chancellor James E. Rogers

Executive Vice Chancellor & Chief Legal Counsel Daniel Klaich
Vice Chancellor, Academic & Student Affairs, Jane Nichols
Vice Chancellor, 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
President John Lilley, UNR
President Carol Lucey, WNCC
Secretary of the Board, Scott Wasserman

Also present were faculty senate chairs Mr. Alok Pandey, CCSN; Dr. Hampden Kuhns, DRI; Ms. Linda Uhlenkott, GBC; Ms. Jean Lindley, NSC; Mr. Kurt Hall, TMCC; Dr. William Robinson, UNLV; Dr. Guy Hoelzer, UNR; Dr. Michelle Rousselle, WNCC; and Ms. Annie Macias, System Administration. Student government leaders present included Mr. Cory Drumright, CCSN; Ms. Robbi Phillips, GBC; Mr. Anthony Filippio, NSC; Ms. Alanna Stewart-Bell, TMCC; Mr. Jeff Panchavinin, 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 1:15 p.m. with all members present except Regents Derby and Howard.

Regent Anthony led the pledge of allegiance.

Rabbi Myra Soifer offered the invocation.

Regent Howard entered the meeting.

1. Introductions – CCSN President Richard Carpenter introduced the Faculty Senate President Alok Pandey, Student Government President Presley Conkle and Ms. Kay Moormann, Dean of Workforce & Economic Development. DRI President Stephen Wells introduced the Faculty Senate Chair Mr. Hampden Kuhns, Mr. Greg Bortolin, Acting Director of Government Relations and he thanked Mr. Paul Verberg for his service. President Philip Ringle, TMCC, introduced Mr. Dave Roberts, Director of Facility Services, Ms. Christine Hernandez, Associate Dean of Student Enrollment Services, Mr. Tony Williams, Associate Dean of Student Support Services, Mr. Lee Massey, Chair of Associated Students and the Public Information Office staff, Ms. Paula Lee Hobson, Mr. Kyle Dalpe and Ms. Kelly Frank. President Fred Maryanski, NSC, noted that Mr. Anthony Filippo was re-elected to a second term as President of the Student Association. WNCC President Carol Lucey introduced Mr. Dennis Manikoff, Student Government Chair, the Faculty Senate Chair, Dr. Michelle Rouselle and Mr. Daniel Neverett, Interim Vice President for Finance and Administration. President Carol C. Harter, UNLV, introduced Mr. Jeff Panchavino, President of the Student Body, Ms. Adriella Spinoza, Head of the Student Senate, and Mr. Frederick Krauss who was elected to Chair the Graduate Student Association. Vice President Mr. Carl Diekhans, GBC, introduced the Vice President of the Associated Student Body, Mr. Marcus Kass, who was substituting for President Carrie Rowley who was out of the country. President Carol Harter introduced Dr. Bill Robinson, Faculty Senate Chair. Interim President Joseph Crowley, UNR, introduced Faculty Senate Chair Dr. Guy Hoelzer and the President of the Graduate Student Association Ms. Rebecca Bevans.

2. Chair's Report - Chair Bret Whipple thanked President Ringle and TMCC for hosting the meeting. President Ringle introduced student Ms. Stacey Murray, who attended TMCC High School and Truckee Meadows Community College. Ms. Murray recently earned her Associates of Applied Science Degree in graphic arts and has won a number of professional honors locally, regionally and nationally for graphic and computer design. Ms. Murray has been asked to speak about her very compelling story and share some parts of her success.

Ms. Murray said she stood and represented TMCC which was her school, employer and in some ways her family for the past six years. She was honored to be selected to represent the TMCC student body because most areas of TMCC have touched her life. On May 19, 2006, against all odds, she walked across the stage and graduated with an associates degree. Part of the credit goes to the people at TMCC who helped her overcome the challenges in her life. She defined most of the "at risk" categories. At 17, when entering her senior year in high school, she became pregnant. She was devastated, confused and embarrassed to go back to school, but realized it was necessary. After seeing an advertisement for TMCC High School, she signed on, which was the one decision that changed her life. The caring staff at TMCC High School provided support

2. Chair's Report – (Cont'd.)

and encouragement throughout the pregnancy and life challenges. That year she gave birth to her son, her step-mother lost her battle to cancer, and the family was evicted from their home. She was certain she would have never made it without the support from the TMCC High School administrators, teachers and counselors. She made it through that long and difficult year and graduated as a millennium scholar. This experience gave her a head start on her college education while completing high school. Times got more difficult and she worked at many jobs to survive, knowing all the while that education would be the key to success and the answer to her future.

Ms. Murray continued that along the way she found support from the TMCC community. The Re-Entry Center provided mentoring, advisement and help financially by assisting with the cost of books, day care and direction to community resources. She was always assured that TMCC was there to help with scholarships, grants and

work-study positions. The college and community programs provided the guidance, support and assistance that enabled her to focus on school and receive her degree. She was recently recognized with some prestigious awards from the American Advertising Federation and her work has been forwarded to the national competition. Ms. Murray said it was an honor speaking to the Board and thanked everyone for listening.

President Ringle introduced the Director of the Re-Entry Center, Ms. Barbara Twitchell.

President Ringle introduced Mr. Ric Licata, TMCC professor of Architecture, as a person who exemplified all of the characteristics that make the career and technical faculty so exceptional. Mr. Licata was an award winning architect, active in the profession and serves as President of the American Institute of Architects (AIA), Northern Nevada Chapter. He contributes to his profession through numerous publications and is committed to environmental issues. He recently authored a thesis entitled “Sustainability and Urbanism – A Methodology to Create Regenerative Urban Systems”. Mr. Licata’s students have been honored nationally and locally. Two of his students’ teams placed second and fifth in a countrywide competition, challenging students from nationally accredited baccalaureate and masters degree programs.

Regent Derby entered the meeting.

Mr. Licata stated he would give a brief overview about the program, the course content and some processes in the learning environment in the architectural program. He would discuss the community learning process where students were encouraged to work with the urban environment, other architectural relationships, including UNLV, trends, opportunities and challenges.

Mr. Licata said some degrees offered in architecture at TMCC are:

- AA in Architecture
- AA in Landscape Architecture
- AAS in Construction Management

2. Chair’s Report – (Cont’d.)

- AAS in Architectural Design Technology
- AAS in Golf Course Management
- Certificates in Landscape Management

Mr. Licata said TMCC was also in the process of creating new emphasis of an AAS in Architectural Design Technology with an emphasis on Residential Design. TMCC was working with the State Board of Architecture to help establish a methodology for the students to become registered residential designers, with the degree and experience. The construction management program has been re-constructed under the architecture program and a new faculty member would coordinate that. Mr. Licata said some of the students were now in Europe with Professor Ellis Antunez, and others were in Los Angeles at the National American Institute of Architects’ convention.

Mr. Licata said that along with Professor Antunez, who was a fellow of the American Society of Landscape Architects, there was Mr. Michael Holmes, a renowned contractor and past president of the Builder’s Association of Northern Nevada, heading the construction management program, Mr. Mark Johnson, past president of the AIA in Northern Nevada, teaching the history classes and Mr. Larry Macias, past president and current President of AIA Nevada.

Mr. Licata continued that some of the course programs and focuses were based on creative problem solving. The work was conducted in a studio environment. There was hands-on graphics and computer graphics, 3-D software and imaging packages. State-of-the-art was used in regard to some of the graphic programs, but hand-graphics were also encouraged because of a hand-mind connection between the paper and the brain. Many schools that left that methodology were now returning to it. Sensitivity to the natural and urban environments was emphasized to the students.

Mr. Licata stated that students do approximately four to six design projects per semester, and in that process, they present in a skilled environment, their solutions to professionals. The beauty of the program was immediate assessment and feedback. Consequently, they learn to present well, in a professional manner.

Mr. Licata said the studio learning environment was special because it gave an opportunity to do theoretical lectures, studies, writing, analytical skills, public speaking skills and research, along with one-on-one contact with the students. It was a time to share ideas, excitement and enthusiasm between the students together with the professor.

Mr. Licata said the focus was on topical information regarding the design process, but to also be sensitive to the community and the pristine environment in northern Nevada. At TMCC there was an opportunity to take advantage of space and expand into the facilities. Mr. Licata then showed some graphics' techniques and past and present projects in a PowerPoint presentation (*on file in the Board office*).

2. Chair's Report – (*Cont'd.*)

Mr. Licata said TMCC was working vigorously with community leaders to introduce them to the programs and to introduce the students to the real world processes, showing them there was a link between creativity and the real world. Mr. Licata thanked the Board for allowing him to make his presentation.

Chair Whipple presented gifts to outgoing presidents Dr. Carol C. Harter and Dr. Joseph Crowley. President Harter thanked the Board for the limited edition of William Faulkner's *Absalom, Absalom!*, adding that it had been a wonderful 11 years of service and she thanked the Board for their support. Interim President Joseph Crowley expressed his appreciation to the Board for the Lucite over bronze statue of a wolf, adding that he had performed the job as long as he did because he loved it.

Chair Whipple asked Mrs. Fini Dobyns to come forward and accept the engraved desk clock and personalized pen in gratitude for her services as Board Secretary.

Chair Whipple complimented the Regents on their attendance at the commencement ceremonies, stressed the importance of their presence, and encouraged their attendance to continue.

Chair Whipple suggested, with the induction of the two new presidents of UNR and UNLV, to have two special evenings with both presidents in attendance, one in Reno and one in Las Vegas, where they will be introduced to various communities and lawmakers. Chair Whipple requested that the System's office follow-up on this request.

Chair Whipple said he recently met the commanding officer of the ROTC programs for UNLV and UNR. The officer complimented the outstanding students from Nevada. He had just returned from an ROTC competition where a UNR cadet placed second among 3,000. He mentioned that when he was at West Point he was on a committee to identify scholars and to assist and support Rhodes Scholars and Fullbright Scholarships. Chair Whipple directed Vice Chancellor Jane Nichols to research a means for identifying outstanding scholars so they may be given advice and guidance. Other institutions actually give them practice interviews before committees. This was an opportunity to take the System to the next level and there was no better way than to produce a Rhodes Scholar and Fullbright Scholarships. It was also a good opportunity for UNR and UNLV to work together. There should be a Millennium Scholarship Committee which would oversee this effort and supervise the work between the two universities.

3. Chancellor's Report - Chancellor James E. Rogers discussed the NSHE's future as an education system instead of eight separate institutions and all that that implied.

Chancellor Rogers announced that Dr. Lee Alley would be leaving at the end of the month and thanked him for his guidance and leadership.

3. Chancellor's Report – (Cont'd.)

Chancellor Rogers said it was important for him to continue to drive the System to operate as a System. He stated the NSC community college system relationship has been pushed and pushed. The various presidents of these institutions have been cooperative and have led the way by entering into various agreements between themselves so that this coming year, even though NSC was focused in Henderson, it will be taking courses throughout the state at the various community college locations. This was a great move forward and one to bring the System together.

Chancellor Rogers continued that it was not necessary to go into detail about the Health Sciences Center because there have been updated narratives for the past several months. Again, this was an area where each of the institutions will participate, including the DRI, which has a nursing program. UNR and UNLV will join together, along with the legislature and the private sector of the state, to build a first-class, world-known Health Sciences Center.

Chancellor Rogers stated that one of the fundamental issues was K-12. Great strides were made to develop that relationship and, although there have been reports from time to time that K-12 and the higher education system was at odds, it was not true. Chancellor Rogers said he and Mr. Walt Rulffes, Superintendent of Schools, met at least once a week and Mr. Rulffes met with the CCSN and NSC for discussions. He said concerning remediation, high schools must face preparing students to enter the community colleges, state colleges or universities. The students graduating after the 12th grade were not prepared to go into the university system. The K-12 people in Las Vegas have decided the students will begin to test at the end of the 11th grade to find any deficiencies. It may be suggested that during their senior year, when many finish class by 11:00 a.m. each day, that the afternoons be devoted for taking those courses which are necessary to prepare for college.

Chancellor Rogers continued that there have recently been talks about a joint venture between the Clark County School District and Nevada State College for the construction of a building by the Clark County School District on the grounds of NSC, which will be very substantial. It would be agreed that, with their money, a building would be built and with the NSHE efforts, teachers would be created to teach the students in the System in Las Vegas. Meetings were occurring often and mutual conclusions were being reached. Chancellor Rogers said that he, Mr. Rulffes and Mr. Paul Dugan of the Washoe County School District, agreed that this year when the State of the System Address was given that it will be a joint address in southern Nevada with himself and Mr. Rulffes and a joint address in the north with himself and Mr. Dugan. The Address will be integrated so the existing problems in these arenas will be discussed in both K-12 and the higher education system, and how together these problems can be solved in education as a whole. Not working together has gone on too long and it was a simple and necessary step to develop a world-class education system in this state. The System should not be viewed as just higher education, but should cover everything K-16.

4. Public Comment – Mr. Robert Metz introduced himself as Founder, President and CEO of the American Sports Academy. He said a proposal was recently submitted to the university system for a \$350 million Olympic sports training center to be built in the east Reno area. He received a response by letter that was not accurate and sounded like a shut-down program. If an agreement for a 150 acre parcel can be reached, \$500 million will be handed to the university in property value increases. A \$350 million sports center was being built that will deal with five major sports. It has a high school and a junior college. The UNR swimming and diving teams will have a permanent home at the facility. They are working to give TMCC classroom space at the facility, plus a privately funded sports program. He asked to lease 150 acres from UNR on the farm land, which is currently valued at \$6 million for 441 acres. He was offering to pay \$32 million in lease fees for the land over 50 years. The total value when the sports center was built, which UNR will eventually own as permanent improvements, will come to a value of more than \$500,000 to UNR over the 50 year term of this lease. There will be 1,200 beds, 3 dormitories, 7 Olympic swimming pools, 7 roller skating surfaces, 5 Olympic ice rinks, an Olympic oval, and a 35,000 square foot sports medicine research and teaching facility. The keys will be handed to UNR. The project will benefit the community, the sports world in the U.S. and the university. Everybody would benefit if there was a partnership. Mr. Metz was asking that the Regents agendaize this item or put it into a committee and allow him and the Regents to look at this project in full and give him an opportunity to answer any

questions. At the last meeting Regent Wixom expressed some concerns about having a project begin and not finish. Mr. Metz was willing to make sure that every penny of the soft-money funding was in place before entering a lease. He would like to work with the community and university and put Reno on the map with an international sports facility for amateur athletics.

Mrs. Mary Zeitchick said she lived in Carson City, near WNCC. She addressed WNCC's proposed recreation center in partnership with Carson City. She said that she and her neighbors believe that WNCC's small site was a problematic place to build a heavily used recreation center. She brought a short letter and photos of the access area (*on file in the Board office*) and described what was in the photos at College Parkway and Ormsby. She was afraid the city will want to widen the access roads, disturbing homes and drainage.

Mr. Bob Lytle said he owned a home on Harvard Drive in Carson City and came to speak in opposition of the WNCC recreation center project for several reasons: 1. Economics; the project will be running at a 40% deficit; other projects already running require subsidies. 2. Demographics; located at the extreme northwest edge of Carson City, there were no new schools planned within several miles and with existing homes priced in the \$500,000 to \$600,000 range most younger families must go elsewhere; with a central campus site, students and faculty will have an easier access and will not have to jump the Koontz Canyon Road barrier; 3. Infrastructure; Koontz Canyon Road was a two-lane country road that was disintegrating, was dangerous, and must be rebuilt so homes will not be disturbed; 4. Mother Nature; the WNCC property was on a FEMA designated flood plane and a contract has been approved for construction of a berm to be done by the end of 2006, which will put it at greater risk of flooding during a gully-wash or storm; 5. Lifestyle; this project was a multi-story 80,000 square foot facility that will be the

4. Public Comment – (*Cont'd.*)

noisiest building on campus 16 hours a day, seven days a week; there will be a huge wall extending for hundreds of feet along the western boundaries which will obliterate daytime and night time views. Mr. Lytle felt that the WNCC needs to be a better neighbor.

Mr. John Awl said he was a resident of Reno and a 1951 UNR graduate. He was presently enrolled in courses at TMCC. He was satisfied with his education 55 years ago and was satisfied with the education now. He asked that the Board of Regents become modernized and have the legislature fund year round schooling at the higher education system. That means three 15-week sessions and no summer school, with one month off. It will help attain goals of opportunity and availability for students because today's students work while attending school.

Regent Gallagher said she and Regents Leavitt and Rosenberg attended the Regents' Academy and it was a great experience and huge success. The faculty was on tenure track and the only information provided on the name tags were names. They talked about everything, got to know each other and the interaction was phenomenal. She thanked Vice Chancellor Jane Nichols, who was instrumental in the formation of the Academy. Regent Gallagher suggested all Regents attend the next Regents' Academy.

Regent Leavitt said it was an extraordinary, rewarding event. It was an energized group of future tenured faculty.

Regent Rosenberg said that Chancellor Rogers was influential in making the event the success it was.

Regent Anthony left the meeting.

5. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of items (4) (*Student Health Insurance Rates, Special Student Fees*), (5) (*Tenure Upon Hire College of Fine Arts, UNLV*), (6) (*Tenure Upon Hire, School of Nursing, UNLV*), (8) (*Handbook Revision, Millennium Scholarship Policy*) and (15) (*Handbook Revision, Bylaws, UNLV, Workload Policy*), which were approved separately.

(1) Approved-Minutes – The Board approved the minutes from the UNR President Search Committee meetings held February 3 and 17, and March 3, 2006 (*Ref. C-1a, C-1b, C-1c on file in the Board office*), the UNLV President Search Committee meetings held February 15 and

March 9, 2006 (Ref. C-1d, C-1e on file in the Board office), the Technology Task Force meeting held March 8, 2006 (Ref. C-1f on file in the Board office), and the Board Secretary Search Committee meetings held March 9 and 23, 2006 (Ref. C-1g, C-1h on file in the Board office).

(2) Approved-Summer 2006 Salary Schedule, NSC – In accordance with Board policy (*Title 4, Chapter 3, Section 33*), the Board approved President Fred Maryanski's request for the summer salary schedule for Nevada State College for the 2006 Summer Session. The proposed revisions will be incorporated into the *Procedures and Guidelines Manual* (Ref. C- on file in the Board office).

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

(3) Approved-Summer 2006 Salary Schedule, UNLV – The Board approved President Carol C. Harter's request to update the Board of Regents' *Procedures and Guidelines Manual* (*Chapter 3, Section 5.1*), in order to increase summer term salaries for the Summer 2006 term (Ref. C-3 on file in the Board office).

(7) Approved-Capital Improvement Request, CCSN – The Board approved President Richard Carpenter's request for the use of \$143,200 in Capital Improvement Fee funds. The proceeds from this distribution will be utilized for projects that cannot be funded from other institutional funds (Ref. C-7 on file in the Board office).

- · Upgrade, reconfigure, and improve Room 2649 and its furniture at Cheyenne Campus to better utilize the room as an intake, advising, and testing center, as well as to provide more effective and usable Multimedia International Language Learning Center and classroom space.
- · ADA modifications mandated by changes to the ADA regulations.

(9) Approved-Handbook Revision, Community College Specific Provisions – The Board approved Vice Chancellor Jane Nichols' request for an amendment proposal concerning the community college specific sections of *Title 4, Chapter 16* that address student admission, registration, grades and examinations. In general, the proposed amendment will eliminate the institution specific sections of Chapter 16 and replace them with provisions that are applicable to NSHE community colleges in general (Ref. C-9 on file in the Board office).

(10) Approved-Handbook Revision, Extension of Temporary Policy, Military Leave for Professional Employees – The Board approved staff's recommendation for the extension of the temporary policy to allow members of the professional staff to be compensated for the difference in their NSHE pay and their military pay through the end of the 2006-2007 employment contracts (Ref. C-10 on file in the Board office).

