

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

System Administration, Las Vegas
4300 South Maryland Parkway, Board Room

Friday, July 19, 2019

Video 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:

Dr. Jason Geddes, Chairman
Dr. Mark W. Doubrava, Vice Chairman , Cree
Dr. Patrick R. Carter
Ms. Joyce M. Helens, President, GBC)
Ms. Amy J. Carvalho
Mr. Bart J. Patterson, President, NSC
Mrs. Carol Del Carlo
Dr. Marta Meana, President, UNLV
Mr. Trevor Hayes
Dr. Marc A. Johnson, President, UNR
Mr. Sam Lieberman
Dr. Vincent R. Solis, President, WNC
Mrs. Cathy McAdoo
Mr. Donald Sylvantee McMichael Sr.
Mr. John T. Moran
Mr. Kevin J. Page
Ms. Laura E. Perkins
Mr. Rick Trachok

Others Present:

Dr. Thom Reilly, Chancellor
Mr. Zelalem Bogale, Deputy General Counsel, System Administration
Mr. Dean J. Gould, Chief of Staff and Special Counsel to the Board
Mr. Nate Mackinnon, Vice Chancellor, Community Colleges
Mr. Jimmy Martines, Deputy General Counsel, Real Estate
Mr. Joe Reynolds, Chief General Counsel

Faculty senate chairs in attendance were: Dr. Arnold Bell, CSN; Dr. Amanda Keen-Zebert, DRI; Mr. George Kleeb, GBC; Dr. Serge Ballif, NSC; Ms. Brigette Glynn, SA; Ms. Anne Flesher, TMCC; Dr. Janis McKay, UNLV; Dr. Brian Frost, UNR; and Dr. Robert Morin, WNC. Student body president in attendance was: Mr. Anthony Martinez, ASUN President, UNR.

Chairman Geddes called the meeting to order at 12:00 p.m. with all members present except Regent Perkins. Regent Carvalho led the Pledge of Allegiance.

Chairman Geddes welcomed Dr. Kumud Acharya, DRI Officer in Charge.

Regent Perkins entered the meeting.

1. Information Only – Public Comment

Mr. Andrew Sierra, CSN Student, expressed his support for Item 2b (Naming of the North Las Vegas Campus Student Union, CSN).

Chairman Geddes noted a letter in support of Item 2b (Naming of the North Las Vegas Campus Student Union, CSN) was received from Mr. Cedric Crear, Las Vegas City Councilman, Ward 5.

2. Approved – Consent Items – The Board approved the consent items except for item 2d (Naming of the Education Building, NSC) which was heard separately.

CSN President Federico Zaragoza requested Board approval for the naming of the newly constructed North Las Vegas Campus Student Union after Assemblyman Tyrone Thompson who passed away unexpectedly on May 4, 2019. The building will be completed in August 2019 providing the opportunity for CSN to honor Assemblyman Thompson's legacy. Assemblyman Thompson was a part of CSN as he regularly attended and hosted events on the campuses. He was a tireless advocate for increasing student success at all NSHE institutions particularly for low income and minority students. He chaired the CSN Mentor Committee and helped launch BUMP Up a Minority Male Mentoring Program. He was appointed to represent Assembly District 17 in 2013. He served in four regular sessions and four special sessions. His passion for education led him to serve as the Chairman of the Assembly Education Committee. During this session, he hosted 100 students at CSN Day at the state capital.

Dr. Arnold Bell, CSN Faculty Senate Chair, introduced Ms. Sonja Mason, Assemblyman Thompson's Sister. She introduced Mr. Patrick Williams and Ms. Vertis Thompson.

Dr. Bell reflected on the contributions of the late Assemblyman Thompson. More than likely everyone has had some type of interaction with him and the significance of what he has done in the community is far beyond the man himself. Dr. Bell thanked the individuals that supported the naming of the North Las Vegas Campus CSN Student Union after Assemblyman Thompson. Assemblyman Thompson was a tireless champion for NSHE and a multitude of projects that advanced community causes.

