

UCCSN Board of Regents' Meeting Minutes May 19-20, 1993

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Pages 1-60

BOARD OF REGENTS

UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA

May 19-21, 1993

The Board of Regents met on May 19, 1993 in the Conference Room
System Administration building in Reno, and on May 20-21, 1993
in the Pine Auditorium, Jot Travis Student Union, University of
Nevada, Reno.

Members present: Mrs. Carolyn M. Sparks, Chairman

Mrs. Shelley Berkley

Dr. Jill Derby

Dr. James Eardley

Mr. Joseph M. Foley

Mrs. Dorothy S. Gallagher

Mr. Madison Graves, II

Dr. Lonnie Hammargren

Mr. Daniel Klaich

Mrs. Nancy Price

Mrs. June F. Whitley

Also present were Faculty Senate Chairmen Alan Balboni (CCSN), Phil Boardman (UNR), Chris Gaub (Unit), Scott Hawkins (NNCC), Dan Mc Clure (TMCC), Alan Mc Kay (DRI), Mark Melrose (WNCC), and John Swetnam (UNLV), and Student Association Officers.

Carolyn Sparks called the meeting to order at 3:14 P.M. Wednesday, May 19, 1993, with all Regents present.

Chancellor Dawson announced that the Governor has requested no additional reductions for higher education in Nevada.

1. Mac Vicar/Peterson Report

Chancellor Dawson introduced Dr. Robert Mac Vicar, President Emeritus of Oregon State University, and Mr. Lloyd Peterson, Senior Assistant Attorney General of the State of Washington, consultants for UCCSN to investigate the matter of J. R. Rider, a student athlete at the University of Nevada, Las Vegas, and allegations in a newspaper article in the "Las Vegas Review Journal (R-J)", that Mr. Rider may not

have done his own work in a class; therefore, may have been ineligible to play basketball. The 60-page report is accompanied by a 4" notebook of exhibits. Chancellor Dawson explained that due to the provisions of the Buckley amendment which prohibits certain records/information being made public, the written report presented at the meeting contained deleted portions. The report is on file in the Regents' Office.

Dr. Mac Vicar compared the status of student athletes in 1935 when he was a Freshman at the University of Wyoming, and a basketball player and debater, to the student athlete today. He related that professional sports in the 1920's and '30's were baseball and boxing. Students were students first, athletes second. Today, athletics are a multi-billion dollar industry of sports entertainment, and the major professional sports are football and basketball. A recent "Chronicle of Higher Education" edition had front page stories on the final outcome of the Knight Commission and the J. R. Rider incident at UNLV.

Dr. Mac Vicar recounted the following:

March 1993 a series of articles on J. R. Rider, alleging

the student had completed a course at CCSN, the instructor did not feel the work was his own, and that a grade had been given under pressure. It further questioned his eligibility to play basketball.

UNLV had reacted promptly, and determined the grade had been transferred from CCSN to UNLV in a proper manner and that Mr. Rider was eligible to participate in the basketball conference playoffs.

March 14, 1993 another article appeared stating that some assignments were in two different handwritings and that Mr. Rider's first name had been misspelled.

UNLV investigated further. This revealed that a tutor had recorded Mr. Rider's comments. UNLV withdrew Mr. Rider from further competition.

UNLV requested an official investigation and contacted Mr. Joseph Malik, Executive Director of the Northwest Association of Schools and Colleges. The media in Las Vegas felt he could be prejudiced because President Maxson had served on the Association board. Mr. Malik withdrew from the investigation.

Chancellor Dawson intervened and called for an investigation. Dr. Mac Vicar and Mr. Peterson began their investigation on March 28, 1993. They interviewed some 35 different people and recorded a summary of the interviews. The individuals reviewed and approved their own summaries prior to having those summaries included in the report.

Dr. Mc Vicar related that he had 30 years' involvement with law in the public sector. He explained that a fact is something that can be proven; i. e., interviews, photos, expert testimony, corroborating testimony from those without a stake in the matter, public records and documents.

A list of the main "actors" or participants was given:

J. R. Rider, UNLV student

Kevin Campbell, UNLV student and tutor

Rossye Carroll, Dean, Nellis Center, CCSN

Dina Gaskins, work study student

Leo Murawski, work study student

Vicki Bertolino, Instructor

Jaina Preston, UNLV Athletic Department

Lori Friel, UNLV Athletic Department

Tom Pecora, UNLV Athletic Department

Rollie Massamino, Head Basketball Coach, UNLV

Dr. Paul Burns, UNLV

Ron Allen, former UNLV Athletic Academic Advisor and
friend of J. R. Rider

Invitations to submit probative information or insight were also extended to reports for the "Las Vegas Review-Journal" and the "Las Vegas Sun", as well as Assemblyman James W. Mc Gaughey, who had a special interest in these matters. No information was received from any of these sources.

Issues and Conclusions:

The preponderance concluded that Mr. Rider did complete all, or substantially all, of the course work for English 102, with the assistance of Mr. Campbell in preparing typewritten copies of four essays.

At least one unit assignment submitted included portions of work done in Mr. Campbell's handwriting. Both Mr. Campbell and Mr. Rider acknowledged this, but both insisted that the embarrassing mix-up must have occurred

as a result of the method the two had devised for reviewing tapes and answering focus questions. Mr. Campbell did provide more intense guidance to Mr. Rider in English 102 than would be regarded as customary tutorial assistance.

Under the policies of the Board, UNLV and CCSN (where the course was taken), questions could be raised concerning dishonesty. However, these policies contemplate that of the instructor in the class is the front-line enforcer of compliance with proper standards. In spite of questions, Mrs. Bertolino entered a passing grade, which represents a judgement by the person in charge, and given that passing grade, insufficient basis exists upon which to premise any charges of academic dishonesty. There was not sufficient evidence to conclude that there was deliberate intent to engage in inappropriate academic practice.

Mr. Campbell did not receive adequate orientation on the performance of a tutor, and supervision of his performance was inadequate. Mr. Campbell and Mr. Rider became friends, and the tutor-student relationship was affected by this friendship.

Given the circumstances surrounding the need for Mr. Rider to successfully complete 24 applicable credit hours by the beginning of basketball competition in mid-November, it was deemed appropriate for him to enroll in English 102 at the Nellis Center to gain 3 credit hours to supplement courses taken at UNLV.

UNLV employees did contact Mr. Carroll, Director of the Nellis program at CCSN, who indicated he did not feel pressured. Subsequently, he contacted Mrs. Bertolino who apparently had not turned in grades for any of her classes, which included the class in which Mr. Rider was enrolled. Mr. Ron Allen, a former UNLV employee and a friend of Mr. Rider, did contact Mrs. Bertolino and did apply pressure for a passing grade. Upon learning of this, Coach Massamino contacted Mrs. Bertolino to let her know Mr. Allen was no longer employed and pressure tactics were not a part of the Administration's handling of student athletes. Mrs. Bertolino was contacted by UNLV Athletics Department personnel for a grade inasmuch as the deadline for the official listing of the basketball team was due. Mrs. Bertolino's husband was in the hospital with a heart

condition at the time of these contacts and she did express that she felt pressured.

During the investigation, faculty members at UNLV were repeatedly asked whether they felt inappropriate conduct relative to enrollment and academic progress for student athletes. Without exception, the response was that while representatives monitor class attendance, no efforts to influence their evaluation of student performance or grades occurred.

Several violations of the Federal Family Education Rights and Privacy Act of 1974, and policies of the University relative to confidentiality of student records were found. A "grade slip" for Mr. Rider's Fall semester, 1991, was secured by the "R-J" and published on March 11, 1993. The investigating team was unable to determine how the newspaper obtained the copy. UNLV had instigated an investigation in this matter prior to Dr. Mac Vicar and Mr. Peterson's investigation. They recommended the UNLV investigation be continued.

Both Mr. Rider and Mrs. Bertolino deny having made Mr. Rider's graded papers available to the newspapers.

These documents were confidential under the regulations of both the CCSN and UNLV and should not have been made available. The team was unable to determine how or by whom the documents were released.

Because Mr. Rider's grade, assigned by Mrs. Bertolino, was such a widely known factor that it bordered on "public information", it was concluded that it would be futile to pursue how or where the "R-J" received the information.

Mrs. Bertolino stated that the information contained in both the "R-J" and the "Sun" was correct, and she regretted consenting to the interviews by the writers. It was concluded that she did confirm to the reporters the grade of C- for the course. The team stated they had no basis to believe that she intentionally provided confidential information to the Press.

No basis was found to question the nature of the Health Education 499 course, Mr. Rider's enrollment in the course, or the award of a passing grade for the course.

Mr. Rider enrolled in 13 hours at UNLV in Summer 1992,

while 15 hours were allowed, and normal procedures were followed in selection of courses and credits earned which would be applicable toward the major for the B. S. degree. Proper University channels were followed and necessary approvals were obtained.

Enrollment in courses was proper and consistent with UNLV policies with regard to adding and withdrawing from courses.

Additional Comments.

1. Because of the particular circumstances surrounding this matter, and Mr. Rider's prominence as a student athlete, the team related this episode should be seen as an aberration rather than as an example of a typical handling of academic issues at either institution.
2. UNLV has been involved in a 3-year nation-wide study of student-athletes which was being completed for the President's Task Force on Student Athletes at UNLV at the time of this episode. The investigative team urged the Board and the University to review this report when considering future policy issues on student athletes.

3. The team advised review of their report and that any deletions concerning confidentiality of student records should be made by General Counsel prior to the report being made public. (This was done.)

4. It was recommended that UNLV should provide Mr. Campbell the opportunity to explain his conduct.

5. The team felt UNLV has made a positive step in transferring the academic advisory function for men and women student athletes from the Athletics Department to the Student Development Center. They also suggested close supervision of the tutorial program.

The report concludes: "This unhappy event should not be allowed to obscure the fact that a very positive spirit exists at UNLV, and at CCSN as well ... Many good things are happening, and can be seen in the cooperative and productive relationships of people both on Campus and off at UNLV and at CCSN. That was obvious to the two of us, throughout our brief, but enlightening peek into the affairs of these institutions."

Dr. Hammargren questioned the team extensively, then asked a question from Rev. Jesse Scott, NAACP, as to whether Mr. Rider had been used as a pawn between President Maxson and former Coach Tarkanian. Mr. Peterson replied that he thought Mr. Rider was a pawn but would not speculate as to whose pawn, although he felt J. R. had been "clearly used to further their own goals".

Mrs. Whitley moved to accept the report. Mrs. Gallagher seconded. Motion carried.

The open meeting recessed at 5:45 P.M. and reconvened at 8:20 A.M. Thursday, May 20, 1993, in the Pine Auditorium, Jot Travis Student Union, University of Nevada, Reno, with all Regents present.

2. Approved Consent Agenda

Approved the Consent Agenda (identified as Ref. A, filed with the permanent minutes), containing the following:

- (1) Approved the minutes of the regular meeting held April 8-9, 1993 and special meetings held April 7, 1993 and April 23, 1993.

(2) Approved the gifts, grants and contracts, listed in

Ref. C-1.

(3) Approved the following Handbook change, Title 4,

Chapter 17, Section 11.6, Special Course Fees, WNCC,

for Summer Session 1993:

Class	Title	Lab Fee
RPED 104	Scuba	\$95.00
RPED 204	Advanced Scuba	\$95.00

(4) Approved a Handbook change, Title 4, Chapter 17,

Section 8.6, Refund Policy, WNCC, effective Fall,

1993:

a. The refund for all students, in all programs with the exception of Summer Session, for withdrawal of net credit load shall be:

(1) One hundred percent (100%) if initiated during the first week of the term.

(2) Fifty percent (50%) if initiated after the first week of instruction and before the end of the third week of the term.

(3) No refund after the end of the third week of the term.

(4) No refund shall be given for the application for admission fee.

(5) Approved an easement/lease for the Las Vegas Valley Water District - Well "K" Site, which will be located on the West Charleston Campus. CCSN will receive approximately \$27,875 for this easement/lease.

(6) Approved the following Extended Education Advisory Board at UNLV. The purpose of this board will be to advise Extended Education and design and construct an on-Campus building. The board will also assist in securing funds needed for the building.

Susan Houston

Donna Andress

Bill Westley

John Goodman

Paul Aizley

- (7) Approved an addition to the Handbook, Title 5, Chapter 6, Chapter III, Section 5.1, UNLV Bylaws as follows:

Each academic unit shall establish guidelines to ensure that all academic faculty maintain a predictable number of office hours during the regularly scheduled semesters. Office hours shall be posted and the faculty shall be available to students, colleagues, and others during these times.

- (8) Approved a Rural Advisory Committee for the School of Medicine, and further requests approval of its membership, as contained in Ref. C-8, filed in the Regents' Office.

Niki Bain

Peter Ford

Morris Gallagher

Carmen Goicoechea

Tom Grady

David M. Hogle

Karen Holcher

James W. Johnson

Robert Moore

Boyd Nielson

Ron Remington

Kathy Smith

(9) Approved a Handbook change, Title 4, Chapter 17,

Section 10, Student Fees, to be effective Fall Semester, 1993:

Reinstatement Fee (for students whose registration or enrollment was canceled due to non-payment of fees):

UNR	UNLV	CCSN	NNCC	TMCC	WNCC
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50%	75%	N/A	N/A	N/A	*
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* A reinstatement fee of \$10 per \$100 (or fraction thereof) will be charged against the total amount owed.

(10) Approved authorization to seek a budget augmentation caused by collection of additional fees as a result

of increased enrollments. This will require approval

from the Interim Finance Committee. The amounts are:

UNR \$775,000

CCSN 350,000

TMCC 250,000

WNCC 30,000

NNCC 45,000

(11) Approved the Handbook change, Title 4, Chapter 1, Section 11, Board of Regents' Outstanding Student Award, as contained in Ref. C-11, filed in the Regents' office.

(12) Approved a Handbook addition, Title 4, Chapter 10, Section 23, Environmental Health and Safety Statement, as contained in Ref. C-12, filed in the Regents' Office.

(13) Approved the following interlocal agreements:

A. Board of Regents/UNR and the State Department of Human Resources/Division of Mental Hygiene and Mental Retardation (Interlocal Contract)

Effective Date: July 1, 1993 through June 30,

1995

Amount : \$310,000 maximum to UNR

Purpose : UNR's Department of Psychology

to provide active treatment

through Social Transitions and

Employment Program (STEP) to

developmentally disabled clients.

B. Board of Regents/DRI Research Parks, Ltd. and

United States Government (Lease)

Effective Date: April 1, 1993 through September

30, 1994, to be renewed auto-

atically to extend up to March,

30, 2053

Amount : \$10,334 per month to DRI Research

Parks, Ltd. for first 18 months

to reimburse DRI for its cost of

providing access and utilities

for lease premises. The remain-

der of the term shall be limited

to mutual benefits that both

parties will be derived from the
interaction between U. S. Govern-
ment's Weather Forecast Office
and DRI.

Purpose : Lease of approximately 8.895
acres of land located in Dandini
Research Park, Mount Diablo
Meridian, Washoe County.

C. Board of Regents/WNCC and the Department of Human
Resources/Health Division (Interlocal)

Effective Date: Date approved by Board, through
June 30, 1993

Amount : \$2250 to WNCC

Purpose : Emergency medical personnel
training.

The Consent Agenda contained a Supplemental Agenda and the
issues are found after item 31.

Mrs. Whitley moved adoption of the Consent Agenda and ap-
proval of the prepared agenda with the authority to change
the order of items as specified throughout the meeting. Mr.

Graves seconded. Motion carried.

3. Introductions

President Remington introduced newly elected Faculty Senate
Chairman Scott Hawkins.

President Maxson introduced newly elected Faculty Senate
Chairman John Swetnam.

President Crowley introduced newly elected Faculty Senate
Chairman Phil Boardman, GSA Co-President Laurence Doyle,
and GSA President Russell West.

President Meacham introduced newly elected Faculty Senate
Chairman Alan Balboni.

Chancellor Dawson introduced Chris Gaub, Unit Faculty
Senate member.

Additional introductions were made throughout the duration
of the meeting.

4. Chairman's Report

Chairman Sparks congratulated Chancellor Mark Dawson, who recently received an Honorary Doctorate from UNR.

Chairman Sparks congratulated President Anthony Calabro who is celebrating his 10th year of service as President of Western Nevada Community College.

Chairman Sparks requested a report at the next regularly scheduled Board of Regents' meeting from Regents who recently attended the Association of Governing Boards Conference in New Orleans.

5. Chancellor's Report

Chancellor Dawson reported that a committee has been established to review existing policies on differential tuition.

The committee will make recommendations for elimination of updating the policies. Mrs. Karen Steinberg, Director of Institutional Research, will Chair the committee.

Chancellor Dawson reported on the video conference usage, as follows:

Meeting No. Usage (Hours)

Chancellor's Office	19	42
Board of Regents	22	53
System Computing Services	85	124
UCCSN Institutions	101	216
Total	227	435

The first 3-way video meeting was recently held between Elko, Reno and Las Vegas. Chancellor Dawson stated that it was a great success. WNCC will be hooked up next to the system and will have portable units in Hawthorne and Winnemucca. Chancellor Dawson stated that with the recent budget cuts, the video conferencing system will be utilized more frequently by the institutions.

Vice Chancellor Richardson reported that UNR will be utilizing a classroom configuration to teach classes at NNCC beginning this Fall. UNR Academic Vice President Bob Hoover stated that Minden, Gardnerville and Elko will also utilize the classroom video conferencing system.

Mrs. Gallagher stated that she attended the 3-way video conference, and expressed her delight in the system. This

will now allow her to spend more time in Elko.

President Calabro introduced newly elected USA President MaryAnne Lavelle.

6. Approved Appointment of Interim Chancellor

Approved the appointment of Dr. John Richardson as Interim Chancellor, with an appropriate salary increase commensurate with the position.

Mr. Foley questioned what the term "interim" meant, and Chancellor Dawson stated that Dr. Richardson will serve between July 1, 1993 and the time the permanent Chancellor begins serving.

Mrs. Whitley moved approval of the appointment of Dr. John Richardson as Interim Chancellor, with an appropriate salary increase commensurate with the position. Mrs. Berkley seconded.

Chancellor Dawson stated that the terms and conditions of the appointment will be negotiated with the Chairman and Vice Chairman of the Board of Regents.

Motion carried.

The open meeting recessed at 8:40 A.M. and reconvened at 8:47 A.M. Thursday, May 20, 1993, with all Regents present except Regents Derby, Graves and Klaich.

7. Report and Recommendations of the Research Affairs Committee

A report and recommendations of the Research Affairs Committee meeting held May 20, 1993 were made by Regent Hammargren, Chairman.

Chairman Hammargren displayed the medals for the Nevada Regents' Research Award and the Nevada Regents' Creativity Award which have just been produced. He requested President Joseph Crowley to accept the medal for the Nevada' Regents' Research Award which was bestowed on Dr. David Lightner in 1992.

(1) Information Only: EPSCoR Status Report - Dr. Bill

Bishop, Chairman of the Research Affairs Council, distributed a handout that had been prepared by Nevada's First Lady, Sandy Miller. This handout will be mailed

to each of the Presidents.

UCCSN has recently entered into another round of EPSCoR projects. Proposals have been sent to the Department of Energy and a panel has met to determine the final awards. Other proposals will be sent in the future: EPA proposal and the National Institute of Health proposal to be submitted in the Fall. The Department of Defense proposal requests equipment funding and it has already been submitted.

(2) Information Only: Congressional Initiatives - Dr. Bill

Bishop explained that the Research Affairs Council has met and has discussed initiatives. The Council will present cooperative ventures to Nevada's congressional delegation.

Mrs. Gallagher commended the Research Affairs Council and wished them well in light of the current financial conditions placed on the Federal government.

Mr. Foley moved approval of the report and recommendations of the Research Affairs Committee. Mrs. Whitley seconded.

Motion carried.

The open meeting recessed at 8:48 A.M. and reconvened at 9:51

A.M. Thursday, May 30, 1993 with all Regents present.

8. Report and Recommendations of the Legislative Liaison
Committee

A report and recommendations of the Legislative Liaison
Committee meeting held May 20, 1993 were made by Regent
Berkley, Chairman.

(1) Information Only: Legislative Report - Vice Chancellor

Sparks provided an update on legislative activity.

Vice Chancellor Sparks reported that it has been ap-
proved by the Interim Finance Committee to spend ad-
ditional student fees in the current year's budget.

The budgets for 1994-95 have been presented to the
Assembly Ways and Means Committee and the Senate Fi-
nance Committee and both Committees have closed the
budgets. He reported that there are two minor dif-
ferences between the outcome of the two Committees
regarding UCCSN budgets:

1) The Senate Finance Committee added the University of Nevada Press Editor position in the Southern Office (approximately \$40,000 per year).

2) The Assembly Ways and Means Committee restored the \$70,000 from special project funds to fund the Chancellor's Office, instead of 100% funding from the State's General Fund.

The two Committees met and have discussed the issues, but have not come to an agreement. However, both Committees did agree to add \$700,000 for unemployment compensation assessment, and to submit a letter of intent to the Interim Finance Committee regarding the weather modification program at DRI.

Vice Chancellor Sparks indicated that UCCSN is in relatively good shape with regards to the budget.

The Governor's recommendations have been accepted.

Vice Chancellor Sparks relayed information as to revenues to support the budgets:

1) Slot Route Tax Operators - \$8 million per year has

not been adopted. UCCSN is in hopes that it will be readjusted in order to obtain additional revenues.

2) Early Release of Prisoners - The closing of Honor Camps was not approved. A compromise was issued and it will need to raise \$22 million over the biennium.

3) Insurance Premium Tax - The collection of the insurance premium tax is an accounting change; however, it has not been adopted.

4) Insurance Provider Tax and Medicare - This issue is being discussed at the Federal government level. The Federal government will hold Nevada harmless until the next legislative session. However, \$47 million is needed to resolve this issue at the State level.

It will need to be determined when letters should be sent to Legislators to encourage them to provide additional revenues for higher education and to provide "enrollment growth adjustments", especially during the

second year of the biennium.

The UCCSN instruction formulas must be restored to full funding in order to support the budgets for the future.

UCCSN's share of the total State General Fund needs to be restored to 20% from 17.6%. This amounts to approximately \$30 million in revenues that have been lost.

Chairman Berkley indicated she had met with Senator Matt Callister and he is in the process of submitting a bill to achieve additional revenues. Once the bill is introduced, UCCSN should support the bill.

Upon questioning, Vice Chancellor Sparks stated that the Governor's proposal for group health insurance assessment indicates no increase for the next year; however, the second year of the biennium may increase the assessment by 10-15%. Other proposals have been introduced, but Vice Chancellor Sparks stated that UCCSN should support the Governor's recommendation at this time.

(2) Information Only: Reports - Chairman Berkley requested the Presidents to report on their respective in-

stitution's legislative activity.

President Crowley indicated that UNR is developing a letter with a clear simple focus stating that the budgets cannot take another reduction. He questioned whether anything else should be highlighted within the letter, and Chairman Berkley suggested that the letter mention "triggers" and to restore the percentage of the State General Fund. President Crowley suggested that the General Fund issue be addressed between legislative sessions.

President Crowley mentioned that within the Governor's reorganization plan, it was suggested that the State Demographer be moved from UNR's College of Business Administration to the State's Department of Administration. This suggestion has been denied and deleted from the reorganization plan. In addition, the State Climatologist's budget has been restored. This is helpful to DRI as well as UNR.

President Maxson reported that UNLV has met with the southern Nevada Legislators. UNLV's focus is on student access and to restore faculty positions. A let-

ter campaign, headed by the UNLV Faculty Senate, is underway. UNLV Faculty Senate Chairman John Swetnam stated that the letter campaign will be difficult since most of the faculty have left for the Summer. Vice President Buster Neel stated that UNLV's data base could be used to contact faculty and staff to encourage them to write letters to the Legislators.

Mr. Fred Davis, Assistant to President at DRI, stated that DRI's focus is on positions being restored and that there be no additional budget reductions. DRI has conducted facility tours for the Legislators and a video has been developed depicting the Sage building programs and facility.

President Remington reported that the community has been made aware of the needs of the College. NNCC's data base is completed and could generate 50-100 selected letters.

President Calabro reported that WNCC has already sent a letter to the Legislators which focused on student access. In addition, the Carson/Tahoe Hospital has donated funding for the Nursing Program at WNCC. The

Legislators have indicated to President Calabro that they do agree with the needs of the System, but are faced with limited resources.

President Meacham reported that a schedule of CCSN's circumstances has been developed. The community people have indicated that they would like to help the Community College's cause. In addition, CCSN has requested students to submit post cards indicating which classes they were unable to attend due to inaccessibility. At this time, approximately 400 cards have been submitted.

President Gwaltney stated TMCC intends to send 100-200 letters to the Legislators. The Business and Industry Center and the TMCC Advisory Board are being kept informed of TMCC's issues and encouraged to contact Legislators with its needs.

Chairman Berkley encouraged the institutions to go forth with the letter campaign within the next two weeks, due to the chance that the Legislature will quickly adjourn.

Chairman Berkley reported that she has written an editorial, which will be distributed within the next week. The editorial addresses the Governor's recommendations.

(3) Information Only: Overview of Legislative Bills

Pertaining to UCCSN - Genral Counsel Klasic reviewed the bills concerning UCCSN which have been introduced in the Legislature.

(4) Information Only: Planning - Chairman Berkley suggested the following issues for future legislative action:

A. UCCSN should become more sophisticated in approaching the Legislature, such as K-12's approach.

B. Continue efforts between sessions and become better organized in the future.

C. State funds are not to be used for lobbyist efforts.

Mr. Klaich moved approval of the report and recommendations of the Legislative Liaison Committee. Mrs. Gallagher sec-

ended. Motion carried.

The open meeting recessed at 9:52 A.M. and reconvened at 12:07 P.M. Thursday, May 20, 1993, with all Regents present except Regent Berkley.

9. Report and Recommendations of the Ad Hoc Foundation Liaison Committee

A report and recommendation of the ad hoc Foundation Liaison Committee meetings, held April 23 and May 20, 1993, were made by Regent Hammargren, Chairman.

(1) Information Only: Discussion on Proposed Contract, UNLV Foundation - Proposed contract between UNLV Foundation and the Board of Regents was discussed. As per the Regents' Foundation Liaison Committee's direction, this contract has been referred to Mr. William T. Hutton, an expert on tax-exempt foundations, for review and consultation. Mrs. Edna Brigham, UCCSN Endowment Director, introduced Mr. Hutton.

Mr. Hutton reviewed the 1969 Tax Reform Act which rewrote the laws for charitable contributions and exempt

organizations within the 501(c)(3) law. A private foundation is a family foundation or a corporation scholarship foundation, the support for which comes from a single or very limited number of sources. For the purpose of IRS classification, a public charity is one that is very broadly supported such as United Way or the American Cancer Society. Because a number of charities fell in between these two definitions, the two Houses of Congress compromised and sorted these charities with regard to support relationships between a public charity and another organization. The compromise reached was that a support organization could support any number of organizations and they need not be "satellites" and escape from private foundations, which is crucial for UCCSN foundations. The reason for that is contribution deductibility for private foundations is severely limited in many aspects and are discouraged except by bequests.

The private foundations are heavily regulated by Federal law, by internal revenue code provisions which impose excise taxes in some cases.

UCCSN foundations escape the private foundation rules

through attachments to the UCSN, through exclusive support of University policies and programs. That support may be either functional in terms of actually supporting and running programs that might not be sustainable by the University itself or may be financial, which is the category of support that the foundations have focused upon. They furnish financial support.

UCCSN foundations also qualify under the control test.

The trustees are appointed by the members of the corporation. The members of the corporation are the Board of Regents. The Board of Regents, therefore, are indirectly in complete control of the foundation operations. The analogy of corporate parent and subsidiary has been suggested with the members in the place of the corporate chair holders. Structurally, it is probably accurate, but with a little deeper analysis it breaks down.

The proposed contract with the University of Nevada, Las Vegas Foundation and the Board of Regents is an arms length agreement between the Foundation and University setting out the rights and duties and expectations of the parties. It is appropriate. Es-

entially, there is nothing that would discourage its execution, and it provides a very sensible set of operational guidelines and expectations between the University and the Foundation. However, this is just a contract with oneself, because the parent University (Board of Regents) has the right to appoint the members of the Board of Trustees of the foundation, and if the University (Board of Regents) does not like the policies or actions, through the governance structure, the contract can be revised or the composition of the Board of Trustees can be changed. The contract is no more than a corporate parent signing an agreement with its subsidiary which is inherently at less than arm's length.

However, there is a big difference between the non-profit subsidiary and the for-profit subsidiary. The non-profit subsidiary is a voluntary collection of individuals who are supporters. Unless there is a major endowment involved which could indeed be managed through the designation of trustees, the success of the foundation and the contributions of the foundation to the operations of the University will come through a constant fund raising effort and the reservoir of

good will that exists because of the relationship of the foundation and its major supporters to the University. This is an entirely voluntary relationship.

Although in form, the University might be seen through the contract to have the right to govern the operations of the foundations, in actuality it cannot deviate very much from the expectations of the supporters without losing support. If that should happen there would still be the prospect of the supporters saying that they had created an entity that was too close to the University System. They could then decide to operate with as little as one University appointed member on the foundation's Board of Trustees, and although there would be a University voice, there would not necessarily be a University persuasion.

That is the ultimate dynamic in a non-profit relationship. It depends upon maintenance of that reservoir of good will.

Mr. Klaich asked whether the relationship, the "in connection with and under the control of", would still render it the same status? Mr. Hutton replied that it

did. The status is section 509(a)(3) organization, which must be a 501(c)(3) charity to begin with, and the 509(a)(3) qualification enables them to escape being treated as private foundations.

Mr. Hutton related he had been asked to review the contract for irregularities and he had found none, and that it generally encompassed a pretty sensible recitation of expectations of both sides.

General Counsel Klasic stated, for the benefit of the Board, that all UCCSN foundations have received 509(a)(3) status.

In answer to questions from Dr. Hammargren, Mr. Hutton explained that the 509(a)(3) law requires only that the connection between the foundation and the system be established. The mission of the foundation is entirely different. The mission is anything that may enhance or advance the purposes of the supported organization. For instance, if the University did not have a Department of "X", the foundation operated "in connection with" could create such a Department and could fund it through the University or even conduct its own

program to operate in symbiosis with the University programs. The support may come in either the program form or the financial form.

In answer to a question from Dr. Derby whether Mr. Hutton, if he were a Regent with her responsibilities, would accept or approve this proposed contract, Mr. Hutton replied that he would ask for modifications, and make the contract as clear as possible with regard to expectations. Mr. Hutton was asked to make suggestions for modifications.

Mrs. Gallagher asked for clarification for a foundation to be private. Mr. Hutton stated that even if UCCSN foundations were not connected to the University in any way, they would not be private foundations.

The fundamental test of private foundation status is the breadth of support test. The UCCSN foundations are sufficiently broadly supported so as to operate independently as public charities and make their largesse available to the University and whomever else they want to make donations and grants to.

Mrs. Price asked about the difference between 509(a)(1)

and (c)(3). Mr. Hutton replied that 509(a)(1) relates to 8 categories of organizations. 509(c)(3) is essentially a support test -- "are you affiliated with ..". 509(a)(1) is a contributions test -- "are you getting gifts/grants/revenues from a broad spectrum of the public or government. She then asked whether UCCSN foundations could apply under either (1) or (3), with Mr. Hutton replying that they could. Mrs. Price then asked what the liability to the Regents would be. Mr. Hutton replied that this would probably not be a major question under either construct. The foundations are a separate corporate entity and therefore the Regents should not be affected. She asked whether there were advantages to the main organization in terms of their control or policy making or access depending upon whether they file under (1) or (3)? Mr. Hutton stated he did not believe there were any significant differences. He added that question was largely a measure of state or local law and, explained in terms of local laws, it would refer to the sunshine laws, the availability records. This division is fairly recent on this matter, but it is the governing assumption that support organizations are private corporations even though they exist to support governmental entities,

and, therefore, governmental secrecy sunshine laws are not applicable.

Mrs. Price asked whether she could resign as a member of the foundation, with Mr. Hutton replying that she could.

Mrs. Price related that donations are given to either the foundation or the Board of Regents. She asked whether there was a form that could be given to prospective donors, with an explanation of how the donation would be treated if given to one or the other, so the donor could make an informed choice. She explained that there is a perception on the part of some donors that the donation might not be going as intended. Mr. Hutton stated that was a policy question. He added that the main value of having a foundation is to attract contributions from persons who might be somewhat reluctant to give directly to the University because they have the perception that the donations might be controlled or redirected by the governing Board. Mrs. Price explained that she was concerned that a donor could look at the performance of the two entities to review administrative costs, etc. Mr.

Hutton stated there would be no legal barrier to having a form for donors with which to direct where the gift was to go -- the foundation or the Regents.

Mrs. Price related that the Regents are under the Nevada constitution; they are an elected Board; there are a lot of foundations in UCCSN; the Board is responsible for policy making; and these foundation funds become out of its control. Constitutionally, is the Board abdicating its power by having the large number of foundations, and, if not, what is the clear responsibility for oversight? Mr. Hutton stated the Board does have a control responsibility, and, if it was found the foundation was not operating to exclusively benefit the System, there would be an obligation to sever the relationship because that is the essence of the relationship. The Board has a control on an annual basis, and, if necessary, immediately in the case of misconduct, to appoint new members of the Board of Trustees. But, as a practical matter, that sort of control over what is, in essence, a voluntary association of donors, is fairly limited. The Board's policy making implications or authority over the operations of the foundations is inherently limited, what-

ever the structure. If the Board attempts to impose a policy that would be unduly restrictive, the foundations will dry up -- people will just stop donating to these foundations and they will establish their own foundations in ways that are quite simple administratively and mechanically to operate. There will always be a dynamic relationship between the Regents and these numerous "orbiting satellite" organizations. That is inherent, it is built in.

Mrs. Price asked whether if the Board came to a position where it needed funds, the foundation could refuse to turn over the funds if they disagreed with the Board? Mr. Hutton replied they could in theory and in the short run. Mrs. Price then asked that in terms of holding property, she questioned whether there was a standard with regards of turning it over to the University, or sold? Mr. Hutton stated that if it was property that was function related, i. e., a piece of undeveloped land which could be used for expansion of the University, it might be useful to hold it for a long period of time. If endowment kinds of assets are in question, then it depends upon the investment philosophy of the foundation trustees, and hopefully

they take their cue from the Regents.

Mr. Foley expressed concern about private vs. public foundations and liability. Mr. Hutton stated there is confusion over the term "public charity". He explained that it has absolutely nothing to do with "government". The "public charity" term is used to mean an organization that is not a private foundation. Public charities are invariably private organizations; they are not governmental organization. They are public in the sense that they reach out to the public and make a broad public appeal, or in the case of the foundation, they are public in the sense that they attach themselves, through a support relationship to the UCCSN, but they are not governmental entities.

Mr. Hutton related that the Nevada Ethics Commission Report, which he had reviewed, had reached that conclusion, and is entirely reflective of the general state of the law on that issue. Mr. Foley stated that the foundations and its officers -- the trustees -- are prevented by their bylaws to operate for their individual benefit in any way, but they are performing a public function. Mr. Foley questioned whether

the trustees might have the benefit of whatever immunities there may be in their performance of a public function. Mr. Hutton replied that they would not, if the immunities are premised upon governmental position. Mr. Foley questioned then, whether the Board of Regents, elected public officials, serving as members of the foundations, are not performing a government function? Mr. Hutton replied that the Regents, in their capacity as Regents, are performing a governmental function. In the capacity as automatic members of the non-profit, the Regents are wearing another hat. Members are not directors of the foundations. Members are once-removed; members are akin to shareholders, and shareholders are not trustees, and shareholders do not have fiduciary responsibility. The fiduciary responsibility lodges in the directors, or what the foundations call the Board of Trustees. Those are the people who would be liable for not paying attention, for not knowing what is going on, for serious abuses of fiduciary duty.

Mrs. Berkley stated that a contract is a desirable thing to have, but her first reaction after reading it was that she felt that by signing it she would be

abdicated her responsibility and control over the foundation. Mr. Hutton replied that the Board should not look at the contract as a permanent solution to the inevitable tension of the dynamic that exists between the foundation and the System. The Regents can change the members of the trustees at any time. The signing of the contract does not undermine the responsibility of the Board even when signed.

Mr. Graves stated that the Regents should be listing what they want in a contract with foundations. Mr. Klaich added that Mr. Hutton would be expected to bring back to the Committee what would be normal to be covered in such a contract and to incorporate into this the Board's thinking and suggestions. Mr. Graves stated he felt this should be a model contract and since it is an interactive process, the contract should be uniform.

General Counsel Klasic stated he and Mr. Sully have been working on this contract for a number of months and suggested they work with Mr. Hutton to revise the contract, incorporating suggestions which have been made. Chairman Hammargren asked that those who had

concerns send suggestions, additions and deletions on policy matters to the Chancellor's Office.

Dr. Eardley stated that he felt there was an understanding between Regents and Presidents that Presidents would not accept gifts unless they were a part of the UCCSN master planning. He also felt that the control over what is spent rests with the Regents. Mr. Hutton replied that it legally rests with the foundation.

The Board of Trustees of the foundation governs the use of the foundation's assets. The only legal constraint is that the use of those assets must be exclusively for the benefit of the University. But the means of providing that benefit, or the time frame within which it is provided, is within the jurisdiction of the Board of Trustees of the foundation.

Dr. Eardley then stated that the Board policy indicates that the foundation is to send the funds through the Board of Regents to be spent. Mr. Hutton questioned the premise that the Board or anybody would be able to predict what the scope of proper foundation operations might be for the long term; i. e., it is unpredictable what individuals may wish to donate in the future.

The following issues were posed for consideration:

Disclosure of discretionary funds.

UNLV goals and policy should be reviewed annually
by the Board of Regents.

At what point are the funds turned over to Board
of Regents, and what is the past history on
return of foundation monies?

How are administrative costs paid? Is there a
better way? Is the administrative cost set
at 5% the best way?

Review contract in context of Board of Regent
policies. A full, complete, easily under-
stood, public disclosure of the expenditure
of all funds.

Common reporting format.

Arms-length relationship; i. e., use of University
logo.

What is the governance of the Foundation?

How much control does the President have?

How does the President function with the Board of
Trustees?

Mr. Klaich stated that he wanted to be certain that there is no misunderstanding of his questions. He has supported the foundations since the beginning, he continues to support them, and he felt they were important to the functioning of the System. The foundations provide an enormous financial benefit to the students. He is extremely supportive of the work of the foundations and the manner in which the work is accomplished.

President Gwaltney requested that policies and contracts take into account the differences of the Community College foundations from the Universities. He reminded the Committee that these foundations are in their infancy and for awhile may have to operate somewhat differently than well established organizations.

President Crowley stressed that UNR does not have an interest in the kind of contract currently under discussion. He related they were a different organization, a different University with different needs and a different history. Some of the assumptions underlying this contract are not assumptions that UNR could

support. UNR does not need a contract. He reiterated his hope that there would be different sets of relationships with the various foundations and the Board of Regents. Dr. Hammargren stated that they were trying to form a model contract, but would not force any foundation to use it. He added that the last thing the Board wants to do is to inhibit the donors.

President Crowley then asked whether every foundation must have a contractual relationship with the Board because UNR does not feel it is necessary for them.

President Maxson stated that he did not feel the UNLV Foundation had intended for this contract to be applicable to anyone else; that it was developed simply to define the Foundation's relationship with the Board of Regents.

Mr. Graves expressed his desire that all foundations have a contract with the Board. He envisioned three basic contracts, one for the two Universities, with slight deviations; one for the Community Colleges; and one for DRI. Mrs. Gallagher stated she felt a single standard contract would not work for all institutions,

but that it was critical to identify in some manner the responsibilities of both the Board and the foundations so there is no misunderstanding. She also suggested that this should not be done hurriedly.

Dr. Hammargren asked General Counsel Klasic to look at bylaws, contracts, a memo of understanding, etc., which might be usable.

Mrs. Berkley agreed with Mr. Graves and Mrs. Gallagher. She referred to the several bills which had been introduced in this session of the State Legislature. In testifying at the Committee hearing, there was an understanding that there would be a Board policy forthcoming for governing its relationship with the foundations.

President Crowley stated that the UNR Foundation's view is that it is governed by Board of Regents policies and has been from the very beginning. He suggested that there is a difference in having policies which may need to be revisited than in having a single contract that applies to both Universities, since the Universities and their foundations are different.

In response to Dr. Hammargren's question, General Counsel Klasic replied that he has discussed this matter with colleagues around the country and historically there are two ways to approach the matter: by contract or by policy. Oregon has a general policy set by the Board as to what is expected of the foundation. Then, where there are institutional differences, they do have a contract to take care of those matters.

Mrs. Edna Brigham stated that the foundations have brought more funds into the System than ever before. However, the funds that are coming in are going into the foundations and not coming into funds which the Board can invest. Regents funds are being depleted, which will cause the Board to function in a very different way should this continue.

Mr. Les Sully commented that the UNLV Foundation could easily work within the confines of all that had been discussed at this meeting. He felt that Mr. Graves' concerns are answered within the working of the contract. He related that the UNLV Foundation is committed to and works cooperatively as a support organiza-

tion with UNLV, and with the Board of Regents. The UNLV Foundation does exist as one of those entities that is controlled indirectly by the Board of Regents.

Mrs. Gallagher stated she has never questioned the foundation's cooperation with the Board. However, she again stated she did not feel it was possible to develop a single contract for everyone.

Mr. Sully explained that there are a number of foundations at UNLV. The uniformity he is looking for would apply to those as well, not necessarily other institution foundations.

Mr. Foley asked how to be certain the line of authority is maintained so that the President is in charge of the Campus, and the foundation, an instrument of the institution, is not in charge. Mr. Sully stated that they have a very good developmental history that supports this; that all the foundations recognize the role they must play. The Board does have the control of appointing the trustees; therefore, has the ability to change them if something does go awry.

Mrs. Price stated she feels there is a constitutional

question with regard to the role for elected officials in policy making and that these foundations actually become, or can become, or are, adversarial. She added that there must be some form of standard regarding the role inasmuch as there are 27 different foundations within UCCSN.

President Maxson stated that the UNLV Foundation annually asks the President for a list of priorities for fund raising. Vice President Unrue solicits priorities from the Deans each year which are used as the basis of the request. The number one priority each year is scholarships.

(2) Information Only: Report on Foundation Report Format -

Chancellor Dawson requested Mr. Gordon Gochnour, CCSN Foundation, to make the presentation. Mr. Gochnour reported that internal auditors, Sandi Cardinal and John Love, prepared a list of the essential material that is to be reported.

(3) New Business - UNLV Faculty Senate Chairman John

Swetnam expressed his concern with the Board of Regents' denying a gift just because it is not included

in the approved master plans. This may create a chilling effect if donors' requests are not accepted.

The Board should allow for a window of opportunity and he urged the Board to allow the foundations some flexibility in accepting gifts.

Mrs. Price moved approval of the report and recommendations of the ad hoc Foundation Liaison Committee. Mr. Graves seconded. Motion carried.

The open meeting recessed at 12:08 P.M. and reconvened at 1:15 P.M. Thursday, May 20, 1993, with all Regents present.

President Crowley introduced Chris Crease, newly appointed Assistant Basketball Coach, and Matt Williams, UNR Outreach and Retention Coordinator.

President Gwaltney introduced newly elected Faculty Senate Chairman Dan Mc Clure.

President Taranik introduced newly elected Faculty Senate Chairman Alan Mc Kay.

Chancellor Dawson introduced Dr. Warren Fox, former UCCSN Vice

Chancellor for Academic Affairs.

The open meeting recessed at 1:20 P.M. and reconvened at 1:25 P.M. Thursday, May 20, 1993, with all Regents present except Regent Price.

10. Approved Lease, Thomas and Mack Center, UNLV

Approved a lease agreement between the Thomas and Mack Center and Las Vegas Hockey Club. The term of the lease will be six years. President Maxson stated that the Las Vegas Hockey Club schedule will not conflict with UNLV basketball or the National Rodeo Finals.

Mrs. Whitley moved approval of the lease agreement between the UNLV Thomas and Mack Center and Las Vegas Hockey Club.

Mrs. Gallagher seconded.

President Maxson reported that the Las Vegas Hockey Club will be an independent team during the first hockey season. The Club will have an opportunity to either become affiliated with the National Hockey League or not. Chairman Sparks attended a luncheon with Regents Berkley and Hammargren, and it was announced that the team name would be "Las

Vegas Thunder". Dr. Hammargren stated that independent teams are usually better than the farm teams. This is a good opportunity for Las Vegas.

Upon questioning, President Maxson stated that 300 season tickets have already been sold before any advertising campaign has taken place.

Mr. Pat Christenson, Director of Thomas and Mack, explained that 41 games plus possible playoff games will be scheduled.

A portable ice system will be installed so that other events will not be affected. Revenue will be derived from parking, merchandise, rent and food concessions. It will cost approximately \$4500 per game. The estimated power utility will cost approximately \$125,000. He stated that the net result of the contract will be \$1.4 million per year.

Mr. Graves commended Mr. Christenson for bringing this event to Las Vegas and negotiating the contract. Mr. Graves expressed that he felt this event will be a tremendous asset to the Las Vegas community.

General Counsel Klasic recommended approval upon review of legal documents and stated that it was not necessary to

bring the contract to the full Board because it was a typical contract; however, the item needed to be considered by the Board due to the fact that it involved leasing of a State building.

Motion carried.

11. Accepted Gift, Thomas and Mack Center, UNLV

Accepted a gift donated to the UNLV Thomas and Mack Center as described below, and approved authorization to seek State Public Works Board approval for the project.

Henry E. Stickney has announced his intention to make a gift to UNLV for permanent improvements to be made to the Thomas and Mack Center at UNLV to accommodate an ice arena suitable for competitive ice activities including ice hockey and figure skating. The project will be done as a design/build team project and the amount of the gift will be based on final guaranteed price negotiations with the contractor. The estimated amount of the gift is between \$1 and \$2 million dollars (dependent upon negotiations noted above). The permanent modification to the Thomas and Mack Center will be made at no cost to the University.

General Counsel Klasic recommended approval upon review of legal documents.

Mrs. Gallagher moved to accept the gift from Mr. Henry E. Stickney to UNLV Thomas and Mack Center and approved authorization to seek State Public Works Board approval for the project. Dr. Eardley seconded. Motion carried.

12. Accepted Gift, Thomas and Mack Center, UNLV

Accepted a gift from Marilyn and Si Redd of approximately \$2.025 million dollars towards a new athletic complex at UNLV and to make various permanent improvements to the UNLV Thomas and Mack Center.

Mrs. Gallagher moved to accept the gift from Marilyn and Si Redd for a new athletic complex at UNLV and to make improvements to the UNLV Thomas and Mack Center. Mrs. Whitley seconded.

President Maxson explained that this concept was first discussed when Regent Chris Karamanos served on the Board of Regents. The athletic complex will house offices, weight

room, study halls, etc. The gift will be placed into a fund until funds are raised for a new building.

Dr. Eardley questioned if this gift was accepted by the UNLV Foundation, and President Maxson answered in the affirmative.

Mr. Klaich requested a breakdown of the gift, and Mr. Pat Christenson, Director of Thomas and Mack, stated that \$1.5 million is for the sports medicine complex; \$250,000 is for renovations; and \$175,000 is for improvements to the Si Redd Room and the creation of a Hall of Fame.

Motion carried.

13. Information Only: Report from the External Auditors

Acting Internal Audit Director John Love introduced Mr. Dennis Gauger from Deloitte & Touche who presented a report on the external audit relationship with UCCSN, and Mr. Bob Shapperly from Deloitte & Touche in Philadelphia who presented a report on higher education services.

Mr. Gauger reported that the role of the Regents' Audit

Committee is a key component that oversees controls throughout the System and oversees the external audit operations.

The external auditors meet with the Audit Committee several times throughout the year.

Mrs. Price entered the meeting; Dr. Hammargren and Dr. Derby left the meeting.

Mr. Gauger stated that Deloitte & Touche are proud of its history with UCCSN and the continuity of the staff and internal auditors. The external auditor staff works extensively with the internal auditor staff and it is a good working relation.

Mr. Shapperly stated that UCCSN is a very important client to Deloitte & Touche. Deloitte & Touche has 250 clients throughout the United States, with 1/3 being public institutions and 2/3 being private institutions. He discussed several support networks and programs that Deloitte & Touche help the System to comply with, such as the Client Service Standard Program and the Financial Reporting Standards, which are in the process of being revised at the Federal level.

Mr. Klaich questioned when a gift should be reported when it is actually a pledge, and Mr. Shapperly responded that a new policy on the reporting aspect of gifts will be effective in 1996. Mr. Klaich requested that the UCCSN policies on gift giving be reviewed by the external auditors so that UCCSN will be in compliance with the Federal regulations.

Mr. Shapperly continued his report and discussed the Internal Revenue Service Compliance Audit. He indicated that policies and procedures are important for each of the institutions.

Mrs. Whitley left the meeting.

Mr. Shapperly reported that Deloitte & Touche are familiar with the regulations found in the Higher Education Reauthorization Act which deals with annual reporting on athletic programs to the Department of Education. President Crowley stated that as President of the NCAA, it was his understanding that there were modest differences between the Federal reporting and the NCAA reporting of the graduation rate. The Department of Education is unwilling to accept NCAA's reporting approach.

Dr. Derby returned to the meeting.

Chairman Sparks commended the external auditors and the internal auditors. She stated that auditors have become a respected resource to UCCSN. Mrs. Gallagher, Chairman of the Audit Committee, stated that she has enjoyed working with both entities and commended them for the fine work they have performed.

Mr. Shapperly stated that UCCSN's staff are dedicated to the System and it has been a pleasure working with them.

14. Discussion on Multi-Year Professional Contracts

Chancellor Dawson requested consideration of reports prepared by the Faculty Senates on revolving multi-year contracts. The Board requested additional information. The institutions discussed the issue with the Board. See Ref. D, filed in the Regents' Office.

Dr. Hammargren returned to the meeting.

A joint recommendation of UCCSN Faculty Senate Chairs was

distributed to the Board and is filed in the Regents' Office.

Several people spoke to the issue:

Phil Boardman, UNR Faculty Senate Chairman

Don Klasic, UCCSN General Counsel

John Richardson, Vice Chancellor for Academic Affairs

Bourne Morris, UNR Professor of Journalism

Cynthia Birk, UNR Lecturer of Accounting/Computer
Information Systems

Helen Jones, UNR Director of the Women's Center

After a lengthy discussion, it was determined by the Board to refer the issue to the Academic Affairs Committee for resolution.

Regents Foley, Gallagher and Sparks were not in attendance during portions of the discussion.

Mr. Klaich moved approval to refer this issue regarding Multi-Year Professional Contracts to the Academic Affairs Committee, including the joint resolution submitted by the UCCSN Faculty Senate Chairmen. Mrs. Gallagher seconded.

Motion carried.

The open meeting recessed at 3:55 P.M. and reconvened at 4:33

P.M. Thursday, May 20, 1993, with all Regents present except

Regents Foley, Gallagher and Graves.

15. Report and Recommendations of the Status of Women Committee

A report and recommendations of the Status of Women Committee meeting, held May 20, 1993, were made by Regent Jill Derby, Chairman.

(1) Information Only: Student Survey Results - In response to the recommendation of the Committee's Interim Report which directed the Campuses to focus on the issues concerning women students, a student survey of efforts and preliminary results were presented by Jill Winter, UNR Center for Applied Research, and are filed in the Regents' Office. A comprehensive report will be presented in the future.

(2) Information Only: ACCT Conference - Chairman Derby discussed recent developments regarding a session proposal submitted to ACCT (Association of Community

College Trustees). The session would present the Committee's efforts to address status of women issues within the UCCSN. Chairman Derby was pleased to announce that ACCT has accepted UCCSN's proposed session for its next meeting, to be held September 30 through October 2 in Toronto, Canada. Chairman Derby and the following people will be present at the session: Ron Remington, Daniel Klaich, Jackie Kirkland and Tamela Gorden.

Mrs. Price congratulated Chairman Derby and the Committee in submitting UCCSN's efforts on women's issues to ACCT and having it accepted for presentation at the ACCT seminar. Chairman Derby expressed her appreciation of the Campus advisory committees which have done excellent work in this area.

Mr. Klaich moved approval of the report and recommendations of the Status of Women Committee. Dr. Hammargren seconded. Motion carried.

The open meeting recessed at 4:34 P.M. and reconvened at 5:52 P.M. Thursday, May 20, 1993, with all Regents present except Regents Eardley and Foley.

16. Report and Recommendations of the Academic Affairs Committee

A report and recommendations of the Academic Affairs Committee meetings, held April 8 and May 20, 1993, were made by Regent Jill Derby, Chairman.

April 8, 1993

- (1) It has been requested to rescind the moratorium on new program proposals from institutions.

Mrs. Carolyn Sparks, Chairman of the Board, explained that several Campuses requested that the moratorium be reconsidered. She recently received a letter regarding the Lied Institute for Real Estate Studies which lost a program to the University of Southern California due to the moratorium placed on new program proposals.

Vice Chancellor John Richardson stated that he felt the moratorium should remain in effect. He gave the following reasons:

1) Institutions have always been able to bring forward new program proposals under special circumstances that include an explanation that funding could be proven; and

2) By lifting the moratorium, the planning process would be undermined.

Vice Chancellor Richardson stated that he has never seen any correspondence on this matter, and felt this was an example of going directly to the Board without review by the Chancellor's staff.

UNR Vice President for Academic Affairs Robert Hoover questioned the Committee's "special circumstances" in bringing forward new program proposals and reminded the Committee that UNR brought forward a proposal for Speech Pathology and Audiology, which was denied until further notice.

Several comments were made by Faculty Senate Chairmen against the moratorium. They requested that the Committee consider different language, inasmuch as the faculty perceive the present language as absolutely

no new programs can even be considered at this time.

Vice Chancellor Richardson indicated that the Academic Affairs Council will be discussing the Academic Master Plans and the programs that have been brought before the Counsel, and will report back at the next meeting.

Mr. Graves expressed his dissatisfaction that the Lied Institute for Real Estate Studies proposal was never forwarded to the Chancellor's Office for review. UNLV Vice President for Academic Affairs John Unrue stated that his office was unaware of the correspondence relayed to Chairman Sparks regarding the Lied Institute. He explained that this proposal did not receive high priority when compared to other vital programs at UNLV. Chairman Sparks clarified that this issue was brought to her attention by a member of the Lied Institute, not a UNLV faculty member, and was not meant to go around the Chancellor's staff without review prior to the Committee's review.

Mr. Klaich stated that he was pleased that the moratorium statement reached the faculty members at the institutions. He recalled that budget reductions were

placed upon the System, and an increase in student fees and tuition was going into effect. The moratorium halted two costly programs that were presented at that time, one being the Speech Pathology and Audiology program at UNR. It was not "business as usual" and it was very chilling, but had to be done.

May 20, 1993

(1) In accordance with the UCCSN's academic master planning schedule, the Board of Regents received and reviewed the academic master plans of the 4 Colleges and 2 Universities and DRI at a Board workshop held in Minden on February 3-4, 1993. Based on discussion at that meeting, it was determined that 4 of the plans -- Community College of Southern Nevada, Northern Nevada Community College, Western Nevada Community College, and the Desert Research Institute -- were ready for acceptance following minor modifications. It was further determined that 3 of the plans -- University of Nevada, Las Vegas, University of Nevada, Reno, and Truckee Meadows Community College -- needed more substantial modification and/or discussion before the Board was prepared to accept them.

In the interim since the Board workshop, the 4 institutions accomplished the necessary minor modifications to their plans, presented them to the Office of Academic Affairs, and the plans were approved by that office for submission to the Board for final approval. The remaining 3 institutions also modified their plans in accordance with Board discussion and staff comment at the workshop. Informal meetings between institutional representatives, Board members, and Board staff were held to review and discuss the proposed changes to each of the 3 institutions' academic master plans. It appears the 3 institutions have satisfied the earlier expressed concerns regarding their respective plan. Therefore, all 7 plans are presented to the Board for approval.

In considering the approval of the academic master plans it is important to note that all of the plans will continue to evolve and therefore change. It is further worth noting in this regard that in keeping with the schedule adopted for academic master planning, the Colleges and Universities and DRI will again present their plans, no doubt with further

modification, elaboration, and detail at the January 1994 meeting of the Board of Regents.

The following academic master plans are filed in the Regents' Office:

Community College of Southern Nevada

Northern Nevada Community College

Truckee Meadows Community College

Western Nevada Community College

University of Nevada, Las Vegas

University of Nevada, Reno

Desert Research Institute

Mr. Klaich stated that this new interactive process was refreshing, in that everyone pulled together to produce the academic master plans that are before the Board for consideration. He greatly appreciated the discussions that led up to the finalization of these documents.

Mrs. Gallagher stated that she, too, was pleased with the academic master plans and the process.

(2) The Board of Regents earlier enacted a moratorium on the approval of new academic programs until it had approved academic master plans for each institution.

The Board rescinded the moratorium in respect to the institutions whose academic master plans have been approved.

Mr. Klaich stated that the circumstances that led to implementing the moratorium are still in existence and encouraged the institutions to be cautious in what new programs they bring forward for consideration.

(3) At the April meeting of the Board of Regents, the Academic Affairs Committee reaffirmed a moratorium on the consideration of new program proposals pending approval of Campus academic master plans. Since the moratorium has been rescinded, the Board approved the following proposals:

A. M. S. Department of Geography, UNR - The Committee recommended approval and that the item be forwarded to the Board of Regents for consideration of the M. S. in the Department of Geography at UNR,

as contained in Ref. AA-3A, filed in the Regents' Office.

This program will focus on the management of natural and human resources, with an emphasis on Nevada and the Great Basin.

Graduates will be prepared to work in a variety of areas, including business, government and education. Interest in pursuing graduate training in Geography has been expressed by a large number of Nevada teachers, as well as former undergraduate majors and others. The masters program will build upon a strong undergraduate program.

No new funds are requested to implement this program, as the degree is designed to operate with existing personnel, equipment and library resources.

Dr. Gary Hausladen, Associate Professor of Geography, stated that the Geography Department will undergo a reorganization to implement this program.

B. Ph. D. Speech Pathology and Audiology, UNR - The

Committee recommended approval and that the item be forwarded to the Board of Regents for consideration of the Ph. D. in Speech Pathology and Audiology at UNR, as contained in Ref. AA-3B, filed in the Regents' Office.

This program, to be offered through the School of Medicine, will build upon existing undergraduate and master's degrees.

An increasing demand for doctoral level graduates in a variety of settings is expected to continue over the next several decades. There is a need for Ph. D. level professionals in Nevada's hospitals, clinics and schools. Doctoral students will also act as clinical supervisors for masters level students, which will in turn allow for an increase in the number of masters graduates. This will respond to a need to fill a large number of vacancies in Nevada's school districts. Because of the length of time required to complete the program, there is an urgency to begin implementa-

tion at this time. It is anticipated that 18 students will be enrolled by the 4th year. The program will be housed in the new building for Speech Pathology & Audiology and Student Health at UNR.

The program will initially require only one graduate student stipend in the amount of \$10,000. In the second year of the program, an additional faculty position will be requested, pending available funds.

Mr. Klaich questioned the financial impact in the 2nd year of the program when an additional faculty position will be requested, and Vice President of Academic Affairs Robert Hoover responded that the funds will be reallocated from other sources to provide for this position.

- (4) Approved the reorganization of the College of Agriculture, as contained in Ref. AA-4, filed in the Regents' Office.

The organizational structure of the College will be consolidated with the number of units reduced from 7

to the following 4:

Department of Environmental & Resource Sciences

School of Veterinary Medicine

Department of Agriculture Economics

Department of Biochemistry

The community based Cooperative Extension program will become a University-wide organization which will report to the Academic Vice President.

A comprehensive study was undertaken to determine how the College might best meet the needs of the State and provide a contemporary education for students.

The proposed changes are designed to accomplish these goals. No financial impact is anticipated.

Mr. Klaich questioned if a Doctor of Veterinary Medicine would be established in the future, and Vice President of Academic Affairs Robert Hoover responded that a gift was bestowed 15 years ago to establish a Veterinary Medicine Program, but the gift was not substantial enough to establish a doctorate program.

In response to a question regarding the Dean's role, Dr. Hoover explained that the Cooperative Extension Program would now become Campus-wide; however, the Dean would continue to oversee the program and report to the Vice President of Academic Affairs.

- (5) Approved a change in title of the Information Systems Division to Computer and Office Technology at TMCC, as contained in Ref. AA-5, filed in the Regents' Office.

The proposed change is more inclusive of the 3 course prefixes currently offered in the Division: Computer Information Systems, Office Administration and Word Processing.

- (6) Approved a change in title of the AAS degree in Office Administration to the AAS in Computer and Office Technology at TMCC, as contained in Ref. AA-6, filed in the Regents' Office.

The proposed change in title is in keeping with the change of the name of the Information Systems Division to Computer and Office Technology. The change will

have no financial impact.

- (7) Approved a change in title for the Graphic Arts Program to Graphic Communications at TMCC, as contained in Ref. AA-7, filed in the Regents' Office.

The new title will reflect the breadth of coverage of this program which indicates graphic design, computer graphics and printing. No additional resources or funding are required.

- (8) Approved plans to revise the registration and credit system for the School of Medicine, as contained in Ref. AA-8, filed in the Regents' Office.

Under this revision, students will be registered annually for all courses to be taken during the next academic year. Although the student's transcript will indicate the courses completed, course credits and grade point averages will no longer be used. Grades will continue to be awarded and submitted annually to the UNR Registrar, and student promotion will be recommended on an annual basis.

The curriculum for the first 3 years of Medical School is offered as a continuous block, with all students enrolling in the same courses, and the 4th year involves clinical rotations. As the course offerings are year-round, they do not coincide with the traditional semester or Summer School schedules. These changes, which will apply only to students enrolled in the M. D. Program, will more accurately reflect the Medical School registration process and curriculum. The revisions will not impact course or program requirements, and will have no financial impact.

(9) Board of Regents' policy states that grading systems for University parallel courses in the Community Colleges should be comparable to the grading systems used by the Universities. Currently, however, two UCCSN Campuses use the "plus" and "minus" in calculating grade point averages, and several Campuses differ in the use of the "withdrawal" and "failure" grades. A proposal to bring all Campuses into compliance with Board policy is contained in Ref. AA-9, filed in the Regents' Office.

Vice Chancellor John Richardson gave a brief history

of the UCCSN Grading Policy. In September 1992 Regent Jim Eardley received a letter from ASTM President Charlie Covington, and requested that this issue be discussed by the Academic Affairs Council. Since Dr. Eardley's request, the Academic Affairs Council has met with Faculty Senate Chairmen and Academic Vice Presidents, and the proposal was presented to the Council of Presidents in December. After extensive discussions, compromises were made to the proposed policy language that is before the Committee for its consideration.

USA President Debi Green requested that the Committee make the policy uniform throughout UCCSN. She related a personal experience in which she lost a scholarship due to the grading differences between the institutions. She also noted that students were never contacted during the discussion period on this issue and requested that the item be withheld until the Fall so that students could be involved.

Vice Chancellor Richardson cautioned the Committee that if they chose to delay this issue until Fall, the policy could be implemented during Spring 1994,

but felt it was not good management to change the grading policy in the middle of the academic year and suggested that it be implemented Fall 1994.

Vice Chancellor Richardson expressed the view that the faculty have the primary responsibility of determining grading procedures, but that it was appropriate to include the students in the discussions. Dr. Derby expressed her concern that students were not sufficiently involved in earlier discussions.

Upon questioning, Vice Chancellor Richardson explained that footnotes 1 and 2 of the proposed policy were compromises and that it was the prerogative of the faculty on how grades would be determined.

WNCC Vice President Bill Davies expressed his concerns that all students throughout the System should be treated the same. If the proposed policy is accepted it would be an injustice to the students and would only compound the problem. He stated that he does not support the "F" grade at the Community Colleges.

President Maxson stated that if uniformity is needed,

then the proposed policy should be accepted; however, he felt that each Campus should determine its own grading policy. Over the years, UNLV has not received any complaints regarding the current grading policy.

UNLV Faculty Senate Chairman John Swetnam stated that, as a faculty member, he has calculated grades by using the "plus/minus" system and by using the straight grading system and determined that there is no effect either way to the student. He prefers using the "plus/minus" system and has not received any complaints from the students.

UNR GSA President Russell West agreed that it is the right of the faculty to determine the grades, but after the grades are determined the grades then "belong" to the student and will be placed on the transcripts forever. He felt that students should be involved in the decision process. He felt that each institution should have its own grading policy.

ASUN President Jim Grogan stated that he was opposed to the proposed policy. ASUN has surveyed students

and 95% opposed the changes. He reminded the Committee that financial costs may be incurred if a change is made. He stated that the ASUN Student Government has issued a resolution opposing the "plus/minus" grading policy.

(10) Approved an amendment to the Board of Regents' Handbook, Title 4, Chapter 16, Section III.1, General Admission Policy, as follows:

High School Course Requirements

The following high school course admission requirements will apply for Freshman admission to UNR and UNLV for students who graduate from high school in Spring 1989 or thereafter, in addition to the specific admission requirements for those institutions which appear elsewhere in this chapter:

This change would address admission requirements for older students who graduated from high school prior to Spring 1989, but have not completed the high school core courses requirement which became effective Fall 1989.

When the Board of Regents established the high school core course requirements in 1984, members were cognizant of the need to allow students to prepare for the new requirements and thus instituted a 5-year phase in policy. This action seems to indicate that it was not the Board's intent to have a retroactive policy. The proposed change in wording will accommodate students whose high school courses were completed in accordance with early admission requirements.

Mr. Klaich moved approval of the report and recommendations of the Academic Affairs Committee with the exception of item (9) from the May 20, 1993 meeting, and referred the item to the Academic Affairs Council. Dr. Derby seconded. Motion carried.

Addition discussion was held later in the meeting and is found after item 29.

17. Information Only: Regents' Bylaw Amendment, Officers of the Board

Regent Graves had requested an amendment to the Board of Regents' Bylaws, Article IV, Section 2, Officers of the Board as follows:

Section 2. The Chairman and Vice Chairman shall be elected from among the membership of the Board at the organizational meeting of the Board held during the Board's last meeting of the fiscal year, a one-year term, to commence on the following July 1. The Chairman or Vice Chairman may serve only two successive terms in the respective office, but may be re-elected to such office after an intervening term. In the event of a vacancy in the office, the Board shall fill the vacancy for the remainder of the term by election at the next regularly scheduled meeting of the Board. No person serving more than 3 successive years as Chairman or Vice Chairman shall be elected to successive terms in those respective offices.

In accordance with Bylaws Article VIII, Amendments, this shall serve as notice for action to be taken at the June 1993 meeting.

Mrs. Whitley left the meeting.

18. Professional Search Committee Consultants

The Board considered proposals from outside CEO search consultant firms and discussed whether to hire such a firm to conduct the search for the Chancellor position.

Mrs. Gallagher moved approval to hire professional search committee consultants for the Chancellor's position. Mr. Graves seconded.

Dr. Derby opposed the motion. She felt that the selection of the Chancellor is a very important process and that it should be the Board's process. She also felt that in light of the System's current financial situation, hiring an outside consultant would not be prudent at this time.

Mrs. Gallagher reminded the Board that it has conducted excellent searches in the past, with Secretary Mary Lou Moser providing staff expertise to the search process. Mrs. Gallagher felt that each member of the Board needs to support the search process. She suggested that the Board identify what they would expect from the next Chancellor.

Upon questioning, Chairman Sparks indicated that to hire an outside consultant would cost the System approximately \$29,000 plus \$5,000 in expenses from one firm, 33% of the Chancellor's first year compensation from another firm, and \$30,000 plus expenses or \$1,800 per day. The funding would be allocated from the Regents' Special Project Fund.

Mrs. Berkley stated that she agreed with both Regents Gallagher and Derby. She felt that the Board should determine parameters for the position of Chancellor. She stated that she is confident in having Secretary Moser staff the search committee. She opposed the motion in hiring a professional outside consultant.

Mrs. Price asked her fellow Regents if money were not an issue would they be so inclined to hire an outside consultant.

Mrs. Berkley stated that she was very comfortable with the staff aiding the internal search committee. Dr. Derby stated that money is an issue, but strongly felt that the Board members should be involved in the process.

Chairman Sparks stated that she disagreed for the same reasons as mentioned. Hiring the next Chancellor is a very critical issue. She reminded the Board that funding has

been made available for other consultants on different issues, such as collective bargaining, sexual harassment, etc.

She felt that the Chancellor is the Chief Executive Officer of a large business conglomerate. UCCSN needs a strong person who will represent the interests of the Board of Regents. The staff is already overloaded and the Board of Regents owes it to itself to make the best selection in its next Chancellor.

Mrs. Gallagher stated that there is time to hire a new Chancellor. Vice Chancellor Richardson has agreed to serve as Interim Chancellor until a permanent Chancellor is selected. There is no real urgency in hiring a professional consultant at this time.

Mr. Graves requested that at the next regular scheduled meeting a discussion be held on the Chancellor's job description and to leave the issue of hiring a professional consultant open.

Mr. Klaich noted for the record that he would not be participating in the discussion nor the vote. Mrs. Price also abstained from the vote.

Motion failed. 5 Regents voted against hiring professional search committee consultants for the Chancellor's position, and 1 Regent voted for the motion. Regents Klaich and Price abstained.

19. Approved Emeritus Appointment

A. University of Nevada, Las Vegas - President Maxson recommended the following, effective June 30, 1993, upon retirement:

Dr. John Nixon, Emeritus Professor of Management Information Systems

Mr. Klaich moved approval of the emeritus appointment at UNLV. Mrs. Gallagher seconded. Motion carried.

20. Approved Tenure on Hire, UNLV

Approved to hire with tenure the following person effective August 23, 1993:

Dr. Robert Bosselman, Associate Professor of Food and Beverage Management

President Maxson withdrew the name of Dr. Robert Molzon,
Professor of Mathematical Sciences.

Mr. Klaich moved approval to hire with tenure, Dr. Robert
Bosselman, effective August 23, 1993. Mrs. Berkley second-
ed. Motion carried.

21. Approved Recommendations for Promotion or Assignment to Rank

The following recommendations for promotion or assignment to
rank have been forwarded for Board consideration:

A. University of Nevada, Reno - President Crowley recom-
mended the following promotions, effective July 1, 1993:

Yunas Cengel to Associate III, Engineering

*Indira Chatterjee to Associate III, Engineering

Peter Sebaaly to Associate III, Engineering

*Recommended for both promotion and tenure.

Mr. Klaich moved approval of the recommendations for promo-
tion or assignment to rank at UNR. Mrs. Gallagher seconded.

Motion carried.

22. Approved Recommendations for Award to Tenure, UNR

The following recommendations for award to tenure have been forwarded for Board consideration:

A. University of Nevada, Reno - President Crowley recommended award to tenure, effective July 1, 1993, to the following:

*Indira Chatterjee, Electrical Engineering, College of Engineering

A. Trzynadlowski, Electrical Engineering, College of Engineering

B. University of Nevada, Reno - Vice President Hoover recommended award to tenure, effective July 1, 1993, to the following:

Carl Looney, Computer Science, Mackay School of Mines

*Recommended for both promotion and tenure.

Mrs. Berkley moved approval of the recommendations for award to tenure at UNR and UNLV. Dr. Hammargren seconded. Motion carried.

The open meeting recessed at 6:27 P.M. and reconvened at 8:15

A.M. Friday, May 21, 1993, with all Regents present except

Regent Hammargren.

23. Regents' Workshop, Sexual Harassment Education Training

Dr. Jill Derby, Chairman of the Status of Women Committee, introduced Ms. Beverly Ledbetter, Brown University, who presented a workshop on sexual harassment education training for Administrators of UCCSN. Ms. Ledbetter discussed policies, laws, and Campus procedures regarding sexual harassment.

She indicated that there were several definitions of sexual harassment and that most of the definitions rely on the EEOC's guidelines which identify sexual harassment in the workplace. The guidelines state that:

"Sexual Harassment' includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical

contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment."

Ms. Ledbetter described the different basis for complaints which included "quid pro quo", "hostile environment", "acts of physical aggression", and "third parties".

She then highlighted the components of a good sexual harassment policy for an institution, including the following:

Definition of sexual harassment

Prohibition of behavior

Consequences for violators

Procedures for resolution of allegations

Ms. Ledbetter indicated that education and counseling, informal review and resolution, and formal resolution should be addressed in the sexual harassment policy.

Ms. Ledbetter encouraged UCCSN Administration to act in good faith when an allegation is brought forth. She stated that without a policy in place, the System, and possible individuals, may be liable in sexual harassment cases.

Dr. Derby expressed her thanks to Ms. Ledbetter for conducting the most helpful workshop.

The open meeting recessed to conduct a joint meeting with the State Board of Education (the minutes are filed in the Regents' Office) and reconvened at 1:15 P.M. Friday, May 21, 1993, with all Regents present except Regents Berkley, Derby, Foley and Price.

24. Emergency Item: Tenure on Hire, UNR

President Crowley requested consideration of an emergency item regarding an additional approval to hire with tenure at UNR. General Counsel Klasic determined that this item was unforeseen at the time the agenda was prepared and must be approved before this week in order to implement the hiring.

Mr. Klaich moved approval to consider an emergency item regarding approval to hire with tenure at UNR. Mrs. Gallagher seconded. Motion carried.

25. Approved Tenure on Hire, UNR

Approved to hire with tenure the following persons for UNR:

Dr. Jerry Johnson, Professor of Mathematics

Dr. Lucinda Davenport, Associate Professor of Journalism

Mr. Klaich moved approval to hire with tenure at UNR, Dr. Jerry Johnson and Dr. Lucinda Davenport. Mrs. Whitley seconded. Motion carried.

Mrs. Price returned to the meeting.

26. Approved Contract, UNR

In accordance with Section 5.4.2 of the UCCSN Code, approved the employment contract for Mr. Pat Foster to serve as Head Coach, UNR Men's Basketball Team, for a 5-year term.

Copies of the contract were made available at the meeting and are filed in the Regents' Office.

President Crowley explained that it is a national norm to offer a 5-year contract for this position.

Mr. Graves moved approval of the contract for UNR Men's Basketball Head Coach Pat Foster, for a 5-year term. Mrs. Gallagher seconded.

Mr. Graves reviewed the contract and stated that he felt it was a very progressive contract. Mr. Klaich agreed with President Crowley in that the new Head Coach will be upgrading the program and will need time to implement the basketball program. Dr. Eardley stated that the community is ready for a Coach of this caliber.

Dr. Hammargren stated that he personally feels that there has been an overemphasis on athletics recently. He criticized the Mac Vicar/Peterson Report for being too limited in scope. Dr. Hammargren distributed a letter highlighting 5 different contracts that executed 5-year contracts. He stated that he opposed issuing 5-year contracts.

Motion carried. Dr. Hammargren voted against the motion.

Dr. Hammargren requested President Maxson to respond to each of the issues he mentioned in the letter. President Maxson indicated that issues 1, 3, 4 and 5 were incorrect and he would submit in writing the discrepancy. Issue 2 is correct in that Jim Weaver's hiring process was ruled as an "illegal procedure" by the Attorney General as a violation of the Open Meeting Law, because it was brought before the Board as an Emergency Item. The issue was then brought before the next regularly scheduled meeting and was approved by the Board of Regents.

27. Information Only: Outstanding Faculty Recognition

At the request of the Board of Regents, each Faculty Senate Chairman reported on the outstanding faculty achievements

for the institution; Ref. B, filed in the Regents' Office.

Truckee Meadows Community College

Cynthia Davis

Rosemary Rinaldi

Northern Nevada Community College

Juanita Karr

Joan Williams

28. Information Only: Outstanding Students Recognition

At the request of the Board of Regents, each Student Government Officer reported on the outstanding student achievements from the institution. Ref. C, filed in the Regents' Office.

Truckee Meadows Community College

Lori Jensen

Terry L. Tallan

Western Nevada Community College

Debra Green

Northern Nevada Community College

Laura Bird

Mrs. Whitley returned to the meeting.

29. Information Only: Report on Organizational Review

Dr. John Richardson and Mr. Doug Burris have conducted an organizational review and presented their findings. The report is filed in the permanent minutes.

Interviews were conducted with Regents, Chancellor's staff, and Presidents. The Board, the Presidents, and the staff are virtually of one mind regarding the directions they want to pursue. This unanimity of view signals a golden opportunity for the Board to formalize a transition to the System's current level of need for direction. The Board of Regents may never again have such an opportunity for change supported by so many -- and at a time when it is absolutely

necessary for the continued positive development and growth of our University and Community College System. Nearly everyone is calling for major change. The issue facing the Regents, the leaders of the System, is whether or not they have the will to make appropriate changes, and have sufficient foresight and understanding to make the right changes.

The report is divided into 5 primary sections:

- 1) The role of the Chancellor in System governance
- 2) The role of the Board
- 3) The role of the Presidents
- 4) The role of System staff and the System Office
- 5) Additional System structure and process issues that need attention

In response to what the next steps should be, Vice Chancellor Richardson stated that a decision should be made on priority issues for UCCSN over the next 5 years, discussions on whether to move to a stronger leadership role for the Chancellor should be held, and a position description and an announcement for the position should be developed prior to beginning the search.

Dr. Eardley stated that we must not lose sight of students.

He felt that the Board has too many committees, meetings should not be scheduled during registration time, individual Board members cannot speak for the full Board, and individual Board members should not be allowed to discipline individual staff members.

Mrs. Gallagher felt strongly about the recommendation that the Chancellor should be responsible for governmental/legislative relations for the System and should exercise active leadership in this arena. She did not agree with the recommendation that the Board Secretary should report directly to the Chancellor. The Board Secretary should be able to work directly with the Board and be held accountable to the Board. Mrs. Gallagher stated the auditors should also report directly to the Board.

Mr. Graves stated that he was not serving on the Board of Regents when this report was being developed, however he felt that the report is a tremendous piece of work and is glad that it is coming together. He approved of the structure of the report.

Mr. Klaich suggested that the findings, found on pages 5, 6 and 7 of the report, should be used in defining the role of the Chancellor. He did not feel additional comments from other constituents were needed because of the number of governance studies the Board has already undertaken in the past several years. Vice Chancellor Richardson replied that the Board should hear all views prior to making a decision in this important matter.

Mr. Graves and Dr. Hammargren left the meeting.

16. Report and Recommendations of the Academic Affairs Committee

(continued)

USA President MaryAnne Lavelle requested that approval of the UCCSN grading policy be deferred until the June, 1993 meeting.

Mr. Chad Bible, ASUN Senator, stated that the grading policy directly affects the students and requested reconsideration of the policy.

Ms. Jennifer Johns, ASUN Senator, stated that it has been a gross oversight to not include students in the delibera-

tions on the UCCSN grading policy. She requested that the issue be brought back to the Board in the Fall when students have returned and can lend their input.

ASTM President Don Isler requested this item be deferred to the June meeting in order for southern students to have a chance to review the policy and discuss the issue.

Chairman Sparks agreed to defer the issue until the June meeting. Mr. Klaich did not feel it necessary to discuss this issue again in June.

Dr. Hammargren returned to the meeting.

30. Approved Handbook Addition and Change, Increased Student Fees, School of Medicine

Approved the following additions and changes to the Handbook regarding increased student fees for the School of Medicine:

- a. Paragraphs 4 and 5 (Attachement A) be added to the Board of Regents Handbook, Title 4, (Codification of Board Policy Statements), Chapter 17 (Fees and Expenses) Section 1 (Assessment of Fees).

b. Resident annual tuition for medical students in the School of Medicine at the University of Nevada, Reno, be increased to \$6067 in 1993-94 and to \$6597 in 1994-95 (Attachment B).

c. A \$1400 annual fee be established to cover the cost of the health, life and disability insurance that the Association of American Medical Colleges recommends for all medical students (Attachments C and D).

Ref. E is filed in the Regents' Office.

Mr. Eardley moved approval of the Handbook changes and additions regarding increased student fees for the School of Medicine. Mrs. Gallagher seconded. Mrs. Price voted against the motion. Motion carried.

Dr. Hammargren left the meeting.

31. Report and Recommendations of the Audit Committee

A report and recommendations of the Audit Committee meeting, held May 13, 1993, were made by Regent Dorothy Gallagher,

Chairman.

(1) Acting Director of Internal Audit John Love presented the audit of the UNR Associate Students of University of Nevada School of Medicine, July 1, 1992 through June 30, 1992. The audit report is filed in the Regents' Office.

(2) Acting Director of Internal Audit John Love presented the audit of the UNLV School Refusal Clinic, July 1, 1991 through December 31, 1992. The report is filed in the Regents' Office.

(3) Acting Director of Internal Audit John Love presented the audit of the UNR Graduate School, July 1, 1991 through June 30, 1992. The report is filed in the Regents' Office.

The following follow-up reports were presented by Acting Director of Internal Audit John Love. The follow-up reports are on file in the Regents' Office:

4. Extension Centers, CCSN

5. Fleischmann Planetarium, UNR

6. Fallon Campus Business Office, WNCC

A discussion was held on the inventory process for UCCSN property and equipment. It was explained that the internal auditors review inventories of each Department to determine that the assigned equipment is in place. At the Universities, there is a central receiving area where all purchases are inventoried before being delivered to various Departments.

A recent article in the Las Vegas "Review Journal" incorrectly reported that an inventory had not been taken since 1986 at UNLV. Mr. Mike Sauer, Controller, reported that since 1986, because of lack of personnel in the Inventory Department, it has been impossible to inventory all of the equipment on the Campus in one year. Inventories are taken, but with the growth of the Campus, it takes approximately three years for a complete Campus-wide inventory. Requests for positions have been made with each budget request to the State, but those positions have not been funded.

It was agreed that the Committee would request the Presidents to make inventory a priority. The controllers will prepare a plan for automated inventory. Dane Apalategui,

WNCC, is in the process of preparing a procedures manual which, when finished, could be adopted by all Campuses. It is compartmentalized by Department with the intention of making it faster and easier for taking inventory.

In answer to a question of whether instructors were collecting fees, it was explained that with the new telephone registration system, most of this has been eliminated because the student is able to pay with credit card registration, or is billed automatically upon completion of registration. There is still some collection of fees in the very remote outlying areas, but all this has been cut to a minimum.

A discussion of the number of internal auditors was held. It is recognized that more staff is needed; however, funding is not available for additions at this time.

In answer to a question concerning whether any funds have had to be repaid to the Federal government because of inventory problems, it was reported that all items were in place, and no funds have had to be returned.

Mrs. Whitley moved approval of the report and recommenda-

tions of the Audit Committee. Dr. Eardley seconded.

Motion carried.

Mrs. Price indicated that there was an apparent need for more support for UCCSN's internal auditors.

2. Approved Consent Agenda (continued)

(14) Approved an amendment to a lease at UNLV. At the April 1993 Board meeting, President Maxson presented a facilities plan for land surrounding the UNLV Campus. One parcel concerns 19 acres on the northeast corner of Tropicana and Paradise which could be used for parking. Previously, the Board approved an agreement with Clark County for UNLV to lease 11 acres of this parcel to construct a parking lot thereon. The lease change would be for the county to license the 8 acres and license the 11 acres from UNLV from June 1993 through January 1995. During that time Clark County will construct the parking lot on the 19 acres. After January 1995, UNLV will own the parking lot on its 8 acres and will have use of the additional 11 acres of parking for the remainder of the 20-year lease. In addition, UNLV would also

agree that any construction within the County's Airport Environs Overlay District would comply with the restrictions set forth in the Clark County Code.

Mr. Eardley moved approval of the amendment to the lease at UNLV. Mrs. Gallagher seconded. Motion carried.

(15) Approved a Handbook change, Title 4, