

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

System Administration, Las Vegas
4300 South Maryland Parkway, Board Room
Friday, January 23, 2015, 8:00 a.m.

ROLL CALL:	Mr. Kevin J. Page, Chairman	_____
	Mr. Rick Trachok, Vice Chairman	_____
	Dr. Andrea Anderson	_____
	Mr. Cedric Crear	_____
	Dr. Mark W. Doubrava	_____
	Dr. Jason Geddes	_____
	Mr. Trevor Hayes	_____
	Mr. James Dean Leavitt	_____
	Mr. Sam Lieberman	_____
	Mr. Kevin C. Melcher	_____
	Ms. Allison Stephens	_____
	Mr. Michael B. Wixom	_____
	Governor's Appointee, District 9	_____

IMPORTANT INFORMATION ABOUT THE AGENDA AND PUBLIC MEETING

NOTE: Below is an agenda of all items scheduled to be considered. Notification is hereby provided that items on the agenda may be taken out of the order presented, two or more agenda items may be combined for consideration, and an agenda item may be removed from the agenda or discussion relating to an item on the agenda may be delayed at any time.

In accordance with the Board of Regents' Bylaws, Title I, Article V, Section 20, items voted on may be the subject of a motion to reconsider at this meeting. A motion to reconsider an item may be made at any time before adjournment of this meeting. Similarly, if an item is tabled at any time during the meeting, it may, by proper motion and vote, be taken from the table and thereafter be the subject of consideration and action at any time before adjournment of this meeting.

In accordance with the Board of Regents' Bylaws, Title I, Article V, Section 13, a quorum may be gained by telephone hookup.

Some agenda items are noted as having accompanying reference material. Reference material may be accessed on the electronic version of the agenda by clicking the reference link associated with a particular item. The agenda and associated reference material may also be accessed on the Internet by visiting the Board of Regents' website at:

<http://system.nevada.edu/Nshe/index.cfm/administration/board-of-regents/meeting-agendas/>

Many public libraries have publicly accessible computer terminals. Copies of the reference material and any additional support materials that are submitted to the Board of Regents' Office and then distributed to the members of the Board of Regents after the mailing of this agenda but before the meeting, will be made available as follows: 1. Copies of any such materials are available at the Board of Regents' Office at 2601 Enterprise Road, Reno, Nevada and the Board of Regents' Office at 4300 South Maryland Parkway, Las Vegas, Nevada. A copy may be requested by calling Patricia Rogers at (775) 784-4958; 2. Copies of any such materials will also be available at the meeting site.

Reasonable efforts will be made to assist and accommodate physically disabled persons attending the meeting. Please call the Board Office at (775) 784-4958 in advance so that arrangements may be made.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENT

INFORMATION ONLY

Public comment will be taken during this agenda item. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. Comments will be limited to two minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Board Chair may elect to allow additional public comment on a specific agenda item when that agenda item is being considered.

In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Board Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Board of Regents, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.

2. REGENT ORIENTATION

INFORMATION ONLY

A Regent orientation will be presented to provide the necessary framework for the new members of the Board of Regents for their future work on the Board. The orientation will also provide a refresher course for the returning members of the Board. Presentations will be made on major areas of Regent responsibilities including Nevada's Open Meeting Law, Regent ethics requirements, Board governance and the role of a Regent (which will be discussed in more detail under agenda item 5), and communications with staff and institutions. Information on these topics will be provided as follows:

2a. INTRODUCTIONS

INFORMATION ONLY

Chairman Page will ask meeting participants to make brief introductions.

2b. OPEN MEETING LAW

INFORMATION ONLY

System Administration staff and Board of Regents' staff will provide a brief overview of the Nevada Open Meeting Law.

<http://www.leg.state.nv.us/NRS/NRS-241.html> (Ref. BOR-2b)

2c. ETHICS LAW

INFORMATION ONLY

System Administration staff and Board of Regents' staff will provide a brief overview of Regent ethics requirements.

<http://www.leg.state.nv.us/NRS/NRS-281A.html> (Ref. BOR-2c)

2d. Title IX

INFORMATION ONLY

System Administration staff will provide a brief overview of Title IX requirements prohibiting discrimination on the basis of sex in education programs and activities. (Ref. BOR-2d)

ESTIMATED TIME: 60 mins.

