SPECIAL MEETING

BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

Friday, November 13 This meeting was held via videoconference and tele

Declaration of Emergency Directive 006 ("Directive 006"), and extended by Directives 016, 018, 021, 026, 029 and 033, issued by the State of Nevada Executive Department. There were no physical locations for this meeting.

Members Present:
Dr. Mark W. Doubrava, Chair
Mrs. Carol Del Carlo, Vice Chair
Dr. Patrick R. Carter
Ms. Amy J. Carvalho
Dr. Jason Geddes
Mr. Trevor Hayes
Ms. Lisa C. Levine
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. Melody Rose, Chancellor
Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs
Mr. Zelalem Bogale, Deputy General Counsel, System Administration
Mr. Andrew Clinger, Chief Financial Officer
Mr. Michael Flores, Chief of Staff to the Chancellor
Ms. Sherry Olson, Director of Human Resources

Mr. Joe Reynolds, Chief General Counsel
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Mr. Bart J. Patterson, President, NSC
Dr. Karin M. Hilgersom, President, TMCC
Dr. Keith E. Whitfield, President, UNLV
Mr. Brian Sandoval, President, UNR
Dr. Vincent R. Solis, President, WNC

1. Information Only – Public Comment *(Continued)*

Public Comment from the following individuals who were in favor of extending the satisfactory/unsatisfactory grading system: *(Continued)*

Maria Gonzalez *(Ref. Gonzalez.Maria11.13.20 on file in the Board Office.)*
Isaac Greenberg *(Ref. Greenberg.Isaac11.13.20 on file in the Board Office.)*
Karen Guthrie *(Ref. Guthrie.Karen11.13.20 on file in the Board Office.)*
Lili Haddad *(Ref. Haddad.Lili11.13.20 on file in the Board Office.)*
Cole Harter *(Ref. Harter.Cole11.13.20 on file in the Board Office.)*
Kailee Henry *(Ref. Henry.Kailee11.13.20 on file in the Board Office.)*
Alexiz Hicks *(Ref. Hicks.Alexiz11.13.20 on file in the Board Office.)*
Delaney Howard *(Ref. Howard.Delaney11.13.20 on file in the Board Office.)*
Michelle Inocencio *(Ref. Inocencio.Michelle11.13.20 on file in the Board Office.)*

1. Information Only – Public Comment – *(Continued)*

Public Comment from the following individuals who were in favor of extending the satisfactory/unsatisfactory grading system: – *(Continued)*

Paul Wolf *(Ref. Wolf.Paul11.13.20 on file in the Board Office.)*
Polly Wong *(Ref. Wong.Polly11.13.20 on file in the Board Office.)*
Trevor Woo *(Ref. Woo.Trevor11.13.20 on file in the Board Office.)*
Bianca Wright *(Ref. Wright.Bianca11.13.20 on file in the Board Office.)*
James Wright *(Ref. Wright.James11.13.20 on file in the Board Office.)*
Caren Royce Yap *(Ref. Yap.CarenRoyce11.13.20 on file in the Board Office.)*
Zhuqi You *(Ref. You.Zhuqi11.13.20 on file in the Board Office.)*

Public Comment from the following individuals who opposed the 12 percent reduction proposal for the 2021-23 Biennial State Operating Budget Request:

John E. Jones, Sr. *(Ref. Jones.John11.13.20 on file in the Board Office.)*
Drew Nemeth *(Ref. Nemeth.Drew11.13.20 on file in the Board Office.)*
Emily Sandoval *(Ref. Sandoval.Emily11.13.20 on file in the Board Office.)*

Public Comment from the following individuals who were opposed to UNLV reducing hours of 46 full-time classified staff in Athletics by 45 percent or choose to resign:

Julia Bledsoe *(Ref. Julia Bledsoe on file in the Board Office.)*
Brett Booker *(Ref. Booker.Brett11.13.20 on file in the Board Office.)*
Stephanie Dube *(Ref. Dube.Stephanie11.13.20 on file in the Board Office.)*
Mark Horn *(Ref. Horn.Mark11.13.20 on file in the Board Office.)*
John E. Jones, Sr. *(Ref. Jones.John(2)11.13.20 on file in the Board Office.)*
Karen Jones *(Ref. Jones.Karen11.13.20 on file in the Board Office.)*
Sandra Moore *(Ref. Moore.Sandra11.13.20 on file in the Board Office.)*

Public Comment from Scott Beckstrand asked how full-time faculty take a furlough day while teaching and if the reduction reimbursement dates will be in writing. *(Ref. Beckstrand.Scott11.13.20 on file in the Board Office.)*

Public Comment from Savanna Vacek opposed to excess fees added to tuition, fewer services, classes, and equipment for use in the Recreation Center, and closed dining establishments in the Student Union while room and board costs have remained the same. *(Ref. Vacek.Savanna11.13.20 on file in the Board Office.)*

Public Comment from Jeffrey Morris opposed to surcharges for classes graded on a pass/fail basis and those held virtually. *(Ref. Morris.Jeffrey11.13.20 on file in the Board Office.)*

The meeting recessed at 11:15 a.m. and reconvened at 11:45 a.m. with all members present except Regent Moran.