Board of Regents'

2. Approved – Consent Items –

- 2c. Approved – Naming of the Nursing, Science and Education Building, NSC – The Board approved the naming of the NSC Nursing, Science and Education Building to be the “Bob and Alison Kasner Academic Building.”
- 2e. Approved – Lease of Real Property Located at 6130 Plumas Street, Reno, NV, UNR School of Medicine – The Board approved the Lease Agreement for approximately 11,598 square feet of space located at 6130 Plumas Street, Reno, NV, for a term of 64 months with an Option to renew such Lease Agreement for an additional 60 months. Additionally, an option to purchase exists, however, this option to purchase would return to the Board in 2024 for approval if a recommendation to exercise exists at that time.
- 2f. Approved – Employment Contract Correction, President Joyce M. Helens, GBC – The Board approved a corrected base salary amount that reflects Cost of Living Adjustments (COLAs) awarded for fiscal years 2019 and 2020 in the new employment contract for GBC President Joyce M. Helens that was approved by the Board at its June 6-7, 2019, meeting.
- 2g. Approved – Employment Contract Extension Correction, President Bart J. Patterson, NSC – The Board approved a corrected base salary amount that reflects Cost of Living Adjustments (COLAs) awarded for fiscal years 2019 and 2020 in the employment contract extension for NSC President Bart J. Patterson that was approved by the Board at its June 6-7, 2019, meeting.
- 2h. Approved – Employment Contract Extension Correction, President Marc A. Johnson, UNR – The Board approved a corrected base salary amount that reflects Cost of Living Adjustments (COLAs) awarded for fiscal years 2019 and 2020 in the employment contract extension for UNR President Marc A. Johnson that was approved by the Board at its June 6-7, 2019, meeting.
- 2i. Approved – Revision, NSHE Non-Discrimination Policy – The Board approved a revision to Board policy (Title 4, Chapter 8, Section 13) to add the word “color” to the NSHE Non-Discrimination Policy.

Regent Hayes moved approval of the consent items except for item 2d (Naming of the Education Building, NSC) which was heard separately. Vice Chairman Doubrava seconded. Motion carried. Regent Moran abstained from the vote on item 2a (Minutes).

2. Approved – Consent Items –

- 2d. Approved – Naming of the Education Building, NSC – The Board approved the naming of the NSC Education Building to be the “Glenn and Ande Christenson School of Education Building.”

President Patterson clarified that the name NSC is requesting is the “Glenn and Ande Christenson School of Education Building.”

Vice Chairman Doubrava moved approval of item 2d (Naming of the Education Building, NSC) to be the “Glenn and Ande Christenson School of Education Building.” Regent Lieberman seconded. Motion carried.

3. Information Only – Collaboration with Arizona State University – Chancellor Thom Reilly stated it has become clear in discussions with leadership at the institutions and at Arizona State University (ASU) that there is a desire to better understand the innovative ways ASU has grown that has garnered national and international attention, particularly around student success. He asked a small group of presidents and vice presidents, along with Chairman Geddes and Vice Chancellor Mackinnon, to join him for a two-day visit to ASU. While at ASU the group met with the senior leadership team that provided informative presentations over the two-day period related to student success initiatives. ASU has expressed a desire to partner with other state public higher education institutions and systems. NSHE has identified mutually beneficial areas in which the two entities could further explore collaboration. He looked forward to bringing back areas identified and is excited about a collaboration that can be positive to the residents and students of Nevada.
4. Approved – Revision, Intellectual Property – The Board approved a revision to Board policy (Title 4, Chapter 12, Section 7.4), to clarify institutional options for commercialization of Intellectual Property as amended.

Chief General Counsel Reynolds stated the revisions have the support of the Research Advisory Council and have also been reviewed by institutional general counsels.