(11) Approved-Handbook Revision, Bylaws, CCSN – The Board approved President Richard Carpenter's request for a revision to CCSN's institutional bylaws (*Title 5, Chapters 1-3*). Revisions include updating policies to align with current practice, deleting obsolete provisions, and additional technical changes as necessary (Ref. C-11 on file in the Board office).

(12) Approved-Handbook Revision, Bylaws, DRI – The Board approved President Stephen G. Wells' request for new bylaws for the Desert Research Institute (*Title 5, Chapter 2*). The proposed new bylaws will replace its existing bylaws and *Faculty Personnel Manual* and achieve consistency with the Board of Regents' *Handbook* and current DRI policies (Ref. C-12 on file in the Board office).

(13) Approved-Handbook Revision, Bylaws, UNLV, Selection of Department Chairs and School Directors – The Board approved President Carol C. Harter's request for a change to the UNLV Bylaws, Board of Regents' *Handbook* (*Title 5, Chapter 6, Chapter II, Section 10.8*) (Ref. C-13 on file in the Board office).

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

(14) Approved-Handbook Revision, Bylaws, UNLV, Peer Review Committees – The Board approved President Carol C. Harter's request for a change to the UNLV Bylaws, Board of Regents' *Handbook* (*Title 5, Chapter 6, Chapter III, Section 8.3*) (Ref. C-14 on file in the Board office).

(16) Approved-Handbook Revision, Student Constitution, NSC – The Board approved President Fred Maryanski's request for an amendment to *Title 5* of the Board of Regents' *Handbook* to include the addition of a new chapter with the NSC student constitution (Ref. C-16 on file in the Board office).

Regent Gallagher moved approval of the Consent Agenda except (4) (*Student Health Insurance, Rates, Special Student Fees*), (5) (*Tenure Upon Hire, College of Fine Arts, UNLV*), (6) (*Tenure Upon Hire, School of Nursing, UNLV*), (8) (*Handbook Revision, Millennium Scholarship Policy*) (*Title 4, Chapter 18, Section 18*) and (15) (*Handbook Revision, Bylaws, UNLV, Workload Policy*) (*Title 5, Chapter 6, Chapter III, Section 2*). Regent Wixom seconded. Motion carried. Regent Rosenberg abstained. Regent Anthony was absent.

Mr. Anthony Filippo thanked the Board of Regents for approving Nevada State College's first student Constitution.

Regent Anthony entered the meeting.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY:

(4) Approved-Student Health Insurance Rates, Special Student Fees – 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. This review was done in March, 2006 to allow adequate time for the campuses to include fees in the printed catalogs. Unfortunately, fees related to student insurance from commercial insurers were not available until May. The Board approved those student health insurance fees. The approved student insurance fees will be codified in the *NSHE Procedures and Guidelines Manual (Ref. C-4 on file in the Board office)*.

Mr. Scott Wasserman, Secretary of the Board, said a new *Ref. C-4* was distributed because of two corrections: Page 4, sixth row, UNR, the figure for the proposed fee amount changed to \$1,468. It previously read \$1,415. Page 7, the last column, TMCC and WNCC annual premium student spouse proposed fee amount should read \$6,606, corrected from \$2,682, and there were also additional comments located on the side.

Regent Sisolak moved approval of student health insurance rates and special student fees as presented. Regent Derby seconded. Motion carried.

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

(5) Approved-Tenure Upon Hire, College of Fine Arts, UNLV - Pursuant to Board of Regents policy, which specifies that Board approval is necessary only in circumstances where the faculty member is not tenured at another institution, the Board approved President Carol C. Harter's request to extend an employment offer with tenure to Mr. Clarence A. Gilyard for the position of Associate Professor in the College of Fine Arts, effective August 1, 2006 (*Ref. C-5 on file in the Board office*).

Chair Whipple recommended consolidating items (5) and (6) because it was the same issue on both.

(6) Approved-Tenure Upon Hire, School of Nursing, UNLV - Pursuant to Board of Regents policy, which specifies that Board approval is necessary only in circumstances where the faculty member is not tenured at another institution, the Board approved President Carol C. Harter's request to extend an employment offer with tenure to Dr. Barbara St. Pierre Schneider as Assistant Dean for Research and Associate Professor in the UNLV School of Nursing, effective July 1, 2006 (*Ref. C-6 on file in the Board office*).

Regent Sisolak said he pulled this item because it was a tenure issue. Mr. Daniel Klaich, Executive Vice Chancellor, said at the last meeting approval was granted for a tenure upon hire position when it was moving from a tenured position to a tenured position. These two positions were new tenure and required approval. This does not fall within the previously enacted policy of a tenure to tenure, this was non-tenure to tenure.

Regent Sisolak asked if the university had difficulty hiring people without offering tenure and were other universities going through the same process. President Harter responded that they go through the process of having faculty in their respective departments voting on their tenure with hire, but would not get most of these people if it was not offered. They either had tenure or they have had stellar careers. The film department wants to give tenure to Mr. Clarence A. Gilyard, the film actor from "Matlock" and "Walker, Texas Ranger" because

without it he would not accept a position at UNLV.

Regent Sisolak moved for approval for tenure upon hire at UNLV for Mr. Clarence A. Gilyard, College of Fine Arts and for Dr. Barbara St. Pierre Schneider, School of Nursing. Regent Derby seconded. Motion carried.

(15) Approved-Handbook Revision, Bylaws, UNLV, Workload Policy – The Board approved President Carol C. Harter’s request for an addition to the UNLV Bylaws, Board of Regents’ *Handbook* (Title 5, Chapter 6, Chapter III, Section 2) (Ref. C-15 on file in the Board office) .

Regent Sisolak said there was a committee that dealt with faculty workload and asked if this was in addition to what was done. President Harter said this was within the framework already established. Dr. Robinson said it was a clarification of policy based on what the Regents set forth. There were different deans performing workload

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

(15) Approved-Handbook Revision, Bylaws, UNLV, Workload Policy (Cont’d.)

policies different ways. This was to standardize the policy across the campus consistent with what the Board put forward.

Regent Sisolak moved for approval of *Handbook* Revision, Bylaws, UNLV, Workload Policy (Title 5, Chapter 6, Chapter III, Section 2) . Regent Derby seconded. Motion carried.

(8) Approved-Handbook Revision, Millennium Scholarship Policy – The Board approved Vice Chancellor Jane Nichols’ request for revisions to the Governor Guinn Millennium Scholarship policies (Title 4, Chapter 18, Section 18) . Specifically, the proposed revisions will align Board policy with current practice to provide that in accordance with state law (*Nevada Revised Statutes 396.934*) a student who is eligible for the scholarship may not receive funding for more than 12 credits across the NSHE (Ref. C-8 on file in the Board office) .

Regent Howard requested clarification of where the agenda item came from. Dr. Nichols said that at the conclusion of last legislative session multiple changes were made to the statutes relating to the Millennium Scholarship. System Administration wrote the policy to implement those changes in the last session. On closer examination, the Legislative Council Bureau (LCB), the Attorney General’s Office and the System’s legal staff, determined that the policy written was not congruent with the intent of the legislature, which said the maximum number of credits that can be paid for by the Millennium Scholarship would be 12. The System wrote the policy for 12 credits per institution. LCB said that was not the legislative intent, but was 12 credits total. The policy had to be rewritten. Regent Howard said no more than 12 credits can be provided to the Millennium scholars. Dr. Nichols said it was saying that students that were Millennium scholars will only get Millennium dollars for 12 credits per semester. They can take as many credits as they want but will only be supported by the Millennium Scholarship for 12 credits. Dr. Nichols said it was part of the package that was passed by the legislature in the last session. The Millennium Scholarship was a product of the legislature and the System was able to implement it with its students, but it was their creation. Regent Howard said she now understood the rules.

Regent Howard moved for approval of the *Handbook* Revision, Millennium Scholarship Policy (Title 4, Chapter 18, Section 18) . Regent Dondero seconded. Motion carried.

5. Approved-Consent Agenda – (Cont’d.)

Regarding Consent Agenda item (11), Regent Howard asked what the problem was with the current policy. She did not understand why the additional technical changes did not come to the Board. President Richard Carpenter said there were no substantive changes but it was not structured correctly. There were references to committees at the college

5. Approved-Consent Agenda – (Cont’d.)

that have not existed for 10 years and that was what has been corrected. Faculty senate was directly involved in the changes also.

Regarding Consent Agenda item (13), Regent Howard asked about the selection of department chairs and school directors. President Harter said it was to clarify the processes available, when there was not an absolute consensus about a chair, that is, who has the right to name a chair at what point in the deliberation and for how long. It was a clarification of a current practice.

Regarding Consent Agenda item (4), President Ringle said the Board had a revision to the TMCC-WNCC item on pages 7 to 10 and he asked Dr. Cheryl English Hug, Student Health Services, UNR, to explain clarification of the fees. Dr. Hug said it may be confusing because the process has been a difficult one, and each year it becomes more and more complex. There were fewer and fewer insurance companies willing to bid on the student plans. There were two reasons given, one was the bundling of community college students with UNR students and the other was it is a voluntary plan, not a mandatory plan. The modifications reflect a tiered rate with different rates and premiums for different sub-groups. For UNR international and graduate students the rate was \$1,468, the rate for UNR undergraduate students was \$1,600 and the rate they originally came back with for the community college students was \$1,899. It was a dramatic increase. The carrier took another look and those are the modified rates. Ms. Brooke Neilsen, Special Counsel, indicated that was what was voted on in the motion.

Regent Sisolak asked if students were taking classes just to get the insurance. Dr. Hug said that it was sometimes the case. It would make sense for the community colleges to separate out after this year and to find a policy that suits their needs and allow the UNR student insurance policy to be separate. Most schools now have a mandatory plan with a hard waiver, meaning that if students have an insurance plan through a spouse or employment, they were waived out, otherwise it was mandated to have insurance. Ages 19 to 29 were the most uninsured group in the country. Institutionally that was something to look at this coming year.

Regent Sisolak asked how many credits must be taken to qualify for the insurance. Dr. Hug said it was six and will go to nine this year, with the hope that the plan will get under better control. Most schools have 12 credits. Regent Sisolak asked if it was monitored every year. Dr. Hug said it was, usually for 30 days, and longer only if the insurance company chooses to look into it, and that was the difficulty. Students can purchase it for a semester or annually and they have learned how to work the system.

6. Approved-Evaluation-Chancellor James E. Rogers - The Board discussed the annual evaluation of Chancellor James E. Rogers and took action, which included, approving the evaluation, and giving direction regarding the Chancellor's role, performing his duties and responsibilities to the Board, managing the NSHE, and other matters related thereto. In addition, the Board considered and made a decision regarding the terms and conditions of the Chancellor's employment by the System.

6. Approved-Evaluation-Chancellor James E. Rogers – (Cont'd.)

Chair Whipple said he would speak to the issue, as well as Regent Leavitt, Chair of the Board Development Committee and Chancellor Rogers. Chair Whipple referred to his memo on the annual evaluation (*on file in the Board office*) and explained that Dr. Leonard E. Goodall, an independent consultant, was hired to perform the evaluation and Chair Whipple felt it was efficient.

Chair Whipple would like to make two recommendations to the Board: 1. Clarify the power to terminate the presidents. Chair Whipple will recommend to the Board that the power to terminate can only be exercised by the chancellor with the written consent of the Chair of the Board of Regents. 2. Extend Chancellor Rogers' contract by one year. His current contract ends June 30, 2008 and the reason for the extension is to allow him two sessions at the legislature and also, the Health Sciences Center was first and foremost in the Chancellor's mind. It will take a tremendous effort to continue to move that forward. Next year will begin the initial stages and it would be appropriate to have leadership and follow-through with regard to such a serious matter. It is a huge issue for this state. There have been tremendous powers brought to bear with large amounts of money. It is important to have the follow-through with the person who shaped the issue.

Regent James Dean Leavitt said the Board Development Committee recommended the annual evaluation of the Chancellor and ultimately the periodic, done every three years, would be held in June each year from the

standpoint that the Board Chair is elected at the June meeting, which gives a one year period of time to make their recommendations. The Board Development Committee will take Chair Whipple's recommendations into consideration along with suggested areas of improvement.

Chancellor Rogers felt the evaluation was accurate, well done and fair. He was not sure if he would be able to modify his weaknesses. He tries to listen and take the Board's advice. There were some fundamental issues he cannot change or does not want to change. He wrote his own evaluation and submitted it to Chair Whipple and felt it was similar to the others that were submitted. There has been progress in numerous areas and there are many things to do. He was enthusiastic about the job because of the possibilities and probabilities of what can be done in the next three or four years. If unable to continue physically or mentally or if he was not needed because business was going so well, he hoped to have the sense to recognize it. He will be 70 at the time his contract expires but the last year dealing with the legislature will be very significant. Continuity was vital. He offered to answer any questions.

Chair Whipple clarified that the recommendation regarding the power of termination would have to be brought back because it was a Bylaw requiring two votes to change. Extending the contract may be voted on if the Board chooses to do so.

Regent Dondero stated if the power to terminate was granted by the Chair, what happened if the rest of the Board does not agree. Chair Whipple said there were limitations. Regent Dondero said the only way to consult with the Board would be in an open meeting, so how would the remainder of the Board give some input to that decision. Chair Whipple clarified the power to terminate would be the chancellor's, but only with the written agreement of the Board Chair. Unlimited power came up in the Chancellor's

6. Approved-Evaluation-Chancellor James E. Rogers – (Cont'd.)

evaluation, and this would be a safeguard or an outlet for an additional process. Chair Dondero said she would be unwilling to consent to that.

Mr. Bart Patterson, Deputy Chief Counsel, said if the person was given notice of the disciplinary action, they have the right to appeal to the full Board. He was not saying that was the policy to keep, but Chair Whipple was advocating that there be an additional step, before that notice was sent, which the Chair would approve.

Mr. Klaich said the Chair's recommendation would involve a change to the Regents' Bylaws, so it must be brought back and discussed. It was merely a suggestion from the Chair to the Board today which would have to be properly agendaized and fully discussed at a future meeting.

Regent Rosenberg felt it should also be agendaized and discussed at a future meeting to return the Bylaw as it was previously. That way no one is put into a vulnerable position. Only the Board would have the authority and responsibility to be put into that position.

Chair Whipple said that was something that could be discussed today. However, at this point it would be best to follow protocol.

Regent Sisolak said that he thought this Chancellor was being discussed specifically, not the chancellor's position in general, which was what Regent Whipple's recommendation would go to. Mr. Klaich said that was why he suggested it be agendaized for a future Board discussion.

Regent Dondero felt it took the entire Board to make that type of decision. Chair Whipple agreed.

Regent Derby complimented the evaluation process; it was important and it was very good. One of the most essential responsibilities of a Board was to evaluate its CEO. Evaluations were opportunities to enhance leadership. She praised the Chancellor as someone who can take feedback, listen to it and consider it positively. In reference to what the Chair recommended, she supported both, but expected to be abstaining in the vote to avoid any appearance of conflict.

Regent Gallagher said everyone knew the Chancellor's strengths and what he has done. She was more inclined to talk about his weaknesses, which comes from overextending himself. It was important for the Board and the Chancellor to understand exactly what the roles were for each. If that was clear then there would be no problems. The only time job, or vice-versa. Chancellor Rogers' problems have come from two things: not sitting down and defining who does what and the problem with academic situations moving so slowly. This is a difficult adjustment coming from a business environment.

Regent Schofield congratulated Chancellor Rogers for doing a fantastic job. He felt that coming from the business world helped to get issues resolved.

Regent Hill has had disagreements with Chancellor Rogers and does not think it would be productive to discuss them in public. He has phoned Chancellor Rogers to give him

6. Approved-Evaluation-Chancellor James E. Rogers – (Cont'd.)

his thoughts, and he has listened wonderfully. When the time was appropriate he would make a motion. Since he has been on the Board he has seen some imprudent management decisions. The minute the Board begins managing, which was telling people what to do as opposed to how to do it, there was trouble. He does not recommend going back to the way it was, or to get the Board Chair to buy off on the power given to the Chancellor with regard to terminating presidents. He felt the Chancellor should be making decisions, not the Board.

Regent Rosenberg disagreed with Regent Hill. It was a cooperative venture and each has something to offer. He does not have a problem with the Chancellor listening, but was not sure he heard what he was saying. He felt the Chancellor has strengths and weaknesses and has done some good things. There was a need to deal with the Chancellor's position, not the personality in the position at the time. When the decisions were made it must be in the context of what was required of the position. There have been difficult times with the Board. The one thing that makes it all possible was how the individual units were doing, and they were doing very well, thanks to the presidents.

Chair Whipple requested everyone to try and relate their comments to the evaluation.

Regent Howard said there have been turbulent times on the Board prior and post Chancellor Rogers. Board cohesiveness has been enhanced since he has been the Chancellor, which has not happened before. Certain things should not be said in public because the consequences were not good for anyone, which she experienced for herself. Most importantly, the students were first. She considered the decision of the Chancellor hiring and firing going back to Board authority. She noted that the presidents have the right to appeal any decision that has been made to the Board.

Regent Howard said that Chancellor Rogers has made a huge difference in the area of diversity. He has raised the awareness level for minority and gender issues and the roundtables he was conducting throughout the state was something that was unheard of. It was like a revolution in the State of Nevada in discussing educational issues with K-12 and higher education. People were talking that have not talked before and relationships were being formed. She experienced first hand by attending many of the roundtables. If more people would attend they would be more appreciative. She will be voting and does not feel it necessary to abstain on this important issue.

Regent Anthony felt the evaluation was fair. As soon as Regent Hill makes the motion he will support extending the contract to 2009. He will be looking forward to the discussion about Chair Whipple's recommendation.

Regent Sisolak said looking at an evaluation, the easiest way to do it was to look at where you were at the beginning and look at where you are now. A few years ago the Board was constantly in the newspapers; a beleaguered group of individuals. Chancellor Rogers was directly responsible for changing the image, not just individually, but as a group, as the stewards of the Nevada System of Higher Education. He was owed a debt of gratitude by pointing out the Board's strengths rather than weaknesses and his

6. Approved-Evaluation-Chancellor James E. Rogers – (Cont'd.)

business background helped make that possible. Regent Sisolak felt the evaluation was well done.

Regent Hill left the meeting.

Regent Gallagher said when the power was given to the Chancellor to terminate presidents it required proper documentation. It was never the intent that the Chancellor could get angry and fire a president. If the Chair of the Board sees that documentation and concurs, then that was a safeguard.

Regent Leavitt complimented the Chancellor on a job well done. He was concerned with the Board's reputation. He felt the Board worked extremely well together and hoped it would continue.

Regent Wixom felt it crucial to bifurcate the two issues. Systemically, when dealing with an organization where one group has the power to hire and another has the power to terminate, there is a disconnect. He was not part of the Board or the deliberations when these decisions were made. He was listening with great interest to all of the observations because it was important to think and re-visit the issue and discuss it fully. He was undecided because he did not understand everything that gave rise to the original extension. Superficially there was enough of a detachment to make him want to discuss it at length at another time and does not want to confuse the two issues.

Regent Wixom thought that what the Board accomplished in the past year was remarkable. It was helpful to have the Chancellor's energy, thought and direction. The Board should step forward in the same way. He appreciated the Chancellor's willingness to participate in the solutions, along with his perspective. There was still much to do and the Chancellor was needed for another year because there was so much happening which must be completed. He expressed support for the contract extension.

Regent Wixom moved approval of extending Chancellor James E. Rogers' contract one year to June 30, 2009. Regent Schofield seconded. Upon a roll call vote the motion carried. Regent Derby abstained. Regent Rosenberg voted no. Regent Hill was absent.