3. CONSENT ITEM FOR POSSIBLE ACTION

Consent items will be considered together and acted on in one motion unless an item is removed to be considered separately by the Board.

**3a. INITIAL EMPLOYMENT ALLOWANCE FOR POSSIBLE ACTION
UNLV PRESIDENT LEN JESSUP**

Chancellor Daniel J. Klaich requests approval for an initial employment allowance in the form of a one-time payment of \$15,000 to Dr. Len Jessup, President of UNLV. If approved, the initial employment allowance will be in lieu of, and President Jessup will not be eligible for, reimbursement of moving, relocation or other expenses in connection with beginning his employment at UNLV. Additionally, approval of this item would require that should Dr. Jessup leave employment voluntarily within the first twelve months, this initial employment allowance must be repaid in full. ([Ref. BOR-3a](#))

**4. 2015-17 BIENNIAL BUDGET AND LEGISLATIVE INFORMATION ONLY
UPDATE**

The Board will continue its discussion of the 2015-17 NSHE Biennial Budget Request submitted to the Governor, the Executive Budget, and any new developments from the 2015 pre-session legislative activities. System staff will also update the Board on its anticipated communications plan during the legislative session to keep Board members informed of NSHE related legislative and budgetary matters being considered by the 2015 legislative session.

ESTIMATED TIME: 30 mins.

5. BOARD GOVERNANCE FOR POSSIBLE ACTION

Much has been written regarding governance of higher education over the last couple of years. These articles and studies have been in response to escalating costs, funding challenges, scandals and general societal questions regarding the value of higher education. Higher Education organizations' best practices remind Higher Education governing boards that their obligations as a board is to set policy and to ensure that these policies are implemented. A governing board can ensure policies are implemented in the manner the board intends through its ability to hire and fire chancellors and presidents. ([Ref. BOR-5](#))

In an effort to examine the proper role of Board governance, the Board will have a thorough discussion on the following items intended to improve the Board's efficiency as a Board and more importantly to address how the Board can best move each college, university and institution within NSHE forward to better serve its students and all Nevadans generally.

5a. BOARD GOVERNANCE - *continued*

5a. QUESTIONS A HIGHER EDUCATION GOVERNING BOARD SHOULD ASK FOR POSSIBLE ACTION

The American Council of Trustees and Alumni recommend 10 questions trustees should ask (available on line at: http://www.goacta.org/images/download/10_Questions_Trustees_Should_Ask.pdf). Those questions address examining increasing tuition; ratio of administrative versus instructional spending; building utilization; top administrator and athletic personnel salaries; faculty teaching load; student performance on nationally normed tests, GRE and licensure exams; the National Study of Student Engagement review of institutions; graduation rates; campus climate surveys; and board professional development and obtaining information on national trends. These topics will be examined by the Board, the Chancellor and the institutional presidents.

5b. BOARD EFFICIENCY FOR POSSIBLE ACTION

The Board will examine how it can make more efficient use of Board meeting time to further the objectives of Board governance. Potential areas to improve efficiency of meetings include:

- (1) Constructing an annual calendar of agenda item topics for Board and committee meetings including scheduling a review of two institutions per quarterly meeting focusing on performance metrics based on the ten questions set forth by the American Council of Trustees and Alumni.
- (2) Providing special attention to presentations pertaining to major decisions and following best practices from public boards for exercising the appropriate level of duty of care including providing advance materials for review, sufficient time to discuss and deliberate, and appropriate access to outside experts.
- (3) Considering whether a Board self-evaluation process should be implemented.
- (4) Considering periodic education sessions about best practices of similar systems of higher education.
- (5) Considering how the Board can more effectively engage in honest, respectful and vigorous debate on policy issues before the Board.

