SPECIAL MEETING

BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Student Union, Ballrooms B & C
University of Nevada, Las Vegas
4505 S. Maryland Parkway, Las Vegas

Friday, April 19, 2013

Video Conference Connection to:
System Administration, Reno
2601 Enterprise Road, Conference Room
and
Great Basin College, Elko
1500 College Parkway, Berg Hall Conference Room

Members Present:
Dr. Jason Geddes, Chair
Mr. Kevin J. Page, Vice Chair
Dr. Andrea Anderson
Mr. Robert Blakely
Mr. Cedric Crear
Dr. Mark W. Doubrava
Mr. Ron Knecht
Mr. James Dean Leavitt
Mr. Kevin C. Melcher
Dr. Jack Lund Schofield
Ms. Allison.15 Td [J Td [J T7 Ms. Crystal Abba, Vice Chancellor, Academic & S
Ms. Brooke Nielsen, Vice Chancellor, Legal Affairs
Mr. Vic Redding, Vice Chancellor, Administration and Finance
Dr. Marcia Turner, Vice Chancellor, Health Sciences System
Ms. Renee Yackira, Vice Chancellor, Administration and Operations
Mr. Scott Wasserman, Chief of Staff and Special Counsel to the Board
Dr. Michael D. Richards, President, CSN
Dr. Ellie Oppenheim, Provost, DRI
Dr. Mark A. Curtis, President, GBC
Mr. Bart Patterson, President, NSC
Dr. Maria C. Sheehan, President, TMCC
Dr. John White, Provost, UNLV

2. Information Only -2013-2015 NSHE Biennial Budget (Agenda Item #2) –

Regent Crear asked the Chancellor to elaborate on the Governor's statement regarding the restoration of faculty pay and benefits. Secondly, Regent Crear asked if the additional $10 million request for the Knowledge Fund was negotiable. Chancellor Klaich said a determination regarding additional appropriations for the Knowledge Fund will not be made until the Economic Forum meets on May 1, 2013. A variety of critical needs for additional funding have been identified by the Legislature including some in higher education and some in other areas such as Health and Human Services. The Governor anticipated the availability of enough funding to reduce furloughs by half in the first year of the biennium and then completely eliminate furloughs in the second year of the biennium.

Regent Knecht requested copies of a March 1, 2013, email from Chancellor Klaich, including an attached document as prepared by Special Consultant to the Chancellor Mark Stevens, be distributed to meeting participants for discussion later in the meeting (on file in the Board Office)

1. Information Only – Public Comment (Agenda Item #1) – (Cont'd.)

Regent Knecht shared a thank you message from WNC's 2013 Regents' Scholar award recipient Mr. Darren Kyte with the full Board.

3. Action Taken – Legislative Report (Agenda Item #3) – The Board received an update on legislative measures being considered by the Nevada Legislature impacting the Nevada System of Higher Education. A list of the specific legislative measures is posted with this meeting's agenda as Appendix A (pages 7-19). The Board of Regents approved its positions on legislative bills as indicated on Appendix A and as updated verbally by Vice Chancellor of Administration and Operations Renee Yackira with the exception of Assembly Joint Resolution 8 (AJR 8) [proposed constitutional amendment to provide for appointment of a Student Regent to the Board] and AB 148 [makes various changes relating to concealed firearms] which were acted upon separately. The Board took a position in opposition to AJR 8 including

3. Action Taken – Legislative Report (Agenda Item 3) – (Cont'd.)

Regent Melcher asked if Student Regent is allowed then why not a Faculty Regent or a Classified Staff Regent. He also expressed concern for the number of times a conflict of interest would arise requiring the Student Regent to excuse themselves from voting.

Regent Anderson agreed with the concerns expressed thus far. She asked how it will be determined which institution the Student Regent will be from. She said a one or two year appointment would be too short of a term with the steep learning curve involved.

Regent Leavitt said the current 13 elected Regents represent every constituent in the state

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3. Action Taken – Legislative Report (Agenda Item #3) (Cont'd.)

Regent Knecht withdrew his previous motion on SB 391.

Regent Knecht clarified his withdrawal of the motion did not prejudice the question of whether there needed to be a better set of policies and procedures.

Chair Geddes agreed. He suggested the Board provide direction to System staff through a motion to ratify all the positions as presented, such as on a consent agenda.

Regent Blakely asked for an update on the possible exemption from public works projects for schools. Vice Chancellor Yackira said legislative discussions are still in terms of a pilot program and have not made it into bill form.