7. Information Only-Report on Search for Finance, Facilities and Property Staff Expertise - Executive Vice Chancellor and Chief Legal Counsel Dan Klaich reported on the search for a Vice Chancellor for Finance and the search for additional NSHE staff persons with appropriate expertise in real estate and property, and facilities.

Mr. Klaich hoped to be bringing a candidate for the Vice Chancellor of Finance or possibly a person on the facilities side to be critical staff to Regent Dondero's Investment Committee, particularly on the property side, but has not been successful in the search. He and Chancellor Rogers identified a number of key individuals they were having discussions with. Regent Sisolak said there was a desperate need for a finance person. In

7. Information Only-Report on Search for Finance, Facilities and Property Staff Expertise - (Cont'd.)

relation to investment and property could there be a development person in the meantime with real estate experience, perhaps a civic-minded community person. Mr. Klaich said there were two individuals who fill that requirement, but there was a slight salary constraint. Regent Wixom was not sure that one person can respond to the needs of property and investment. Chancellor Rogers said they were trying to interweave the people required.

Regent Dondero said the candidate needed to know water and mineral rights, condition of property and environmental clean-ups. There was a lot to consider for making a good inventory. Mr. Klaich felt that they were close.

Regent Leavitt left the meeting.

8. Approved-Contract Extension, President, UNR – The Board approved Chancellor James E. Rogers' request

for an extension of the contract of Interim President Joseph Crowley through July 31, 2006, with the same terms and conditions as his current contract.

Regent Alden moved approval of the contract extension through July 31, 2006, for UNR President Joseph Crowley. Regent Rosenberg seconded. Motion carried. Regent Leavitt was absent.

9. Approved-Multi-Year Employment Contract, Men's Head Basketball Coach, UNR – The Board approved Interim President Joseph Crowley's request for a multi-year employment contract for the University of Nevada, Reno's Men's Head Basketball Coach, Mr. Mark Fox (*Ref. A on file in the Board office*)

Regent Alden moved approval of the multi-year employment contract for UNR Men's Head Basketball Coach, Mr. Mark Fox.

Regent Leavitt entered the meeting.

Regent Sisolak was aware there was a deficit and asked if it would now be larger. President Crowley said part of the discussion for a contract extension from the athletic association support group for athletics was that the group was interested in extending Mr. Fox's contract at a significantly increased level. They committed to raise the funding which would be coterminous with the contract and it would go five years at a level of \$200,000 a year, in order to provide the support of the contract proposal, which they agreed to and were underway in that process. If that effort were to fail the department would be responsible for finding the money in some other way. Regent Sisolak stated the approval would be for hard dollars being replaced with supplemental dollars. President Crowley agreed and said the balance would be \$140,000 the first year, and however it would work out the following four years, which was expected to be privately raised with the support of that organization, but if not, there were contractual obligations for the university.

9. Approved-Multi-Year Employment Contract, Men's Head Basketball Coach, UNR – (*Cont'd.*)

Regent Leavitt left the meeting.

Regent Sisolak said that on pages 16 and 17 in the exhibit (*on file in the Board office*) there were bonuses given for NCAA play. He was confused with the first, second and third rounds then the championship. It appeared he would get \$10,000 for the first round, and an additional \$15,000 for the second, then the championship was \$50,000 but the others were not cumulative so he would get \$10,000, \$15,000, \$25,000 and \$50,000. President Crowley said that was his understanding. Mr. Klaich said that was the way the contract reads. President Crowley said that the conference gives them \$100,000 for each round so if the university got to the national championship there would be approximately \$500,000.

Mr. Klaich pointed out another contract revision for this item and item 11 that the determination clauses were reciprocal and the Board indicated its concern about those in the past and both President Crowley and President Harter have negotiated termination provisions that were favorable to the university in the event that the employee leaves before the contract term.

Regent Rosenberg asked about the money and the rounds. President Crowley responded that the dollars come from many different sources. This would be another source and one could tie the bonus directly to that \$100,000, but it just goes into the pot. Regent Sisolak explained if the university got \$100,000 he got \$10,000, if another \$100,000 was received he gets \$15,000 and so on up to \$50,000.

Regent Sisolak seconded. Motion carried.
Regent Leavitt was absent.

Mr. Klaich said that President Harter and President Crowley spoke with the incoming presidents who concurred with these recommendations.

The meeting recessed at 3:40 p.m. and reconvened at 3:57 p.m. with all members present except Regents

Howard, Leavitt and Alden.

10. Information Only-Report on the Status of the Information System Project - Regent Michael B. Wixom, Chair of the Technology Task Force, reported on the recent activities of the Task Force and the current status of the iNtegrate project, the System-wide information system project.

Regent Wixom said much had happened with the Technology Task Force (TTF) over the last few months and felt it was important to bring everyone up to date and introduced a PowerPoint presentation (*on file in the Board office*). He explained the term Enterprise Resource Planning (ERP), related to technology planning providing student services and information, human resources, financial planning and budgeting.

Regents Howard and Alden entered the meeting.

10. Information Only-Report on the Status of the Information System Project –(*Cont'd.*)

Regent Wixom continued that the project the NSHE System has was referred to as the iNtegrate Project. The term iNtegrate conveys the message of seeking an integrated project allowing us to effectively meet the information needs for the next several decades. The term “Legacy System” was not software but refers to whatever system may be in place at a given institution. One of the challenges with the Legacy System was that it may be robust, which referred to the strength and capacity of the system. Some may be antiquated, but were strong and have enough capacity to service the needs of the respective institutions. However, there were some inherent weaknesses:

Legacy System Enterprise Resource Planning (ERP)

- out of date technology - modern, efficient
- outgrown capacity - expandable capacity
- non-integrated - integrated databases
- old data (slow capture) - real time data
- centralized – inefficient - de-centralized
- inadequate redundancy - multiple redundancies
- licensed, scheduled upgrades

Regent Wixom said there were three structures of needs. At the top, the Board of Regents has different types of informational needs than does the institutions, Chancellor or Vice Chancellors. Specifically, when talking about policy information, broad strokes were desired to make policy decisions. By contrast, the Chancellor and System Administration need a different type or quantity of information, which was different than the institutional information required on a day-to-day basis. CCSN has reached its limit and some other institutions were close to capacity.

Regent Wixom stated that at the TTF meeting there was talk about a centralized versus non-centralized system. Centralization can mean multiple things but here it refers to the ability for the institutions to share data on a centralized basis. The model put forward envisioned each institution having different capacities and access to information, which are all connected to access information from another institution. Each will have its own proprietary information so there will be security walls within each institution. Regent Wixom said this model was associated with the second Request for Proposal (RFP) that was presented today and approved by the Technology Task Force. Under this RFP there is a de-centralized and distributed model meaning that the three largest institutions would house the hardware and system functions and would warehouse the data for human resources, student information and budget and finance. Access would be limited on a proprietary basis. The other institutions and the System would also have access.

Regent Wixom said the process started about 20 months ago through the efforts of Regents Seastrand and Anthony. The first RFP was approved, the responses were analyzed and some concerns were voiced. An ad hoc committee was formed to develop a second RFP. The Board has not committed to spending a dollar, but to get more information. It will be costly, but it must be done correctly to meet the objectives. This process has been

full, fair, public and thoroughly vented. Everyone was invited to participate. A consultant will be hired to give some impartial advice, proposals will be

10. Information Only-Report on the Status of the Information System Project *–(Cont'd.)*

reviewed in the Fall, vendors will be selected and the system will be implemented between the Fall of 2006 and Spring of 2009. It will be complicated and require a number of funding elements. Everything will be discussed before the TTF and the Board.

Chair Whipple asked how much money this would entail. Mr. Klaich requested that this question be held because it could impact the bidding process.

Regent Sisolak asked how many potential bidders there were. Regent Wixom said there were three. Mr. Klaich said there were five or less who could undertake a project of this magnitude.

Regent Gallagher said the Board will receive this for discussion in the Fall of 2006 and select a vendor in the Fall. Regent Wixom said they will quickly seek a consultant to evaluate where we are. \$15 million has been set aside in the budgeting process for the legislative request but there needs to be some plans in place before getting into the budgeting process.

Regent Derby asked about the distributed system model at the three institutions and would like some assurance that it will work for the other institutions. Regent Wixom responded that all the institutions were represented in the ad hoc committee and the second RFP was fully supported.

Regent Derby said she did not see TMCC and GBC represented in the presentation. Mr. Klaich said that in the original configuration of the Committee, the three smaller community colleges were asked to nominate representatives and the two individuals from WNCC were nominated to represent those three colleges and then communicate back to them. They did not sit at the table but there was input throughout the process because those institutions do not have the staff some of the larger institutions do. Regent Derby wanted to be sure the smaller institutions were not disadvantaged, and that there was a collaborative effort working for everybody.

President Ringle, TMCC, said they were involved in all of the discussions and his understanding was the number of hubs has not yet been finalized.

Mr. Carl Diekhans, Vice President Administrative Services, GBC, said they were asked to give their input. They were still looking forward to seeing how the hubs will be set up and where the connections will be.

Regent Wixom stated that the vendors who responded to the first RFP have agreed to freeze their pricing for one year, which allows time to respond. As the responses were received for the second RFP, it will be important that all the institutions provide input and participate in that discussion, and the Committee will make sure that happens.

Regent Alden wanted to be certain there were no mystery ties with the consultant. Regent Wixom said that who was in that position would be independent of the vendors and the System to be certain of receiving a full, fair and impartial evaluation.

10. Information Only-Report on the Status of the Information System Project *–(Cont'd.)*

Regent Alden warned that as the project proceeded to finalization, to be aware of the hardware costs and software licensure process, which can be expensive. Mr. Klaich said it was a huge project and even in the RFP and evaluation process, outside counsel specific to this area of the law was involved so when the contracting stage was reached, specialized outside counsel would be used because no one in the System can do this.

Regent Sisolak asked the cost of outside counsel developing the RFP. Mr. Klaich said System Computing Services (SCS) was paying for it and he did not have that number. The only hard cost incurred was for attorney Mr. Dennis Gallitano, and the original contract was for approximately \$50,000. Mr. Patterson added it will ultimately be more because there will be a huge volume of law work and technical expertise required. Mr.

Klaich said it was initially capped and counsel was hired only for the purpose of assisting in the legal aspects of the RFP. Beyond that it will be subject to other contracts.

Regent Sisolak asked who was controlling and authorizing the expenditures. Mr. Klaich said it was Dr. Alley with a \$50,000 limit. Regent Sisolak asked if requests for the development costs will come back to the Board. Mr. Klaich said that when Regent Seastrand chaired the Committee, hiring of all consultants went through the Committee and should proceed that way. He was prepared to commit to the Board that no additional hiring of consultants or lawyers would be done without going through the Committee.

Regent Sisolak asked the cost of the consultant. Mr. Klaich said the contract itself would be subject to an RFP and put out for bids. This process can be done parallel to the RFP on the main contract so the consultant can be brought in at the same time the RFPs were coming back for evaluation. Regent Wixom said it was his understanding that hiring the consultant, and any other expenses associated with evaluating the second RFP, would be subject to Board approval and may be brought back to the August, 2006 meeting.

Regent Leavitt entered the meeting.

Regent Sisolak said if the prices were frozen for one year should those prices be coming down. Mr. Klaich said the original RFP strategy was to reduce a pool of vendors to the top two and negotiate with both. Regent Wixom said that point of negotiations was not reached. Mr. Klaich said the reason for the one year fixed period was to allow time to conduct those negotiations. He believed Dr. Alley's thought was it would not take long, but he wanted to be dealing with fixed prices as he considered those negotiations.

Regent Sisolak thought that as technology advanced it would become more available. Regent Wixom's understanding was that it depended on the technology and this one was new, unique and has not been done before. Most of the cost savings come with technologies that have wide distributions and markets, which was not this case.

Dr. Alley said that on this type of project the largest cost was consulting services, but part of the bid included costs for software and hardware. Software costs never go down and the hardware costs have not been negotiated. He felt that when the deal was sealed the current rates would be paid.

10. Information Only-Report on the Status of the Information System Project *-(Cont'd.)*

Regent Dondero asked how often it would be necessary to upgrade. Regent Wixom said it depended on the technology. Regent Dondero asked President Harter how often the large computer at UNLV was upgraded. President Harter said it was a super computer and was something else entirely. Regent Dondero said it had a major overhaul and President Harter agreed. Dr. Alley said that generally speaking, it should provide for several years before a major upgrade was necessary. Typically this system would be a 10 to 20 year commitment with the vendor who, in essence, becomes a partner. Every effort was made to provide a full disclosure of what the purchase and life costs of a 10 year decision would be, not only to the Board, but to the State of Nevada.

Regent Alden pointed out that what money can be spent on the front end to avoid problems on the back end, such as having the correct attorney on hardware and software, and the right consultant, would be practical. Planning ahead was very important.

Regent Howard expressed concern about who would be making the decisions after Dr. Alley was gone, such as costs, financial decisions and who the Board would hold responsible for those decisions. When will the interim be appointed and how long will the search be. All these questions need to be discussed. Regent Wixom said no decision will be made without the TTF and then approved by the Board. As things develop, the second RFP was already in place, but it will not be responded to until someone else was in place to provide the guidance, support and advice needed to make informed decisions. Mr. Klaich said that Dr. Alley had two critical jobs when he was hired: 1. Oversee the iNtegrate Project; 2. Oversee SCS. He reorganized the team at SCS and hired an assistant vice chancellor. He

suggested hiring a consulting project manager who would be the subject of the RFP being discussed for consulting services. It can be done with salary savings resulting from Dr. Alley's vacancy. This consultant can not only look at the RFPs, but can supervise the project until Dr. Alley was replaced. The consultant will be hired after approval from the Board.

Regent Wixom cautioned the Board that they will be approached by people who will volunteer their opinion for how this project should be run.

11. Approved-Employment Contract, Women's Head Basketball Coach, UNLV– The Board approved President Carol C. Harter's request for a one-year extension of the employment agreement between the Board of Regents and UNLV Women's Head Basketball Coach, Ms. Regina Miller. Her current contract expires March 31, 2008. The proposed agreement would run through March 31, 2009, under the same terms and conditions, with an increase in base pay from \$173,000 for the period April 1, 2007 to March 31, 2008 (*as specified in the current agreement*) to \$192,500 for the period April 1, 2008 to March 31, 2009 (Ref. B on file in the Board office).

Regent Alden moved approval of the employment contract for UNLV Women's Head Basketball Coach, Ms. Regina Miller. Regent Gallagher seconded.

11. Approved-Employment Contract, Women's Head Basketball Coach, UNLV– (*Cont'd.*)

Regent Sisolak thought, concerning the car program, that Ms. Miller had two cars. Mr. Mike Hamrick, Athletic Director, UNLV, said she had one car and took a salary adjustment. That was a *Title 9* gender equity issue that everyone wanted to be conscientious of. The men's head basketball coach gets two cars. Mr. Hamrick said Ms. Miller was given a one-time adjustment to her base salary. President Harter said because it was in the base it was effectively there every year.

Regent Howard said someone should look at the cost of the cars. One individual car may cost the price of two. Regent Sisolak said it was reviewed.

Motion carried.

12. Approved- Master Plan Goal-Quality Education – The Board approved Vice Chancellor Jane Nichols' recommendation for a revision to the NSHE *Master Plan* amending the Quality Education Goal to include mention of opportunities for international education. This recommendation follows from the passage of Senate Concurrent Resolution 38 (File No. 69, *Statutes of Nevada* 2005) that expresses support for international education and foreign exchange student programs as a critical component of higher education in Nevada (Ref. C on file in the Board office).

Dr. Jane Nichols said this item was a revision to the *Master Plan* goals relating to quality education and international education. Ms. Susie Bender, Director, International Students & Scholars, UNR, went to the 2005 session of the legislature and was successful in seeking the adoption of a senate concurrent resolution (SCR) in support of international education and foreign exchange student programs. Because of that resolution, as part of the implementation of SCR 38, there was a recommended change in the *Master Plan*, adding the language which would say, "as part of our targets to increase opportunities for international education for students." The campuses will be charged with its implementation. Hopefully there will be more travel abroad and international education for the students. Dr. Nichols asked Ms. Bender and Ms. Anneli Adams, Cape & International Development, CCSN, to stand and accept the Board's appreciation.

Regent Alden moved approval of amending the *Master Plan* Quality Education Goal to include mention of opportunities for international education. Regent Gallagher seconded. Motion carried.

13. Approved-Handbook Revision, University Admissions Criteria – The Board approved Board Chair Bret Whipple's request for a proposal to revise the university admission criteria. This proposal will change the effective date of the Board's current policy that students seeking admission to the universities must have at least a 3.00 grade point average from Fall 2010 to Fall 2008, and provides that sufficient test scores are permissible

criteria for university admissions (*Title 4, Chapters 14 and 16*) (*Ref. D on file in the Board office*).

13. Approved-Handbook Revision, University Admissions Criteria – (*Cont'd.*)

Dr. Nichols gave a PowerPoint presentation (*on file in the Board office*). She stated she will recommend a motion relating to the university admission standards to the Board. A summary of the proposed changes are:

- The date of the implementation for increase of the GPA to 3.0 from 2.75 will be Fall 2008, not 2007 as originally proposed.
- Effective in the Fall 2007, ACT and SAT test scores can be used as regular admission criteria to be admitted to the university regardless of high school GPA.
- Effective in the Fall 2008, transfer students must have a GPA of 2.5 and at least 24 credits to transfer from any college to the university if being admitted on their transfer record. All students with a transferable associates degree from NSHE community colleges automatically, regardless of GPA, are admitted to the university.

The current requirements for the core high school courses that must be completed continue with no change. Alternative admission criteria continues to allow at least 10% of the prior freshman class to be admitted to the university based on alternative admission criteria which includes evidence for the potential of success: improvement in the high school record, overcoming adversity or special hardship, special talents, or any other special circumstances that the university feels the student should be admitted with potential for success. That 10% will be approximately 600 students for UNLV and 375 students for UNR, so there are a specific number of students who can be admitted under those special criteria.

Dr. Nichols said action was taken to support the students with this change. Chancellor Rogers wrote a letter (*on file in the Board office*) to the presidents underscoring the commitment to diversity initiatives holding the presidents accountable for making progress in that area. The roundtable discussions have made a difference.

Dr. Nichols said because of the changes there will be a System study or audit of transfer policies and a study of retention with recommendations that will be presented to the Board. There was also a biennial budget request which addresses the admission requirements. It contains money for: student support, adopt a school program, the MESA program, and scholarship proposals. There is also a need-based aid augmented with carryover funds.

Dr. Nichols stated the institutions responded and beginning in the Fall there are some exciting initiatives with the admission requirements. Many of these programs were in place since the Board action in 2001. A number of advisory boards across the state meet regularly to share data and seek feedback.

Regent Howard commented that her joint letter with President Harter and President Crowley was not mentioned. Dr. Nichols apologized and acknowledged the letter was the driving force behind much of what she was saying and it should have been included.

Dr. Nichols said the institutions, community colleges and presidents were stepping up to reach and work with students to insure their success. She stressed that the change was being taken very seriously. Everyone cares about the students and everything will be

13. Approved-Handbook Revision, University Admissions Criteria – (*Cont'd.*)

done to make sure that every student impacted by the change has a pathway to success that will work. If a student applies to the university and is not accepted, the university sends a letter instructing them to enter the community college which will eventually result in being accepted to the university.

Dr. Nichols said that she and the ACLU have met and agree there was a lot of work to be done, particularly in reaching students from low economic families. Having said that they agreed to disagree on the impact of the proposed changes, as outlined in the letter from the ACLU (*on file in the Board office*).

