

B/R 02/04/05

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BOARD OF REGENTS

UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA
Building D, Room D-152
Community College of Southern Nevada
6375 West Charleston Blvd., Las Vegas

Dorothy S. Gallagher
Douglas Roman Hill
James Dean Leavitt
Douglas R. Seastrand
Steve Sisolak

Regent Schofield entered the meeting.

The meeting recessed at 8:20 a.m. for a reception and reconvened at 9:02 a.m. with all members present.

Reverend Emmanuel Wasson from the Holy Trinity African Methodist Episcopal Church offered the invocation.

2. Approved-Distinguished Nevadan Awards – The Board considered the following nominees and rendered a decision on the 2004 Distinguished Nevadan awards (Policy: Title 4, Chapter 1, Section 14.1) :

Franny Forsman
Jerry Keller
Evelyn Mount
Joseph M. Neal

Regent Alden moved approval of the Distinguished Nevadan nominees as presented. Regent Rosenberg seconded. Motion carried.

3. Approved-Honorary Degrees - The Board rendered a decision on the 2004 honorary degree recipients:

A. Honorary Doctorate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14.2 (Ref. A on file in the Board office) .

Mr. Brian Greenspun, UNLV.
Associate Justice Sandra Day O’Connor, UNR.
The Honorable Colin L. Powell, UNR.

B. Honorary Baccalaureate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14.3 (Ref. B on file in the Board office) .

Ms. Charlotte Danielson, NSC.
Dr. Marilyn Ray, NSC.

C. Honorary Associate Degrees – Policy: Handbook, Title 4, Chapter 1, Section 14.4 (Ref. C on file in the Board office) .

Mr. Gustav Mauler, CCSN.
Dr. Paul E. Meacham, CCSN.
Mr. Adam Gonzales, TMCC.
Mr. Bruce James, TMCC.

3. Approved-Honorary Degrees – (Cont’d.)

C. Honorary Associate Degrees – (Cont’d.)

Mr. Rick DeMar, WNCC.
Ms. Virgie Miller, WNCC.

Regent Rosenberg moved approval of the nominees for honorary degrees as presented. Regent Hill seconded. Motion carried.

4. Information Only-Chair’s Report - Chair Stavros Anthony welcomed NSC President Fred Maryanski to his first Board meeting. He then thanked CCSN President Richard Carpenter and his staff for hosting the meeting. Chair Anthony reported that the legislative session would begin the following week. The System’s legislative team met with legislators to provide an overview of the System and its needs. He then provided copies of the materials provided to the legislators and thanked the Academic Affairs and External Relations staff for assembling the material.

Chair Anthony related that in December, the UCCSN was awarded a three-year grant from the Lumina Foundation for the College Goal Sunday program which helps students with getting need-based federal financial aid. The College Goal Sunday program kicks off in Nevada on February 13 when graduating high school students and their families will participate in free workshops at ten sites throughout Nevada. Nearly 17,000 brochures were distributed throughout the state to promote the event. Public service announcements have been airing throughout the state to promote the event. Chair Anthony thanked Chancellor Rogers and KVBC for their assistance in creating and distributing the spots that feature former UNLV quarterback Randall Cunningham.

EDFUND will be continuing its underwriting support for the printing costs of UCCSN's third "Go to College" brochure. The brochure is distributed to more than 100,000 middle school students and their parents and provides key information to families and students about preparing for college. Chair Anthony acknowledged the hard work of the Academic and Student Affairs staff, under the leadership of Dr. Chris Chairsell, for their outstanding efforts in helping to increase Nevada's high school to college continuation rate.

Chair Anthony reported that Consent Agenda item #2 (Rehire of PERS Retirees, UNLV) would be removed from the Consent Agenda and considered separately. He noted that the closed personnel session scheduled for Chief Administrative Officer Suzanne Ernst and the Ground Lease and Facility Leaseback for UNLV had been withdrawn.