Regent Stephens

3. Action Taken – Legislative Report (Agenda Item #3) – (Cont'd.)

Regent Crear thought AB 143 was a dead bill. Chair Geddes confirmed AB 143 is a dead bill. However, before the legislative session comes to an end it may be amended into other currently active firearms bills.

Regent Knecht said AB 143 would change existing statute to allow persons who have gone through training, investigation and due diligence by the county sheriff's office to receive a Concealed Carry Weapon Permit (CCW) and have the right to exercise their privileges on NSHE campuses just as they would anywhere else. He felt this issue was simply whether to continue the habit of declaring "gun free" zones which has no effect on the bad guys but does make those areas less safe for the good guys.

Regent Knecht felt a good example of such an occurrence was in the case of Amanda Collins who also testified before the Legislature. Ms. Collins was assaulted and raped in one of the System's parking garages within 100 feet of the campus police station. The same man who assaulted and raped Ms. Collins also raped another woman and kidnapped, raped and murdered Brianna Dennison. He quoted Ms. Collins as having said the people who oppose the ability for those with a legal permit to carry a weapon on campus in her mind have the blood of the victims on their hands. Regent Knecht felt Ms. Collins point was a reasonable one to argue.

Regent Knecht said people who believe places of learning should not allow law-abiding citizens to carry a weapon may ignore that law-abiding citizens will still have the weapon and will use those weapons for their own bad purposes. The good guys will be defenseless.

As reflected in his testimony before the Nevada Assembly Judiciary Committee on April 3, 2013, Regent Knecht shared a story about one of his students at WNC who held a CCW. Regent Knecht felt it needed to be considered how one student being able to exercise their CCW rights on campus could have made a difference at the Virginia Tech mass murder several years ago.

Regent Wixom asked if Regent Knecht was saying if he opposes AB 143 and Regent Knecht's motion then he would have blood on his hands. Regent Knecht said it is not what he said but what Ms. Collins said.

Regent Wixom said Regent Knecht had said Ms. Collins statement was a reasonable assumption. Regent Knecht clarified he had said Ms. Collins statement was a reasonable argument.

Regent Wixom felt that sort of illogical argument and nonsensical rhetoric made any discussion largely emotional and ineffective. He took great offense to Regent Knecht's statement and strongly opposed the motion.

3. Action Taken – Legislative Report (Agenda Item #3) (Cont'd.)

Regent Stephens said when she contacted System Administration to ask about AB 143 she had been told the System's position was in opposition. However, in light of recent information and after her review of the minutes from the September 2012 Board of Regents meeting, she felt she had been misled in being given that information. In her opinion, the September 2012 meeting minutes reflect the Board chose to align a policy with existing state statute. She felt she was deliberately misled by NSHE staff in their statement the Board of Regents had made a determination with regard to the topical nature of AB143. She said she was in support of Regent Knecht's motion to change the System's position from opposition to in support of AB 143.

Chancellor Klaich felt he and the staff had been accused of misleading a Regent in addition to not being consistent with the Board of Regents' direction. Chancellor Klaich read into the record Board of Regents' Handbook, Title 4, Chapter 1, Section 21(1) which states "Except as otherwise provided in this section, a person shall not carry or possess while on the property of the NSHE, a private or public school or child care facility, or while in a vehicle of a private or public school or childcare facility:…" and then goes on to list a number of dangerous weapons including guns. The Board's policy is what he testified to and has been the policy and position of the Board for nearly thirty years. To state NSHE staff has done anything other than testify in favor of the position of the Board was relatively offensive to him.

Regent Stephens said she was not speaking to the previous thirty years. She was speaking to a specific conversation with NSHE staff regarding the specific piece of legislation and actions taken at the September 2012 Board meeting. She wanted to be clear why she was in support of changing the System's supposed opposition to SB 143 because she did not feel she received accurate information when requested. She felt obligated to provide the reasons for her stand on the issue as an official and a Board member and had no wish to spar back and forth.

Regent Crear said for the benefit of those not on the Board or on the Cultural Diversity Committee previously under the leadership of former Regent Stavros Anthony, the related policies and procedures being discussed had been vetted at length, over the span of numerous meetings that included public comment and dialogue. The policy was vetted through the full Board of Regents and the decision was not to change the policy.

