

UCCSN Board of Regents' Meeting Minutes September 3-4, 1976

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BOARD OF REGENTS

UNIVERSITY OF NEVADA SYSTEM

September 3, 1976

The Board of Regents met on the above date in the Teacher Education building, University of Nevada, Las Vegas.

Members present: Fred M. Anderson, M. D.

Mr. James L. Buchanan, II

Mr. John A. Buchanan

Mrs. Lilly Fong

Louis E. Lombardi, M. D.

Miss Brenda D. Mason

Mr. John Tom Ross

Miss Helen R. Thompson

Members absent: Mrs. Molly F. Knudtsen

Others present: Chancellor Neil D. Humphrey

President Donald H. Baepler, UNLV

President Charles R. Donnelly, CCD

President Max Milam, UNR

President Lloyd P. Smith, DRI

Mr. Larry Lessly, General Counsel

Mr. Richard Belaustegui, Unit Senate

Dr. Paul Burns, UNLV Senate

Dr. James Richardson, UNR Senate

Mr. Paul Swartz, CCD Senates

Mr. Joseph Warburton, DRI Senate

Mr. Dan Russell, CSUN

Mr. James Stone, ASUN

The meeting was called to order by Chairman Buchanan at 2:00 P.M.

1. Approval of Minutes

The minutes of the meeting of July 23, 1976 were submitted
for approval.

Mrs. Fong moved approval. Motion seconded by Miss Mason,
carried without dissent.

Upon motion by Mrs. Fong, seconded by Mr. Ross, the Supplemental Action and Information Agendas were accepted.

2. Optional Retirement Plan for Faculty

Chancellor Humphrey recalled that in 1969 the University, with the full consent and cooperation of the faculty, requested the Legislature to allow faculty the option to join either the Nevada Public Employees Retirement System (PERS) or another retirement program selected by the Board of Regents. This optional program was to be the Teachers Insurance and Annuity Association of America - College Retirement and Equities Fund (TIAA-CREF). The Legislature, after much consideration and extensive lobbying by the University, Board of Regents, Administration and faculty, enacted the legislation. It provided that all faculty employed after July 1, 1969 would choose which system they wished and that faculty employed before July 1, 1969 would have until December 9, 1969 to decide whether or not they wished to discontinue membership in PERS and join TIAA-CREF. The law provided that if an existing faculty member chose to join TIAA-CREF, the amount credited to his account with PERS would be withdrawn and either paid to him or transferred to TIAA-CREF. By law, the contribution paid by the University

to PERS as a matching amount was not credited to his account and remained in the PERS fund. This was true then, and now, for persons withdrawing from PERS when leaving the University or other covered employment. The University had originally sought to have the University's contribution to PERS returned but this was one of the compromises which had to be agreed to in order to secure passage of the legislation.

He continued by recalling that in 1975 the PERS Board gave consideration to seeking legislation which would do away with the optional plan for University faculty and provide that all new faculty would have to go to TIAA-CREF or all would have to go to PERS. As an inducement to agree to this, it was proposed that existing faculty (both those employed before July 1, 1969 and those employed after that date) would once again be given an opportunity to select a retirement plan. The University opposed doing away with the optional plan and the PERS Board dropped the matter.

Chancellor Humphrey then reported that the UNLV Senate has recently adopted a motion "... to recommend that the Board of Regents review the procedure which occurred during the transfer of retirement to TIAA-CREF in 1969; that they determine whether or not the information given those who had

a choice to make was clear in that the State's contribution would not be transferred with the employee's contribution; and that the option to remain with or transfer retirement plans again be made available."

Dr. Humphrey stated that in 1969 each faculty member wishing to withdraw from PERS to join TIAA-CREF was counseled by a Division representative. Each faculty member withdrawing received either a check from PERS or a memorandum of credit to TIAA-CREF. He pointed out that seven years have now passed since those individual decisions were made. He also noted that if this matter is pursued, it is reasonable to assume that the PERS Board will again seek to discontinue the option for UNS Faculty. He recommended that no action be taken at this time and that the various Senates be requested to make recommendations for the October meeting.

Dr. Paul Burns, UNLV Senate Chairman, reviewed the action by that Senate, noting that the important question which they are asking the Regents to consider is whether or not it was made clear to faculty choosing to transfer that the funds provided by the State would not be transferred to TIAA-CREF.

Mr. Joseph Warburton, DRI Senate Chairman, urged that the

Senates be allowed to look at this and come back to the October meeting.