5. **BOARD GOVERNANCE - *continued***

5c. **PRESIDENT SEARCHES AND
EVALUATIONS**

FOR POSSIBLE ACTION

(1) PRESIDENT SEARCH POLICY

The Board will review the existing policy in *Handbook* Title 2, Chapter 1, Section 1.5.4 for conducting a president search and discuss possible revisions to the policy for future consideration by the Board. ([Ref. BOR-5c1](#))

(2) PERIODIC PRESIDENTIAL EVALUATION PROCESS

The Board will discuss possible revisions to the existing requirements under *Procedures and Guidelines Manual* Chapter 2, Section 2, subsections 2 and 3 regarding the periodic presidential evaluation process. The existing requirements provide for a periodic presidential evaluation process conducted by a Regents' Evaluation Committee appointed by the Board Chair in consultation with the Chancellor and assisted by an Evaluation Consultant. The Board will review the alternative evaluation procedure approved for the recent evaluation of University of Nevada, Reno President Marc A. Johnson which involved a process where the Chancellor appoints a committee which reports to the Chancellor, who in turn reports to the Board regarding the presidential evaluation. The Board may consider other criteria to be included in the periodic evaluations of the presidents. ([Ref. BOR-5c2](#))

The Board may provide direction to staff to draft policy revisions relating to these Board governance topics specified in paragraphs a, b and c, above, for consideration at a future Board meeting, or may direct staff to place matters relating to these Board governance topics on a future Board meeting agenda for further discussion and consideration.

ESTIMATED TIME: 3.5 hours

**6. DIVISION I INTERCOLLEGIATE
ATHLETICS**

FOR POSSIBLE ACTION

Mr. Cedric “Ced” Dempsey, a former executive director and president of the NCAA, and an athletic director, and Dr. Joe Crowley, UNR president emeritus and former president of the NCAA, will lead a discussion with the Board, the Chancellor, the university presidents and the NSHE Division I athletic directors on intercollegiate athletics. Mr. Dempsey and Dr. Crowley will provide an historical perspective on the NCAA, a review of recent litigation involving the NCAA and its impact on intercollegiate athletics, the recent realignments in NCAA conferences, and potential congressional involvement in the future landscape of intercollegiate athletics. Mr. Dempsey and Dr. Crowley will help facilitate a discussion of the Board regarding the roles of the Board, the Chancellor and the institutional presidents in governing athletics, the role of athletics in higher education, trends in intercollegiate athletics and how that may impact Board policy governing athletics including policies governing the hiring of coaches and the system’s approach to negotiating coaching contracts, potential future conference alignment and level of intercollegiate sports at the two universities, future participation by the two universities in varying sports in intercollegiate athletics, and athletic department budgets, student admissions and academic progress rates.

(Ref. BOR-6)

The Board may provide direction to staff to draft policy revisions relating to these topics in intercollegiate athletics for consideration at a future Board meeting, or may direct staff to place matters relating to these topics in intercollegiate athletics on a future Board meeting agenda for further discussion and consideration by the Board.

ESTIMATED TIME: 3 hours

7. NEW BUSINESS

INFORMATION ONLY

Items for consideration at future meetings may be suggested. Any discussion of an item under “New Business” is limited to description and clarification of the subject matter of the item, which may include the reasons for the request.

8. PUBLIC COMMENT

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POSTED ON THE NEVADA SYSTEM OF HIGHER EDUCATION WEBSITE (<http://system.nevada.edu/>) AND ON THE NEVADA PUBLIC NOTICE WEBSITE PURSUANT TO NRS 232.2175 (<http://notice.nv.gov/>), AT THE SYSTEM ADMINISTRATION BUILDINGS AND E-MAILED FOR POSTING AT THE EIGHT NSHE INSTITUTIONS:

CSN, Building D, 1st Floor, 6375 W. Charleston Boulevard, Las Vegas, NV 89146

DRI, Maxey Building, 2215 Raggio Parkway, Reno, NV 89512

DRI, Southern Nevada Science Center, 755 E. Flamingo Road, Las Vegas, NV 89119

GBC, Berg Hall, 1500 College Parkway, Elko, NV 89801

NSC, Great Hall, 1125 Nevada State Drive, Henderson, NV 89015

TMCC, Red Mountain Building (RDMT 200), 7000 Dandini Boulevard, Reno, NV 89512

UNLV, Flora Dungan Humanities Building (FDH), 1st & 7th Floors, 4505 Maryland Pkwy, Las Vegas, NV 89154

UNR, Clark Administration, University of Nevada, Reno, Reno, NV 89557

WNC, Bristlecone Building Lobby, 2201 W. College Parkway, Carson City, NV 89703

System Administration, 4300 S. Maryland Parkway, Las Vegas, NV 89119

System Administration, 2601 Enterprise Road, Reno, NV 89512