Regent Page moved approval of a revision to Board policy (Title 4, Chapter 12, Section 7.4) to clarify institutional options for commercialization of Intellectual Property. Regent Perkins seconded.

Special Counsel Brooke Nielsen presented additional amendments to the policy proposal to include the following:

4. Approved – Revision, Intellectual Property –

Regents Page and Perkins agreed with the proposed amendments as presented by Special Counsel Nielsen.

Regent Hayes noted that the Business, Finance and Facilities Committee worked to streamline procedures of certain sales of institutional owned assets without needing approval by the Committee. The threshold was raised to \$250,000 for real goods. Regent Hayes stated Intellectual Property can be worth millions and asked for clarification if the only requirements would be the recommendation of the Intellectual Property Administration, a review by the institution's General Counsel and then approval by the institution's President.

Special Counsel Nielsen recognized the concern because this is property owned by the Board of Regents that is now being allowed to be sold as part of a development and commercialization program. For that specific reason, protections such as review by the General Counsel must be done through a written agreement, and then a minimum requirement of certain legal protections were added to the proposal.

Regent Hayes understood the protections listed but was worried the institutions could still sell Intellectual Property without the Board's knowledge. He believed this was a delegation of the Board's authority.

Regent Carter disclosed he was previously a student in the Gaming Innovation course at UNLV where he developed a casino game. If the game is marketed and sold, he will be required to pay remuneration to UNLV in the form of shared royalties pursuant to a standard contract that all students in the course were required to sign. He will receive no remuneration from UNLV. He disclosed the relationship under NRS Chapter 281A, as recommended by the Nevada Commission on Ethics. He will abstain from voting on the item.

Regent Moran shared Regent Hayes' concerns since one of the Board of Regents' responsibilities is to oversee the NSHE's portfolio. A more robust discussion related to delegation is needed.

Vice Chairman Doubrava asked if a more in-depth discussion could be held later. Chief General Counsel Reynolds stated there have been requests for clarification from the institutions as it relates to Intellectual Property.

Special Counsel Nielsen stated it was her understanding that there is some urgency. Dr. Mridul Gautam, UNR Vice President for Research and Innovation, stated Intellectual Property does not have value unless it is commercialized. When Intellectual Property is transferred or licensed it will have equity associated with it. When the technology is developed a percentage

4. Approved – Revision, Intellectual Property –

Regent Perkins proposed a friendly amendment to include approval by the President and the Board of Regents. Special Counsel Nielsen stated it could be added to the policy to satisfy concerns.

Regent Hayes asked if a threshold amount could be added to the policy. Special Counsel Nielsen believed that was a longer conversation and she was not prepared to propose an amount but committed to returning with a threshold.

Regent Hayes agreed with Regent Perkins' proposed friendly amendment.

Regents Page and Perkins agreed with the friendly amendment.

President Johnson stated any Intellectual Property being produced using federal funds must be intellectually protected and that was to keep the results of publicly supported science in the public domain. He added that all the research institutions have some form of research or research park corporations for the purpose of stimulating commercialization, but the institutions cannot currently assign Intellectual Property to the corporations because it is not in policy.

Regent Trachok understood this policy will provide the Presidents the authority to transfer the ownership interest in the Intellectual Property, subject to the requirements, to an organization that will be controlled by the institution.

Regent Moran asked that Chief General Counsel Reynolds return with alternatives to allow the Board of Regents additional time to vet the language.

Chairman Geddes stated he liked the idea of voting on the item today and then returning with any additional amendments later.

Regent Carter left the meeting.

Regent Moran stated the Board has an obligation to get it right and should have ample opportunity to review amendments.

Regent Carter entered the meeting.

Motion carried via a roll call vote to approve the policy as amended. Chairman Geddes, Vice Chairman Doubrava and Regents Del Carlo, Hayes, Lieberman, McMichael, Perkins, and Trachok voted yes. Regents Carvalho, McAdoo, Moran, and Page voted no. Regent Carter abstained.