Mr. I. R. Ashleman, Counsel for the UNLV Chapter of NSP, distributed a letter to the Board (on file in the Chancellor's Office), in which he requested that he and representatives of NSP be allowed to participate with a subcommittee of the Board of Regents assigned to discover the extent of this inequity and draft proposals for a possible legislative solution.

Chancellor Humphrey again recommended that no action be taken by the Board except to ask the Division Senates to review this request by the UNLV Senate and to develop recommendations for consideration by the Board at the October meeting. The Board agreed, by consensus, to take no further action until the October meeting.

3. Report of Gifts and Grants

Acceptance of the gifts and grants as reported by the Division Presidents was recommended. (Report identified as Ref. 2 and filed with permanent minutes.)

In addition, President Milam reported that the trustees of the Houghton Foundation of Reno have offered a gift of \$25,000 to the University of Nevada System "for purpose of establishing a scholarship endowment for the UNR Medical School. The income derived is intended to be employed to provide one or more annual scholarships to students who are graduates of a Nevada High School. Academic potential is suggested as a primary basis for award, with financial need to be determinative should more than one candidate indicate substantially equal potential."

President Milam and Chancellor Humphrey recommended acceptance of this offer by the Houghton Foundation and the conditions as set forth by its trustees.

Miss Thompson moved acceptance of the gifts and grants in Ref. 2 and of the offer by the Houghton Foundation. Motion seconded by Miss Mason, carried without dissent.

4. Reports of Investment Advisory Committee

The minutes of the Investment Advisory Committee meeting of July 23, 1976 were distributed with the agenda (identified as Ref. 3A and filed with permanent minutes). In addition

the minutes of a special meeting of the Investment Advisory Committee, held on August 13, 1976 to consider retention of an investment consultant, were also included with the agenda (identified as Ref. 3B and filed with permanent minutes).

Chancellor Humphrey recommended that the actions of the Committee be confirmed, including the allocation of \$4,125 from the Board of Regents Special Projects Fund to provide one-half of the consulting fee (the other half to be generated by brokerage commissions).

Dr. Lombardi moved approval. Motion seconded by Mr. John Buchanan, carried without dissent.

5. Approval of Fund Transfers, UNLV

President Baepler requested approval of the following transfers of funds:

From Contingency Reserve, State Appropriated Accounts:

#77-002 \$24,981 to Theatre Arts Professional Salary category to provide funds for transfer of two classified positions to professional status.

#77-004 \$15,590 to Controller's Office Professional Salary

category to provide funds for transfer of a classified position to professional status.

#77-005 \$18,027 to Special Education to provide for a new

professional position.

#77-007 \$12,144 to Library to provide for a new professional

position.

#77-013 \$10,000 to Audio Visual Professional Salary category

to provide funds for transfer of a classified position to professional status.

#77-015 \$34,714 to establish an account for an Affirmative

Action Office (\$2,500 to Operating, \$21,575 to

Professional Salary category, and \$10,639 to Classified Salary category).

From Ending Fund Balance, Estimative Budget Account:

#77-011 \$6,633 to Physical Education to establish a full-

time classified position to assist in Women's

Locker Room.

From Contingency Reserve, Statewide Services Account:

#77-018 \$7,344 to UNLV Museum to provide funds for transfer
of a classified position to professional status.

Chancellor Humphrey recommended approval.

Miss Mason moved approval. Motion seconded by Mr. John
Buchanan, carried without dissent.

6. Rebel Athletic Foundation

Mr. John Buchanan recalled that the Board had considered
at the July 23, 1976 meeting, and denied, a request by the
Rebel Athletic Foundation for lease of certain University-
owned land on which to construct an apartment house for
rent to student athletes.

Mr. Buchanan stated that he wished to ask for reconsidera-
tion of the previous action and presented the following
statement:

I am bringing before the Board an item which I feel is worthy of reconsideration. This item deals with the proposal brought to the Board at the July meeting at which the Rebel Athletic Foundation was requesting the leasing of a 5-acre parcel from UNLV. At the time I cast the negative vote I did not feel the housing was in the best interest of the University. To say the least, I felt the entire project was presented leaving too many "loose ends" resulting in what I considered would amount to an unsatisfactory project. However, in the last month the Rebel Athletic Foundation has worked hard to present a clearer concept of the project and has introduced additional information which is influential in my move to reconsider.

The crux of the argument against this project at the last meeting seemingly centered against the University's possibly semi-administering a facility similar to the one we have at Tonopah Hall, and secondly, that of selective housing for student athletes. The additional information supplied to me indicates that the possibility of administering the facility has now been considered more closely by the RAF. Their policy purports to be similar to that of similar housing projects

of this kind. Secondly, selective housing for a particular University group no longer appears to be a problem as the RAF is securing 200 units off Campus on a site close to the University. Thus, there should be adequate housing for a large variety of students and faculty.