2. Information Only – Chancellor's Report – Chancellor Melody Rose provided an update on NSHE's response to COVID-19 and its current upsurge, the Chancellor's Office's perspective to satisfactory/unsatisfactory grading, and external relent

4. Approved – Minutes – The Board approved the following meeting minutes:
July 22, 2020, ad hoc UNLV President Search Committee meeting *(Ref. BOR-4a on file in the Board Office.)*
July 23, 2020, Board of Regents special meeting *(Ref. BOR-4b on file in the Board Office.)*
August 7, 2020, Board of Regents special meeting *(Ref. BOR-4c on file in the Board Office.)*
August 21, 2020, Board of Regents special meeting *(Ref. BOR-4d on file in the Board Office.)*

Regent Geddes moved approval of the minutes. Vice Chair Del Carlo seconded. Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, Levine, McAdoo, McMichael, Page, Perkins, and Trachok voted yes. Regent Moran was absent.

5. Approved – *Procedures and Guidelines Manual* Revision, Furlough Policy for Faculty and Employees Due to COVID-19 Budget Shortfall During Fiscal Year 2021 – The Board approved a revision to the *Procedures and Guidelines Manual* (Chapter 4, new Section 20) concerning a furlough policy for faculty and employees due to the COVID-19 budget shortfall during Fiscal Year 2021. *(Refs. BOR-5a and BOR-5b on file in the Board Office.)*

Chief General Counsel Joe Reynolds presented a revision to the *Procedures and Guidelines Manual* (Chapter 4, new Section 20) concerning a furlough policy for faculty and employees due to the COVID-19 budget shortfall during Fiscal Year 2021. The policy was drafted pursuant to Assembly Bill 3, passed into law by the Nevada State Legislature during the 31st Special Session in July 2020. The policy will require full- and part-time faculty and employees to take a 4.6 percent monthly reduction in pay for six pay periods beginning January 1, 2021, through June 1, 2021. The policy will also require full-time faculty and employees to take six days of furlough leave from December 1, 2020, through June 30, 2021, and part-time faculty and employees to take a proportional amount of leave during that same period.

5. Approved – *Procedures and Guidelines Manual* Revision, Furlough Policy for Faculty and Employees Due to COVID-19 Budget Shortfall During Fiscal Year 2021 – *(Continued)*

Regent Carter left the meeting.

In response to a question from Regent Carvalho related to the UNLV employees that recently had their hours reduced, Chief General Counsel Reynolds stated the employees mentioned in the Public Comment are classified employees and will fall under state guidelines. Chief General Counsel Reynolds noted it was a UNLV decision to reduce salaries outside of Assembly Bill 3.

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carvalho, Geddes, Hayes, Llo r recis2 r Tw T(ol)-2 (l)-2 ( ) ( )]TJ [(an)-4

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6. Approved – Presidential Vacancy, NSC *(Continued)*

Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho,

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – *(Continued)*

8.1 Action Taken – Open Session – *(Continued)*

Regent Geddes moved to enter a closed session to hear an appeal of Dr. Sandra Owens from employment action taken by UNLV. Regent McMichael seconded. Motion carried via a roll call vote. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, Levine, McAdoo, McMichael, Perkins, and Trachok voted yes. Regents Moran and Page were absent.

Chair Doubrava announced those authorized to attend the closed session.

Chair Doubrava noted the closed session would occur by way of a separate, closed session link that has been provided to those permitted to attend the closed session. Everyone else will be asked to log out of the public meeting so the Board can move into the closed session. The individuals identified to participate in the closed session will log into the closed session with the closed session link.

The meeting recessed at 2:50 p.m. to enter a closed session (Item 8.2) and reconvened in an open session (Item 8.3) at 3:18 p.m. with all members present except Regents Moran and Page.

8.3 Action Taken – Open Session – Following the closed session, the Board reconvened in open session to consider and decide the appeal of Professor Sandra Owens. The Board affirmed the charge and upheld UNLV's decision to terminate Dr. Owens' employment

Deputy General Counsel Bogale reported the Board of Regents conducted a closed session to hear arguments on the appeal submitted by Dr. Owens

Pursuant to the NSHE Code, Title 2, Chapter 6, Section 6.13.2(d), the Board's action is limited to:

1) dismiss the charge – i.e. overturn Dr. Owens' termination;
2) affirm the charge – i.e. uphold Dr. Owens' termination;
3) impose a lesser sanction; or
4) propose a new hearing.