Dr. Nichols said the motion was to approve the proposed *Handbook* revision on the university admission's criteria; to support Chancellor Rogers' letter to the presidents; and to direct the System staff to bring the Board a study on the impact of the new criteria effective in the Fall 2006 and Fall 2007 in a time fashion so that the GPA

implementation can be delayed if a disproportionate impact on minorities occurred.

Regent Gallagher moved approval of the *Handbook* revision (*Title 4, Chapters 14 and 16*) concerning increased university admissions criteria, supporting Chancellor Rogers' letter to the presidents, and the audit of impact to minorities of the 2.75 increase. Regent Wixom seconded.

Regent Sisolak said that on page 5 of the presentation, letters were sent to 8th or 10th graders and not the 9th graders. Dr. Nichols said those years were focused on because it would impact their graduation and impact the Fall of 2008 where certain criteria has to be met. Regent Sisolak suggested that everyone be notified to work towards the criteria.

Regent Sisolak asked what the SAT was going to be and would the number be based on the old or new criteria. Ms. Crystal McGee, Assistant Vice Chancellor, said that if reference was to the new writing section that portion was in a testing pilot mode so it was not officially incorporated into the final test scores. Regent Sisolak questioned if the highest possible score was no longer going to be 1,600. Ms. McGee said her understanding was that right now, even during the pilot phase, it was 1,600.

Regent Sisolak asked if it was optional to take the writing test or required to take the writing test. Ms. McGee responded that it was optional. Regent Sisolak disagreed stating it was mandatory to take the writing test. Ms. McGee read the information on the web site and would go back and put something in writing explaining her knowledge of what was created by the College Board. It was there as the pilot but the extent to which those scores were being used may not be as widespread given the fact that it was still in the pilot mode. President Harter said there was a group of college presidents and professional associations urging all college presidents nationwide to adopt the writing piece as part of the entrance requirements when it becomes fully available and implemented. What was being asked for was based on the old 1,600 maximum that the 1,040 relates to the 1,600, not to the writing piece yet. Regent Sisolak asked why the policy did not say that it should be 1,040 based on the 1,600 maximum because the

13. Approved-Handbook Revision, University Admissions Criteria – (Cont'd.)

maximum was going to change. President Harter said she was sure it would come back if the Board wanted to make the writing piece another part of the admission requirement. Chancellor Rogers said to add it in based upon the 1,600 figure.

Chair Whipple said that for clarification purposes it appeared that this was an amendment to make sure that the 1,040 was based upon the maximum of the 1,600 SAT score.

Regent Gallagher and Regent Wixom accepted the amendment that the 1,040 was based upon the maximum of the 1,600 SAT score.

Regent Howard asked about the ACT score. President Harter said the equivalent ACT score was 22. Regent Howard asked if it had to be included. Chair Whipple asked if the ACT was subject to being increased, but felt it was only applicable to the SAT. Dr. Nichols said at this point in time it was not an issue. Every effort was made to keep the ACT and SAT score comparable.

Regent Derby said the audit mentioned will be important to compare the differences. A study on the impact was another source of insurance. She continued to believe how important it was to support the Nevada State College and the others as a System. There has always been the concern that as the entrance requirements were raised, the four year alternative must be made for the students. It was the existence of NSC that convinced her to be supportive at the beginning.

Ms. Laura Mijanovich was attending on behalf of the ACLU of Nevada. She said the ACLU strongly disagrees on this issue and was concerned about the impact on minority enrollment. She saw the presentation to the commitment for student access, student focus, and wanted to emphasize that this will have a negative impact on low-income and minority students. From the System's own facts there will be a predicted loss of 30% of African American students and a 14% loss of Hispanic students if this change goes through. These were not minimal

figures resulting in serious impacts in the student body which already has a low rate of minority students. She was glad to hear of the continued study to compare results of the impact. It would be better to look at what the student brings to the university and not just look at a numerical figure as cutoff criteria because it may not be the best choice. Shifting the student to the community college might not be the right solution at this point.

Nevada ranks the lowest in the number of students who obtain a bachelors degree at the universities. Unless the road was prepared for these alternative options for students, success will not be achieved in terms of graduation rates. Also, there was only one college in this state that offers a public four-year program, so delaying this decision to 2010, as it was originally, would allow time to study the impact in minority and low income enrollment. It would also give time for college development so they could receive students not accepted by the university and would allow time for the university system to create real programs and in-school academic social support that would help individuals to achieve success. It would give time for the K-12 system to implement remedial programs.

13. Approved-Handbook Revision, University Admissions Criteria – (Cont'd.)

Regent Howard said she was insulted by Ms. Mijanovich's comments. This proposal goes back to 2001 to change the GPA to 3.0 in 2008. There have been town hall meetings, negotiations and listening to the community and students. Most minority students want this GPA because they believe that a higher GPA requirement lends more credibility to the institution. African-American and Latino students thought it would improve the standards of their universities. Regent Howard commented she usually takes the position of the ACLU, but not in this case. The System has worked hard to reach a compromise and it was not decided overnight and she does not believe students will be disenfranchised. Alternate criteria allow students the opportunity to enter via other ways. Higher standards need to be set for K-12.

Regent Schofield said 48% of his district was Hispanic and he promised to look out for them to the best of his ability. He resisted voting for this until the facts were gathered. We are here for the students and the students will benefit as a result. He felt that acceptance to the community colleges, earning an associates degree then automatically going to the university was a viable solution. Overall the System will be better by doing this.

Regent Hill has been a member of the ACLU since 1986 and does not agree with Ms. Mijanovich. He was not insulted but suggested there were five presidents in attendance that may be. Regent Hill said Ms. Mijanovich was saying that this policy applied to two of seven institutions in attendance at the meeting. He went to a two year institution and failed freshman English because he was not prepared. He said the community colleges deliver great education.

Chancellor Rogers said they have talked with everybody who would talk with them and have responded to every question that was asked throughout the state. Roundtables were held every month for the last 8 to 10 months. Everyone was guaranteed that there would be no discrimination and if it had flaws they would be corrected. This will work because it has been thoroughly analyzed and urged the Board to pass it. 600 people can get into UNLV based on those exceptions and 375 can get into UNR. He was distressed to hear what Ms. Mijanovich said because there were inaccuracies and she did not described what has happened and that was troublesome. The facts that Dr. Nichols presented were accurate which President Harter and President Crowley have been preaching for the past several years.

Upon a roll call vote the motion carried unanimously.

Regent Gallagher left the meeting.

14. Approved-Handbook Revision, Leave Without Pay Policy – The Board approved Executive Vice Chancellor and Chief Legal Counsel Dan Klaich's request for a leave without pay policy, providing that an employee who is absent from work without authorized leave will be placed on leave without pay (*Title 4, Chapter 3, New Section 39*). This

14. Approved-Handbook Revision, Leave Without Pay Policy – (Cont'd.)

is similar to the provisions of NAC 284.594 for classified staff (*Ref. E on file in the Board office*).

Regent Alden moved approval of the *Handbook* revision (*Title 4, Chapter 3, New Section 39*) concerning a leave without pay policy. Regent Anthony seconded.

Regent Sisolak asked why these employees would not be terminated.

Regent Anthony wanted to clarify that if the employee does not show up for work they are not paid and would need prior approval to not show up. Mr. Klaich said the problems addressed in this item and item 16 was to speak to any loopholes in the policy. There was really no policy addressing the circumstances. This would be a situation where an employee was away from their job without prior approval and then pay would stop.

Mr. Klaich said that item 16 was withdrawn from the agenda because the policy needed to be fine-tuned. There will be a policy very soon. Regent Anthony asked why this could not be included with this item. Mr. Klaich said this item was obvious. Item 16 included termination of tenured faculty and would require a Chapter 6 proceeding.

Regent Anthony explained item 14 meant that if someone does not show up for work without approval they will not be paid. Mr. Klaich agreed. Regent Anthony said if an employee does not show up for work they should be terminated, but that was for a future discussion. Mr. Klaich agreed and said it will be brought back.

Regent Sisolak said the approval without pay policy provided that an employee who was absent from work without authorization will be placed on leave without pay. People at UNLV and UNR both experienced situations in the past year where full salary was paid for three months when people did not come to work because they were going to be fired and refused to show up. Mr. Klaich said methods were being created to address these issues. President Harter said these situations were very rare.

Motion carried. Regent Gallagher was absent.

Regent Anthony left the meeting.

15. Approved-Handbook Revision, Tuition for Certain Members of the Armed Forces – The Board approved Vice Chancellor Jane Nichols' proposal to revise the provision of Board policy concerning tuition for members of the Armed Forces of the United States (*Title 4, Chapter 15, Section 3*), providing that Marines stationed at Marine Corps Mountain Warfare Training Center will not be subject to out-of-state tuition charges (*Ref. G on file in the Board office*).

15. Approved-Handbook Revision, Tuition for Certain Members of the Armed Forces –
(*Cont'd.*)

Regent Alden moved approval of the *Handbook* revision (*Title 4, Chapter 15, Section 3*), concerning tuition for certain members of the Armed Forces. Regent Dondero seconded.

Regent Sisolak asked if the policy would cover every base, like Nellis. Dr. Nichols said every base in Nevada was covered. This was a base just a few miles over the line and Nevada was the closest higher education for them. This extended it to the Pickle Meadows site.

Motion carried. Regents Anthony and Gallagher were absent.

16. Approved-Amendments to Personnel Manual for DRI Research Technologists: Revised 20-Step Technologist Compensation Schedule, Reduction in Merit Increases, and Calculation of Cost of Living Increases – The Board approved President Stephen G. Wells' request for a proposed DRI Technologist 20-step compensation plan and reduction in merit increases of 1-step standard of 2%, 2-step above standard of 4%, and 3-step outstanding of 6% (*Ref. J on file in the Board office*).

Regent Alden moved approval of amendments to the DRI personnel manual for research technologists: Revised 20-Step Technologist Compensation Schedule, reduction in merit increases, and calculation of cost of living increases. Regent Hill seconded.

President Wells said this was essentially an opportunity for approving the Bylaws for DRI and also upgrading the technologist's manual to bring the compensation package parallel to the state ranges.

Motion carried. Regents Anthony and Gallagher were absent.

The meeting recessed at 5:45 p.m. on June 8, 2006, and reconvened at 8:09 a.m., on Friday, June 9, 2006, with all members present except Regents Anthony and Derby.

17. Approved-2007 Bill Draft Requests (BDRs) – The Board approved Executive Vice Chancellor and Chief Legal Counsel Dan Klaich's list of bill drafts for consideration by the 2007 Session of the Nevada Legislature. *Nevada Revised Statutes* 218.2455 permits the Board of Regents to request up to five bill drafts on behalf of the Nevada System of Higher Education for each session of the Nevada Legislature. This is the second hearing regarding bill drafts; the matter was first heard at the May 5, 2006, special Board meeting (*Ref. H on file in the Board office*).

Regents Anthony and Derby entered the meeting.

17. Approved-2007 Bill Draft Requests (BDRs) – (*Cont'd.*)

Regent Alden moved approval of the 2007 Bill Draft Requests. Regent Howard seconded.

Mr. Klaich asked if the Board would entertain a possible extension of item #2, in *Ref. H*, which was the scholarship package based on the previous day's discussion of the Chair's Report to add a request for the Rhodes/Fulbright type scholarships. He and Dr. Nichols will update it. It also fits in to the package of the bill draft.

Regents Alden and Howard accepted the friendly amendment.

Chair Whipple asked for a brief description of the scholarships and what the modification would be.

Mr. Klaich explained it was in the briefing book, Exhibit 8, beginning at page 4 of 10. The first item was the STEM Scholarship, which were science, technology, engineering and math. The Board asked for the second package to be expanded to teaching which would encourage people to enter, remain and teach. The item discussed at the Board meeting would be the third aspect of the bill/draft and it was advised that it was appropriate for a single bill draft.

Regent Sisolak asked about number 4, consent to treatment on a ward. Mr. Klaich said this was human research conducted through either the School of Public Health or the School of Medicine. It was a matter of when those people can be subjects of clinical studies. The study must be explained, understood and consented to and when there was limited mental capacity those conditions were in question, so under those circumstances a guardian may consent. This is not a treatment, it is clinical studies. Regent Sisolak said it says consent to treatment or experimenting. Mr. Klaich said there was the protection of the court system and an appointed guardian giving consent. Appointed surrogates were subject to all the vagaries. Regent Sisolak asked if there were checks and balances to be sure there was no abuse. Mr. Patterson said all human subject research has to go through an institutional review board. Protocols were carefully established; confidentiality, scope, intrusiveness, all of which must be under federal law, reviewed carefully in advance and approved. Mr. Klaich said when speaking of failure to consent there was usually lack of capacity and dementia. Regent Leavitt said most of the time there was a guardian as the individual protector of that person and that was the fail-safe mechanism but it was not without some peril.

Motion carried.

18. Approved-2007-2009 Biennial Budget Requests – The Board approved Chancellor James E. Rogers’ and NSHE staff’s updated reports concerning the biennial budget requests for capital, operating, and one-shots for the 2007 Legislative Session as previously presented to the Budget and Finance Committee on March 16, 2006, and considered by the Board at the June 1, 2006, special Board meeting. The reports included, but were not limited to, the general overview of the biennial budget process, the establishment of System

18. Approved-2007-2009 Biennial Budget Requests – (Cont’d.)
priorities, a discussion of institutional space needs and utilization, and a proposal for budgets associated with the Health Sciences Center.

In order to comply with the State’s budgetary timelines, the Capital Improvement requests must be finalized by the Board in June 2006, and the Operating Budget/One-shot requests must be finalized by the Board in August 2006 (Bound Report for use at June 1 and June 8-9 meetings on file in the Board office).

Regent Alden moved approval of the 2007-2009 biennial budget requests. Regent Howard seconded.

19. Personnel Matter-Appeal of Employment Action Taken by UNLV with Respect to Dr. Amy L. Hymes - Chair Whipple referred to discussion of the time certain agenda item and asked if Dr. Amy L. Hymes was present and to step forward. Chair Whipple said that for the record Dr. Hymes did not answer the call for the 8:15 a.m. time certain agenda item and it will be taken off the calendar. Regent Sisolak said he received either an e-mail or phone call saying she was not coming because it cost too much. Chair Whipple also requested that Mr. Wasserman check room 117 to be sure Ms. Hymes was not waiting there.

18. Approved-2007-2009 Biennial Budget Requests – (Cont’d.)

Mr. Klaich said the only budget action requested was on capital improvements. On page 39 there was a listing of capital improvements along with their priorities. Some projects were discussed at a previous Board meeting but detailed discussion was deferred until this meeting.

Mr. Klaich said it would be appropriate to hear from President Lucey on Project 16, the WNCC Wellness and Community Center.

Mr. Klaich continued that item 5, a top priority for UNR, was a request to restore \$8.7 million to the Science and Math center to protect that building from inflation. It also included non-state money as well as state money. The \$3.1 million that was located in the other money in row 5 was intended to assist in relocating the greenhouses currently located on the site where the Science and Math building will be located. If approved, UNR has indicated that they would like to approach the Interim Finance Committee (IFC) to request a change in scope of the project so non-state dollars can be applied to the removal of the greenhouses to expedite the project. If the Board is amenable to approve item 5, it was also requested that it include the ability for UNR to seek that change in scope from the IFC.

Mr. Klaich said capital improvements were discussed for the University of Nevada Health Sciences Center at the last meeting of the Board. General descriptions of those buildings were presented, which trailed in the planning process. The School of Medicine has a proposal submitted to architectural firms that have expertise in turning programs into square footage. He requested approval of this list to include an approval, in

18. Approved-2007-2009 Biennial Budget Requests – (Cont’d.)

principal, of the Health Sciences capital projects, understanding that details of those projects must be brought back to the Board, and directing the Chancellor and his staff to work with the public works board to stay as close as possible within the frames that were required. He considered it to be an extraordinary request and would appreciate any understanding that it was being looked at as a conceptual approval knowing it must return with stronger plans.

Mr. Klaich concluded that there was one change in plans in regard to the UNLV HECC/SHECC projects. There was a process every biennium where the funds were distributed among the campuses to fund specific, minor repairs and one of the projects put forward by UNLV needs to be tweaked. Mr. Gerry Bomotti, Vice President of

Finance & Business, UNLV, said there was a problem with the booklet which listed the UNLV projects from two years ago, not the current project listing. It was the prior 2005 biennium listing, not 2007. The current projects were all within the scope of the HECC/SHECC projects and copies of the current listing can be made available.

President Crowley said he believed HECC derives from the first effort on the part of the state to recover funding from the federal slot tax, which goes back a long time ago, and that resulted in approximately a 50%-50% split between higher education and K-12 of that portion of the slot tax, which at the time was 50% and that would have been some time in the early 1970's. In the late 1970's and early 1980's the boosters from UNLV and UNR went to Washington to recover the remaining 50%. Most of that money went to build Thomas & Mack and Lawlor, but set aside from that was capital construction or repair or similar projects. Mr. Klaich said the Higher Education Capital Construction (HECC) was a \$10 million annual set aside and Special Higher Education Capital Construction (SHECC) was an additional \$5 million for a total of \$15 million each biennium.

Mr. Klaich said there was a System committee that met yearly and specific projects were listed in the budget book. These funds were used for repairs for compliance with the American with Disabilities Act (ADA) access and the overall functioning of the campus.

Regent Hill moved approval of the 2007-2009 capital improvement list as submitted and direct that it be forwarded to the State Public Works Board (SPWB) including authorization to the University of Nevada Reno to request a change of scope of the Science and Math building consistent with the list and further including direction to the Chancellor to continue to work with the SWPB to refine the capital programs for the University of Nevada Health Sciences Center. Regent Gallagher seconded.

Regent Alden withdrew his original motion. Regent Howard withdrew her second to the original motion.

18. Approved-2007-2009 Biennial Budget Requests – *(Cont'd.)*

Regent Sisolak asked what happened to his second. Regent Howard thought perhaps they both seconded simultaneously and he was not heard. She knew she seconded the original motion which she has now withdrawn.

President Harter asked for clarification if the Greenspun School request for additional consideration should also be part of the motion. Mr. Klaich said with permission of the moving parties there would be no problem with that and there were discussions with President Harter and her officers about including Greenspun in the request for authorization to go to the IFC. The challenge was the difficulties of construction in Las Vegas and getting a handle on it. It was not included in the recommendation as a result of information from the campus of whether the number was or was not \$8 million because of the ravages of higher inflation. Mr. Klaich continued that was exactly what item 1 on page 39 was for, and that was to insure that the campus has the ability to make that request. Originally it was hoped that there would be a hard number to present to the Board and allow UNLV to ask for a change in scope with the private dollars to move forward more aggressively on the planning and it was only that part not mentioned this morning.

Regent Wixom asked about hyperinflation in cost and if the figures allowed some comfort knowing they were hard figures in terms of the costs faced. If not, how was it being addressed long term. Mr. Klaich responded that the best was being done. Chancellor Rogers said if those figures continue to change it may have to be brought back to the Board. Mr. Klaich said originally, when going through this process, the Chancellor issued a memorandum to the presidents indicating that hyperinflation effected every project and would not be taken into account with respect to any project. Three institutions, UNR, UNLV and DRI requested new funds from the legislature to restore the integrity of the buildings originally approved. Chancellor Rogers said that was the case with the Greenspun Building. Mr. Greenspun keeps investing more money because of the increases.

Regent Wixom said there were ongoing discussions about how the SPWB affects us. That issue should be addressed. Chancellor Rogers said progress has been made and they are open to giving us as much control as we can reasonably handle. Mr. Klaich said there was currently an open audit with the legislative subcommittee regarding capital construction with only one open item which was an inter-local agreement with the NSHE and

the SPWB regarding management of major projects. There have been very positive meetings with various people on both sides. Because of those discussions a bill draft was not introduced for the NSHE opting out of the SPWB project. There was a clear role for the SPWB to play and a role where the institutions can more aptly provide services that would arguably now be duplicative and we think we will be successful in that. There was also the construction manager at risk concept which has been supported by the SPWB that tries to cap those.