5. Information Only-Chancellor's Report - Chancellor James Rogers updated the Board regarding various major activities undertaken by him since the last Board meeting. He felt that he and the legislative team were making progress with their efforts. He acknowledged the great concern for funding. The funding formula is based upon the average cost at peer institutions. An 84% funding level puts the System at a disadvantage to compete. They will continue to discuss with the Governor and Legislature the need to raise the level of funding to 87%. He said they were initially timid to submit a request for funding from the potential anticipated refund. It was decided to request as much of the

5. Information Only-Chancellor's Report – (Cont'd.)

\$300 million surplus to be applied as far as it would go. He said they would aggressively pursue legitimate requests. He was pleased to see that legislators appeared to be very open-minded and were aware that this one-time surplus could be used for one-time investments in the System. In order to approach the private sector as a partner, UCCSN must ensure that the state continues to fund higher education at a reasonable rate. He felt that Senator Raggio's reaction, as well as others on the committee, had been very good. He said they have a very strong team. Mr. Dan Miles was warmly welcomed, with legislators knowing he will provide accurate information. Chief Counsel Dan Klaich has been a good addition to the legislative team. Assistant Chancellor Trudy Larson provides an added dimension. He said he was pleased and comfortable with their relationship with the Governor and Legislature. He said it was the chancellor's job to bring the System together, noting that cooperation between the institutions was essential to future success.

Regent Rosenberg said he was receiving questions from a number of the units and wanted to ensure that everyone was on the same page. He noted there were two lobbyists. He asked whether they would be the only ones speaking for the System. Chancellor Rogers replied that thearious

effort remains centralized and coordinated. Regent Rosenber

be labeled lobbyists if they were appearing at the bidding of the System. Chancellor Rogers explained that they had been informed that they need to be registered even if it is just to provide a support system for the legislative team. Mr. Klaich clarified that if they ever wanted those individuals to be present they must be registered as lobbyists. Regent Seastrand said he was confident there would be no hall roaming and that all efforts would be coordinated through the chancellor. Chancellor Rogers stated they had made every effort. In a few instances people have been removed when it was thought there was an "end run" in process.

Regent Sisolak established they would not be spending any money treating legislators to meals since they would not be roaming the halls. Mr. Klaich replied they would not. A critical part of the UCCSN legislative agenda includes one-on-one meetings with legislators. The System lobbyists have been advised to make liberal use of the chancellor and to ensure that Chancellor Rogers meets with as many legislators as possible. He suspected that the presidents would also be meeting with them. Regent Sisolak observed that the presidents would not register as lobbyists and would not report expenses. Those individuals registering as lobbyists would need to report expenses. If they are wandering the halls, they will have expenses. Mr. Klaich related that the discussion

congratulated. He cautioned the chancellor to be fluid and against a lengthy rigid document. The chancellor is in charge and the Board has approved the budget.

Mr. Klaich appreciated that all politics are local politics. He did not want anyone to forget that the presidents are a critical part of the team. The intent is to continue providing the Board with legislative reports.

Chancellor Rogers related that the special meetings would be used to address any changes to the capital improvement list. It was recently decided the legislative team would meet at least every two weeks with the presidents.

6. Information Only-Public Comment – Ms. Daly Sorvongsavanh, CSUN senator, addressed agenda item #10 (Residency Reclassification and Accommodations). She said it seemed there were some inconsistencies across the state agencies. She can obtain her I.D. and register her car within days of arrival, vote for state officials after 30 days, and be considered a resident after living in Nevada for six months. She was unhappy that she had to wait a year in order to be classified as a resident to continue her education. She noted the university was largely funded by taxpayer dollars. She suggested paying the fees for out-of-state students if they agree to practice their profession within the state.

Regent Sisolak observed that some of this was outside Board control and was legislatively mandated. He suggested Ms. Sorvongsavanh convey this message to her legislator who would ultimately decide whether it would be 6 months or 12 months to establish residency. Chancellor Rogers agreed it was a legislative decision.