Because of this and the seemingly generous offer of the Rebel Athletic Foundation, I am proposing that the Board reconsider this as an action item for the October meeting in Reno. In the meantime, I am requesting that University Counsel look into the proposed housing concept and advise the Board as to its ramifications. I am also requesting that the University architect examine the facility's plans with the contracted architect, while additional work is done, as to how the facility would affect the flow of traffic on existing roads and possibly affect present and proposed facilities. The 5-week period until the next meeting should give not only the staff a chance to look at this proposal, but should give the Regents adequate time to ask further questions of the Rebel Athletic Foundation.

Mr. John Buchanan moved to reconsider the action taken at

the July meeting. Motion seconded by Mr. Ross, carried without dissent.

Mr. William Morris, President of the Rebel Athletic Foundation, spoke concerning the revamping of the project since its presentation at the July meeting, the Foundation's plans to build an additional project on land purchased by the Foundation and located near the Campus, and the financing that has now been arranged with FHA. He requested tentative approval of the site of five acres on Harmon Avenue adjacent to the Rebel House Apartments, and approval of the concept in principle, subject to further action by the Board at the October meeting.

Dr. Lombardi moved approval of the concept in principle, tentative approval of the proposed site, subject to further legal and architectural review and subject to further action by the Board at the October meeting. Motion seconded by Mr. John Buchanan, carried without dissent.

7. Student Union Bookstore Remodeling, UNLV

President Baepler reported that the UNLV Student Union Board has proposed to enlarge the existing bookstore by extending

the present facilities to encompass the TV Lounge and central space in the existing Union building. The total cost of the remodeling is anticipated to be not more than \$35,000 with additional fixtures for display and sales to be bid separately.

President Baepler endorsed a request by the Student Union Board that James Mc Daniel be designated as the architect for this work, and recommended approval by the Board of the appointment of Mr. Mc Daniel, authorization of the remodeling of the space as indicated, and authorization of the acquisition of additional fixtures, subject to final approval of all costs. Chancellor Humphrey concurred.

Mrs. Fong moved approval. Motion seconded by Miss Mason, carried without dissent.

8. Request for Interfund Loan, UNLV

President Baepler requested approval of a noninterest bearing loan of \$20,000 to Central Stores from the Capital Improvement Fee Fund to cover inventory expansion for 1976-77. The loan is to be repaid from sales made from Central Stores to other Departments. Chancellor Humphrey recommended

approval.

Dr. Lombardi moved approval. Motion seconded by Miss Mason, carried without dissent.

9. Revenue Bond Legislation

President Baepler recalled that the 1975 Legislature had authorized the issuance of \$10 million in revenue bonds to construct facilities on the UNLV Campus for lease to the U. S. Environmental Protection Agency. Subsequent to the enactment of that authorizing legislation, it was learned that a legal opinion as to the tax exempt status of the issue could not be secured due to recent Internal Revenue Service rulings on similar issues. The matter was pursued with IRS without success.

Dr. Baepler further reported that John R. Mc Bride, Acting Director of EPA's Environment Monitoring and Support Laboratory in Las Vegas, has urged the University to proceed with plans to construct this facility by requesting the 1977 Legislature to authorize the issuance of taxable, rather than non-taxable, bonds.

President Baepler and Chancellor Humphrey recommended that such authority be requested from the 1977 Legislature, with the bonds to be repaid by leasing the facility to EPA for 20 years.

Mrs. Fong moved approval. Motion seconded by Miss Thompson, carried without dissent.

10. Approval of Fund Transfers, UNR

President Milam requested approval of the following fund transfers from the Contingency Reserve, State Appropriated Accounts:

#026 \$6,303 to Journalism to be used to employ a part-time instructor for radio and TV courses.

#028 \$700 to Allied Health, Medical Technology, to provide wages money for work-study students for the laboratories.

#032 \$2,452 to Foreign Languages and Literature to provide funds for salary of a professional employee hired at an amount larger than budgeted.

#042 \$3,600 to Managerial Sciences to provide for a salary of a part-time instructor of Business Law.

#043 \$17,792 to Psychology to provide funds for partial support of two faculty members whose Federal grants are terminating during the current year.

#045 \$17,860 to Medical School, to consolidate all printing copying budgets for 1976-77. These items were previously allocated among the Departments. This procedure is in response to a recommendation by the Medical School Executive Committee.