Regent Wixom said when he looked at the total request and compared it to where it began, it was nearly double this figure. He looked at this list of capital improvements designed to maximize current resources as an effort to protect assets by continuing

18. Approved-2007-2009 Biennial Budget Requests – (Cont'd.)

projects that have been started. He does not see any over-reaching and the list was very positive and inclusive and nothing was beyond what the System needed. That is the message that should be conveyed publicly because that fact may not be understood. The public sees the bottom line figure without the benefit of the analysis and the thought behind it. He hoped that the public is considered and understands what is being done in regards to capital improvements. Chancellor Rogers said the System was behind \$1 billion when he joined. There has been a concerted effort that when we are asking for a quarter of a billion dollars it is based on a billion dollars of real needs. The presidents encourage people to view the buildings and the necessary repairs.

Regent Dondero asked how much would be saved by not going through the State Public Works Board. Mr. Dan O'Brien of the SPWB responded that he cannot quantify that answer. He knew the time frame of the bureaucracy of state where time costs money, 1% per month on a project the size of Greenspun building is a lot of money. The sooner projects were completed there was money to be saved. Starting projects right away will reduce the time frame and result in savings. SPWB offered to delegate authority to the university system if there were people capable of handling the project, but SPWB were still responsible and that oversight was primary. The key was time and if the projects move faster there will be greater savings.

Regent Rosenberg asked why, once the bid was accepted, does the price increase or escalate. Mr. O'Brien said on the Construction Manager at Risk (CMAR) agreement there is a guaranteed maximum price and it is locked in. Even on a low bid project it is locked in at that point. It is that earlier time frame when the scoping is being done, such as designing the project, that inflation is whittling at the bid. A certain percentage of inflation is put into the project but if inflation is greater than that then you are going into the hole, and that is when scope has to be reduced and that starts a vicious cycle. Ideally, planning is completed first, such as getting all the construction drawings, locking in all the unknowns and getting them defined. When it is just on paper and just a number, you do not know what the scope is.

Regent Sisolak said he heard \$10 million and \$5 million, adding up to the \$15 million, but the list was \$2 million short. Mr. Klaich said the \$15 million list was on page 42 of the budget book. The HECC/SHECC fund distributions began at page 42 and go through page 44 and at the bottom of page 44 there was a total of \$15 million and on page 42 there was a summary of the \$15 million. Unfortunately as previously stated, the wrong projects were entered for UNLV so there was a portion of the HECC/SHECC summary and the way it should be read is in connection with pages 42 and 44, substituting approximately \$5 million of projects for UNLV on the handout for the projects from the last biennium. Regent Sisolak said a mistake was made. Mr. Klaich said it was embarrassing but it was a mistake that was missed.

Regent Sisolak asked that listed under number 10 with the seismic retro fit of the \$12 million, if a portion of the HECC/SHECC funds could be allocated for this. Mr. Klaich said the HECC/SHECC projects were capped at \$500,000 so no projects will exceed that amount and when higher, they were entered on the major improvement list. UNR felt

18. Approved-2007-2009 Biennial Budget Requests – (Cont'd.)

they had to move quickly because of health and safety issues. Regent Sisolak said UNLV has four or five projects that were exactly \$500,000. He wondered if the project was \$700,000 and UNLV was getting five-sevenths of the way there, and should that be assumed. Mr. Klaich said not until clarifying it with someone from UNLV.

Mr. Klaich recommended doing a complete System-wide inventory of deferred maintenance and to undertake a plan for addressing it. It may have been done at the campuses, but has not been integrated into a System plan. It was recommended that to do a proper facilities capital plan to start planning for it in a systematic way.

Mr. Bomotti explained that it was very difficult to project precise costs on these projects. They run through the unit price numbers, make reasonable assumptions and come up with \$438,000. What that number will actually be two years out was difficult to project so it was rounded up to the \$500,000. The question was what inflation will be at that time. Regent Sisolak asked what was done with the overage. Mr. Bomotti clarified if some come in below it can be reallocated because some come in over. Regent Sisolak said that the money was given to the university and as many repairs as possible were done. Mr. Bomotti said that was correct.

Regent Gallagher said in her view the maintenance was the most expensive thing done. There was money for new buildings, but nothing from the legislature to maintain the existing buildings. It was time for the System to come up with a plan on the deferred maintenance and address it. Maybe the Chancellor can go to the legislature and do something about deferred maintenance. Regent Wixom agreed and said with deferred maintenance an example of why it was needed was the UNR seismic retrofit, and everything else will fall into line because it has to be preserved and maintained. The other message was while it seemed expensive now it saves money in the long term.

President Crowley said the allowance has been \$15 million for a system that has been one of the fastest growing in the country for two decades. The Board may want to contemplate seeking an increase in those funds.

Motion carried.

19. Personnel Matter-Appeal of Employment Action Taken by UNLV with Respect to Dr. Amy L. Hymes (Cont'd.)

Chair Whipple explained that Ms. Hymes was not present. Mr. Patterson stated that the Board rules say the employee cannot be prejudiced by their non-appearance so the appeal must still carefully be considered and a decision rendered on the appeal. Regent Whipple asked if this would require a closed session. Mr. Patterson recommended to entertain a motion to go into a closed session to hear the appeal information then come back out and vote.

19.1 Approved-Moving to Closed Session - In compliance with NRS 241.030, 241.033, and 241.034, the Board approved moving to a closed session for the purpose of hearing the appeal of Dr. Amy L. Hymes regarding the administrative action taken by UNLV to terminate Dr. Hymes' employment.

Regent Gallagher moved to go into a closed session in compliance with NRS 241.030 and 241.033, for the purpose of hearing the appeal of Dr. Amy L. Hymes regarding the administrative action taken by UNLV to terminate Dr. Amy L. Hymes' employment. Regent Sisolak seconded. Motion carried.

The meeting recessed at 9:08 a.m., on June 9, 2006, and reconvened at 9:45 a.m. with all members present except Regents Leavitt, Howard, Schofield, and Sisolak.

19. Personnel Matter-Appeal of Employment Action Taken by UNLV with Respect to Dr. Amy L. Hymes – (Cont'd.)

19.2 Open Session-Approved - The Board returned to open session to discuss the appeal and took administrative action pursuant to NRS 241.034 and the NSHE Code to dismiss the charge, affirm the termination, impose a lesser sanction, or order a new hearing.

Regents Leavitt, Howard, Schofield and Sisolak entered the meeting.

Regent Anthony moved approval to affirm the decision of the president. Regent Gallagher seconded. Motion carried.

20. Approved-CCSN Northwest Campus Development – The Board approved President Richard Carpenter’s request of a master plan for acquisition of the property and design and development of a new CCSN campus in Northwest Las Vegas. Pursuant to Board policy (*Title 4, Chapter 14, Section 2*), all new campus and branch campus instructional sites must be approved by the Board of Regents and should include a rationale for the site within the institutional master plan (*Ref. K on file in the Board office*).

President Richard Carpenter, CCSN, presented a PowerPoint report (*on file in the Board office*) and spoke about the vision for the new campus. He introduced partners Mr. Steve Swisher and Mr. Tony Traub. He said, referring to the presentation, that it was basically an architectural rendering of what was envisioned as a fully developed, fully built campus in the northwest. The white structures were parking decks. The campus will look like a village, not a college. There was a main street with a commons, commercial retail on the bottom and the second and third floors were classroom and lab space. The location will be at the corner of Durango and Elkhorn at the Routes 95 and 215 junction. It was a

20. Approved-CCSN Northwest Campus Development – (*Cont’d.*)

prime piece of land with exit ramps feeding down into approximately 60 acres. There was explosive growth and building in the area. There were ball fields, single family residences and parks were already in existence. There was a regional mall of America being planned and the hospital was under construction.

President Carpenter continued that the Cheyenne and Charleston campuses will be fully developed within 10 years and were running out of space. CCSN enrollment has expanded to exceed current physical capacity. The commute times and distances for students in the Northwest Valley have continued to increase with the extensive development of the area. Some students were spending more time in transit to take a one hour class.

President Carpenter said that on April 5, 2006, the Las Vegas city council approved a Memorandum of Understanding (MOU) with the college to release their BLM reservation on 60 acres of property for the purpose of accommodating the new Northwest campus. There were conditions to the MOU:

- Board approval
- Demonstrate a capacity for expediency
- Demonstrate approval and start-up financing within 12 months
- First phase construction permits and entitlements within 18 months
- Submit an application for a recreation and public purposes lease to the BLM

President Carpenter stated these conditions were put in place because in the past they gave a higher education institution some property thinking it would be developed quickly and it was not. They do not want this to happen again. While the time frames were aggressive they can be done. The construction can begin as early as next Spring 2007. The way to accomplish this was with multiple tools, including public/private partnerships. Examples of leveraged financing options A, B and C were contained in the presentation.

President Carpenter said this was consistent with CCSN’s 10-year *Master Plan*. In the *MGT of America* study, dated July, 2001, of this site it said that time may need to be adjusted based on the rate of growth in the area. Obviously the timing would be adjusted up by one year.

President Carpenter concluded that there has been an environmental study conducted on the property revealing no hazardous findings. There was an appraisal in May, 2006 and the developers rate improved commercial-use value was at approximately \$1 million per acre.

Regent Gallagher said she does not have a problem with the project, but does have a problem with the process. The Board should have had some knowledge of this. President Carpenter said there have been no commitments. The land does not convey until the Board approves an MOU to proceed.

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

Regent Wixom said this was a very exciting, innovative plan. On three occasions the System has encountered the BLM and in each case we took down land through a BLM lease, but there were restrictions as to how the property could be used. When the property was released to a municipality by the BLM one of the uniform conditions, by statute, was that the end use of the property be for educational, recreational or governmental use. The problem was the plan presented, at least in one case, took several years and congressional intervention to get the restriction released to do what needed to be done with the property. The city may not realize the potential problem. Developing the property solely for educational purposes would be fine, but because there are plans to use it as a public/private partnership there could be an issue which needs to be resolved within the time frame. Financing for the private part of the partnership could cause major problems because on a ground lease, the BLM has to consent to the financing and permission for the development. Regent Wixom suggested considering whether there is any way to get the BLM working on the process or if senatorial assistance would be required and, if so, how much time will that take. President Carpenter will ask Mr. Swisher, the developer, to address some of this.

President Carpenter went back to the slide referring to the caveat with the MOU with what the city wanted to occur. It is critical that the city wanted CCSN to make the application with the BLM. The discussion today was that the city would do this in partnership with CCSN. Now, the realization was that it might not be able to move as quickly as the city expected, but the city would actually be a partner with CCSN. What the agreement would be today was to allow CCSN to continue that work with the city. Obviously, if the BLM says it cannot be done or has some restrictions that make alterations, CCSN would have to come back to the Board.

Mr. Steve Swisher said it was a development process and that meant the results to the questions will become known as the application process is completed. The case with the BLM was substantially different than some of the cities' have had when trying to build golf courses and private activities. One of the things with our strategic development partners was that they will be providing internships and apprenticeships to the students attending the classes. It was not just a pure commercial lease arrangement. There were other examples of these types of arrangements; ASI at the West Charleston Campus, student union retail and the like. We think that we can meet with the BLM and negotiate these issues. After eight or nine months, there will be answers to these questions. If there are problems our approach will have to be adjusted. Regent Wixom said the city does not understand these issues with the BLM lease restriction as an end-lease issue, because if they did, the time frames may not have been as restrictive. The city needs to get on board with us on two issues: 1) that we can use this in a public/private partnership and it will be a private for profit partnership, which requires permission, and 2) that the BLM will clearly and unequivocally agree to a leasehold interest on the ground lease. Without these two elements, there will be no deal. Mr. Swisher said it was part of the work to get this done. Chancellor Rogers said these were the same two problems in Henderson which was being worked on at the moment.

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

Regent Dondero asked that in the dealings with the city, if they would put in the infrastructure; water, sewer and the road entries because it could all be very expensive. President Carpenter said some was put into place. Mr. Bob Gilbert, Assistant Vice President of Facilities, CCSN, said those issues were already in place: 18 inch sewer lines coming down Durango and Elkhorn, a 24 inch water line going up Durango and a 16 inch stub coming down Elkhorn to serve the property. When the area was being developed there was some foresight to spend the money and have it there. Regent Dondero asked if the size can take care of the population that this project will generate. Mr. Gilbert indicated that it could.

Regent Derby said today there was a request for approval of the concept for going forward with the Northwest Campus. She inquired what would happen if there were impediments with the BLM. President Carpenter said the project would come to a halt. We are seeking approval to enter into negotiations and begin to work with the BLM and the city to get a sense of where we are. If we hit road blocks that we cannot get around in the process, it would have to stop at that point.

Regent Derby asked in terms of the Arizona model, did they utilize public/private partnerships and use the options for financing. President Carpenter said what Arizona did was not like CCSN's so there would be a different connotation for the financing. He said Santa Barbara College has something similar to this. Chancellor Rogers said Arizona has no BLM land.

Regent Howard liked the concept and the model shown. She would like to visit the site. President Carpenter said Regents Sisolak and Dondero have been to the site. He would be happy to take anyone from the Board to see the property.

Regent Howard would like to know at what point CCSN has to provide money for this project. President Carpenter said other than the minimal work already contracted for the presentation, it was not envisioned that money would come from the college first. Most high rise condominiums were pre-sold before they were built so it minimized risk. CCSN would enter into partnerships in contract before building and use the commitments of those partnerships to secure the funding for the building.

Regent Howard asked if a consultant was hired for the project and how that consultant was chosen. She inquired whether there a process or should this have been approved by the Board. President Carpenter said with consultants that the college hired it was not routinely brought to the Board. This was a minimal contract that was necessary to get this done and for instruction to engage in public/private partnerships because there was no one in-house to do that.

Regent Howard asked how Chancellor Rogers felt about the project. Chancellor Rogers said he saw the property and it was a wonderful project and location worth \$60 million, which was a nice gift from the city. It also epitomizes public/private partnerships. It is a leader in what we want to do.

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

Regent Hill wanted to be convinced that President Carpenter was not over-extending the college. He understood that the Board was simply going to give approval for discussions. As he read further there were statements like “this will authorize, subject to the Chancellor’s approval, the president of CCSN to lease, license, option, grant easements, rights of way, property, capital improvement”. He was having a problem reconciling what was said earlier. President Carpenter said he was referring to the BLM issue. If this was attempted and it does not work, then that was all that was authorized. A business plan must be in place and issues with the BLM need to be resolved or we do not proceed. If those hurdles are cleared, then we will proceed with the development of the Northwest Campus. Regent Hill said if the Board voted yes on this proposal then we have just approved the project. Chancellor Rogers clarified that CCSN only wanted the ability to look into the potential of doing any one or all of those things, and coming back to the Board and informing them of those potentials. There will not be talk about entering into a lease or a joint venture agreement at this point. Regent Hill does not have a problem with granting authorization to talk but, absolutely not to do the deal. He advised President Carpenter to read these things more carefully.

Chair Whipple said the proposal was impressive. It raised questions because the MOU seemed to tie us into a time line that required expenditures and that was a matter of concern. There needed to be some clarification regarding that.

Chair Whipple asked if this was what the Las Vegas Valley needed most. Perhaps a four-year college was needed more. He was not sure what our personal *Master Plan* was in regard to the Las Vegas Valley because there were nursing and teacher shortages. Maybe there should be a joint building with the community college and NSC. These were just simple ideas. He was for going forward but it was incumbent on the Board to ask what were the demands, priorities and needs, was it a two-year school expanding or a four-year, was it more teachers, more nurses, and what do we expect of ourselves.

Regent Leavitt said there have been private discussions about this and as a System there has never been a policy summit. This should be submitted on the next agenda to determine Board support. In the past there were 60 agenda items scattered throughout a day and a half including these larger policy questions. The Board needs to

sit down once a year for two days and look at these larger issues. There are always competing interests in the System. Every time dollars are dispensed the question is where else could those dollars go. There has to be a spirited debate and there needs to be enough time and a setting to do this. Regent Leavitt felt it was the Board's responsibility to hear from the Chancellor, other Regents and the presidents. This was just one example but it was not the setting to explore these things in the manner that this new partnership demanded and required.

Chair Whipple felt the partnership was an outstanding opportunity which he fully endorsed. Following up on Regent Leavitt's comments, these were not decisions that can be made in a vacuum. It is incumbent upon us to compare this community with what has worked in other communities. This information is not available and it raises questions when excellent opportunities arise, but again it is a competing interest issue which requires some background.

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

President Carpenter said it was important to note that NSC and CCSN were partnering on a wide range of projects and were very actively engaged. One of the buildings approved on the list this morning was a building on the Cheyenne Campus in joint use with NSC. This campus was never envisioned without partnering with NSC. He also reminded everyone that there was a need for 456,000 square feet for the current two-year college students enrolled in Las Vegas. Chair Whipple asked if we were being pushed or pulled and understood there was a need for the existing students. Again, he was interested in seeing comparable studies on a national average and what was to be expected of us as a System.

Regent Derby asked what the risk would be concerning the timing of the project. President Carpenter said the property would probably be lost based upon past history. They also have other competing interests for the property. President Carpenter said there was not an exact date, but he felt they want us to move and not deliberate on it for an extended period of time.

President Maryanski said the Academic Affairs Committee received an MOU between CCSN and NSC regarding the details of our academic partnership and the fact that we will begin to offer full fledged 2+2 programs in business, nursing, education and psychology at the CCSN campuses in the next academic year. He and President Carpenter have discussed this project and agreed the MOU would cover the programs at that campus. Obviously the project was still a few years away, but the relationship was expected to continue, not only at that facility, but at others that develop around the Las Vegas Valley.

Regent Sisolak agreed with all the comments made but sometimes an unexpected opportunity comes along. He encouraged everyone to visit the site and see how remarkable it is. He felt it was an extraordinary gift and does not think another opportunity like this will come along, especially with this location and desirability. The options were being explored and the Chancellor has been very up front with leveraging money and resources to get public/private partnerships to get these buildings built. The students will benefit by this acquisition.

Regent Sisolak moved to (a) approve the Memorandum of Understanding No. 2006-01, between the city of Las Vegas and CCSN for the acquisition, upon the satisfaction of certain conditions, of 60 acres +/- of BLM land located at Durango and Elkhorn in the Northwest Las Vegas Centennial Hills area and (b) authorize a *Master Plan* for the design and development on that property of a new CCSN campus with campus buildings and other capital improvements to be constructed and paid for by leveraging public/private partnerships and joint public agency agreements that promote the creation of educational

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

reinvestment income to promote education and job training. Regent Howard seconded.

President Harter wanted to remind the Board, in reference to the broad-based *Master Plan*, that the Board has already approved UNLV to go forward to bring down 2,000 acres in the northeast part of the Valley. While there was no competition with each other, there was a holistic view of what was the need for new land and space for all the institutions. Looking at this very broadly as a System was very important because there were multiple

activities in progress.

Regent Wixom said at the Investment Committee meeting he was told that hard dollars committed to by approving the proposal was \$200,000 for the architectural drawing, consulting and initial plans. Mr. Gilbert said that money was what would be required to meet everything the city was asking for in the MOU. Mr. Gilbert concurred with Regent Wixom said the \$200,000 was money already within the CCSN operating budget so additional funds were not required to meet that commitment.