Regent Alden stated that the majority of states require 12 months to establish residency.

7. Approved-Consent Agenda – The Board approved the Consent Agenda with the exception of items #2 (Rehire of PERS Retirees, UNLV) and #5 (Naming of Baseball Stadium, CCSN), which were approved separately.

(1) Approved-Minutes – The Board approved the minutes from the regular meeting held December 2-3, 2004, the joint meeting with the State Board of Education held December 3, 2004, the special Board meeting held December 10, 2004, the TMCC Presidential Evaluation Committee meeting held November 8-10, 2004, and the GBC Presidential Evaluation Committee meeting held November 29-30, 2004.

(3) Approved-Capital Improvement Fee Funds, CCSN – The Board approved President Richard Carpenter's request to spend \$300,000 in Capital Improvement Fee funds to upgrade the Community College of Southern Nevada Cheyenne Campus planetarium facility (Ref. C-3 on file in the Board office).

(4) Approved-Capital Improvement Fee Funds, UNLV – The Board approved President Carol C. Harter's request to use UNLV's Capital Improvement Fee funds in the sum of \$1,397,500 (Ref. C-4 on file in the Board office).

(6) Approved-Dandini Research Park Replacement Lease, DRI – The Board approved Interim Chancellor James Rogers' request to sign a replacement lease between the Board of Regents and the DRI Research Parks, Ltd. (Ref. C-6 on file in the Board office).

(7) Approved-Maxey Science Center Addition, Funds Transfer, DRI – The Board approved President Stephen G. Wells' request to transfer up to \$500,000 of DRI indirect cost recovery funds to the State Public Works Board for its Maxey Science Center addition, capital project 03-C91L (Ref. C-7 on file in the Board office).

(8) Approved-Reconveyance of Gifted Land, UNR – The Board approved President John M. Lilley's request to reconvey to the City of Las Vegas 10.891 acres of gifted land in the Las Vegas Technology Center (Ref. C-8 on file in the Board office).

Regent Alden moved approval of the Consent Agenda with the exception of items #2 (Rehire of PERS Retirees, UNLV) and #5 (Naming of Baseball Stadium, CCSN), which were approved separately. Regent Hill seconded. Motion

carried. Regent Rosenberg abstained.

(2) Approved-Rehire of PERS Retirees ~~HR 33~~ ~~SB 111~~ approved President Carol C. Harter's request for rehiring PERS retirees Jessica G. Perkins, Eva G. Simmons, and Alma Garcia Vining due to a criticality of filling these positions immediately. Such hires are permitted with Board approval, under legislation passed during the 2001 Legislature (Ref. C-2 on file in the Board office).

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incomes (retirement benefits and wages) . President Harter clarified that the positions were funded with federal money.

Chief Counsel Klaich hoped that his comments were not interpreted to indicate that the purpose of the law was to narrow any possible search pool to just PERS retirees. He related that a retiree could be rehired without

Regent Whipple asked about the \$1.4 million over the past four years and whether it was for a System-type program or whether other monies would come forth in the future. President Carpenter replied the monies were sustaining the program. Without this donor, this program would not exist. The team has won a national championship. They are currently ranked second in the nation and are undefeated.

Motion carried.

8. Approved-Title Change, Chief Counsel to Vice Chancellor of Legal Affairs – The Board approved Interim Chancellor James Rogers’ request to change the title of Chief Counsel to Vice Chancellor of Legal Affairs and to promote Daniel Klaich, current Chief Counsel, into that position with the increased salary and other perquisites that are part of the vice chancellor’s compensation. All references to General Counsel will be changed in Code and Handbook language to Vice Chancellor Legal Affairs at a future date (Ref. D on file in the Board office).

Regent Alden moved approval of the title change to Vice Chancellor of Legal Affairs. Regent Derby seconded.