Regent Knecht said Assemblywoman Michele Fiore had not been a legislator who had proposed a Bill Draft Request, let alone AB 143, when Regent Anthony had been on the Board. He said Regent Anthony had proposed a POST certification process for faculty and staff which was debated and voted upon by the Board members. Although the discussion at the time may have contained some commonality it was not the same as AB 143. The Board had taken no position on the particular provisions of AB 143 back then or at the September 2012 meeting when the Board implemented the current statute referred to by Regent Stephens.

3. Action Taken – Legislative Report (Agenda Item #3) (Cont'd.)

been the only narrow exception the Board has made to its policy since 1984. He felt it a fair statement to say it remains the policy of the Board to this day but could be changed by the Board.

3. Action Taken – Legislative Report (Agenda Item #3) (Cont'd.)

He asked Mr. Wasserman if the posted agenda language was not broad enough to accommodate the Board taking action to adopt a procedure regarding legislative reports.

Mr. Wasserman said Regent Knecht's email request indicated he wanted to discuss the issue but did not contain a specific proposal for changing the policy. The agenda item

2. Action Taken - 2013-2015 NSHE Biennial Budget (Agenda Item #2)

[redacted]

[redacted]

5. Information Only -UNLVNow Project (Agenda Item #5) (Cont'd.)

authorized agreements with the Board of Regents. As introduced, the bill indicates the Board of Regents must appoint its members to the Authority by the end of August 2013 or the tax district essentially ends. In addition, if the Board of Regents has not reached formal agreement with the Authority by the end of June 2017 the tax district would end at that time.

Mr. Bomotti said AB 335 as introduced establishes the membership of the Authority board as nine members. Four of those members will be appointed by the Board of Regents further clarifying the non-recourse relationship of the Board to the project. AB 335 as introduced requires six votes for any action to be taken by the Authority.

Regent Trachok asked if the proposed tax district will encompass the UNLV campus.

5. Information Only -

5. Information Only -UNLVNow Project(Agenda Item #5) (Cont'd.)

5. Information Only -UNLVNow Project (Agenda Item #5) (Cont'd.)

Regent Crear asked if the Authority would only have influence over the events center and the entertainment district. Mr. Bomotti said the bill is currently drafted to include the entire campus in the tax increment district. The Authority would have authorization for activities on property owned or controlled by the Board of Regents only with the Board's approval.

Regent Crear asked if the improvements will be turned over to the Board of Regents when the Authority has paid off the debt. Mr. Bomotti responded that was correct.

Regent Crear said although the bill speaks of prevailing wage and the competitive bid process it does not include any of the supply chain inclusion issues addressed by the Regents' Cultural Diversity Committee over the last six years such as minority-owned businesses, diversified business, disadvantaged businesses, veteran businesses and so forth. He asked how the Board of Regents could hold the Authority responsible to comply with those types of requirements. Mr. Bomotti said although most of those provisions are required by state law, additional Board mandates, policies or direction could be included through the negotiation process.

Regent Crear asked if it would be possible for the Board to establish goals or thresholds involving supply chain inclusion as the project moves forward. Mr. Swendseid said those issues are before the Supreme Court every year but within the limits of the law such thresholds could be established.

Regent Crear said he wanted all future agreements presented to the Board for its consideration to include goals and thresholds addressing not only prevailing wage and the competitive bid process but also various supply chain inclusion issues such as minority, disabled or veteran businesses.

Regent Anderson asked if the proposed organizational structure contained in AB 335 is similar to a redevelopment agency with the difference being the use of sales tax instead of den Coull a1 ( )]TJ [(hr)3 (tA(s)-1 (hol)-2 (dUal)-2 ((l)-2 (s)-1 (a)4-1 (holdUal)-2 (()4 ( )]-1 (r)]T

5. Information Only -UNLVNow Project (Agenda Item #5) (Cont'd.)

Regent Knecht asked the Board be allowed to review any contract or agreement including PLAs or prevailing wage provisions. He also requested data on the economic impact and cost-in-time increase expected from those contractual aspects.

Regent Leavitt said obviously a relationship with Majestic Reality Co. had been severed and asked for an update on the status of the project. Dean Snyder said AB 335 is important because it empowers a process stepping away from Majestic Reality Co. had nothing to do with the company itself. When the project evolved from being a UNLV centric project to one involving regional and resort industry concerns, it became clear there needed to be a different relationship with UNLV going forward.