Regent Wixom asked that by approving the MOU what dollars will be committed beyond the \$200,000. President Carpenter said none. Regent Wixom asked that if this was approved today, it would be for the MOU, the \$200,000 and at what point will CCSN be required to come back to the Board to seek additional approval for the development. Regent Wixom inquired if CCSN would need to come back for each of the subsequent joint venture agreements and the leases. Regent Sisolak said for the big leases Regent Wixom was correct but CCSN should have enough flexibility to continue to move ahead with this project. They will be back with the major leases that come forward in their whole design of the campus. Regent Wixom said coming back does two things: 1) it allows the Board to be a part of the project and 2) it needs to be viewed in a holistic way to learn from one project to provide synergy to other projects and works in tandem.

Chancellor Rogers said it also included what was happening at NSC. UNLV, CCSN and NSC were working together with the same concepts.

Regent Wixom felt this may address Chair Whipple's concern of where we were going. He felt it may have addressed Regents Derby's and Hill's concerns if the Board was involved on an on-going basis, and view this project from a macro level. Regent Sisolak concurred, and to address what President Harter said, he agreed that the Board has to look at the overall picture. These projects were not adjoining or abutting each other. There was a significant difference in terms of mileage between these two locations. The Elkhorn development was like a doughnut with everything around it developed and 60 acres remained in the middle. In conversation with Councilman Larry Brown and Mayor Oscar Goodman, the expediting concern was they were previously involved in donating property and it was delayed and further delayed. They wanted this to be a priority to at least get it started.

Regent Hill urged the presidents to do a better job of listing the specific actions requested to avoid ambiguity. He did not hear anything about \$200,000. When he asked what was

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

needed from the Board the answer was "approval" only. He does not understand why that money was not mentioned.

Regent Hill asked Regent Sisolak and Regent Howard if they accept Regent Wixom's interpretation of the \$200,000 and other things included in the motion. Regent Howard said yes. Regent Sisolak said the motion is what it is and it was understood that it was the case and should not be interpreted as anything else. Regent Hill wanted it to be clear.

Regent Leavitt would like to see the results of the System summit tied into the Chancellor's State of the System Address. He expressed his support for the CCSN Northwest Campus.

Regent Schofield stated that this project was formidable for the future and for growth. He felt there was a need to support the visionaries who were trying to move the System forward.

Regent Dondero said that the Investment Committee voted to approve this after it was studied extensively.

Regent Rosenberg said that because the neighborhood was already in existence to be mindful of noise abatement, which was a problem WNCC was currently facing with their neighbors. President Carpenter said the closest neighbors were shopping centers, hospitals and malls and residences only on the west side.

Regent Derby reminded the Board that this has been part of their *Master Plan* in terms of going into that area. In reference to Regent Leavitt's comment about a policy summit, the Board does approve all these *Master Plan*s and they need to be looked at very carefully. As a System we have our own *Master Plan* and it incorporates all of these and we have to take a System-wide approach, but it was not as though these things come up haphazardly. The first question to ask is if it was in the *Master Plan* which the Board approved, and she was relieved to see that it was.

Regent Anthony felt it was a great project, was glad it was being done and supported the public/private partnerships. He asked if approval was requested for the three companies listed in the presentation to start the project. President Carpenter said they had to start with somebody and these were the people at the table right now. Regent Anthony said as far as actually doing the public/private partnership and the project, there were other companies who came in and gave presentations and he asked who decides who will be doing that and how will it work. Chancellor Rogers said there will be so much work throughout the entire System that there was plenty for everybody. On a piece of property like this there may be five developers or 50 developers because not all developers do all things. Each individual project will have to be reviewed to see who would be best suited to do the job. All of this will be brought back to the Board.

20. Approved-CCSN Northwest Campus Development – (Cont'd.)

Regent Gallagher said when she asked if this was in the *Master Plan* President Carpenter did not think so. She felt better that it was in the *Master Plan* and it was approved. She felt it was a good project and encouraged President Carpenter to keep the Board involved.

Motion carried.

21. Approved-Student Registration Fee Distribution, 2007-2009 – The Board approved the student registration fee distribution for 2007-2009. During the March 16-17, 2006, meeting of the Board of Regents, the members approved the aggregate increases for non-resident tuition and student registration fees for fiscal years 2008 and 2009. At the meeting, Executive Vice Chancellor and Chief Legal Counsel Dan Klaich indicated he would return to the Board in June 2006 to request approval of the internal distribution of the student registration fee increases based on the recommendations received from the Council of Presidents. A portion of the student registration fee revenues collected by the institutions are used to support the State operating budget for higher education. The remainder of the registration fees collected are retained by each institution to provide for student access (*need-based financial aid*) as well as other institutional and student-related needs, including General Improvement, Capital Improvement, and Student Government/Programs (*Ref. I*).

Mr. Klaich said after fee increases were passed at the last Board meeting there was a directive to go back to the presidents and student leaders to bring a recommendation to the Board for the distribution of those fees between the state general fund and campuses with respect to the access projects. The recommendation was that for the 2007-2009 biennial fee increases to be allocated: 40% to the state general fund, 10% to need based access and 50% to general campus needs to support capital improvements and general improvements. Each of the campuses indicated in the exhibit (*on file in the Board office*) their intended uses of those funds. He indicated that there was a lower allocation of fee increases to access than in the past. Mr. Klaich would also like the Board to understand that the pool of funds generated for student funded financial aid by fee increases in the past have now created essentially an annuity fund of \$14 million which was a minimal fund going annually to System institutions for need based access scholarships. It was a minimal fund because it grows with student registration enrollment and it will never dip below that amount. When attending the campus hearings the students said fee increases would be tolerated if they could see services coming back to the campus for them. We have asked for a number of students to come forward today.

Regent Derby said that hearing 10% to need based access was a bit shocking. It was quite a while ago that she was on a committee that initially instituted the policy of taking 50% of fee increases and designating that for need based student aid. It was done for a very good reason and that was the reason why Nevada, in terms of its state allocations, was one of the lowest in the nation in terms of monies that it designates for need based student aid. She appreciated what was said about the \$14 million annuity, but would be interested in hearing from the

presidents, the Chancellor and others. That was a very significant reduction going from 50% to 10% for need based aid. She knew there was

21. Approved-Student Registration Fee Distribution, 2007-2009 – (Cont'd.)

some tension on the campuses about students who would like to see the money going to programs and student projects on campus which services everybody. She reminded the Board that there was a great deal at stake in having adequate need based aid available, and particularly, the whole issue of the admissions policy, which could have an impact on minority populations. She would like to be assured that there was no cutting back on need based student aid. In terms of percentages maybe a \$14 million annuity makes the difference, but it does not work for her at a time where the minority populations were growing, which the demographics reflect, that there seems to be a cut back on need based aid remaining in a state that, in terms of its appropriations, was very low in the listing of the states.

Regent Rosenberg assumed the reason for the 40% going back to the general fund was because it had to. Mr. Klaich said a letter of intent was issued from the legislature as a result of the fee allocations done last year, some of which were very low in the general fund allocations to the state. The legislature may not support our budget if we dramatically decrease the portion of fee increases going to the state's general fund. It was very difficult language that he thought got translated to get more realistic about how much of the fee increases were allocated to the state's general fund because we see it going down and do not like it. We still chose a number that was reasonable to go to the state's general fund. We were asking the state to share its portion. We are going to multiple pots.

Regent Rosenberg agreed with Regent Derby and suggested that rather than a 10% and 50%, why not a 25% and 25%. Mr. Klaich said there was a significant amount of input from the presidents and student leaders that may be appropriate to hear.

Regent Howard also agreed with Regents Derby and Rosenberg. She mentioned how important it was to address this issue. It was not minority students, although it was low income students, and at this time the low income students were the minority students. It is a high need that must be funded. Something has to be put into the budget so there will

be an assurance that those funds will be there and not disappear. Mr. Klaich said the chart he passed out to the Board (*on file in the Board office*) was in response to the specific question she raised during the last Board meeting as to what has been done and where the money was. The Board can be proud of what they have done in the past to get a solid pool in motion and no excuses have to be made.

Regent Hill said at that time when Chancellor Nichols brought forward this idea of using a portion of the tuition increase to aid students for need based, he was impressed. That was one of the votes that were unanimous. It was amazing that we go against tuition increases when we were one of the lowest tuition states in America. Many voted no on the last tuition increase. Now, some who did not vote for the tuition increase want to give it all away to the students. He cared about the students, but if we want the campuses to run we have to give them money. This is not easy or fun, and it is hard choices. We keep expressing that we want world class institutions, but it takes money to do it.

President Harter wondered if the Board was fully aware of the cumulative effects of what they have already done in terms of the financial aid for students. If we assume this 10%

21. Approved-Student Registration Fee Distribution, 2007-2009 – (Cont'd.)

built in for 2008-2009, based on the student access dollars in fiscal year 2004, it was just a little over \$1 million. In fiscal year 2006 it was \$4.3 million and with this 10% it would raise it to \$8.4 million in fiscal year 2009. So the cumulative effect of each one of these increases, plus the 10% that was built into this budget, raises it 800% in five years and 200% from now until 2009. The math of this has produced an enormous number of new access dollars and it illustrates just how much has already been invested.

Regent Derby appreciated that there was an increasing amount. She said that given that we are among the lowest in the states in terms of the need based financial aid, what kind of difference it was making. When you are on the

bottom and gaining ground that is good, but what does it really mean in terms of where we are, where it places us and are we making a difference. Regent Derby inquired if there are students we do not have need based scholarship aid for. When talking about student financial aid, are you talking about all need based. President Harter said there was other need based financial aid and scholarships available as well as federal aid, but she was speaking solely about the access money. Regent Derby asked if it was making the needed gain. President Harter asked Dr. Mills to come forward to address that question, but felt the amount was doubled from fiscal years 2006 to 2009, which was a 200% difference, and tuition was not going up 200% in that same period of time, so there has been progress. Whether all of the need can be fulfilled, the answer is probably not.

Ms. Rebecca Mills, Vice President for Student Life, UNLV, said it was always impossible to say categorically that all the financial needs of the students were met, but President Harter was correct. What the Board did with the earlier commitment of the 50% of the increase to aid has made a significant difference with our abilities on our campuses to meet students with a high level of need. Regent Derby said the significant drop from 50% to 10% concerned her and she would like an assurance that it will not decrease the numbers of students we can support to help get into the colleges and universities. Ms. Mills said if you realize that we are keeping what we already have, it was still a significant amount of money.

Dr. Nichols thought it was a difficult choice. Part of her would like to see the 50% need based aid, but she understood the critical needs of the campuses and what they were facing. When we looked at the impact of the need based financial aid, we were shocked by the cumulative effects of this 50% as the enrollment grows. Remember, this is in there forever, so the pot continues to grow and this 10% will contribute to that. Since that action was taken, we have moved into the ranks in the 20's. We started at 49th or 50th in the amount of financial aid for our students. Because of this recommendation put forward, this year for the first time, bill drafts carrying scholarship requests from the state were all need based. There was not a single scholarship there except for perhaps the one that was added today, that was not a need based scholarship. We think we are balancing the various needs and will know more in two years when we come back and look at where we are.

Regent Rosenberg said it takes more than money to build a world class institution, it takes students, and we lose many because they cannot afford to come to school. For whatever reason, the money was not there and it is good solid investment sense to build

21. Approved-Student Registration Fee Distribution, 2007-2009 – (Cont'd.)

money in to invest in the students. He votes against tuition increases as a general rule, but if there were increases, he would like to see as much of it go to the students as possible. He hopes the Chancellor is more successful with the legislature to let us keep the money. He congratulated Dr. Nichols on the bills, but more were needed.

Regent Sisolak asked about the article in the newspaper that reported scholarship money was going unclaimed. He asked if there was some way to inform students that there were pockets of money available. Dr. Nichols stated that so often individual groups will decide to give scholarships and they try to get the word out to the high schools. However, to be effective, they needed to come through our institutions and let us roll them into our package for students who need them the most because we get the broad base of applications. We see where the need is and we can help them distribute those scholarships. Regent Sisolak said there was a communication disconnect between us and the public. Regent Howard thought it was from private organizations.

Mr. Cory Drumright, Student Body President, CCSN said that more advisement needed to go to the students. While scholarships were important it was also important that students receive the tools needed once they arrive. More focus needed to be placed on student services, specifically library space, counseling, tutors, and advisement, which will help the student succeed.

Ms. Rebecca Bevans, GSA President, said that GSA currently received \$1.75 per credit and this has not changed in a very long time. With this proposal, it goes up to \$4.50. With that \$1.75 last year \$62,000 was given in grants, scholarships and awards programs. We also give out \$47,000 every year in travel. Both of these can be increased with the fees coming in to us. Award programs include a need based scholarship for medical hardships, child care for hardships and international grant program for international students who do not get

money from anywhere else. That increase will come back to GSA and go back out to the graduate students. We could use so much more.

Mr. Anthony Filippo, President of NSC Student Alliance, said access was not the problem at NSC. The problem was access to tutoring, advising and mentors. These were programs the students want but they need to be at levels that will actually help the students and the graduation rates. We need more money for these tools for the success of the students.

Mr. Jeff Champagne, President of Associated Students, UNLV, said there was a meeting on his campus of what the fees would be changed to and said it was a chance for students to have their dollars work for them with the increase. There was money going into the library, general capital improvements, the GSA and student government. This past year \$120,000 was given out for students to participate in different programs. He encourages building upon these programs. Concerning need based aid, they were satisfied with the response and satisfied with the manner in which the campus fees were distributed.

Regent Howard asked if there was a dollar amount that campuses have allocated to need based aid. Mr. Klaich responded that the information was on page 1 of 4 of Ref. I (on file in the Board office) and it was set forth with respect to the universities, the state college and

21. Approved-Student Registration Fee Distribution, 2007-2009 – (Cont'd.)

the community colleges. The information following gets very detailed as it goes into actual percentages and dollars that will be generated over the biennium. For the universities the student access dollars are \$1.25, undergraduate \$2.25 and graduate at the state college \$.75 of the request, at the community colleges it is a smaller request at \$.25. Regent Howard was not sure how that would equate to help students. She felt it was very important that they were conscientious of the fact that some students will have a harder time accessing higher education. That is what will happen after they arrive, but many will not get there because they do not have the ability to afford getting into the colleges or universities. This was student access and she hoped it meant helping the students to get in, not only helping the students once they got there.

Regent Hill moved approval of the student registration fee distribution for 2007-2009 as presented. Regent Leavitt seconded. Motion carried. Regent Derby voted no.

The meeting recessed at 11:33 a.m. and reconvened at 11:45 a.m. with all members present.

22. Approved-Election of Officers – The Board approved the election of officers for FY 2006-2007 in accordance with Regents' Bylaws (*Article IV, Section 2*). These officers will serve from July 1, 2006, through June 30, 2007.

A. Chair – Regent Alden nominated Regent Bret Whipple as Board Chair. Regent Dondero nominated Regent Howard Rosenberg as Board Chair.

Mr. Klaich said the procedure that the Board utilized at the last election of officers proved to be very positive and he suggested it was a good procedure to follow again and that was with the nominations being closed, to allow any discussion among the Board and then to conduct a roll call vote of the Board and for each to vote for a person. He does not see any necessity to vote against a candidate. That would be the process suggested and he has to check with Mr. Patterson and Ms. Neilsen that it was consistent with Board policies.

Chair Whipple asked if that was satisfactory with Regent Rosenberg. Regent Rosenberg agreed.

Chair Whipple asked if there were any other nominations at this time.

Chair Whipple asked for comments or questions.

Regent Howard asked how this was going to be conducted. Chair Whipple explained that there would be one vote for either Chair Whipple or Regent Rosenberg.

Regent Hill said there was no one in the room that he liked better than Chair Whipple, and he was going to vote for him. However, he disagreed with some things that he did as Chair. Regent Hill said he may be wrong, but he was going to state it. He suggested that Chair Whipple needed to listen to other people more and take others' advice. He said

22. Approved-Election of Officers – (Cont'd.)

Chair Whipple has a wealth of experience sitting around the table and in the room and he recommended listening more often.

Regent Hill continued that Chair Whipple should be less or more involved in the job of being chair; that was to either be 100% chair, or 0% chair. Being 25% chair was not better than being 0% chair because of becoming involved in things he was not fully informed of. Lastly, there have been bad decisions as far as some appointments and have been rewards to some outrageous activity, which he disagreed with.

Regent Hill said Chair Whipple has the potential of being the best Chair ever in the history of the System if he would listen and get more involved.

Regent Derby applauded the job that Chair Whipple has done at being inclusive and bringing everybody in. Being chair is a tough job but the process worked better when everybody was brought in, given responsibilities and made to feel part of the team. Another thing to compliment Chair Whipple on was not always taking peoples' advice. As Board chair many people give advice and what she appreciated was his taking all of that under advisement and then making his own good decisions. She has always had the sense that those decisions have been made in the interest of the whole Board and what it stood for. Regent Derby thanked Chair Whipple for his good leadership.

Regent Howard said traditionally we have allowed a Board chair to serve for two years and she felt that Chair Whipple has been a fair person in the role as Board Chair and should be allowed to serve another year.

Regent Sisolak commended Chair Whipple on the job he has done and agreed that he has been extremely inclusive. That being said, his support of Chair Whipple was in no way meant to disparage the candidacy of Regent Rosenberg who has been a great colleague and an asset to the Board. He does not feel that voting for one was opposing another.

Regent Leavitt agreed with Regent Sisolak.

Upon a roll call vote Regent Bret Whipple was elected Board Chair. Regents Alden, Anthony, Derby, Hill, Howard, Leavitt, Schofield, Sisolak, Whipple and Wixom voted for Regent Whipple. Regents Dondero, Gallagher and Rosenberg voted for Regent Rosenberg.

B. Vice Chair – Regent Alden nominated Regent Linda Howard as Board Vice Chair.

Regent Sisolak asked if having an election in December for a new Vice Chair would be the appropriate step. Chair Whipple agreed.

Upon a roll call vote Regent Linda Howard was elected Board Vice Chair. Regents Alden, Anthony, Derby, Dondero, Gallagher, Howard,

22. Approved-Election of Officers – (Cont'd.)

Leavitt, Rosenberg, Schofield, Sisolak, Whipple and Wixom voted for Regent Howard. Regent Hill abstained.

Regent Sisolak suggested that because the Board had expanded to 13 members, to limit the term of the chair to one term. It may be a subject for discussion at some time.

Mr. Klaich said this would be an item for new business and not appropriate to discuss further. This can be an item for either new business, a future agenda item or an item for the Board Development Committee.

23. New Business – Regent Alden suggested that there be two vice chair positions, one in the north and one in the south.

Regent Schofield suggested leaving the position as chair the way it is because if there was a chair as good as Chair Whipple has been, it would be advantageous to have someone for consecutive years with the possibility of re-election.

Regent Sisolak suggested bringing the term of chair to the Board Development Committee for further discussion.

24. Information Only-Campus Areas Utilized for Speech by the General Public - Deputy Chief Counsel Bart Patterson provided background information on the matter of public use of campus areas for First Amendment activities as brought forward by the American Civil Liberties Union (*ACLU*). System institutions provided a summary of their respective policies on this matter. The Board discussed whether there is a need for a uniform policy concerning First Amendment activities held on NSHE campuses by the general public.

Mr. Patterson said this topic was advanced by the ACLU a couple of meetings past, and so it was on for discussion now. The ACLU delivered a memo (*on file in the Board office*) to the Board in March, 2006. That memo contained some legal analysis. System Counsels' offices prepared some legal analysis to help understand the legal background to aid the Board in considering the various campus policies and whether there should be a System policy, or a revision in the System policy. At the outset, based on the campus policies, there are significant legal issues, but primarily this was not viewed as something imminent to be done from a legal standpoint. He recommended this be considered from a policy standpoint. The ACLU's proposal was to open up all of the campus outside areas to any free speech by the public, at any time, as long as it was not disruptive and there was no compelling reason to close a particular area. He will let them speak more specifically to their position.

