SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION
System Administration, Las Vegas
4300 South Maryland Parkway, Board Room

Friday, April 24, 2015

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

Members Present:
Mr. Kevin J. Page, Chairman
Mr. Rick Trachok, Vice Chairman
Dr. Andrea Anderson
Mr. Cedric Crear
Mr. Robert Davidson
Dr. Mark W. Doubrava *(Reno)*
Dr. Jason Geddes *(Reno)*
Mr. Trevor Hayes *(Reno)*
Mr. James Dean Leavitt
Mr. Sam Lieberman
Mr. Kevin C. Melcher
Ms. Allison Stephens
Mr. Michael B. Wixom

Others Present:

Regent Allison Stephens led the Pledge of Allegiance.

A moment of silence was held for Regent Kevin C. Melcher's brother Joe Franklin Melcher III and Chairman Page's father-in-law Patsy Tabor.

Birthday wishes were given to Regent Robert Davidson and Special Assistant and Coordinator Patty Rogers.

4. Approved - 15 to Finish Enrollment Intensity and Student Achievement Campaign *(Agenda Item #4) – (Continued)*

Regent Wixom moved approval to continue the 15 to Finish campaign and have the Chancellor's Office continue to monitor and report back to the Board on the success of the campaign, including tracking students who accumulated at least 30 credits in their first year of enrollment and through degree or certificate completion. Regent Sam Lieberman seconded.

Regent Wixom believed this was the most effective program adopted in his 10 years on the Board and a great accomplishment. Regent Anderson agreed and added it needed to continue.

Regent Lieberman stated this is a flagship program and the System should work to incorporate non-traditional students.

Regent Melcher asked to see the impact of the program on the new funding formula.

President Bart J. Patterson, Nevada State College (NSC), pointed out 15 to Finish really works well with other retention building programs. If they get a more solid need based financial aid program it will greatly assist the first time student population in attending school full time.

Regent Crear asked how they expand the program and engrain it in the cultures of the institutions. Vice Chancellor Abba stated the institutions have to make it a dialogue across their campuses.

Chairman Page entered the meeting.

President Marc A. Johnson, University of Nevada, Reno (UNR), stated when UNR does high school recruiting it is mentioned multiple times by multiple people. They have known from prior studies that students who take full credit loads are more likely to graduate. However, if individuals need to work full-time the University supports them also in their endeavors.

Regent Stephens asked if there is a phase two associated with the cultural implementation and strategies, how they would get there. Vice Chancellor Abba stated part of the challenge at the time is her department does not have enough personnel. Asking the instituti

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Regent Melcher believed it was up to the institutions to make it their own on the campuses.

Chancellor Klaich reported the efforts of this report will be reflected in the metrics the Board has talked about. He thanked Vice Chancellor Abba and her staff for their incredibly hard work on this campaign.

Regent James Dean Leavitt stated the System needed to complete the website as it is a perfect place to tell the story.

President Maria C. Sheehan, Truckee Meadows Community College (TMCC), agreed the work lies with the individual campuses, because each campus has its own unique population characteristics.

Motion carried. Regent Hayes was absent.

The meeting recessed at 10:04 a.m. and reconvened at 10:10 a.m. with all members present except Regent Hayes.

5. Approved & Action Taken- Student Housing Project Resolution, Implementing Agreements and Funding Plan, UNLV *(Agenda Item #5)* – The Board approved the following implementing agreements and documents: (1) Assignment and Assumption Agreement for the purchase of University Park Apartments, (2) Lease Agreement for University Park – First Phase, (3) Lease Agreement for the University Park - Future Phases, (4) Project Development Agreement, the funding plan to pay the $18.5 million price of the property: $6.4 million balance in Land Acquisition Reserve Account; $4.8 million in Capital Improvement Funds; $6.9 million in General Improvement Funds; $400,000 in additional non-state institutional funds, a Resolution making certain findings related to existing bond covenants for student housing and the University Park Apartments project; final approval of the manager is subject to Board approval and authorized the Chancellor to approve amendments or revisions to the Implementation Agreement that he, in consultation with the Board Chair, determines to be minor. *(Ref. BOR-5 and handout are on file in the Board Office)*

Regent Wixom indicated he is a shareholder in the law firm of Smith Larsen & Wixom. His areas of practice include banking, real estate finance and commercial transactions. He has represented and does represent Wells Fargo on various projects in this capacity. Since the Midby Company has been awarded the opportunity to purchase University Park Apartments from Wells Fargo and wishes to collaborate with UNLV on a student housing project, Regent Wixom made this disclosure and noted he would abstain from voting on this item and would not advocate the passage or failure of the item, but he may otherwise participate in the consideration of this matter.

