

Chair Geddes called the meeting to order on Friday, October 19, 2012, at 9:00 a.m. with all members present except for Regents Blakely and Schofield.

Regent Anderson led the Pledge of Allegiance.

1. Information Only – Public Comment (Agenda Item #1) - None.
2. Approved – Distinguished Nevadan Award (Agenda Item #2) - The Board of Regents approved the nomination of former Governor Robert ("Bob") Miller for a Board of Regents 2012 Distinguished Nevadan Award (*Handbook, Title 4, Chapter 1, Section 14 and Procedures & Guidelines Manual Chapter 8, Section 1*) (Refs. BOR-2a and BOR-2b on file in the Board office).

Regent Alden moved approval of the nomination of former Governor Robert J. ("Bob") Miller for a Board of Regents 2012 Distinguished Nevadan Award. Regent Page seconded.

Chair Geddes noted the nomination is made by the full Board.

Regent Page related Governor Miller had also been responsible for implementing the UNR and UNLV license plate program.

Chancellor Klaich shared during Governor Miller's time in office, he had done for K-12 and higher education in Nevada.

Regent Crear asked if a motion was needed to waive Board policy, Chapter 1, Section 14) dealing with individual nominations by Board members. Mr. Wasserman stated a waiver was implicit in the nomination but could be expressly stated in the motion.

Regents Alden and Page accepted a friendly amendment to the motion to include waiving of Board policy (Title 4, Chapter 1, Section 14) otherwise requiring individual nominations by the Regents.

Motion carried. Regents Blakely and Schofield were absent.

Regent Melcher asked how the awarding institutions determined. Mr. Wasserman replied historically Board policy required that the number of nominations from northern and southern Nevada were evenly distributed. However, some time ago the north-south division had been removed from the policy. There is a list of awardees available on the NSHE website listed by award year. The awarding institution is currently determined through various factors including the nominee's school of graduation, current geographic location or her personal choice.

Regents Blakely and Schofield entered the meeting

3. Information Only- Best Practices for President Appointment and Search (agenda Item #3) - At the Board of Regents' request, Chief of Staff and Special Counsel to the Board Scott Wasserman presented options and best practices related to policies governing vacancies in the office of president of a member institution. The discussion included a review of a proposed policy (see handout on file in the Board office) for the designation of an Officer in Charge at each institution and policies governing the appointment of an Acting President or an Interim President. The Board also reviewed potential policies governing national searches for candidates and for the appointment of institutional presidents, including, but not limited to, the process to name an Acting President, the structure, size and charge of the president search committee, consideration of acting interim presidents as viable candidates for the permanent appointment, and the Board's appointment of a permanent President. Additionally, because it has become more common for the provost of an institution to be considered for appointment as Acting Interim or Permanent President, the Board discussed a policy requiring national searches for recruiting candidates when a vacancy occurs in the office of Provost. The Board directed Mr. Wasserman to prepare additional information and/or policy revisions for discussion and/or potential action at a future meeting of the Board (ref. BOR-3 and handout on file in the Board office).

In terms of background and research for discussion, Mr. Wasserman reviewed the Association of Governing Boards (AGB) publication 'Presidential Searches' and conducted a search of various state and university provisions. The AGB had been contacted directly to determine if a model existed for president search best practices, but such a model was not available. In addition, the NSHE Board (38 Tc2-2 (i)-2 (on(i)-2 (t)-2 (0 Tc 0 Tw -30.7 -1.18 To

3. Information Only- Best Practices for President Appointment and Search (Agenda Item #3) –
(Cont'd.)

Chair Geddes said the presidents were consistently notifying the Chancellor and the Board Chair if they will be out of the state or country

Chancellor Klaich stated the Board has reserved the right to appoint presidents. It was

3. Information Only- BestPractices for President Appointment and Search *(Cont'd.)* – *(Agenda Item #3)*

3. Information Only- Best Practices for President Appointment and Search (agenda Item #3) –
(Cont'd.)

Regent Crear asked if the proposed policy will change existing Code requirements that a search be conducted when there is a vacancy in the office of president. Mr. Wasserman explained the proposed policy provides the option to appoint an acting president immediately conduct a search or appoint an interim president for one to three years a which time the Board could hire that interim president or determine to conduct a search. The proposed policy makes it clear there are different avenues the Board can take.