#047 \$14,529 to Biology to provide funds for a letter of appointment for a part-time instructor and for the appointment of three graduate assistants to staff laboratories, thus releasing regular staff members to meet other teaching obligations. Funds are available from an unfilled professional position.

#049 \$6,873 to Accounting and Information Systems to provide funds for professional appointments made at salaries larger than budgeted, and to provide for letters

of appointment for the Fall and Spring semesters.

Chancellor Humphrey recommended approval.

Mr. Ross moved approval. Motion seconded by Mrs. Fong,
carried without dissent.

11. Addition to Renewable Natural Resources Facility, UNR

President Milam recommended that Ray Hellmann be designated as the architect for the addition to the Renewable Natural Resources Facility, that this project be constructed in cooperation with the State Public Works Board, and the following project scope and budget be approved:

Funding

Fleischmann Foundation \$ 600,000

Proceeds from sale of 4.28 acres

of Valley Road Farm 253,800

College of Agriculture funds from

facility accounts 146,200

\$1,000,000

Budget (tentative)

Construction	\$ 826,500
Surveys & Soil Test	2,600
A/E Fees	83,000
Plan Check	3,000
Advertising	200
Contingency	30,000
Inspection	12,000
Testing	1,200
Furnishings	35,000
Sewer Fees	4,000
Miscellaneous	2,500
	\$1,000,000

Chancellor Humphrey recommended approval.

Mrs. Fong moved approval. Motion seconded by Mr. Ross, carried without dissent.

12. Procedure for Recruitment of Academic Vice President, UNR

In response to a request by Mrs. Fong, Mr. Harry Wolf, UNR Affirmative Action Officer, explained the procedure followed in the recruitment of an Academic Vice President for UNR.

Mr. Wolf explained that the University is required by Fed-

eral regulation to establish hiring quotas and timetables based on a utilization analysis of its internal work force by each job category and compare that to the national applicant pool in the same job category. This procedure was followed to determine whether or not the University would be permitted to recruit internally for the position of Academic Vice President. The analysis showed that in the job category (i. e., College and University Administrators) there are 25% women at UNR as opposed to 19.6% national availability. UNR has 8.3% minority persons in the job category under analysis, whereas there are 2.4% on a national basis. Consequently, the decision was made to recruit internally and this decision was endorsed by Wade Madison, Jr., the Senior Compliance Officer of the Office of Civil Rights, who has assured the University that the procedures followed were correct and legal.

Mr. Wolf further explained that the President has the right, mandated in a memorandum to all Colleges and University Presidents from Peter Holmes, Director of the Office of Civil Rights, to establish the position standards and requirements. He stated that in the case of the position of Academic Vice President, Dr. Milam has concluded that the individual appointed to this position should have a back-

ground as a College Dean or Program Director, believed it extremely important that he should have some familiarity with the University of Nevada, Reno.

In response to several questions, Mr. Wolf confirmed that the recruitment had been confined to the Reno Campus; however, when applications had been received from outside the Reno Campus from other Divisions of the University, the applications had been reviewed and considered by the committee.

In response to a question from Chairman Buchanan, Mr. Wolf stated that he believed the University to have complied with all Federal and UNS regulations in the recruitment for the position of Academic Vice President.

President Milam also noted, in response to an inquiry about the applications from persons in other Divisions of the System, that it was not the intent to advertise outside of UNR, and the notice of the position was not sent by UNR itself to other Divisions. He commented that he had no explanation for its being published in a UNLV publication.

He also confirmed Mr. Wolf's statement that all applications were considered.

In response to a question from Chairman Buchanan as to whether or not the fact that applications had been received from persons outside of UNR would change the validity of the internal recruiting procedure, Mr. Wolf stated that there had been no intention to advertise the position to other than UNR community.

The Chairman declared the discussion closed and stated that further discussion concerning candidates would occur in personnel session.

13. Approval of Fund Transfers, CCD

President Donnelly requested approval of the following fund transfer:

\$15,050 from CCCC Contingency Reserve to Library Operating to provide funds for film rental and purchase of books.

Chancellor Humphrey recommended approval.

Dr. Lombardi moved approval. Motion seconded by Miss Mason, carried without dissent.

14. Procedure for Payment of Accrued Annual Leave, DRI

Mr. Mark Dawson, Business Manager, DRI, made the following request concerning accrued annual leave:

As you know the Desert Research Institute is funded largely from grants and contracts which to date have not been paying for accrued annual leave. As of July 1, 1976 the DRI had approximately \$220,000 of annual leave on the books, much of which has been earned from grants and contracts which have closed.