Mr. Patterson also wanted to be certain that there was a difference between the presentation that Special Counsel Nielsen gave about content-type regulation of free speech and what was being discussed today, which assumed that none of these campus policies infringe speech on the basis of the particular content of the speech, so that will not be discussed today. The subject today is can there be a content neutral restriction or a

24. Information Only-Campus Areas Utilized for Speech by the General Public –(*Cont'd.*) time, place and manner designation of when speech occurs. The legal question to ask, in any of these cases, is whether the particular campus restriction meets the legal standard.

Mr. Patterson listed three questions in the memorandum that the ACLU was asking for consideration, which was looked at from a legal standpoint: 1) Is the campus legally required to open all grounds for first amendment activities to the public. Mr. Patterson's conclusion to that was no. There was a significant amount of case law that does understand that higher education's purpose was just that, education; that there were limited facilities and you can make restrictions of when members of the general public come on to a college campus to exercise first amendment activities. 2) Does the law require a campus to treat outside public groups in the same way it treats students and faculty. Again, the answer was no. In fact, a campus community can give priority to student groups and to faculty and can have different rules with respect to insurance requirements for those facilities, and that type of thing. 3) Can you require advanced notice for someone to come onto a campus ground and exercise first amendment activities. That was a murky area of the law. It depended on the nature of the restriction. But, again, a fairly minor one or two day notice requirement to the campus that there is intention to use it for free speech purposes have generally been upheld under the law. There was a different standard in how the rules were evaluated based on whether the campus was designated a public forum or not. The restrictions being discussed today would meet the standard under either of those tests in terms of whether it was a reasonable time, place and manner restrictions.

Mr. Patterson said when the legislature adopted changes to the statute, which actually fostered more public initiatives, our campuses, for the first time in quite some time, became routinely used to gathering petition

signatures. About two or three years ago that activity started and all of the campuses are aware that petition gatherers routinely come onto campus. They do not want to give advance notice, and all of the campuses have adjusted to that. It is not so unusual and they are prepared for somebody to come on campus and gather signatures, which was part of the backdrop. There are a few groups that routinely come to send a particular message to students. Some are in the nature of a religious speech and, again, those uses were certainly frequently made of the campus. So with these uses the campuses have started to adjust their policies. This was not what the campus was talking about when referring to advance notice of a planned activity. What they were envisioning was a significant demonstration they would need to prepare for in terms of where that was going to take place to have adequate police and security available.

Mr. Patterson said since the ACLU raised this issue there has been a significant change at UNR and they will speak to it more specifically. UNR has basically opened up the campus to all free speech activities public or students, subject to certain restrictions. Not restrictions of area but restrictions of engaging in disruption or blocking access to buildings and that type of thing. UNR was on the cutting edge of trying this out. Anecdotally he sensed most campuses across the country have some form of time, place and manner restrictions. UNR was taking the lead in this and the Board and other institutions will be able to look at that model and see if it works.

24. Information Only-Campus Areas Utilized for Speech by the General Public –(Cont'd.)

Mr. Patterson said UNLV's policy was previously upheld by the Nevada Supreme Court and that policy has been modified since then to make it even more inclusive in terms of free speech and not requiring any advance registration of certain uses. He indicated some other policies: TMCC and WNCC have designated areas where activities can occur. CCSN was still working on their policy. There was one clarification that there was a requirement of 5 days advance notice which was not accurate. That would be in the event of an advertised large demonstration, obviously not petitions or signature gathering. GBC has a bit of inconsistency in terms that their catalog does not really restrict specifically speech areas, but they had a reference in the facility use policies that political speech needed to go through a student-sponsored group. That will be modified because it was the type of restriction that would not be appropriate, to treat one form of speech differently than other types of the speech on the campus. NSC was not large enough yet that anyone has gone to the campus to exercise first amendment activities, but they were currently working on a policy. DRI has a draft policy which they have initiated and it was similar to the UNR model which is open for all outside areas for first amendment activities, if they were not disruptive.

Mr. Patterson said the ACLU may have a difference in terms of their legal interpretations, but he hoped that legally they would be at the same juncture. The Board could adopt a policy mandatory for all institutions. It could leave the institutions free to develop policies based on the particular needs of their campus so long as they do not violate free speech, regulations, rules and laws. The campuses could look at the UNR model and other models to see how those work. There was not a good sense of where the Board was going to be on this so it was not an action item. The intention was to hear all the comments and determine if and how to return.

Regent Dondero asked if security and cleanup would be covered. Mr. Patterson said they were difficult issues. It would be challenging adopting a policy requiring them to clean up after themselves because they cannot control what happens to the material that was passed out. He suggested that as the general counsel's office at the institutions look at those to be cautious about trying to adopt that kind of policy. There are no free speech activities to pay for security, it is part of the government's obligation under the first amendment. Regent Dondero said it was a cost to the campus. Mr. Patterson said it was one of those costs the campuses have to bear.

Ms. Lee Rowland, Public Advocate, ACLU Nevada, said she realized they were discussing an inherently legal matter and she wanted to be absolutely clear that the non-profit paid for her to attend. She was not in attendance in a threatening posture, but after looking at these policies, the ACLU believed the system of higher education was legally exposed to a significant degree of liability. The most egregious example was GBC disallowing political speech on the campus, which was a photo opportunity for a content-based regulation which would be struck down in the courts. Someone could take issue with that and there could be an unnecessary lawsuit, and that was why the ACLU was here. The ACLU would never ask the Board to micro-manage free speech policies

on the individual campuses because it was not practical and should be done by the individual

24. Information Only-Campus Areas Utilized for Speech by the General Public –(Cont'd.)

campuses. Nonetheless there should be a certain baseline because it exposes the System to some financial liability for constitutional violations which are easily rectified.

Ms. Rowland stated that the Ninth Circuit was protective of free speech rights especially on public campuses. The ACLU has litigated a number of free speech cases and has made some case law in that area, which indicates that the Ninth Circuit would not uphold the current policy of having free speech zones. The distinction that Mr. Patterson made, was absolutely true and correct that there was a difference between students and outside visitors. For students the public campus was a public forum where free speech should be allowed and encouraged, and those parts of the campus are: sidewalks, lawns, park areas and concrete areas. They have held repeatedly that the way to analyze this issue is if something was removed from that public forum or that free speech area, the burden is on the state, which would be the individual campuses to say why that area was removed.

Ms. Rowland said that when the ACLU went to UNR about this issue, the UNR legal counsel could not give any reason why certain areas had been removed. There was a flip to a default to no free speech and then free speech was granted in certain areas. The ACLU felt the approach was unconstitutional, and that approach continues at UNLV. UNR revised their policy that traditionally public areas should be public except for those areas where there was a potential for disturbing education or a public safety hazard. Beyond that, it is not the school's property to take away, it is public property, so there should be a free speech area and if there are areas where there are potential disruptions or safety hazards, remove them. The burden has to be on the school to point out why those areas should not be available for free speech and right now there is a persistent pattern among the universities to have areas designated for it. We believe it is wrong and are relatively certain the federal courts in our circuit will agree. We litigated the Fremont Street case where they said it was no longer a public forum and the Ninth Circuit struck that down at considerable cost to the city.

Ms. Rowland said in most federal cases, students have not been required permission to do certain things on campus. There is a difference between requiring an outsider to give notice and requiring students to give notice. The current UNLV policy says any use for outdoor areas must be approved by Facilities Management and Planning, period. Again we think the courts would agree that system is unconstitutional. The ACLU is requesting an open dialogue with the Regents to protect the System from these issues and make a policy statement saying public areas of campus are available for free speech. If a school has stipulations for disruption of education or potential safety hazards, those reasons should be written down for insulation from constitutional challenges.

Ms. Rowland stated that before UNR changed their policy one student called security on another student group because they were protesting outside a free speech area, and security did not know where the closest free speech area was. There was a huge argument and it ended up in court. For students to get their message out, it is important that they be relevant and that was exactly what the Supreme Court held recently in a case of military recruiting.

24. Information Only-Campus Areas Utilized for Speech by the General Public –(Cont'd.)

Ms. Rowland felt that those were the major points and what the ACLU was looking for was some baselines so the campuses do not get in trouble. She did not believe the ACLU and the System disagreed substantially with the memo presented by the System's general counsel, but thought the questions about students were not clear and that is their main concern. Students need to be able to use the public areas of their campus without permission and without fear of being hauled off by security.

Regent Rosenberg said it was a double pronged problem. Free speech is desperately important but there was also public safety. There have been situations on campus where two groups have been in opposition and it can get ugly. By the same token that is something that security would take care of. Problems are not solved by curtailing speech. Mr. Patterson said generally that concept was correct, that security can respond to a situation that

develops and none of the campuses would be concerned about fairly small interaction because they have to respond to those types of crises all the time. The concern would be the significant events that might occur. There have not been many, but a policy could be drafted for a worse case scenario so it could be dealt with. There is a combination of issues but, the basic concept was correct that the day-to-day security can handle those types of situations.

Regent Rosenberg asked if GBC prohibits political speech. Mr. Diekhans, Vice President, GBC, responded that they were looking for that policy. GBC made an error in the catalog where that paragraph was listed under the facilities rental portion and it refers to the restriction of political and student sponsored events. Mr. Diekhans stated that political groups have not been turned away from speaking and they do come on campus and are allowed to speak. GBC was in the process of removing that policy.

Regent Howard asked what prompted GBC to put the policy in place to begin with. Mr. Diekhans said it was worked on by a former vice president and student services many years ago.

Regent Anthony said he read the memo from the ACLU and the one from Mr. Patterson. The ACLU memo said “it is clear that current policies unduly restrict free speech” and he felt that was a maligned statement. Free speech was not unduly restricted at the institutions. Regent Anthony said that based on what Mr. Patterson reviewed, the institutions’ policies seem to be in compliance except for minor issues and were being rectified. Mr. Patterson said that was accurate.

Mr. Patterson would like to address a point his memo did not address with respect to student and faculty on campus. The ACLU accurately states that a campus is generally considered a public forum for its students and faculty, not for members of the general public. That means there is strict scrutiny applied to any regulation with respect to student and faculty speech. That does not mean there cannot be regulation to minimize disruption to classes and carry on the normal educational mission, it was just a higher standard. He has not reviewed the policies for that specific issue and that was something he wanted to look at to be sure that the policies meet the standard in that area.

24. Information Only-Campus Areas Utilized for Speech by the General Public –(Cont’d.)

Regent Anthony said the memo said there was a need to adopt a System-wide free speech policy to insure the individual campuses appropriately respect the first amendment issues. He felt each institution was unique and that all have their policies in place and in compliance. He said Mr. Patterson will look at the entire package and he saw no reason to have a System-wide Board policy. He does not view this as a constructive element, and he was finished with this issue.

Mr. Patterson said if it seemed a lawsuit was impending over these policies, immediate action would be taken. He appreciated the ACLU’s position, but that was not what they were trying to accomplish. There would be interaction with the ACLU if specific things were wrong with the policies. These were very significant legal components that needed to be reviewed in connection with any policies, but he believed what the ACLU was advocating, and what UNR adopted, was a policy position that comes with its own issues that have to be addressed, like security. Mr. Patterson was encouraged to look at it from that end as opposed to a first amendment legal analysis with an impending lawsuit over any particular policy because the System would work with any of those policies.

Regent Hill felt that, as a System of higher education, there should be a short, simple policy with a philosophical statement akin to we support the maximum freedom of speech to be allowed on our campuses consistent with protection of health, safety, property and the education process. He was impressed with the steps UNR took. He was happy that the ugly term “free speech zones” was not used because it was a charge term that was unfair and mischaracterizes where we are. It was fair to say the entire campus was a free speech zone.

Regent Derby agreed that if there was a System policy she would be supportive only if it were very broad, stating the philosophical position of the campuses was committed to free speech. It is so at the heart of the academic enterprise and all that we do that it is important to be stated but also important to leave it up to the

individual campuses for the specific policies that covers free speech.

President Crowley said UNR did not set out to emulate the position of the ACLU on this matter. The policy was changed to match their practice. Ironically, UNR had been accused of adopting that approach to funnel free speech to remote areas. The fact is the policy was adopted to assure that guidance would be provided to people who wanted to exercise their first amendment rights and that it would be best to do it in those areas of the campus which has the most traffic. People have been exercising first amendment rights all over the campus with or without authority. He has been a supporter of the broadest possible interpretation of freedom of expression and made sure it was on the campus, but the policy suggested otherwise and it was recognized by a lot of people. The people who took the greatest interest at the outset were students and it was a group of students representing every known position on the spectrum of political orientation and free expression that gathered together and put together a policy which, with the process of refinement and discussion, the policy was put together. It is one that makes the campus an open campus, but it was always an open campus. Now there is a policy in place that describes what had been done for many years.

24. Information Only-Campus Areas Utilized for Speech by the General Public –(Cont'd.)

Regent Wixom said the ACLU has offered its advice on a number of issues over the last year. He was happy to talk to the ACLU or any group but what concerns him is when any group or entity was treated as though it had the definitive last word on a subject. The ACLU was one voice on the subject and he was happy to listen but he was not prepared to accept a policy simply because it was blessed by the ACLU. The fact that there was a discussion with the ACLU was fine, but the fact that we engage in those discussions and that they may bless a policy is not the definitive word. They are one voice in this process, not the definitive voice or the last voice, the courts are. This has to be kept in mind.

Regents Alden and Sisolak left the meeting.

Ms. Rowland asked Chair Whipple if this item was going to be placed for action. People were talking about a philosophical statement and obviously this was just an information item. Chair Whipple said he did not have an answer at that time.

25. Approved-CIP and Loan Request, WNCC – The Board approved President Carol Lucey's requests for the use of \$110,000 of student CIP funds to assist in the purchase of land adjacent to the Fallon campus. In addition, the Board approved President Lucey's request to take a loan in the amount of \$100,000 to assist in this same purchase. The loan will be repaid in the next three years with the final three contributions to the WNCC Foundation by the Carl and Bette Dodge Trust Fund (Ref. L on file in the Board office).

President Lucey requested approval of a plan to purchase approximately five (5) acres of land contiguous to the Fallon Campus that was approved by the Investment Committee at their last meeting. Approval of this agenda item will allow for payment.

Regent Rosenberg moved approval of the CIP and loan request for WNCC. Regent Anthony seconded.

Regent Dondero said the Investment Committee also recommended approval for this project. Motion carried. Regents Alden and Sisolak were absent.

26. Information Only-Presentation of the University of Nevada, Reno Graduate Student Association 2004 Graduate Student Survey - Ms. Rebecca Bevans, President of the University of Nevada, Reno Graduate Student Association, presented for information the results of the 2004 Graduate Student Survey (Ref. Mon file in the Board office).

Ms. Bevans said the December 2004 survey (on file in the Board office) was undertaken. Data was reviewed in the early months of 2005 with a 20% response rate and a 3-1/2% margin of error. It was demographically accurate and sponsored by GSA, the graduate school and the students success services and covered issues like recruitment, retention, money matters, transportation,

housing, child care, health, academic life, campus usage and use

26. Information Only-Presentation of the University of Nevada, Reno Graduate Student Association 2004 Graduate Student Survey – (Cont'd.)

of the GSA programs. She will be making a comparison from 1999 and 2005 graduate student bodies.

Ms. Bevans continued that the graduate students were poor and make less than \$30,000 per year. More loans were taken out and more were paying for their college education using credit cards. Graduate students were less likely to own their own homes. They live closer to campus with 60% living within five miles and they drive less to campus. They were more likely to be single and less likely to have dependents. Graduate students were being encouraged to attend more conferences and publish more. Unfortunately, they were less likely to have adequate access to technology for their work, with a decrease of 11%.

Ms. Bevans said the typical graduate student at UNR was a 35 year old, single, white female earning less than \$30,000 per year, paying for tuition via credit card, renting within five miles of the campus, working on campus in the evenings preparing work for the next conference or publication and thinking about when she will be able to leave the state.

Ms. Bevans stated that with the minority characteristics only 12% were international graduate students, 19% have dependents. She said that 44% of the graduate students were on campus over 30 hours per week, with 62% of students were there in the evenings, 36% of the students were there on the weekends and 22% would like to see more child care options on campus. The graduate student wish list: more scholarship money; more travel money, a graduate student center, a graduate faculty pub and graduate student housing. Revolutionary dreams: graduate student housing, a graduate community and retention. Concerning the graduate housing, all peer and next-level institutions have graduate housing save one. 41% of graduate students would live in on campus housing if more options were available. Two needs: the highest priority was to provide housing for singles/couples without children, the second priority was improving family housing options. A Graduate Student Community would be a place for people to meet, share and discuss challenges, problems and offer tips for completing graduate school. It would be uplifting to feel like a part of a learning community and to share thoughts with people who were going through the same situations. An educational community needs an identifiable space to congregate and grow such as a graduate student center.

Ms. Bevans reported that on retention: 36% of graduate students feel their program was taking longer than expected. Nationally, 50% of Ph.D. students do not complete their programs. What services were requested most: advanced technical writing/grant writing; research design courses, improved graduate class selection and availability, improved graduate community, career advisement/career services, study abroad options for graduates and departmental based dissertation support groups. Only 28% of current graduate students plan on staying in Nevada after graduation, compared to 59% in 1999.

Regent Derby asked what the percentages of responses were. Ms. Bevans answered 20%.

26. Information Only-Presentation of the University of Nevada, Reno Graduate Student Association 2004 Graduate Student Survey – (Cont'd.)

Chair Whipple asked about some positive areas. Ms. Bevans said GSA has done positive things for graduate students like socials, awards programs and the increase of encouragement to be published.

Regent Derby indicated she was struck by only 28% of graduate students staying in Nevada. Ms. Bevans said they do not know why the students were leaving. Regent Derby suggested pursuing the reason, like an exit interview.

President Wells said a possible follow-up for this would be the EPSCoR program which might be expanded to include graduate students.

Regent Dondero asked how many graduate students actually go into the education field. Ms. Bevans said 30%

were in the education department. She does not know how many of them will leave the state.

President Crowley indicated he would want more information. There would be some helpful distinctions like are Ph.D. and masters students included and also what departments. It would be interesting to know that of those who stay how many come from the College of Education because masters degree and Ph.D. pursuers in that college are people who live here and are going to stay. Housing for students and graduate students has been discussed and he hoped to learn more about the particulars.

Chair Whipple said that the housing complex was a substantial challenge. If a partnership with another school could be formed it would help the exchange program.

Regent Derby asked if thought had been given to creating a graduate community at the Manogue property. President Crowley said he does not know the answer. The best way of creating a community among graduate students was to have student housing.

Ms. Jessica Muehlberg said she still has data by colleges and departments which might be helpful.

Dr. Nichols had an interest in receiving more information on students who leave. As stature of institution rises, it is expected to see a higher percentage of students leaving because that is what was done with a graduate education. She does not believe there was a Ph.D. in the room who was in the same institution or state where they graduated. The doctoral students will leave unless they are in a professional field, in which case they may stay in the state.

Chair Whipple asked Ms. Bevans to continue some work and report back to the Board. He also asked her to communicate with her associate at UNLV.

President Harter said that Mr. Frederick Krauss, President of GSA at UNLV, would be able to speak to some things but there were some major differences in the demographics, community arrangements and opportunity for housing.

27. Approved-Board Meeting Calendar 2007 – The Board reviewed and discussed proposed dates and set a meeting schedule for the Board of Regents' meetings in 2007. Recommended meeting dates were as follows:

- · January 25-26
- · March 15-16
- · June 14-15
- · August 16-17
- · October 11-12
- · November 29-30

Chair Whipple asked the Regents' thoughts regarding the number of meetings and the calendar.

Regent Rosenberg asked if the June 14-15 meeting could be scheduled for either earlier or later. He has a conflict with the dates.