8. Approved-Title Change, Chief Counsel to Vice Chancellor of Legal Affairs –(Cont’d.)

Regent Sisolak assumed this was not done solely for the title change, but rather due to the exemplary and fine performance by this individual. Chancellor Rogers agreed, adding that the role had also been expanded.

Motion carried.

9. Approved-Contract for Chancellor Search Services – The Board approved the Chancellor Search Committee’s recommendation to contract with Greenwood & Associates, Inc., as the search firm for the chancellor search. The fee will be one-third of the total chancellor’s first year’s base salary plus expenses such as consultant and candidate travel, background checks, and administrative costs (Ref. E on file in the

the request of Regents Howard Rosenberg, Douglas R. Seastrand, and Steve Sisolak, the Board explored amending the reclassification of residency policy (Title 4, Chapter 15, Section 8) from 12 months to 6 months in order to align it with the policy pertaining to initial determination of residency (Ref. F on file in the Board office).

Regent Alden said the Board needed to ensure they were in compliance with the law, adding that it may require a change to statute. He observed that the majority of states in this country have 12 month residency requirements. He observed that monies were severely constrained in the state. The institutions are built with public as well as private money. He felt it would be devastating to the System to allow 6 months to establish residency. He urged members to support a 12-month residency policy.

Regent Sisolak was unsure this was a Board decision. He observed that the statute states 6 months and Board policy had previously been 12 months. Ultimately, the Legislature will decide. He felt it would behoove the Board to provide the facts on both sides of the issue, noting the financial impact which the Legislature would need to fund. He felt the Board should take no action and let the Legislature decide. He wanted consistency between reclassification and initial matriculation.

Regent Rosenberg noted that the NRS stipulates that physical presence is required in order to qualify. One student at UNR has a wife living in Japan. He is no longer eligible because he visited her for two months. Regent Rosenberg was unsure that was the spirit or intent of the law. He agreed with Regent Sisolak that the Board should let the

10. Tabled-Residency Reclassification and Accommodations – (Cont'd.)

Legislature decide. He also felt it was important for UCCSN to make it clear to the Legislature that UCCSN is in a unique situation. People entering the state do not earn a great deal of money. In order for them to become contributing members of the state they will require education. The more difficult it is for them to enter the UCCSN the more money it will ultimately cost in the long-term. He acknowledged that it is the Legislature's choice and that the Board taking any action prior to that decision would be counterproductive.

Regent Leavitt suggested that residency could be waived for students enrolled in programs in areas of high need (i.e., education, nursing). He felt the Board should review the matter.

Regent Leavitt moved approval of tabling action on the residency reclassification and accommodations until the Legislature makes a decision. Regent Hill seconded.

Regent Sisolak noted a point of clarification, asking whether the Board would send the matter to the Legislature and wait until it came back. Vice Chancellor Chairsell noted there is a bill draft request currently before the Legislature which would allow the Legislature to discuss reclassification.

Upon a roll call vote the motion carried. Regent Alden voted no.

The meeting recessed at 10:30 a.m. and reconvened at 10:47 a.m. with all members present except Regents Seastrand and Schofield.