I request a new procedure be approved for the DRI for paying for annual leave as follows. As annual leave is earned during a month, it would be charged as a fringe benefit to the account or accounts to which the salary has been charged and deposited to an Annual Leave Reserve Account. Then, as annual leave is taken, it would be charged to the Annual Leave Reserve Account.

If approved, this procedure will have to apply to all employees regardless of the source of salary funding as required by the Federal government to prevent discrimination against outside grants and contracts.

If approved, this would require a major programming effort on the part of the Computing Center. Since it would also take some time to get budgeted into grants and contracts, I propose it become effective July 1, 1977.

If approved, it is requested that the DRI be allowed to fund the unfunded leave from Indirect Cost Recovery over a period of 5 years. At the end of each fiscal year we would perform a detailed audit of accrued annual leave and the Annual Leave Reserve Account to determine what adjustments, if any, would be needed.

I further request authorization to invest the balance of the Annual Leave Reserve Account and deposit the interest back into the account. The interest income generated plus the leave foreited by personnel not taking their leave would help pay for increased annual leave expenses caused by salary increases.

President Smith recommended approval. Chancellor Humphrey concurred, noting however that this will require legislation as it affects appropriated accounts.

Miss Thompson moved approval. Motion seconded by Mrs. Fong, carried without dissent.

15. Proposed Bylaws for United Students, UNS

Proposed Bylaws for the University of Nevada Student Governments Council were submitted with the agenda (identified as Ref. 13 and filed with permanent minutes). The Officers recommended approval by the Board.

Dr. Lombardi moved approval. Motion seconded by Mrs. Fong.

In response to a question concerning the membership, Jim Stone, USUNS President, stated that it was intended that the WNCC-North and WNCC-South would each be regarded as a Campus for this purpose.

Motion carried without dissent.

16. Public Employees Retirement System

Chancellor Humphrey reported that on August 26, 1976, the Public Employees Retirement Board decided that as of July 1, 1976 University of Nevada System faculty on academic year

contracts would received only ten months service credit for the year and not one year service credit previously received. This action was based on that Board's interpretation of NRS 286.495(3) which states that service on or after July 1, 1975 shall be credited on the basis of days, months or years actually worked.

Dr. Humphrey noted that this matter first came to the University's attention when the PERS Board, by a 4 to 3 vote, decided to reduce by 20% the pensions of UNR faculty retiring July 1, 1976. The PERS Board has asked the Attorney General for additional advice and plans to go to court to seek a ruling.

Dr. Humphrey suggested that it was unlikely that the Legislature intended to penalize UNS faculty and to assign them less service credit for an academic year of teaching than is assigned public school faculty, noting that public school teachers are excluded from NRS 286.495 and their service credit is computed under the provisions of NRS 286.501, and is calculated on a ratio of one and one-third days for each day worked (the 4/3's Rule).

Dr. Humphrey requested authorization to seek legislation

which would make it explicit that University faculty on academic year contracts would be treated similarly to public school teachers for the calculation of service credit. He further suggested that the legislation would be applied retroactively to insure that both past and present faculty employed on academic year contracts prior to 1976-77, and who plan to retire under PERS, will have their service credit computed on an annual basis as they and the University had expected.

Mr. Ross moved approval. Motion seconded by Miss Thompson, carried without dissent.

17. Student Fees, 1977-79

Chancellor Humphrey requested that this proposal to revise the refund policy be withdrawn for additional review at the Campus level and be resubmitted to a subsequent meeting.

18. Board of Regents Special Projects Fund

Chancellor Humphrey noted that NRS 451.350 to 451.470, the Anatomical Dissection Law, provides that the University of Nevada System shall have the power to establish a committee

on anatomical dissection, and provides that its members be appointed by the Nevada State Medical Association, Nevada State Dental Association, Nevada State Society of Pathologists, Nevada Funeral Service Association, State Health Office and the Presidents of UNR and UNLV. He reported that the committee has been appointed and is ready to proceed. The committee meetings will be held in Reno and only one member will be on travel status. Chancellor Humphrey requested an allocation of \$500 from the Board of Regents Special Projects Fund to establish a travel fund for this committee.

Dr. Lombardi moved approval. Motion seconded by Mr. John Buchanan, carried without dissent.

19. Long-Term Income Protection Policy

Chancellor Humphrey recalled that in 1969 the Board, upon the recommendation of the Faculty Welfare Committee of the UNR Faculty Senate, adopted a long-term disability income plan bid by the American Fidelity Assurance Company. This plan was made available to all faculty and staff on an optional basis through payroll deductions.