5. Information Only -UNLVNow Project(Agenda Item #5~~)~~ (Cont'd.)

6. Approved -PEBP Task Force (Agenda Item #6) – (Cont'd.)

Wassermanhe also participate in t ussion, and any action on, this item bef e Board.

Vice Chancellor Yackira said the PEBP Task Force has actively participated in the PEBP Board meetings through public nt. An analysis conducted by healthc consultant BBI was brought forward to t BP Board. However, only data on the PEBP's NSHE participants was availa Some assumptions had to be made with respect to where NSHE to be in r0E2P(pa)4 (n)-10 (t)-2 (s)-1 (w)2 (a)o be mato be md(N)4 i4 (m

6. Approved -PEBP Task Force (Agenda Item #6) – (Cont'd.)

Regent Knecht felt it could be extrapolated there is an impact due to the demographic differences or the PEBP has not done as well as it could in bidding out the options. Mr. Bomotti said with the data available the NSHE knows its pool would be able to save a significant amount of money. However, it could be argued the NSHE is at an advantage and its separation from the pool would cost everyone else more money.

Regent Page asked if the data was not available because it was not collected. Mr. Bomotti responded it was surprising in today's healthcare market that there was not a central location to look at all the experience data.

Motion carried. Regents Doubrava, Stephens and Wixom were absent.

7. Approved – Staff to Bring Forward Handbook and Procedures & Guidelines Manual Revision, Vacancies of System Officers – President Appointment and/or National Search; Provost National Search (Agenda Item #7) - The Board of Regents approved staff preparing for final Board approval of the June Board meeting a proposed policy revision addressing vacancies in the office of president and best practices in appointing president search committees and provisions requiring national searches when a vacancy occurs in the office of provost (Handbook, Title 2, Chapter 1, Sections 1.5.4 and 1.5.5 and Procedures and Guidelines Manual, Chapter 2, Section 10) with an amendment to proposed Handbook revision, Title 2, Chapter 1, Section 1.5.4(e)(2) to delete superfluous phrase, and an amendment to Title 2, Chapter 1, Section 1.5.4(f) reflecting "up to three administrators" be appointed as institutional advisory and without Alternative A as presented but with the requirement for a two-thirds vote of the full Board to appoint an interim president. (Ref. BOR-7a; BOR-7b; and BOR-7c on file in the Board Office).

Chief of Staff and Special Counsel to the Board Scott Wasserman said he had reviewed the minutes and audio recording of the October 19, 2012, meeting of the Board at which the proposed policy revisions were first reviewed. The Board's suggestions were incorporated into the proposed policy revisions, including:

Decision Unit #1 – Officer in Charge – The Chancellor's Office now has on file a succession plan from each institution designating campus authority consisting of three persons currently serving the institution, that are, in the order listed, deemed to be the officer in charge should a temporary absence or vacancy occur in the office of president.

Decision Unit #2 – Chancellor's Recommendation of Acting President – Codifying Current Practice – When a vacancy occurs in the position of president of a member institution, the chancellor and the chair of the board visit the involved campus to meet with the major constituencies to receive suggestions and input for the recommendation of an acting president. Although this not a Board action, it does occur prior to a Board meeting.

7. Approved -Staff to Bring Forward Handbook and Procedures & Guidelines Manual Revision, Vacancies of System Officers – President Appointment and/or National Search; Provost National Search (Agenda Item #7) – (Cont'd.)

Regent Trachok asked if the other boards canvassed require an interim president to serve one year before a decision can be made to permanently hire. Mr. Wasserman said the proposal for a minimum of one year was a result of the Board's previous discussion in addition to a review of other board's policies and recommendations of the Association of Governing Boards (AGB).

Regent Trachok asked if an interim president with a one to three year term negatively impacts the institution. Mr. Wasserman said the presidents indicated there is a perceived level of instability when an institution is headed by an interim president. He felt the proposed clarification of an acting president verses interim president will be helpful.

President Johnson perceived a difference in how he had been treated by community members as an interim president. He encouraged the Board to minimize the amount of time an interim president is in charge.

President Patterson felt an interim president has more of ability to take action. He would not want an acting president's term to be very long.

Mr. Wasserman said the AGB also cautions against acting in haste. There will always be a period of uncertainty while conducting a national search. However, the proposed policy allows for a separation between the end of an acting and interim president.