11. Approved-Handbook Revision, BanM

the public). The Board and its staff will make information available to the public upon request at the time the material is made available to Regents. It also addresses the conduct of closed sessions. Subsection 2d sets forth in writing the advice which has been provided to the Board over the past several months and represents the manner in which closed sessions are now conducted. Closed sessions will only be held for the purposes that are permitted under the Open Meeting Law. The subject of any closed session will be specified as much as possible, as well as identifying the names of individuals. It puts in Board policy an interpretation of the Open Meeting Law and the advice that staff has been following with regard to the limits on discussion in closed session. One new item, which has not yet been put into practice, is that whenever there is a closed session, the subject of the closed session will have the opportunity to appear before the Board in closed session to address them. The Board will never hold a closed session to discuss an employee who is also a member of an elected public body. The Attorney General will be notified of any planned closed session and asked to send a representative to the closed session. Regular consultations with the Attorney General will occur. Whenever the Board consults with its attorney (either as a body or individually) it is not defined as a meeting under the Open Meeting Law. The law now recognizes that individual Regents and the Board have the right to meet privately with their attorney. The policy also sets forth procedure regarding how the Board will comply with the Public Records Law and any requests for records. Each institution will be asked to identify a specific public records officer to receive all requests for public records. The policy sets forth the Board's commitment to provide all public records upon request unless prohibited by law from doing so. Staff will err on the side of providing the records when in doubt. The denial of any request for inspection or copying of public records must be approved by the Vice Chancellor for Legal Affairs.

Regent Hill asked whether Code changes required two readings. Assistant Chief Counsel Nielsen replied that this was an addition to Title 4 of the Handbook (policy statements of the Board of Regents) which only requires one hearing. Regent Hill established that this was not a Code change. He asked whether the statements were solely Ms. Nielsen's/System counsel's ideas or whether the Attorney General had indicated that he wanted this policy adopted. Ms. Nielsen replied that she had written the policy in consultation with Interim Chancellor Rogers. It was drafted and sent to the Attorney General for review and input. They met with them and received some minor suggestions. The policy came from counsel in consultation with the chancellor. Regent Hill referred to section 2d, subsection

13. Approved-Handbook Revision. Open Meeting/Public Records Policy –(Cont'd.)

3. He recalled that the previous Attorney General felt it was a good idea to identify by name the person(s) who will be the subject of the closed session, while the current Attorney General felt it was mandatory. Ms. Nielsen agreed. The prior Attorney General included a statement in the manual recommending/believing that closed sessions should identify the individual by name. It was not mandated. Regent Hill felt there was no mandate in the Open Meeting Law to identify a person by name. Ms. Nielsen agreed it was not mandated by law, but had been identified by the Attorney General's office as a matter that they felt complied with the spirit of openness. It was recommended that names be included on the agenda. Regent Hill said that he would generally agree, though he could think of rare occasions when the Board may not wish to notice the person's name. He did not like the incorporated provision that would not provide the Board the option in exceptional circumstances.

Regent Hill then referred to subsection section 2d, subsection 4, which indicated that "all relevant aspects of the matter may be considered by the Board...Consideration of any matter in closed session will be limited to receiving information regarding the matter and seeking clarification...All deliberations, discussion and expression of opinions on the matter will take place in open session." He recalled that previous attorneys general had used a definition for "consider" that was more in conformity with the dictionary definition, which included "deliberate". He observed there were many ways of interpreting the word. He asked whether that was a fair statement about prior attorneys general. Ms. Nielsen replied that it was, adding that this is an interpretation of the current Attorney General with which the court had agreed. Regent Hill noted that the Board of Regents had dismissed the appeal so they did not have a positive, controlling decision on this issue. He said he had a problem with bootstrapping this interpretation of the word "consider" into Board policy because the next Attorney General may have a more enlightening/rational. Mad th bootsttNtNte enM0at#

Regent Hill moved approval of adopting the Handbook revision with the addition of: language in #3 “except under special circumstances” #4 deleted #6 reclassified under a separate section of personnel and not under the Open Meeting Law. Regent Seastrand seconded.

Regent Sisolak asked whether the item could be sustained with another motion. Chair Anthony replied that discussion would continue if the motion were not seconded.

Regent Seastrand withdrew his second. Regent Derby seconded the motion.