Dr. Humphrey reported that in April, 1976 the insurer advised the University that the trends indicated increased cost escalation on the plan, and the need for the University to maintain the 50% participation rate. A meeting was held with the company to discuss modifications to the plan. Subsequently, the Personnel Officers and the Division Senates were requested to comment on the proposed contract changes. Based on additional information that other carriers were perhaps interested in underwriting this plan, the long-term income protection plan was rebid with a closing date of August 23. Chancellor Humphrey requested that the recommendation of the UNS System Personnel Officers be presented by Dr. Al Stoess.

Dr. Stoess reported that only one bid was received and was rejected as it was received after the deadline. Representatives of insurance companies who had previously indicated an interest in the plan stated that their companies had declined to bid because of the high loss experience and low employee participation.

Dr. Stoess reported further that the Personnel Officers recommend that the present plan be continued with American Fidelity Assurance Company, with the following contract

changes in lieu of a rate increase:

- 1) Inclusion of a provision eliminating coverage for conditions receiving treatment prior to the effective date of the coverage.
- 2) Benefit payments to begin after 180 days of disability instead of 90 days, currently provided in the contract.
- 3) Elimination of the pension supplement benefit.
- 4) Reduction of the minimum monthly indemnity from \$100 to \$50.

Chancellor Humphrey recommended approval of the recommendations of the System Personnel Officers and noted that he is not aware of any faculty objections.

Mr. John Buchanan moved approval. Motion seconded by Mrs. Fong, carried without dissent.

20. UNR Food Service

President Milam noted that the food service at the Stead

Campus and catering service to the National College of the State Judiciary have been operated by General University Extension for several years. However, with the reorganization of that unit into Extended Programs and Continuing Education, they have asked to be relieved of the food service function. Accordingly, Professional Food Management (PFM), which provides a contract food service to the Reno Campus, was asked if they would extend their contract to provide lunch at Stead and to meet all catering requirements of the University. PFM has agreed to this extension of their contract, with the understanding that the 11% rebate on the first \$50,000 of the above sales would not be required.

President Milam recommended that the University extend PFM's contract for the food service at Stead and for catering services effective October 1, 1976. He stated that every effort would be made to relocate the four employees affected with other Departments of the University or with other government agencies. Chancellor Humphrey concurred.

Dr. Lombardi moved approval. Motion seconded by Mrs. Fong, carried without dissent.

21. Approval of Fund Transfers, UNS

Chancellor Humphrey requested approval of the following fund transfers within the Computing Center:

#76-08 \$1,005 from the Contingency Reserve to Academic Uses
to support acquisition of software.

#76-09 \$7,896 from the Contingency Reserve to Academic
Research to provide wages for student assistants.

#76-06 \$1,000 from the Ending Fund Balance of the System
Software Estimative Budget to bring account to 76-77
Work Program level.

Mrs. Fong moved approval. Motion seconded by Dr. Lombardi,
carried without dissent.

22. Request for Interfund Loan, UNR

President Milam requested approval of an interfund loan of
\$26,440 from the Parking Permit Account to Central Services
to be used for the purchase of a Bond Copy Printer and
Sorter. Funds will be repaid monthly within a three-year

period from Central Service Sales Account. Chancellor

Humphrey recommended approval.

Dr. Lombardi moved approval. Motion seconded by Dr.

Anderson, carried without dissent.

23. Proposed Mining Lease Agreement

President Milam recalled that in 1971 Dr. Peter J. Kapo and Mrs. Alice Mae Clymer gave 628 acres in the Valmy Mining District, Humboldt County, to UNR, without restrictions as to its use or disposition. He reported that Vice President Pine has negotiated with Mr. Donald J. Decker for a lease/purchase of the 628 acres for an annual payment of \$628 plus 5% of any mineral production. The lease would be for a ten-year period, renewable upon approval by the Board. Should payments and royalties reach a total of \$125,600, the land would be deeded to Mr. Decker. A copy of the proposed lease agreement was included with the agenda (identified as Ref. 23 and filed with permanent minutes).

Chancellor Humphrey recommended that the property be advertised for lease/purchase and that if no superior bid is received this negotiated lease/purchase agreement with Mr.

Decker be considered as approved by the Board, subject to concurrence by the Governor.

Mr. Ross moved approval of the Chancellor's recommendation that the sale or lease of the property be advertised, but requested that the results be brought back to the Board for approval. Motion seconded by Dr. Lombardi, carried without dissent.

It was understood that additional information concerning the land and its potential use and estimated value would be brought back to the Board at the same time as the bid results are submitted.

