

BOARD OF REGENTS
UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA
Tam Alumni Center, Tiberti Grand Hall
University of Nevada, Las Vegas
4505 Maryland Parkway, Las Vegas
Thursday-Friday, December 11-12, 2003

Members Present:

Dr. Stavros Anthony, Chair
Mr. Mark Alden
Ms. Marcia Bandera
Dr. Jill Derby
Mrs. Thalia Dondero
Mr. Douglas Roman Hill
Mrs. Linda Howard
Dr. Tom Kirkpatrick
Mr. Howard Rosenberg
Dr. Jack Lund Schofield
Mr. Douglas Seastrand
Mr. Steve Sisolak
Mr. Bret Whipple

Others Present:

Chancellor Jane Nichols
Interim Vice Chancellor, Finance & Administration Larry Eardley
Vice Chancellor, Academic & Student Affairs Richard Curry
General Counsel Tom Ray
Interim President Thomas Brown, CCSN
President Stephen Wells, DRI
President Paul Killpatrick, GBC
President Kerry Romesburg, NSC
President Philip Ringle, TMCC
President Carol Harter, UNLV
President John Lilley, UNR
President Carol Lucey, WNCC
Chief Administrative Officer Suzanne Ernst

Also present were faculty senate chairs Ms. Mitzi Ware, CCSN Dr. Alan Gertler, DRI Dr. Frank Daniels, GBC Dr. Erika Beck, NSC Ms. Bridgett Boulton, TMCC Dr. John Readence, UNLV Dr. Trudy Larson, UNR Dr. Michael Hardie, WNCC Mr. R

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number of projects. He provided exceptional computer programming azerovio\ppuovz em o^{erall}

Regent Rosenberg asked whether President Harter had lecturer positions with no research component associated. President Harter said that she did not believe so. She said that UNLV was considering reinstating some lecturer and postdoctoral teaching positions in the future, which would be full-time positions. Regent Rosenberg acknowledged that those cost more money. He felt that everyone agreed the current method was terrible, though he acknowledged there was insufficient funding. He felt that a decision was necessary to address the situation. President Harter said that Provost Alden was working on the matter. Provost Alden said that UNLV currently employed assistant professors, associate professors, and full professors who had various responsibilities not in the three traditional areas. At least some of them are in teaching-only positions. Potential also exists for lecturer and instructor positions. Unfortunately, the part-time instructor budget is so large, due to the extreme growth, that it is impossible to dramatically increase the salaries. He said they'd see so large, due to the role

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been diverted from the institution's main mission for providing useful education to students. He hoped the Board would begin the healing process that was so necessary.

Regent Whipple left the meeting.

Mr. Lonnie Wright, Associate Vice President, Hospitality Institute-CCSN, recalled that he had previously addressed the Board regarding institutionalized racism. He said that CCSN enrolled 50% of all minorities in higher education. He said that Dr. Remington and Mr. Cummings had restored his faith in higher education and those individuals who are not desensitized to minorities. He felt the Board had a homogenized mindset. He said there were underlying reasons for the problem. He predicted confrontation, adding that the minorities were coming. He felt that people were clinging to a homogenized mindset. He noted that minorities also paid taxes. He said that he wanted to close the digital divide. He announced that he is the new President and CEO of the first African American television network in the history of America. He said they would not manufacture the news, but rather report it. He saw Chair Anthony on Jon Ralston's show providing a prophetic view of what would happen. He reminded the Board that they were public representatives elected by the people. He said they were confronting tough issues regarding race and gender. He suggested that the Board's vote had been predetermined. He said that the public understood that CCSN was considered a minority school and that some people did not care. He thanked Dr. Remington for restoring his faith that Dr. Remington was not disingenuous and that he and Mr. Cummings had tried their best. He observed that, last year, the Board denied Regent Howard's request (for an outreach center). This year they were cutting down CCSN. He encouraged review of the Board's voting record regarding minority issues. He felt there were underlying political reasons for the removal of Dr. Remington, unrelated to his efforts for unification and morale improvement. He reminded them that students looked to the Board as an example and that the Board should exhibit integrity with no political agendas.