Regent Melcher asked if the proposed policy could be amended to allow the Board to appoint an interim for one year with the ability to extend the term if necessary. He felt three years would be an extreme. Mr. Wasserman said even under a three year term it is really a two year period with an evaluation occurring at the end of the second year

Regent Trachok asked if any institutions hire provosts with the mindset the provost would be stepping into the president position. Mr. Wasserman said there is a portion of the higher education community looking to succession planning rather than simply relying on national searches to find the next president. He said one of the next policy proposals addresses the hiring of provosts and/or succession planning.

Decision Unit #4 – Regents' Presidential Search Committee – There would be no change to the makeup of the Regents' President Search Committee or the institutional advisory members. The proposed policy revision clarifies there is one Regents Committee with institutional advisory members serving as non-voting members to advise the voting Regent members on matters being considered.

Decision Unit #5 – Role of the Regents' Presidential Search Committee – The proposed policy revisions include moving provisions contained in the Procedures and Guidelines Manual to the Handbook for a more consolidated and clear policy. The proposed Handbook policy indicates if the Board determines not to appoint the nominee(s) recommended by

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7. Approved -Staff to Bring Forward Handbook and Procedures & Guidelines Manual Revision, Vacancies of System Officers – President Appointment and/or National Search; Provost National Search (Agenda Item #7) – (Cont'd.)

Regent Crear asked if the Board has a choice between appointing an acting or an interim president. Mr. Wasserman responded that was correct.

Regent Crear asked if the acting president will be able to participate in the search and/or become a permanent president. Mr. Wasserman stated the acting president would not be eligible to become the permanent president if the Board chooses to go the route of appointing an acting president.

Regent Crear said history has shown the Board will bypass the in order to appoint the acting president as the permanent president. Mr. Wasserman stated under the proposed provisions a two-thirds majority vote of the Board must be received in order to authorize deviations from the process as defined in the policy. He noted such action could also be taken under existing policy.

Regent Crear asked if the interim president can be a candidate in a national presidential search. Mr. Wasserman stated if the Board is planning to do a search, it will appoint an acting president under the proposed provisions. If the Board has a candidate in mind, then it will appoint that person as interim president and then in up to two years it can conduct an evaluwo24 Td [(y)6 (p)10 (as)-5 (s)-1 (t)-6 (h)-4 (e)(fo)3 (e)

7. Approved -Staff to Bring Forward Handbook and Procedures & Guidelines Manual Revision, Vacancies of System Officers – President Appointment and/or National Search; Provost National Search (Agenda Item #7) – (Cont'd.)

7. Approved -Staff to Bring Forward Handbook and Procedures & Guidelines Manual Revision, Vacancies of System Officers – President Appointment and/or National Search; Provost National Search (Agenda Item #7) – (Cont'd.)

Regent Leavitt said as a lay board the Board of Regents relies on a committee structure. In his eight and half years as a Board member he has never second guessed a decision made by a committee. Although not perfect, the full Board needed to respect the committee process unless it was willing to function as a committee of the whole.

Regent Page added the process needs to also include a better job of vetting the search consultants. He suggested keeping a summary report of the process conducted by each search consultant for future reference.

Regent Leavitt said he would not be troubled by the full Boards participation in the interview of the search consultant.

Motion carried. Regent Crear voted no. Regents Doubrava, Stephens and Wixom were absent.

8. [redacted] Athletics (Agenda Item #8) – Mr. R. Scott Young, Deputy Chief of Staff to the Board of Rege[redacted]national [redacted]d [redacted]utlining [redacted]

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Athletics (Agenda Item #8) – (Cont'd.)

said options to address that aspect of hiring a search consultant could be researched and brought back to the Board at a future meeting.

Regent Page felt search consultants should be required to appear before the Board.

9. Information Only - New Business (Agenda Item #9) – Regent Knecht said the minutes of the May 19, 1993 Board of Regents meeting reflect a "marriage" of the College of Agriculture, Biotechnology and Natural Resources and the University of Nevada Cooperative Extension at the UNR College of Agriculture. Then at the January 14, 1999, meeting an announcement was made that the two programs were separated. Regent Knecht asked that the reorganization of the two programs be discussed, debated and fully vetted by the Board at its next meeting. Chair Geddes asked Regent Knecht to forward him the information referred to.

Secondly, Regent Knecht requested a discussion item or potential action item on the next agenda to discuss the number of NSHE staff or representatives sitting at one time in the various legislative hearings and elsewhere.

10. Information Only - Public Comment (Agenda Item #10) – None.redaredd2ID-22ate