24. Authority to Purchase Property

President Milam reported that Mr. Ross Barker has offered to sell his home at 1137 Evans Avenue to the University. This property is on the west side of Evans Avenue, within the area previously designated as a priority for purchase as it becomes available. The property was appraised by the University July, 1975 and that appraisal is being updated.

President Milam and Chancellor Humphrey requested permission

to purchase the property at an amount not to exceed its appraised value.

Miss Thompson moved approval. Motion seconded by Dr. Lombardi, carried without dissent.

25. Medical Malpractice Insurance

Miss Stephanie Siri, Director of Internal Audit, reported that the UNS has had total liability insurance coverage from Pacific Insurance Company for the past three years ending August 14, 1976 at a cost of \$13,042 for this past year. Beginning in February, 1976 Internal Audit began gathering information in anticipation of having to renew the UNS comprehensive liability policy. On August 1, 1976 the University was notified by Pacific Insurance that they would not renew the medical malpractice coverage. By August 14, 1976 basic general liability insurance was secured for one year at a premium cost of \$28,052, and blanket liability insurance for students and faculty in the nursing, medical technology, radiologic technology, dental hygiene, and physical therapy programs at a premium cost of \$15,867; however, the University was unable to find a market for the UNR and UNLV Health Services and the UNR Medical School. At

that time, the Nevada Medical Liability Insurance Association indicated its willingness to consider writing the needed medical malpractice insurance, but at its meeting on August 26, 1976 rejected the University's application for coverage. Subsequently, the University's agent of record, Mr. Larry Kees, representing Nevada Independent Insurance Agents, contacted 17 companies in an attempt to buy medical malpractice insurance, with the following results:

Not Interested

- 1) Fireman's Fund
- 2) Hartford Insurance Company
- 3) Nevada Medical Liability Association
- 4) Pacific Insurance Company
- 5) Maginnis & Associates
- 6) Travelers Insurance Company
- 7) St. Paul Fire & Marine
- 8) Argonaut Insurance Company
- 9) Professional Buyers Guild, Inc.

Still Considering Coverage

- 10) Derek Ware Insurance Brokers

- 11) Ambassador Insurance Company
- 12) Cambridge General Agency
- 13) Glacier General Assurance Company
- 14) Farmers Insurance Group (Truck Insurance Exchange)

Not Considering Coverage

- 15) M. J. Hall & Company
- 16) Aetna Insurance Company

Not an Insurance Market

- 17) American College Health Association

Miss Siri reported that the University currently has a binder on the UNR and UNLV Health Services which expires September 3, 1976; however, the UNR Medical School is not insured for medical malpractice at this time.

Chancellor Humphrey stated that the University will continue to pursue its search for medical malpractice coverage for the UNR and UNLV Health Services and the UNR Medical School; however, he noted, it is quite possible that it will not find such coverage. In that event, he requested authority

from the Board to implement a self-insurance program for primary coverage up to \$500,000, at which point excess liability coverage of \$5 million is believed to be available.

Dr. Humphrey suggested that the only alternative is to reduce the risk by closing the UNR and UNLV Health Services, either immediately by refunding the health service fee to students, or at the end of the Fall, 1976 semester. He pointed out that the only alternative for the UNR Medical School is self-insurance.

Chancellor Humphrey recommended that immediate funding for such a self-insurance program be provided by paying into an insurance fund from the following sources:

Board of Regents Special Projects Fund	\$ 50,000
UNR Insurance Account Surplus	100,000

Additional contributions would be made to the fund as monies are available to bring the self-insurance fund to the needed balance of \$500,000. An amount will be determined for payment by UNLV Health Service; however, it is a minor part of the risk. The fund would be invested separately and interest generated would remain in the fund. Dr. Humphrey added that the self insurance fund would respond to the extent of

legal obligation which is determined to exist, considering the \$25,000 limitation which may be applicable as a result of the State having waived the defense of sovereign immunity up to that account.

Mrs. Fong moved approval of the Chancellor's recommendation with the stipulation that the allocation from the Board of Regents Special Projects Fund would be considered a loan to be repaid after the self-insurance fund reaches the required \$500,000. Motion seconded by Mr. Ross, carried without dissent.

26. Distribution of Dimmick Bequest

President Milam recalled that the University had received \$399,493 from the estate of Maud F. Dimmick "...to be used and devoted by the Board of Regents of said institution, on the Reno Campus, to such purposes as may be determined in the sole discretion of said Board of Regents, provided, however, that if practical and consistent with the needs of the University, it is my desire that the residue of my estate be used by said Board of Regents for the following purposes:

"1. 3/4 thereof for the purpose of erecting and equipping,

aiding in erecting and equipping, a student infirmary.