Regent Whipple entered the meeting.

Ms. Glynda White, a 13-year instructor at CCSN and Vice Chair, Guiding Coalition for Diversity-CCSN (initiated by Dr. Remington) and citizen, urged the Board, in the interest of fundamental fairness, to rescind the action taken to remove Dr. Remington and Mr. Cummings. She asked the Board, in good faith and in good conscience, to consider the totality of the circumstances and the impact the Board's actions had on students, staff, faculty, and the community. She said that CCSN could not afford to lose Dr. Remington. She asked Board members to rescind the vote. She felt an injustice had occurred and there was now an opportunity to correct it.

Charles Okeke, Dean, Social Sciences-CCSN and a 13-year employee, said that he had witnessed 6 administrations. He was stunned by the Board's action. While he has enjoyed his service at CCSN, the events of the past month left him wondering what he was doing there. He said that Board actions had caused disruption at the institution. He declined a deanship under the prior administration because he felt his personal integrity might be compromised, but reconsidered it under Dr. Remington's leadership. He said the Board's decision would have a profound impact on the institution. He said the cost to students and faculty was enormous. He noted the support expressed by faculty, staff and the community to purchase the newspaper advertisement. He said the college had been in turmoil when Dr. Remington arrived. The students believe the president listens to them. He urged the Board to reconsider its decision. He urged the Board to understand that the college was not a place that had been the seat of the president. He said that the college was not a place that had been the seat of the president.

Mr. David Batchelor, CCSN faculty member, said they were all present to serve UCCSN students. Having heard the uncertainty, dismay, and fear expressed by the students, he felt they had not been served. He said that a vote to rescind the action taken to remove Dr. Remington and Mr. Cummings would be a vote to restore the college to its former glory.

Ms. Carolyn Collins expressed her belief that the Board should rescind the action taken to remove Dr. Remington and Mr. Cummings.

Dr. Tobey Benitez, CCSN adjunct professor, said he was appalled by the conduct exhibited. He said the Board had overlooked simple logic. He felt that a bad example was being set for the students and that the youth were suffering. He said that Dr. Remington's good works would speak loudly for him. He said that Dr. Remington dared to be unorthodox, forceful, and provided the community's youth an education that would allow them to be productive.

Mr. Kelly Roth, Professor, Performing Arts and Dance Program-CCSN, said that he loves his job and considered it the best ever. He related that it wasn't always that way, adding that Dr. Remington made a big and positive difference. He related that Dr. Remington appointed him to a committee to replace a commercial for the college when Dr. Remington became aware of Mr. Roth's displeasure with the advertisement's message. He said that

elect to take the risk, if the item were approved, so the Board could feel the employees were fully informed. Ms. Henson clarified that it would not be an individual decision to take that risk. If employees

Regent Howard agreed with Regent Dondero. Regent Howard recalled her letter to the Chancellor inquiring whether an interim had been contacted, or whether action had been taken to select an interim. She said that the chancellor's response had not answered her question. She objected to being presented with the recommendation's resume sh it

Chair Anthony asked whether Regent Howard wished to comment. Regent Howard deferred to Regent Sisolak, who reported there were unanswered questions related to the medical school. Chair Anthony established the Board would discuss policy and not an individual.