Deputy General Counsel Bogale stated that in discussing this matter and acting, the Board should not discuss, in open session, any confidential facts learned during the closed session.

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – *(Continued)*

8.3 Action Taken – Open Session – *(Continued)*

Regent Levine moved to dismiss the charge and impose a lesser sanction of a warning. Regent McMichael seconded.

Regent Geddes understood that the Board could dismiss the charge or impose a lesser sanction. Deputy General Counsel Bogale clarified to impose a lesser sanction implies a dismissal of the termination

Regent Levine reworded her motion.

Regent Levine moved to impose a lesser sanction of a warning. Regent McMichael seconded

In response to a question from Vice Chair Del Carlo as to where the lesser sanction will come from, Deputy General Counsel Bogale responded that the Board's decision would be sent to UNLV to proceed consistent with the sanction.

Regent Geddes stated he would not support the motion. He has faith that campus leadership has weighed all factors and made an appropriate decision.

Regent Levine reminded the Board that if it voted against the motion on the table and in turn dismissed Dr. Owens, it will be voting to fire the only African American faculty member at the Urban Affairs College. Furthermore, there are only 4 percent African American tenured faculty members at UNLV, one of the most diverse institutions in the country, and only 2 percent are female.

Regent Geddes clearly understands the numbers, but gender and race do not affect his decision.

Regent Carter will not support this motion because the sanction is not a severe enough penalty.

Motion failed via a roll call vote. Regents Levine, McAdoo, McMichael, and Perkins voted yes. Chair Doubrava, Vice Chair Del Carlo and Regents Carter, Carvalho, Geddes, Hayes, and Trachok voted no. Regents Moran and Page were absent.

8. Action Taken – Appeal of Employment Action Taken by UNLV with Respect to Sandra Owens – *(Continued)*

8.3 Action Taken – Open Session – *(Continued)*

Regent Perkins moved to impose a lesser sanction of suspension that will end on November 13, 2020, and to reinstate her employment at the earliest possible date. Regent Levine seconded.

Deputy General Counsel Boga clarified the motion with Regent Perkins that the suspension would end today, which would result in reinstatement of employment as soon as possible.

UNLV General Counsel Elda Sidhu, Esq., pointed out a protective order was issued that Dr. Owens not be on the UNLV campus or contact any UNLV employee through July 2021. UNLV Counsel Daniel Aquino, Esq., stated the court ruled on a protective order for harassment in the workplace against Dr. Owens. Under criminal penalty, if Dr. Owens has any contact with any UNLV or NSHE employee or enters UNLV or NHSE property, she is subject to arrest.

Regent Carter clarified the protective order expires in July. Counsel Aquino responded it does expire July 2021.

Regent Perkins stated the protective order prevents her from going on campus, but most instructors are not on campus during COVID. Counsel Aquino said a main component of the protective order is that Dr. Owens

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request *(Continued)*

Chancellor Rose stated a consequence of the pandemic is the ramifications on the economy. Businesses have been badly hit, and revenues continue to underperform. The Governor's Office requested NSHE provide a 12 percent budget reduction scenario for the upcoming biennium based upon the budgets submitted to the Governor's Office in August. This budget reduction request assumes no additional federal assistance from Washington. NSHE is making the best of the situation amid a very fluid situation. NSHE understands that its responsibility is to be good stewards of the budget and communities affected by the budget, making it a very painful and challenging exercise.

Chief Financial Officer Clinger presented budget reduction proposals to NSHE 2021-23 biennial state operating budget request to comply with the Governor's [illegible] nordu (g)10pua-6 (c)-10 (g

9. Approved – Proposals for a 12% Reduction to the 2021-23 Biennial State Operating Budget Request *(Continued)*

WNC President Vincent R. Solis stated Option B is the best choice for WNC.

Regent Geddes stated what is approved to submit on November 20, 2020, will put NSHE in compliance with the request, but the Board will have opportunities to adjust through the Legislative Session. Chancellor Rose agreed.

Regent Levine asked Chief Financial Officer Clinger to elaborate if there are opportunities to change the language related to student fee surcharges, so institutions have more flexibility to use in other ways. Chief Financial Officer Clinger stated Chapter 7, Section 16 of the *Procedures and Guidelines Manual* says how

9. Approved – Proposals for a 12% Reduction to the 2021-

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