"2. 1/4 thereof to a fund for investment and the income thereof for a scholarship or scholarships for industri-ous, ambitious, conscientious and worthy, deserving students.

"As is indicated above, it is my intention in making this gift to the University of Nevada, to leave to the good judgment of the Board of Regents, all questions regarding the administration and application of said gift since it is my belief that their decisions will be most beneficial and productive to the University."

President Milam noted that in conformity the Board has found that as was "practical and consistent with the needs of the University", 1/4 of the bequest was used to establish the "Maud F. Dimmick Scholarship Fund". That endowment fund currently has a book value of \$99,495.11 and there was \$4,668.21 of income available this Fall for scholarship distribution. There is \$347,606.77 (original bequest less amount put in endowment, plus interim earnings) currently available.

Dr. Milam requested that \$147,606.77 of this total be used for the Student Health Services relocation and \$200,000 be dedicated to the construction of Phase III of the Anderson Health Sciences building. He recalled that in July, 1975 the School of Medical Sciences received a Federal grant of \$700,000 for construction, subject to providing \$300,000 in matching funds. The faculty and Administration of the School of Medical Sciences have worked diligently to secure this amount; however, to date only \$100,000 has been secured and the deadline is approaching. Chancellor Humphrey recommended approval.

Dr. Lombardi moved approval. Motion seconded by Dr. Anderson, carried without dissent.

27. Collective Bargaining

Chancellor Humphrey recalled that earlier this year the National Society of Professors petitioned for a representational election at UNLV for collective bargaining purposes. In conformity with the regulations of the Board of Regents, that petition was rejected. NSP appealed to the Board and the Chancellor's decision was upheld. Dr. Humphrey noted that one argument of NSP was that UNLV and UNR should not be

in the same bargaining unit. For these two Divisions to be in separate units would require amendment of the Board's regulations. Therefore, Chancellor Humphrey suggested that the Board once again review the question of whether or not UNR and UNLV should be in separate bargaining units. In preparation for this consideration by the Board, Chancellor Humphrey requested that the UNLV and UNR Senates, and any other Senates interested, address themselves to this problem and report their recommendations in time for inclusion on the November Board of Regents agenda.

28. New Business

- (1) Miss Mason stated that she would like to see a new report from all of the University's affirmative action officers, with the report to include:
 - a. How future promotions will be handled;
 - b. Recruiting procedures;
 - c. What changes have occurred;
 - d. Number of women; and tenure ratio between men and

women; and salary ratio between men and women.

It was agreed that this would come back to the November meeting.

- (2) Miss Mason also requested a report concerning what classes are offered after 5:00 P.M. on each of the Campuses, what kind of improvement in these offerings is planned, and an answer to the question of whether a student can get a degree by attending only evening classes. It was noted that President Milam had provided such a report in July.

President Baepler responded by stating that UNLV does not plan to add bachelor's degree programs to its evening offerings.

- (3) Mr. Ross asked for a report on the status of the Mac Millan bequest. Chancellor Humphrey reported that a hearing was scheduled in Reno District Court but was postponed because of a conflict with the judge's vacation. The hearing will be rescheduled. Mr. Ross asked that he be informed of the date when the rescheduling has been done.

(4) Mr. James Buchanan commented concerning a Federal public works bill which would provide Nevada with \$10 million. He asked that the University look into this to see if there are any of its projects which would qualify. Chancellor Humphrey reported that Mr. Harry Wood is already looking into the matter.

(5) Mrs. Fong asked Dr. Baepler to provide her with information concerning the amount of University funds used in the voter assistance program presently being conducted. Dr. Baepler stated that no University funds were involved.

(6) Mr. James Buchanan stated that he had received information that the Review-Journal building in Las Vegas is for sale and asked if some determination could be made concerning the University's interest in purchasing. Dr. Donnelly agreed to look into it.

The Action Agenda was completed and the Information Agenda submitted. The Information Agenda is on file in the Chancellor's Office and contained the following items:

- (1) Report of Purchases in Excess of \$8,000
- (2) Report of Disciplinary Cases, CCD
- (3) Report of Foreign Travel
- (4) Report of Fund Transfers
- (5) Board of Regents Special Projects Account Balance
- (6) Abstracts of MSM Press Releases
- (7) Progress of University Projects
- (8) Status Report, University of Nevada Projects
- (9) Additional Report of Fund Transfers

The meeting adjourned at 4:40 P.M.

Mrs. Bonnie M. Smotony

Secretary of the Board

09-03-1976