Chairman Page indicated he is currently employed in the capacity of Managing Director and Senior Relationship Manager for Wells Capital Management–Institutional Investment Management Services. Neither Wells Capital Management nor Regent Page are involved in the negotiations for this property and he will not receive any benefit or detriment from this transaction. Since the agenda item being considered does not impact

5. Approved & Action Taken- Student Housing Project Resolution, Implementing Agreements and Funding Plan, UNLV *(Agenda Item #5)* – *(Continued)*

Regent Page or his employment, he disclosed the information so that the relationship and the factors leading to this conclusion are on the public record. Furthermore, while he would not be statutorily required to abstain on this item, to avoid any appearance of impropriety he noted he would abstain from voting on this item.

President Len Jessup, UNLV, stated there are 24,000 undergraduate students on the campus and 75 percent of those are full time students. The University only has room for approximately 1700 students to live on campus. The University needs to do more to increase on-campus and off-campus close proximity living.

Vice President Gerry Bomotti, Finance and Business, UNLV, summarized the student housing project at the current University Park Apartments site including the implementing agreements, funding plan and the Resolution.

5. Approved & Action Taken- Student Housing Project Resolution, Implementing Agreements and Funding Plan, UNLV *(Agenda Item #5)* – *(Continued)*

Regent Hayes entered the meeting via telephone.

Regent Crear asked if the project would fall under the Supply Chain Inclusion policy, with Vice President Bomotti responding yes.

Motion carried. Regents Page and Wixom abstained.

Regent Crear asked if alcohol was sold at Thomas and Mack or any other place on campus. Vice President Bomotti answered not as packaged alcohol, but UNLV does have the authority to allow purchase of alcohol at special events in bar areas. Regent Crear did not feel comfortable allowing students to purchase alcohol in their living quarters.

Regent Jason Geddes did not have a problem with the alcohol sales, because the students can walk across the street and purchase it. In his experience a vendor selling on campus is more stringent in the sale.

Regent Stephens asked if selling alcohol on campus presented additional liability issues. Vice Chancellor Brooke Nielsen, Legal Affairs, stated because alcohol is already sold on campus it would not be an additional liability. She was not aware of any case law or decisions where packaged alcohol was a factor in determining liability. Regent Stephens added it was important to note this was not freshman housing, but upper classman, and because of that she was in favor.

Regent Anderson stated there was a distinction between packaged alcohol and buying a drink at an event. At an event the bartender is facing the person buying the alcohol, where packaged alcohol can be taken back to a location and distributed to underage people. She was against selling packaged alcohol on campus.

Regent Leavitt believed the developer should be able to maximize the value of their investment.

Regent Leavitt moved approval to allow this property to be developed with the ability to sell alcohol as the developer sees fit. Regent Stephens seconded.

Regent Melcher did not feel the Board had the proper information in hand to make a final decision.

Regent Lieberman would be more comfortable if there was a café or dining setting in the building, but would vote against the motion because it sets precedence for future housing developments.

Board of Regents’

5. Approved & Action Taken- Student Housing Project Resolution, Implementing Agreements and Funding Plan, UNLV *(Agenda Item #5)* – *(Continued)*

Regent Melcher thanked the UNLV team for their work on this project. He appreciated the linked table of contents of attachments in the reference material. Special Advisor Wasserman noted it was a table of contents provided by UNLV that Board staff was able to hyperlink and will take the suggestion under advisement on the lengthier items.

Mr. John H. Midby, The Midby Group, appreciated the discussion and noted their main objective is to lease student apartments.

6. No Action Taken - Interlocal Agreement with the City of North Las Vegas to Lease Space *(Agenda Item #6)* – The Board discussed the interlocal agreement between the City of North Las Vegas and the Board of Regents on behalf of CSN for the lease of office space in the North Las Vegas City Hall for a term of three years with a one year extension option. *(Ref. BOR-6a and Ref. BOR-6b on file in the Board Office.)*

President Michael D. Richards, Senior Vice President Patty Charlton, Strategic Initiatives and Administrative Services, and General Counsel Richard Hinckley, CSN, 0l

6.

9. No Action Taken - 2015-2017 NSHE Biennial Budget *(Agenda Item #8)* – *(Continued)*

Regent Geddes echoed the importance of merit and commended the Chairman and Vice Chairman for beginning each hearing noting the importance of faculty and staff and treating them like all other state employees.

Regent Crear noted faculty has shouldered the burden and the System has to continue to work hard supporting them.

CSN Faculty Senate Chair Jodie Mandel thanked the Regents for their advocacy and support of professional merit pay and presented a joint resolution *(on file in the Board Office)*.

10. No Action Taken - NSHE Institutions Ability to Carry Out their Missions *(Agenda Item #10)* – The Board provided direction to the presidents to create a single list of potential impediments and to draft policy revisions for consideration of the Board at a future Board meetin (t)-6 (o)-n 1 addressed identified by the presidents.