Regent Sisolak was concerned with UNR's policy and asked how credentials were verified. President Lilley replied that UNR had recently initiated a change to the policy. The old policy allowed the individual up to one year to verify credentials. The new policy requires going through the administrative council and additional steps. The Council of Presidents has agreed that the new policy should require the credentials be independently verified at the time of hire, before a contract is complete, and before the first check is issued. Regent Sisolak asked whether applications/resumes had been taken at face value without being verified for one year. President Lilley clarified that a one-year period was provided for human resources to verify the credentials. He said the policy had since been changed. Regent Sisolak asked about the origin of the policy (allowing one year), and requested a copy. President Lilley replied that it was in UNR's policy manual. He did not know when it was implemented, but offered to provide the information. Regent Sisolak asked that he provide the date implemented and the history behind it. He asked who decided which hires were verified immediately and which were done a year later. President Lilley replied that the candidate had up to 1 year in which to provide verification. Once President Lilley became aware of that policy, he said it was unacceptable. He said it must be done in advance of contract completion and issuance of the first check. Regent Sisolak asked why credentials weren't verified by the institution. President Lilley replied that UNR did verify credentials, but the old policy allowed candidates up to a year to provide the information. Regent Sisolak asked whether the information was included on the application. President Lilley clarified that the information was independently verified. He said the institution required independent verification from the degree-granting institution. Regent Sisolak asked who sought the information. President Lilley replied that the institution would, and that it required the candidate's permission. He said the policy was implemented prior to his starting as president.

Regent Sisolak then asked about the policies at the other institutions. He requested a response from each president.

President Howard said that UNR's policy requires verification of credentials prior to contract completion. The candidate has 30 days in which to provide the information. If it is not provided, the contract is expressly contingent upon the employee providing satisfactory evidence of academic credentials. If not provided, the contract is not binding.

Regent Rosenberg asked about a System-wide or UNR policy/statement regarding verifications indicating that falsifying information on an application was grounds for immediate termination. President Lilley did not know, but offered to find out and notify the Board. He thought there was something affecting classified employees, but was not sure it applied to administrative or academic faculty. Ms. Carla Henson, Director, Human Resources-System Administration, reported that the classified application included a statement indicating that everything included was true and, if not, grounds for termination. With professionals, some campuses use an application form, while others do not. She understood that UNLV and UNR do not use an application form for professionals, though some of the community colleges do. The forms used by the community colleges include such a statement. She said that System personnel officers were currently developing a declaration that top candidates would likely sign, which included a statement that falsification would be grounds for contract cancellation. Regent Rosenberg said that UNR verified information for positions in the art department. He said it often depended upon how the questions were asked. Degrees awarded were considered public information. He suggested that each institution have some indication, signed by the candidate, attesting to the accuracy of the information provided and that it was grounds for immediate termination if it was not. Chair Anthony said he would take note.

Regent Kirkpatrick suggested that a similar statement be included in the application form for all institutions. He also requested a recommendation be made for the Board to require that before a position can be under- or backfilled, state requirements for checking references be followed. Chair Anthony agreed to the suggestion.

Regent Howard asked about the Board's legal responsibility when becoming aware that the state has terminated

Upon a roll call vote the motion carried. Regents Alden, Anthony, Bandera, Derby, Dondero, Hill, Schofield, and Whipple voted yes. Regents Howa

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Executive Evaluation and Compensation Committee. The proposed changes clarified the general contract terms and evaluation procedures for the chief administrative officer, the chancellor, and the presidents, and mirrored Handbook amendments approved by the Board at the October 2003 meeting. (Ref. E on file in the Board office)

Chancellor Nichols reported these were not new policies, but rather the second reading of Bylaws amendments adding policies already approved in Handbook language at the previous meeting. The amendments made explicit the processes for evaluation of the chief administrative officer, the chancellor, and the presidents.

Regent Kirkpatrick moved approval of the Handbook revision concerning officers of the Board and officers of the University. Regent Rosenberg seconded.