Regent Leavitt asked, in light of the fact that these policy statements are not part of the Open Meeting Law, whether the Attorney General would view them as legal violations. Assistant Chief Counsel Nielsen replied that these items were part of the litigation with which they were involved with the Attorney General’s office. System counsel is providing the Board this advice because it is the current interpretation and enforcement of the Open Meeting Law. She said it would be their advice for the Board to comply with each of the items listed. In discussions with the Attorney General as part of the contract settlement of the case, they agreed to adopt a policy. This policy has been agreed upon by the Attorney General’s office and Board counsel that addresses all the issues of concern. If the law changes or new interpretations of the law conflict with the policy, it will be adjusted accordingly. These changes can be made at one meeting.

Regent Leavitt asked, because of the placement of the provisions in policy that are not in the Open Meeting Law, whether a Board violation of those provisions would constitute a violation by the Attorney General. Assistant Chief Counsel Nielsen replied that they would. Regent Leavitt expressed his support for the way the policy was written, noting that the policy statement would have the force of law. He felt that the fact that the Board was going further than what was required spoke volumes, especially as they entered the legislative session. He felt it sent the right message to the Legislature and he hoped that the Legislature would pass similar requirements for themselves.

Regent Alden stated that an individual elected to a public body could not be discussed in a closed session. He asked whether student appeals conducted in closed session would require naming the student. Assistant Chief Counsel Nielsen replied that the student would be protected as provided under federal law. Regent Alden felt the policy should stipulate such. Assistant Chief Counsel Nielsen replied that it was not necessary

issues and hoped that some of the technical issues would be addressed at the legislative level. He felt it was paramount for the Board to debate with the Legislature what the Open Meeting Law should include. In all fairness, the Open Meeting Law should apply to all public bodies, including the Legislature. He hoped that message would be conveyed to the Legislature.

more than they have the right to charge currently.

Chair Anthony left the meeting.

Regent Sisolak observed that the Legislature had never been under the Open Meeting Law. He established that the Board of Regents was treated the same as all other boards

13. Approved-Handbook Revision, Open Meeting/Public Records Policy –(Cont'd.)

and that this was not a special law intended for the Board. Regent Sisolak observed that this policy was part of the agreement with the Attorney General. Interim Chancellor Rogers agreed. Regent Sisolak asked about the repercussions if the Board failed to pass the policy. Interim Chancellor Rogers replied that it would not bode well.

system to be effective, it is important for the chancellor to be empowered by description and role in the Bylaws. A previous discussion involved the presidents' right of appeal. One president already has the right of appeal included in her contract. Regent Derby felt it was important for the presidents to have a right of appeal. A de facto right of appeal exists with any three Regents able to bring forward any issue for a Board agenda. She would rather have the issue codified to strike the appropriate balance. She felt that it appeared punitive not to

majority was required for the motion to pass. Vice Chancellor Klaich replied that it was. Regent Whipple observed that the proposal was the product of much work and consideration, adding that he supports having a strong Chancellor's position. He asked whether an appeal process was included in the proposal. Vice Chancellor Klaich replied there was not, except for President Harter who has a contractual right of appeal. Regent Whipple asked that the specific language prohibiting an appeal be identified. Vice Chancellor Klaich replied that it could be. As the Board has brought a

the firing. He felt it was an act of cowardice by the Board. He felt the decision to fire a president should be vetted in the open. The

14. Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships.
Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

only way for a chancellor to have widespread support would be to poll the Board, which is a violation of the Open Meeting Law. If the Board felt so strongly that a president needs to be fired they should do so themselves.

Dr. Terry Jones, Faculty Senate Chair-CCSN, stated that the faculty senate chairs across the System agree that the chancellor needs to have the kind of power that the chancellor needs. Given the environment that has existed at CCSN, which is improving, there was a period of time when the institution was almost dysfunctional. It has ~~Approved-Handbook Revision, Chancellor and Board of Regents' Roles/Relationships~~ it is used to the advantage of the person having the most power. He referred to Ref. J, page 4 of 9 "There is no right to an ~~agenda item~~ with regard to any proposed discipline." He acknowledged that three Regents could request an agenda item, but that it could take several months. He asked what the institution would do in the interim. He related that CCSN faculty urged the Board not to pass the proposal without specific language allowing an appeal ~~process for presidents~~ in concey with the chancellor and no