President Stephen G. Wells, DRI, noted an integrated library system was needed to allow faculty from one institution to use the library of another institution.

President Mark A. Curtis, GBC, explained the policy relating to authorization for community colleges to add baccalaureate degrees is outdated and confusing and asked for a policy review from the Board.

President Richards asked for delegation authority from the Board to Institutional Advisory Committees to strengthen their purposes.

President Patterson noted institutions struggle with how to develop congressional land grants in regards to approval of projects and asked for a way (t)-6 (o)-n 1 maximize the vue and drive additional revenue in this policy area. He also asked the Board to have a much broader discussion about how the institutions work together and how to not compete with one another for the benefit of the students.

President Johnson stated UNR's list of 10 included increases in sabbatical numbers, changes in easements and purchases of property, and notice requirements for non-

11. Approved - James E. and Beverly Rogers Foundation *(Agenda Item #11) – (Continued)*

12. Not Approved - *Handbook* Revision, Regent Policy on Gaming *(Agenda Item #12)* – *(Continued)*

Regent Hayes stated this policy makes the primary industry in Nevada look bad.

Motion failed. Regent Page and Regents Stephens, Crear, Doubrava, Geddes, Hayes and Lieberman voted no. Regent Trachok was absent.

13. Action Taken - Presidential Evaluation Process *(Agenda Item #13)* – The Board directed Board staff to prepare a draft policy to adopt the alternative procedures and bring back to an upcoming Board of Regents' meeting. *(Ref. BOR-13 and handouts on file in the Board Office.)*

Acting Chief of Staff R. Scott Young, NSHE, reported 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 approved an alternative evaluation procedure 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 existing periodic presidential evaluation process is conducted under the Open Meeting Law (OML) and the proposed alternative proposal is not under the OML and can meet privately. Interviews within the existing periodic presidential evaluation process are conducted by the search consultant, while the interviews are split up between the members of the Committee under the alternative proposal. The perceived advantage of the alternative proposal interviews is that more time can be spent with the interviewees because more people are conducting interviews. Both procedures make provisions for a faculty survey and are at the discretion of the Faculty Senate. Nine criteria are used for presidential evaluations and are listed in the *Procedures and Guidelines Manual*.

Chancellor Klaich asked for input from the Board as to which process they favor, so they can bring back a better policy. He stated the alternative process allows a significant amount of interaction between the Committee and the individual being evaluated.

Regent Crear asked if the Board was engaged in the second process. Chancellor Klaich stated the Committee will provide the report to the Chancellor and then the Chancellor would evaluate the report and make recommendations to the full Board.

Regent Wixom liked the alternative process because it allows more flexibility and without the OML allows people to be more honest and forthright. He added the current process is tremendously educational, but he was concerned that would be lost in the alternative process.

Regent Melcher saw more benefit with the alternative process.

Regent Melcher moved to direct Board staff to prepare a draft policy to adopt the alternative procedures and bring back to and upcoming Board of Regents' meeting. Regent Wixom seconded.

13. Action Taken - Presidential Evaluation Process *(Agenda Item #13) – (Continued)*

Regent Geddes recommended adding Capital Improvement Projects (CIP) and Operations and Maintenance (O&M) to the evaluation criteria.

Chancellor Klaich stated the Board has had multiple discussions about the metrics and stated the presidential evaluation criteria needed a lot of work.

Regent Stephens recommended an opportunity for Regent input and the bifurcation of the presentation of the evaluation report from the contract.

Regent Lieberman looked forward to policy language recommendations from staff. He recommended the Chairman have as much input into the creation of the Committee as the Chancellor has had in the past and recommended an increase in the number of people conducting interviews.

Regent Crear recommended adding diversity to the evaluation criteria.

Regent Leavitt recommended the criteria relating to relationship with the Board be placed as the number one criteria. All Regents should be allowed input during the evaluation process.

Regent Melcher recommended the evaluation be presented to the Board on Thursday of the Board meeting and the contract on Friday of the Board meeting. He also asked that the next president evaluation be delayed until the new process is finalized.

Special Advisor Wasserman restated the motion.

Regent Crear clarified the final policy will come back to the Board. Special Advisor Wasserman stated the policy revision will come back to an upcoming Board meeting.

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15. Information Only- Public Comment *(Agenda Item #15)* – None.

The meeting adjourned at 3:19 p.m.

Prepared by: Angela R. Palmer
Special Assistant and Coordinator
to the Board of Regents

Submitted for approval by: R. Scott Young
Acting Chief of Staff
to the Board of Regents

Approved by the Board of Regents at the June 11-12, 2015, meeting