Regent Alden indicated his support for the motion. He noted that he still had a written request to the Chancellor regarding the evaluation proceedings for presidents. He asked Chancellor Nichols to respond in writing prior to the January meeting. Chancellor Nichols agreed to do so. Regent Alden asked whether his questions could have an effect on the process being recommended. Chancellor Nichols said that Regent Alden had raised questions about the varied process and nature of the periodic evaluation of the presidents. She said the Board took action in October. This recommendation puts in place the recommendations of the Executive Evaluation and Compensation and Committee, which went in a slightly different direction than current practice. She suggested that she review his questions and bring a response to the full Board. She felt that his questions entailed a much broader look at the entire process. Regent Alden indicated his support for the motion and asked Chancellor Nichols to bring her response to the January meeting.

Regent Kirkpatrick entered the meeting.

Regent Howard entered the meeting.

Motion carried. Regent Seastrand was absent.

24. Information Only-Handbook Revision, Reporting Lines, General Counsel -Regents Mark Alden, Linda Howard, Tom Kirkpatrick, Howard Rosenberg, and Steve Sisolak requested that the Board discuss and consider changing the general counsel's reporting line to report directly to the Chair of the Board/Board of Regents. (Ref. F on file in the Board office)

Regent Sisolak said the item was in response to the current situation the Board was facing. He noted that the Board only recently changed the reporting lines. Regent Sisolak said that it had come to his attention that, in a situation such as the one currently faced with the CCSN investigation, the general counsel was reporting to one of the people on the list (of those interviewed). He felt it was not fair to the general counsel or the chancellor to put anyone in that position and that it might be better to return to the former practice. He felt that no one had anticipated at the time that any chancellor could be the subject of an investigation and that staff conducting the investigation would be in a direct reporting line to the chancellor. He felt there should be a dotted line distinction so as to avoid the appearance of impropriety.

Chair Anthony asked whether approval would give too much authority to the Board Chair allowing control over the attorney. He said the Board could consider that as another hypothetical possibility.

Regent Alden felt that reporting to the chancellor was not the best. He asked whether the policy could have general counsel and his staff work for the Board of Regents, but in order to provide less difficult reporting lines, the Board Chair would have the most direct relationship, but all other Board members would have the same type of access.

Regent Kirkpatrick suggested allowing the Board Chair to act for the other Board members in his relationship with general counsel. The Chair only has the authority if the other Board members allow the Chair that authority. He noted that the Board could remove that authority if they did not approve of the Chair's interactions with the general counsel. He agreed with Regent Sisolak that there was some concern about the lines of authority and problems that could arise in the future. He asked whether there had been any problems with the previous practice. Some Board members felt there had been.

Regent Hill felt that Regent Sisolak's initial recommendation had been correct, adding that it was similar in corporate America. He felt the general counsel should report to the chief executive officer. He said Regent Sisolak's issue could be addressed with a simple amendment if allegations of impropriety on the part of the chancellor were made, the general counsel would report to the Board Chair.

Regent Derby supported Regent Hill's proposal. She said the Board had encountered a previous situation concerning a conflict with the general counsel's reporting line and had changed them. She felt the flexibility provided by Regent Hill's suggestion would be better for the Board. She noted that the Board felt the arrangement did not lend itself to effective evaluations for the general counsel and again changed the reporting line to the present method.

Regent Bandera also indicated her support for Regent Hill's suggestion. She said she had seen nothing to change her mind regarding the Committee's recommendation. She felt it was the appropriate reporting line and would reinforce and make more direct the reporting relationship between the chancellor and the general counsel.