Regent Howard said she was concerned about whether the policy was consistent with Nevada Revised Statutes. Vice Chancellor Klaich replied that they believed the proposed amendment complied with Nevada law. Regent Howard felt uneasy about the presidents not having appeal rights. She was concerned that the chancellor required more authority to hold the presidents accountable. She felt this would eliminate some of the politics that exist when pressure is put on one president. It will also remove the presidents' ability to pit one Regent against another. She felt it was a good policy, so long as they have a good chancellor who would not make a decision that would hurt the faculty and students and render an institution dysfunctional. She indicated her support.

Regent Schofield believed the chancellor requires the proper authority. He felt that if the Board did not pass the item they would be cutting his legs off. He felt the chancellor required the authority so that when he realizes a problem he can discuss it with the presidents and provide the necessary direction. He felt that passing the motion would stop a lot of the dysfunctional activities that the Board has gone throug ted in thn

if the current one was defeated. Vice Chancellor Klaich replied that if the motion did not pass, a person voting against the motion (prevailing side) could reconsider the matter. Regent Derby asked whether it had to be done in such a fashion and that the motion could not be amended. Vice Chancellor Klaich replied they could make a specific motion to amend the motion and vote on that first. Regent Derby established that she could offer an amendment to the current motion, which the Board would then vote upon.

Regent Howard left the meeting.

Regent Derby related that she had intended to offer an amendment to the current motion. Vice Chancellor Klaich apologized for confusing the Board, adding that he erroneously ruled it out of order.

Regent Howard entered the meeting.

Regent Sisolak noted a point of clarification, stating there was a difference between a motion and a friendly amendment. Regent Derby established that she had not requested a friendly amendment. She was intending to

this in its current form, he would vote for it with the right of appeal. The Board Chair provision was a poison pill for him on the provision. He said he could not support the Board Chair's concurrence. He observed they would be giving the Board Chair veto power over the chancellor.

Regent Derby said she would amend her motion to remove the Board Chair provision and only include the right of appeal. Regent Rosenberg seconded.

Regent Sisolak noted a point of order, stating that Regent Derby should withdraw the first amendment prior to making another amendment. Vice Chancellor Klaich asked Regent Derby to withdraw her motion and to restate it.

Regent withdrew her previous motion.

Regent Derby moved approval of amending the motion to provide the presidents the right of appeal under the circumstance of termination by the chancellor. Regent Rosenberg seconded.

14. Approved Handbook Revision, Chancellor and Board of Regents' Roles/Relationships, Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

Vice Chancellor Klaich said that he was concerned about the amendment before the Board only in the context of what the Board wished to see as a right of appeal. He asked the Chair to allow Board counsel to have a moment to suggest what proper appeals might be consistent with University Code and the Handbook. He was concerned they were preparing to vote upon something that could end up meaning very little.

Regent Hill noted a point of clarification, stating that the appeal process would only apply to termination. Chair Anthony and Regent Derby agreed.

Regent A. Nielsen read into the record her interpretation for how the amendment should be stated properly.

The meeting recessed at 12:38 p.m. and reconvened at 12:59 p.m. with all members present except Regent Howard.

Regent Derby moved approval of amending the motion so the president may appeal termination to the Board of Regents, using the procedures established in Section 6.14 of the Code (Title 2, Chapter 6) so far as they can be made applicable and subject to the following: the appeal must be filed with the chief administrative officer of the Board of Regents and the Chancellor may file a written reply to the appeal with the chief administrative officer of the Board of Regents. The appeal must be filed within ten working days before the meeting.

Proposed Change to Regents' Bylaws, Article VII – (Cont'd.)

Howard requested the motion be repeated. Regent Derby explained that her amendment would allow the presidents the right to appeal an action of termination by the chancellor.