Regent Hayes left the meeting.

5.

8. Approved – Engineering Building Update and Financing Sale and Reimbursement Resolution, UNLV –

remuneration from UNLV. He disclosed the relation

9. Approved – Medical Education Building Update and Financing Sale and Reimbursement Resolution, UNLV –

Regent Hayes disclosed his ownership of commercial property in the Las Vegas Medical District and in discussions with Counsel he believed he could participate in the discussion, deliberation, and vote on the item.

President Meana stated that although UNLV remains open to considering all options that will result in the construction of the Medical Education Building, UNLV is requesting approval of a Resolution authorizing the preparation of preliminary official statement for a tax-exempt financing for the Medical Education Building, as well as reimbursement from the financing plan for any costs incurred prior to closing. The financing plan is for \$128 million and will result in annual debt service of \$7.35 million for a total of 30 years. To be as prudent as possible UNLV has proposed a plan in which no donor or state funds are assumed at the start of the project. Although state funds remain in place, Senate Bill (SB) 553 has deadlines for the encumbrance of the funds that will be impossible to meet. The conceptualized Medical Education Building is a 140,000 square foot four-story building that will house all of UNLV's medical education needs and services of entering classes of up to 120 students. Administrative offices will remain in current facilities.

Mr. Frommer presented a PowerPoint titled, "UNLV School of Medicine Medical Education Building Update."

President Meana stated as the Medical School welcomes its third class, space constraints for entering classes of 60 students are being felt. Growing the Medical School and its current facilities would simply be impossible without the Medical Education Building. It is essential to the growth and maturity of the Medical School. UNLV will make fundraising of the debt service a priority.

Ms. Diana Bennett, UNLV Foundation Board of Trustees Vice Chairman, expressed the Foundation's support for the proposed Medical Education Building.

President Meana stated UNLV has identified uncommitted annual revenue from investment income, administrative overhead, capital improvement fees, and general improvement fees to cover the annual debt service if fundraising is to fall short.

Regent Lieberman moved approval of UNLV's request to pursue the proposed project funding plan and the associated approval of a Resolution authorizing the sale of tax-exempt financing allowing for the reimbursement of costs that will be incurred prior to the close of financing. Regent
Page seconded.

Regent Lieberman stated the spaces that are being created are strictly student-focused. The classroom space and the innovative lab space are the priority and will serve students in a real way. The collaboration with the Foundation will move this project forward.

9. Approved – Medical Education Building Update and Financing Sale and Reimbursement Resolution, UNLV –

Vice Chairman Doubrava said he is fully supportive of this plan. It allows flexibility in case things change in the future.

Regent Page thanked President Meana and the UNLV team for their hard work.

Motion carried.

10. Information Only – Memorandum of Agreement for UNLV and City of Las Vegas

11. Approved – Update on July 5, 2019, Incidents at UNR and Authorization to Enter into Agreements Relating to Higher Education and Housing Needs of UNR Students –

Regent Page appreciated Provost Carmen's efforts after the incident.

Regent McAdoo stated job well done.

Regent Del Carlo expressed gratitude that theed -6 (h)-4 0N eC -0.004 (eg)-4 (en)-MC (o)-4 E-4 () (i)-2 T
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13. Information Only – Public Comment – Mr. Joseph Arrascada, UNR graduate and former season ticket holder, expressed his appreciation to the Board of Regents for the authorization to commence legal proceedings against the Worth Group. The Worth Group failed the University and all disabled ticket holders and needs to be held accountable.

Dr. Bell acknowledged Assemblyman Thompson's mother Ms. Vertis Thompson who was in attendance.

The meeting adjourned at 2:08 p.m.

Prepared by:

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

Submitted for approval by:

Dean J. Gould
Chief of Staff and Special Counsel
to the Board of Regents

Approved by the Board of Regents at its October 18, 2019, meeting.