Regent Crear was strongly against the suspension of the Board's search policies. He felt that suspending those policies was an easy way to eliminate the search process. He felt the System did not have a diversified bench for succession planning and therefore the search process was critical.

Regent Blakely expressed his discomfort requiring a search for an institution's provost. He asked Presidents Johnson and Smatresk if they were comfortable with that proposal. President Smatresk felt the proposed policy was a reasonable approach. President Johnson agreed.

Regent Wixom felt it unwise for the Board to rely upon its authority to deviate from the process. To the extent the Board's policies are suspended, the authority of the Board and those policies are undermined. He felt the System needed to do a better job of succession planning and preferred an approach where policies are held sacrosanct and a waiver or suspension is rare. Regent Wixom believed the System needed to do a better job to create succession planning and deepen the diversity of its administrations. He felt the Board had not done a good job of holding the Chancellor or the presidents accountable for diversifying and deepening the search and hiring process.

Regent Trachok agreed with Regent Wixom's concerns. He asked Regent Crear if his concerns would be addressed if each institution conducted searches for provosts and other members of the president's cabinet. Regent Crear replied he could begin to address his concerns.

Regent Kiecht said accountability in diversity should be an active part of the president evaluation process. Intellectual diversity should occur with equal opportunity and demographic blindness. He agreed evidence upon policy exceptions undermines confidence in the procedures but it was important not to be overly prescriptive in policy development. He also felt having a national search policy in place did not necessarily presume it was a superior policy. If diversification at the administrative level was to be conducted along with a practice of promoting from within, the option to conduct a national search would be more the exception and not the rule.

Mr. Wasserman continued to present points 4 through 9 of the proposed policy handout dealing with relocating *Procedures & Guidelines Manual* provisions to the *Handbook*, presentation of search finalists to the Board, clarification of the Chancellor's participation

3. Information Only- Best Practices for President Appointment and Search (Cont'd.)

Chair Geddes indicated if a process for the selection and diversification of the presidents' cabinets is addressed in the presidential evaluation process there may not need to be a Board policy on conducting searches for the position of provost

Regent Melcher shared Regent Wixom's concern for the makeup of the institutional advisory committee and the full Board interview of the finalists. He asked if the Board wanted to include a provision for the use of an appropriate title whether it is Acting President, Interim President or President. Mr. Wasserman replied that could be codified. However it is current practice to use "President" regardless of acting or interim status

Regent Melcher suggested the term "if any" used in the proposed Title 2, Chapter 1, Section 1.5.4(f) related to the representative of the classified or technical employees organization also apply to graduate students. Not all types of institutions have graduate students.

Regent Melcher asked if "Regents" could be placed before Presidential Search Committee to better clarify the search committee's relationship with the Board help clarify the role of the institutional advisory committee. Mr. Wasserman indicated his recommendations are aligned with best practices of the ACAA. But there is only one committee that could be called the Regents' Presidential Search Committee. His experience has shown having the one committee dramatically increases participant involvement.

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3. Information Only- Best Practices for President Appointment and Search (Cont'd.) – (Cont'd.)

Regent Trachok strongly felt the Presidential Search Committee should be charged with the responsibility of recommending a single candidate to the full Board. Doing otherwise would lengthen the process.

Regent Leavitt emphasized the Board of Regents relies upon the committee system as a lay board. He has tremendous respect for the Regents who chair each committee. There are valid reasons why certain people have been placed on certain committees. He has not experienced one occasion where a committee has done something he personally objected to although he may have come to a different conclusion. Secondly, he felt the flexibility to go outside the process as often as from within it is not necessarily a bad thing. He felt the Board wanted to support a candidate from within if the appropriate person is available.

Regent Leavitt did not believe the charge of the search committee for the position of provost should be to find the next president of an institution. The provost is not always the best person to be a president. He hoped that also was not the institution's first priority when conducting a search for a provost. He believed flexibility and responsiveness should be retained as hallmarks of the Board of Regents when considering revisions.

Chair Geddes stated Mr. Wasserman will bring forward more information at a future meeting. Regent Crear requested each element of the proposed policy be presented separately when the policy is brought back so that each element can be acted upon individually.

The meeting recessed at 11:00 and reconvened at 11:12 a.m. on Friday, October 19, 2012, with all members present.

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5. Action Taken – Review of Special Investigative Council's Report on Penn State
Item #5) – (Cont'd.)