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Mr. Jon Hansen, Risk Manager-System Administration, reported that UCCSN's current carrier, Royal & Sun Alliance, withdrew from the North American market in September. System Administration solicited workers compensation coverage using two brokers who approached over 10 markets. Negotiations are currently underway with three companies. Current options include a large deductible program similar to the program used over the last three years (slightly less than stated in the agency description). This program would provide insurance to protect UCCSN in the event of a large loss, but UCCSN would be responsible for losses under \$250,000. The other alternative is a self insurance program. UCCSN would buy reinsurance, which would also protect the System from large losses. With self insurance, the System would become responsible for its losses as opposed to an insurance company. One advantage of self insurance allows UCCSN to select the claims adjuster and medical panel rather than the insurance company. UCCSN has been approved by the state to be self insured. Negotiations are underway and should be completed by Christmas. He noted that the majority of commercial insurance was due January 1st and that insurance companies did not like to negotiate with clients for fear of "quote shopping". If UCCSN remains with the large deductible program, a Letter of Credit in the amount of \$2,810,000 will need to be secured in lieu of providing the insurance company a large amount of cash. If UCCSN becomes self insured, the State of Nevada will require a cash deposit or cash-equivalent deposit of approximately \$2,900,000. Interest earned on those funds would accrue back to the System (i.e., a T-bill). Both programs are cost-plus programs, with fixed and variable costs. Fixed costs range from \$586,000-\$1.6 million. Variable costs (losses) range from \$2,225,000-\$2,500,000 for next year. He requested approval to issue an RFP and provide an LOC in the amount of \$2,810,000 or less or, alternatively, to select a self insured program if that proved to be the better option.

Regent Hill moved approval to issue an RFP and provide an LOC in the amount of \$2,810,000 or less or, alternatively, to select a self insured program if that proved to be the better option.. Regent Schofield seconded. Motion carried. Regent Seastedt was absent.

28. ~~Approval of the 2008-2009 Budget~~ ~~Proposed by~~ ~~the Board~~ ~~at~~ ~~601~~ ~~N. Cent~~ ~~Street~~ ~~Reno~~, ~~UNR~~ – ~~The Board approved~~
President ~~Mark~~ ~~Roemer~~

Vice President, Finance & Administration-DRI, Mr. Alan Austin, replied that since DRI only participated in the Operations & Maintenance portion of the funding formula, they were not required to revert the 25% back to the state that the universities do. He explained that DRI had attempted to discuss the benefit to the state were UNLV and UNR allowed to maintain those revenue streams. Consequently, DRI is able to allocate from the indirect cost recovery budget a more than adequate revenue stream to cover the debt service. Regent Sisolak said that he recalled that DRI received a slightly better deal than the universities. He asked about the consequences to DRI if the state were to change the arrangement to match the universities. Mr. Austin said that, if the state adjusted the funding formula and funded all of DRI's administrative overhead and operating costs, that would then be a valid discussion. Currently, the Institute pays those costs from indirect cost recovery. He reported that state funds received by DRI comprised only 37% of the Institute's operating budget. Regent Sisolak asked about the term of the loan. Mr. Austin replied that their consultant estimated a 10-year note at 4.5% interest. Regent Sisolak expressed concern that current revenue would be used for another purpose. Mr. Austin replied that DRI had reviewed the pro formas and were comfortable. It amounts to approximately \$60,000/year in debt service, which is easily accommodated within the operating budget.

President Wells noted that the faculty had also invested in this effort and were contributing \$500,000 that could have been used for research activities due to their commitment to expanding the structures.

~~Mr. Austin said that the faculty had also invested in this effort and were contributing \$500,000 that could have been used for research activities due to their commitment to expanding the structures.~~

Regent Dondero left the meeting.

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12. Approved-Appointment, Interim President, CCSN – (Cont'd.)

who this person is. She said that she had received calls from people desiring to recall those individuals who had disenfranchised CCSN. She said she would personally arrange such contact.

Regent Derby said that the appointment of an interim was deliberately different from the search process for a permanent candidate. The appointment of an interim was designed to happen quickly because of the instability at an institution experiencing such a transition. She felt the suggestion involved considerable postponement in waiting until the January meeting. She expressed concern for losing the individual with such a delay.

Regent Howard asked about the students. Chair Anthony asked Regent Howard to come to order. Regent Hill noted a point of order. Chair Anthony observed that no one had interrupted Regent Howard when she was speaking, and asked her to please show the same respect. Regent Howard said that this hurt her. She said the Board was bringing in someone they did not know. She asked about the students. Regent Hill noted a point of order. Chair Anthony said that no one had interrupted her while she was speaking. Regent Howard suggested that Regent Hill direct his point of order in another direction. Chair Anthony asked Regent Derby to continue.