Dr. Nichols suggested if the June meeting was going to be moved, to move it later in the year because that was the meeting the budgets must be approved for the next year and the staff needed time to get ready. The first week in June would be difficult.

Chair Whipple said the Board seems alright with the number of six meetings and to modify the June dates to June 21, 22, 2007.

Regent Anthony moved approval of the 2007 meeting dates as modified. Regent Rosenberg seconded. Motion carried. Regents Alden and Sisolak were absent.

28. Approved-Audit Committee Recommendations and Report - Chair Douglas Roman Hill reported the Audit Committee met June 8, 2006, and heard the following reports:

- · Internal Audit Reports – The Committee recommended approval of the following internal audit reports:
- · The Association of Government Boards recommended the Audit Committee meet annually with the external auditors before commencing the annual audit of the financial statements. Ms. Sandi Cardinal, Assistant Vice Chancellor, discussed the Moss Adams interim work plan for the June 30, 2006 financial statement audit.
- · Ms. Denise Baclawski, Executive Director, UNR Fire Science Academy, reported on the status of the University of Nevada, Reno Fire Science Academy. She will be revising the Business Plan to reflect unanticipated cost increases in fuel costs and regulatory requirements. Due to these costs the breakeven point in the Business Plan will be extended beyond 2007.

Regent Hill requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 16, 2006, Committee meeting (*Ref. A-1 on file in the Board office*).

28. Approved-Audit Committee Recommendations and Report - (*Cont'd.*)

➤ · Internal Audit Reports – The Committee considered for recommendation approval of the following internal audit reports:

- ✓ · Nevada State Health Lab, UNR (*Ref. A-3 on file in the Board office*).
- ✓ · Cooperative Extension, UNR (*Ref. A-4 on file in the Board office*).
- ✓ · Intercollegiate Athletics, Follow-Up Audit, UNR (*Ref. A-5 on file in the Board office*).
- ✓ · Center for Evaluation and Assessment, UNLV (*Ref. A-6 on file in the Board office*).
- ✓ · Thomas & Mack Center, UNLV (*Ref. A-7 on file in the Board office*).
- ✓ · E.L. Cord Foundation Child Care Center, TMCC (*Ref. A-8 on file in the Board office*).
- ✓ · Purchasing Card Program, WNCC (*Ref. A-9 on file in the Board office*).
- ✓ · Hosting, NSHE (*Ref. A-10 on file in the Board office*).
- · DRI Research Parks, Ltd. Foundation Audit Exemption – The Committee recommended approval of an exemption for the year ending June 30, 2006 from the audit requirements stated in the Board of Regents' Handbook (*Title 4, Chapter 10, Section 10, B1*).

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

Regent Hill presented Ms. Sandi Cardinal with a parting gift.

29. Approved-Budget & Finance Committee Recommendations and Report – Regent Howard Rosenberg reported the Budget & Finance Committee met June 8, 2006 and heard the following reports:

- · All funds revenues and expenses of the NSHE for the third quarter of fiscal year 2005-2006.
- · Fiscal exceptions of self-supporting budgets and the status of state appropriations for the third quarter of fiscal year 2005-2006.
- · Self-supporting budget revisions for the third quarter of fiscal year 2005-2006.
- · State supported operating budget transfers for the third quarter of fiscal year 2005-2006.

Regent Rosenberg requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 2, and March 16, 2006 Committee meetings (*Ref. BF-1a, Ref. BF-1b on file in the Board office*).
- · Fiscal Year 2006-2007 NSHE State Supported Operating Budget – The Committee recommended approval of the fiscal year 2006-2007 NSHE state supported operating budget (*Bound Report on file in the Board office*).

29. Approved-Budget & Finance Committee Recommendations and Report –(*Cont'd.*)

- · IFC Approval for Additional Student Fee Revenues – The Committee recommended approval for the NSHE to seek Interim Finance Committee authorization to expend additional student fee revenues within the state supported operating budget of Great Basin College for fiscal year 2005-2006 (*Ref. BF-8 on file in the Board office*).

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

30. Approved-Cultural Diversity and Security Committee Recommendations and Report – Chair Linda C. Howard reported the Cultural Diversity and Security Committee met June 8, 2006 and heard the following reports:

- · The Committee reviewed information released by Oprah Winfrey and the Bill and Melinda Gates Foundation identifying the disparities in facilities and academic rigor available to low income and minority students in high school.
- · The Committee heard a report from staff on the *Dropout Nation* from Time Magazine and *The Silent Epidemic* from the Bill and Melinda Gates Foundation identifying the dropout crisis and possible solutions.

Regent Howard requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 16, 2006 meeting (Ref. CDS-1 on file in the Board office).

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

31. Approved-Student and Academic Affairs Committee Recommendations and Report - Chair Howard Rosenberg reported the Student and Academic Affairs Committee met June 8, 2006. Information items considered:

- · Vice Chancellor Jane Nichols summarized a recent national study, *The Toolbox Revisited: Paths to Degree Completion From High School Through College*, and explained how its finding related to Nevada's policies and practices.

Regent Rosenberg requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 16, 2006 Committee meeting (Ref. SAA-1 on file in the Board office).
- · New Academic Programs, Degrees or Units:
 - CCSN – New Major:
 - ? Associate of Science in Horticulture (Ref. SAA-8 on file in the Board office).

31. Approved-Student and Academic Affairs Committee Recommendations and Report - (Cont'd.)

GBC – New Major:

- ? Associate of Applied Science in Radiology Technology (Ref. SAA-5 on file in the Board office).
- ? Associate of Applied Science in Industrial Energy Efficiency (Ref. SAA-6 on file in the Board office).

TMCC – New Major:

- ? Associate of Applied Science in Manufacturing Technology, Machining Emphasis (Ref. SAA-7 on file in the Board office).

NSC – New Unit:

- ? School of Education
- ? School of Liberal Arts and Sciences (Ref. SAA-15 on file in the Board office)
- ? School of Nursing

UNLV – New Major:

- ? Bachelor of Science in Urban and Environmental Horticulture (Ref. SAA-11 on file in the Board office).
- ? Bachelor of Science in Entrepreneurship (Ref. SAA-12 on file in the Board office).

UNLV – New Program:

- ? Master of Science in Nursing in the Philippines (Ref. SAA-14 on file in the Board office).

UNLV – New Unit:

- ? Department of Counselor Education (Ref. SAA-13 on file in the Board office).

UNR – New Major:

- ? Bachelor of Science in Horticulture (Ref. SAA-9 on file in the Board office).

? Bachelor of Science in Plant and Horticultural Sciences (*Ref. SAA-10 on file in the Board office*).

University of Nevada School of Medicine:

? Emergency Medicine Residency Program (*Ref. SAA-4 on file in the Board office*).

> · A revision to the Board of Regents' *Handbook* (*Title 4, Chapter 1, Section 19*) concerning the Regents' Academic Advisor Award was recommended for approval. However, since yesterday's meeting additional revisions have been suggested by the Faculty Senate Chairs and therefore, it is requested that the matter of awards for academic advisors be pulled and considered separately at this time.

Regent Rosenberg moved approval of the Committee recommendations and acceptance of the report with the exception of that item. Regent Leavitt seconded. Motion carried. Regents Alden and Sisolak were absent.

31. Approved-Student and Academic Affairs Committee Recommendations and Report - (*Cont'd.*)

> · Regents' Academic Advisor Award – The Committee recommended approval of a proposal to revise the provisions of Board policy concerning the Regents' Academic Advisor Award (*Title 4, Chapter 1, Section 19*) with the intent of elevating the prestige of the award by reducing the number of awards granted annually (*Ref. SAA-2 on file in the Board office*).

Regent Rosenberg requested Board action on the following Committee recommendation:

> · The Nevada Regents' Academic Advisor Award shall be given annually to faculty or staff members with the distinguished record of student advisement. The award will carry with it a cash stipend of \$5,000 to the universities, community colleges and state college. One award will be granted annually to a full time community college member of the faculty professional staff or classified staff who provide academic advisement as part of their regular assignment or who will provide academic advisement as their primary assignment. Two awards will be granted annually between the universities and state college: one for undergraduate advisement and one for graduate advisement. DRI full time faculty or professional staff who provide academic advisement to graduate students at UNLV and UNR as part of their regular assignments or provide academic advisement as their primary assignments are eligible for the award. Although these awards are intended for individuals, groups who, by their collaboration have made outstanding contributions in academic advisement, may be recognized as well. Faculty members who receive the Regents' Academic Advisory Award may use the title as such in perpetuity. Guidelines for the nomination and selection of the recipients of the Regents' Academic Advisory Award shall be established by the office of the Chancellor.

Dr. Nichols said the Committee approved this change in the award which would elevate the award to the same level of the Regents' Teaching Award. Instead of being a name put forward by each campus which automatically receives the Regents' Advisory Award there would be a system review process and one selected to represent the community colleges, one for the undergraduate programs at the four year institutions and one for the graduate programs. It would be equivalent to the Regents' Teaching Award. The academic officers recommended this to elevate the stature of the award. After a positive vote was taken in the Committee, faculty senate expressed concern because they liked having an academic advisor award at each campus. In consultation with the presidents and the faculty senate chairs an amendment is being asked for to the action taken by the

Committee, and that amendment is simply that in addition to the Academic Advisory Award, each institution will grant an annual Academic Advisory Award with a minimum stipend of \$1,000.

Regent Hill said language granting an award with a minimum number and no maximum causes him concern. Dr. Nichols said at most institutions there already exists some awards, some of which are higher than \$1,000. The faculty senate's concern was that it be at least \$1,000. It is all campus money and often it is privately donated. If an

31. Approved-Student and Academic Affairs Committee Recommendations and Report - (*Cont'd.*)

individual campus has a higher award amount, this will not be a Regents' award, it will be a campus based

award and decision. The Regents' award is the \$5,000 one that is patterned after the Regents' Teaching Award. Regent Hill said it was a minimum of \$1,000 with the amount to be determined by the individual campus. Dr. Nichols said that language could be added, which reflects the intended practice.

Regent Hill moved that the proposal be adopted but at the end of the stipend of \$1,000 to add the language "with the maximum to be determined by the individual campus". Regent Rosenberg seconded. Motion carried. Regents Alden and Sisolak were absent.

32. Approved-Board Secretary Search Committee Recommendations and Report – Chair Dorothy S. Gallagher reported the Board Secretary Search Committee met March 9, March 23, and April 6, 2006.

- · At the March 9th meeting, the Committee discussed the position description and received a briefing from Deputy Chief Counsel Bart Patterson regarding the application of the Nevada Open Meeting Law.
- · At the March 23rd meeting, the Committee was provided an overview of the selection process and Committee and staff responsibilities. An overview of the applicant pool was provided by the Director of Human Resources, Ms. Carla Henson, including the total number of applicants, the number of applicants meeting the minimum requirements and the general background of the pool.
- · At the April 6th meeting, the Committee discussed the search and interview process, the process for contract negotiations and interviewed candidates for the position.

Regent Gallagher requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 9, 2006 Committee meeting (*See Consent Agenda for copy of minutes*).
- · Review of Search Procedure – The Committee discussed matters pertaining to the procedure for the search and provided direction to staff regarding reference checks, scoring/ranking candidates, the number of candidates to recommend to the full Board, job requirements and whether or not to review all applications.
- · Discussion and Selection of Candidates – The Committee recommended the appointment of Mr. Scott Wasserman as the Secretary to the Board of Regents, which was approved at the May 5, 2006 special Board meeting.

Regent Gallagher moved approval of the Committee recommendations and acceptance of the report. Regent Rosenberg seconded. Motion carried. Regents Alden and Sisolak were absent.

33. Approved-Investment Committee Recommendations and Report - Chair Thalia M. Dondero reported the Investment Committee met June 2, 2006, and discussed the following:

- · Capital market returns as of March 31, 2006.
- · Asset allocation and investment returns for the period ended March 31, 2006. Endowment investments returned 5.1% for the quarter (*compared to the 4.4% benchmark*) and 13.7% for the fiscal year (*compared to the 10.3% benchmark*). The total return for the pooled operating funds was 2.4% for the quarter (*compared to the 2.2% benchmark*) and 6.4% for the fiscal year (*compared to the 6.1% benchmark*).
- · Property holdings of UNLV.

Regent Dondero requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the February 24, and March 10, 2006 Committee meetings (*Ref. INV-1a, Ref. INV-1b on file in the Board office*).
- · CCSN Easement to the City of North Las Vegas – The Committee recommended approval of a permanent utility easement to the City of North Las Vegas, Nevada, for the purpose of installing a traffic signal at the CCSN Cheyenne Campus (*Ref. INV-4 on file in the Board office*).
- · CCSN Northwest Campus Development – The Committee recommended approval of Memorandum of Understanding No. 2006-01, between the City of Las Vegas and CCSN concerning the acquisition of 60 acres +/- located at Durango and Elkhorn, contingent upon Board approval of the *Master Plan* and the allowance of a public, private development (*Ref. INV-5 on file in the Board office*).
- · WNCC Purchase of Land – The Committee recommended approval of a purchase transaction for 4.8 acres adjacent to the WNCC Fallon Campus currently owned by the Jack N. Tedford Limited Partnership (*Ref. INV-6 on*

file in the Board office).

➤ · UNR Sale of Stead Parcel – The Committee recommended approval of the sale of Stead parcel 086-151-05, totaling 8.10 acres, and the sale of four (4) acre feet of water associated with the parcel (*Ref. INV-7 on file in the Board office).*

➤ · UNR Easement – The Committee recommended approval of UNR negotiating an agreement for the possible development of property jointly owned by the Board of Regents and MTK Limited, LLC, and granting an easement on parcel 021-030-07, located northeast of the UNR Main Station Farm (*Ref. INV-8 on file in the Board office).*

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

34. Approved-Research and Economic Development Committee Recommendations and Report - Chair Jill Derby reported the Research and Economic Development Committee met June 1, 2006 and heard the following report:

34. Approved-Research and Economic Development Committee Recommendations and Report – (*Cont'd.*)

➤ · The Committee reviewed a report from the Nevada Development Authority on the economic outlook of Nevada and how research and economic development activities support economic growth. In addition, the Committee heard from the universities and DRI on the best practices for building successful technology transfer programs. Vice Chancellor Jane Nichols reviewed the NSHE structure and policies that impact research and economic development. Executive Vice Chancellor Dan Klaich provided an overview of an inter-institutional project at the Walker River Basin.

Regent Derby requested Board action on the following Committee recommendations:

- · Minutes – The Committee recommended approval of the minutes from the March 13, 2006 Committee meeting (*Ref. RED-1 on file in the Board office).*
- · An endorsement of the bill draft request regarding consent to treatment or experiment involving a ward.

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

35. Approved-UNLV President Search Committee Recommendations and Report – Regent Jill Derby reported the UNLV President Search Committee met April 28, May 3, May 10, and May 18, 2006.

➤ · At the April 28, 2006 meeting the search firm presented a list of candidates for the presidency of UNLV. After open discussion, the committees selected four semi-finalist candidates.

➤ · On May 3, 2006 three semi-finalist candidates were interviewed, as one candidate withdrew. All three were invited back as finalists to visit the community on May 8, 2006 to visit the campus on May 9, 2006 and for final interviews on May 10, 2006.

➤ · At the May 10, 2006 meeting, the three finalists were interviewed for the last time, after which an open session was held where everyone was able to discuss the candidates and a straw poll was taken. After discussion was completed, the Regents' Search committee unanimously voted to recommend Lt. General Bill Lennox as the next president of UNLV. Lt. General Lennox subsequently withdrew. The Regents' Committee unanimously recommended to the full Board the appointment of Dr. David Ashley as the new UNLV president at their meeting on May 18, 2006. The full Board approved the appointment at a special Board of Regents meeting also held May 18, 2006.

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

36. Approved-UNR President Search Committee Recommendations and Report- Chair Stavros S. Anthony reported the UNR President Search Committee met April 7, April 14, and May 1, 2006.

➤ · Mr. Alberto Pimentel, A.T. Kearney consultant, presented ten candidates to the committees for

consideration for the position of President of the University of Nevada, Reno. After thorough review of resumes and discussion of the applicants, six candidates were chosen to be brought to the committees for personal interviews. Mr. Pimentel presented a set of questions to be asked of each of the candidates.

- · On Friday, April 14, 2006, it was learned that one candidate had accepted another position. Five candidates were interviewed on that date in an 11-hour meeting. It was determined that three candidates would be brought in for campus visits and would be meeting with a variety of constituents in Reno and Las Vegas. Those candidates were Dr. Steven Wells, President, Desert Research Institute; Dr. Milton Glick, Executive Vice President and Provost, Arizona State University; and Dr. Marlene Strathe, Provost and Senior Vice President for Academic Affairs, Oklahoma State University.
- · After the campus visits, the committees met and heard reports on the campus visits and held discussions on the three candidates.

Regent Anthony requested Board action on the following Committee recommendations:

- · Minutes – The Committees recommended approval of the minutes from the February 3 and March 3, 2006 Committee meetings (*See Consent Agenda for copy of minutes*).
- · Selection of Semi-Finalists – The committees recommended approval for six candidates to be interviewed: Dr. Jack Burns, Dr. William V. Flores, Dr. Milton Glick, Dr. Marlene Strathe, Mr. Ira Schwartz and Dr. Stephen G. Wells.
- · Discussion of Interview Questions – The committees recommended approval of the set of questions to be asked of each candidate during the interviews.
- · Selection of Finalists – The committees recommended approval of three candidates for campus visits: Dr. Milton Glick, Dr. Marlene Strathe and Dr. Stephen Wells.
- · Recommendation from the Institutional Advisory Committee – The Institutional Advisory Committee recommended to the Regents' President Search Committee Dr. Milton Glick as President of the University of Nevada, Reno.
- · Decision by the Regents' Committee – The Regents' Committee recommended the appointment of Dr. Milton Glick for the position of President of UNR, which was approved at the May 5, 2006 special Board meeting.

Regent Anthony moved approval of the Committee recommendations and acceptance of the report. Regent Wixom seconded. Motion carried. Regents Alden and Sisolak were absent.

37. Approved-Health Sciences Center Committee Recommendations and Report- Chair James Dean Leavitt reported the Health Sciences Center Committee met for the first time on May 12, 2006. The Chair welcomed all members of the Committee and facilitated Committee introductions. The Committee then heard the following reports:

- · A report from counsel regarding the Nevada Open Meeting Law and its impact on the committee process.
- · A report from the Chair regarding the process of health planning in the NSHE to date, including actions taken by the Board of Regents at its March, 2006 meeting.
- · There was a spirited discussion of the Health Sciences Center concept by members of the Committee.

Regent Leavitt requested Board action on the following Committee recommendations:

- · Request is made for approval of the Committee charge and for approval of the Committee recommendations.

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

Chair James Dean Leavitt reported the Health Sciences Center Committee met on May 30, 2006. The Committee then heard the following report:

- · A report on the preliminary budget for the University of Nevada Health Sciences Center, including appropriation requests for operating capital and one shot appropriations. The Committee took no action on the proposed budget.

Regent Leavitt moved acceptance of the report. Regent Rosenberg seconded. Motion carried. Regents Alden and Sisolak were absent.

7. Report on Search for Finance, Facilities and Property Staff Expertise—(Cont'd.)

Chancellor Rogers said over the last two years the office has done a wonderful job with assembling a first class leadership in the Chancellor's office. He announced and introduced the new Vice Chancellor of Finance, Dr. Mike Reed.

Dr. Reed said he looked forward to working with Chancellor Rogers, the Regents and the people in the System to build the Nevada System of Higher Education deeply into Nevada as both an economic and educational engine.

The meeting adjourned at 1:40 p.m.

Scott Wasserman
Secretary of the Board