Vice Chancellor Nielsen understood the Board's concern to be proactive and believed an important step in meeting the concern was through presentation of the report and review of the institutional responses and proposed initiatives. (Pages 12 through 18 of Ref. BOR-5b).

Regent Wixom moved approval to direct Vice Chancellor Nielsen to coordinate with General Counsels on all issues related to protection of children and to require review of System and institution progress in implementing initiatives for the protection of children and to direct the campus general counsels, human resource directors or others as appropriate to 1) review, draft and appropriate revise all policies related to the protection of children; 2) to ensure that all policies are consistently enforced; 3) to ensure that all mandatory training in matters related to protection of children is regularly offered and attended; and 4) to periodically monitor, coordinate and review progress in implementing initiatives for the protection of children. Regent Page seconded.

Regent Geddes requested an annual report on the coordination and implementation of protection policies be presented to the Board.

Regent Melcher believed it a challenge to develop a consistent and ongoing culture of training so areas of liability do not develop. He asked for a discussion to be held at the Board level on a Systemwide police department or hierarchy. He felt a discussion may help the smaller campuses with security issues. He asked if there was a System checklist of protection measures that could be referred to when new programs or services are implemented. Such a checklist could then be added to and improved upon.

Regent Page noted the Chancellor has been working on a Systemwide structure for police services.

Regent Leavitt asked if professionalization of the campus police forces has been considered. Vice Chancellor Nielsen replied that the campus police departments already receive the highest level of training offered or required of police officers in the State of Nevada. However, consideration could be given to how they are managed. Although the police departments are the creation of the Board, they do not report directly to the Board outside of the annual reporting requirement.

Regent Page appreciated the report and the recommendations. He suggested the creation of tools such as online training and testing for certifications. He believed there could be position of inspector general created within the System. He recently read a report from

5. Action Taken – Review of Special Investigative Counsel’s Report on Penn State
Item #5) – (Cont’d.)

CSN after their police and fire chiefs went to a FEMA conference. He felt each campus had many good ideas and that collectively those ideas could be shared. He felt the entire Board should receive training on the Clery Act.

Regent Anderson also agreed it was important for the entire Board to receive training on the Clery Act. She also asked the System to quickly standardize on whom and how often background checks are conducted.

Regent Crear related the Cultural Diversity Committee a discussion regarding training and creating a culture and environment that is welcoming and conducive to learning. The discussion revealed many people in academia do not want to go through that type of
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6. Information Only -System Governance (*Agenda Item #6*) - Dr. Sheila Stearns, former Commissioner of Higher Education in Montana and former Vice President of the University of Montana, Chancellor of UW Western, and President of Wayne State College in Nebraska, facilitate a discussion regarding the Board's effectiveness in key areas of responsibility. The discussion serves to establish a clearer understanding of the responsibilities and roles of the Board, the Chancellor and the Presidents in managing the System. (*Refs. BOR-6a, BOR-6b, BOR-6c, BOR-6d and handouts on NWCc -0.0Ts on NWnts in mibi io (ifu0.0Twiu0.0Twtu(a)]T-lgs m-1.18 Bd, te-l, e Su(a)]TJ 0 Tc64 Tw 8 Bd, Td [(-l)*)

6. Information Only -System Governance *Agenda Item #6) – (Cont'd.)*

Regent Leavitt clarified the Board Development Committee was eliminated with its responsibilities being delegated to the Board Chair and Vice Chair.

Mr. Wasserman clarified through the Effectiveness and Efficiency Initiative, the Board has discussed related governance issues and those issues continue to be brought to the Board. Mr. Wasserman will also redistribute last year's statement to the presidents indicating the type of self-review conducted by the Board.

Chancellor Klaich said that at the September 2012 Board of Regents' meeting, the System staff provided a report on the strategic direction initiatives that had been identified by the Board. That information could be taken one step further in the form of a report outlining the directions taken by the campuses in response to the Effectiveness and Efficiency Initiative. He will work with the presidents on preparing that report f

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The meeting adjourned at 25 p.m.

Prepared by: Jessica C. McMullen
Special Assistant and Coordinator to the Board of Regents

Submitted for approval by: Scott G. Wasserman
Chief of Staff and Special Counsel to the Board of Regents

Approved by the Board of Regents at its January 11, 2013, meeting.