Regent Howard said she was trying to determine how one president has appeal rights while the others do not. Vice Chancellor Klaich explained that the timing of the Board's consideration of this issue did not coincide with the contract renewal. When President Harter's contract came before the Board there was a discussion about a contractual provision added to her contract, which the Board approved. That contractual provision preceded the current Bylaw change, which would apply to all of the presidents. It was simply a matter of timing. The action took place when her contract was renewed. When the Board considered the contracts of Presidents Killpatrick and Ringle, provisions were added that essentially eliminated these changes (i.e., if the Board did not a T

language for tenured faculty. Faculty felt it was important not to create two levels of faculty. The 365-days is an American Association of University Professors (AAUP) standard and a national trend. The compromise considers the faculty recruitment cycle, as well as preserves the integrity of the education experience for the student. She acknowledged it could be as long as sixteen months. She reported the issue had gone through all eight faculty senates.

Regent Seastrand said he would likely support the item because it was an improvement to current policy. He agreed they needed to provide people the opportunity to go somewhere else when being terminated. He felt that sixteen months seemed excessive.

Regent Sisolak asked whether the chancellor felt the policy went far enough. Interim Chancellor Rogers said he had tracked the matter closely. He felt it was a big improvement to the academic environment, adding that he was very satisfied with it.

Assistant Chief Counsel Nielsen clarified that the amendment included striking the words “academic or” (Section 5.9.4 following (d)). She noted they were differentiating between non-tenured academic and non-tenured administrative faculty (non-tenured administrative faculty contracts terminate at the end of the notice period non-tenured academic faculty contracts terminate at the end of the notice period or the notice of the semester, whichever is later).

Motion as amended carried. Regents Dondero and Whipple were absent.

Regent Gallagher left the meeting.

Regent Gallagher left the meeting.

16. Approved-Handbook Revision, Summer Term Salary Schedule, UNLV – The Board approved President Carol C. Harter’s request to revise the summer term salary schedules (T&C of MM#de

Singapore is making in tourism, they have sought out this program to join some of the best universities in the world to participate. They are willing to provide UNLV a no-risk advance of \$1 million to get the program

this as an example, adding that Singapore had approached UNLV, which was good news for the System.

21. Approved-Variance in Tuition, International Programs in Singapore Offered by the William F. Harrah College of Hotel Administration, UNLV – (Cont'd.)

Regent Rosenberg moved approval of the tuition variance for international programs in Singapore offered by the William F. Harrah college of Hotel Administration for UNLV

Financial Statements, DRI (Ref. A-7 Bound Report on file in the Board office) .

Financial Statements, TMCC (Ref. A-8 Bound Report on file in the Board office) .

Financial Statements, CCSN (Ref. A-9 Bound Report on file in the Board office) .

Financial Statements, WNCC (Ref. A-10 Bound Report on file in the Board office).

Financial Statements, GBC (Ref. A-11 Bound Report on file in the Board office) .

Office of Management and Budget (OMB) Circular A-133 Report (Ref. A-12 Bound Report on file in the Board office) .

25. Approved-Audit Committee Recommendations and Report – (Cont'd.)

Audit Exception Report – The Committee recommended approval of the Audit Exception Report for the six months ended December 31, 2004 (Bound Report on file in the board office) .

Regent Schofield moved acceptance of the report. Regent Whipple seconded. Motion carried. Regents Anthony, Dondero, Howard, and Leavitt were absent.

Chair Anthony and Regent Leavitt entered the meeting.

29. Accepted-Chancellor Search Committee Report - Chair Bret Whipple reported the Chancellor Search Committee met December 9, 2004 and January 20, 2005. On December 9th, the Committee considered search consultant presentations and selected a search firm. The Committee directed Chief Counsel and the Committee Chair to negotiate a contract with Greenwood and Associates, the firm chosen.