Regent Derby expressed concern for not getting this individual, adding that she felt he was a very strong candidate for the college.

Regent Alden acknowledged the concerns of Regents Howard, Rosenberg, and Sisolak. He said that he had agreed with them on previous issues. He noted the Board had contacted ACCT, who did all of the work. He felt this was a normal process for an interim appointment. He recalled that the appointment of Dr. Kenny Guinn had gone very quickly. He felt that delaying the decision could cause the loss of this candidate. While he did not like the situation, he felt he needed to look ahead. He did not want to upset his fellow Regents and said that he understood this was difficult. He said that he needed to support the motion for the reasons given. He felt the Board should vote and move on.

Regent Sisolak agreed that while Dr. Gianini appeared to be very qualified, there were not many temporary jobs paying \$14,000/month. He said the institution had already been decapitated and the Board was now starting to cut off limbs. He said the Foundation, students, and faculty would all suffer. He questioned whether this was the normal process for interim appointments. He recalled two interim appointments for CCSN, one for NSC, and one for UNR where the Board had already known the individuals appointed as existing employees. He said that the Board Chair and chancellor had never met any of the candidates. He acknowledged that the candidates had not been interviewed. He observed that this individual was 4,000 miles away. He was unsure whether Dr. Gianini had even seen the campus. He questioned Dr. Gianini's potential success when arriving without knowing anything about the UCCSN or the state. He felt that Dr. Gianini would be dumped into the Board-created disaster at the community college and be expected to adequately address the needs of the college, community, and the Legislature. He felt it was naïve to think the process would only take 4 months. He could not believe the Board had not interviewed any of the candidates. He said that he felt the faculty and the students were on the Board for them for being courageous enough to argue with the Board. He said the Board could be "thick" and just did not get it. He agreed that CCSN was not just a collection of buildings, but rather students, human beings, and faculty members. He felt they deserved more respect than the Board had shown them and apologized that they had not received what he felt they deserved.

Regent Bandera said that she wanted to make her position clear before she voted. She said that she was not associating her vote with any exaggerations or overstatements made in the past with which she did not agree. She said she was not interested in re-discussing the previous day's activities. She said that anyone wishing to recall her could write a letter to the Governor. She said that she expected candidates to run against her.

Regent Howard said that she did not think they were the ones saying that. Chair Anthony asked Regent Howard to come to order. Regent Howard said that she did not appreciate Regent Bandera's remarks. Regent Hill noted a point of order. Chair Anthony said that Regent Howard could not interrupt other Regents. Regent Howard felt that Regent Bandera's remarks had been directed at her. Regent Hill noted a point of order. Chair Anthony asked Regent Howard how many times she was going to interrupt. Regent Bandera said that she was speaking with a point of order. Chair Anthony asked Regent Howard what she expected to

Regent Schofield volunteered his services, adding that he felt the psychiatric hospital should be located elsewhere and that CCSN required the land for future development.

Regent Hill said that he did not know enough to take a position on the matter. He noted that the Washoe County School Board had often sold land they later had to re-purchase at a higher price. He felt that providing land for future growth was sound reasoning. He said that he did not feel prepared to take action at this point.

Ms. Patty Charlton, Vice President, Finance & Administration-CCSN, expressed her appreciation for the discussion. She said that CCSN is a rapidly expanding science and health programs. She said that CCSN would seek Board support for a

Chair Anthony said that Regents Dondero and Whipple would continue to work with community representat

postdoctoral fellows would be made in lieu of Social Security payments. The proposal for allowing employees to become eligible for in-state residency upon employment included a slight decrease in the tuition and fees paid for any classes taken. She reported there were onl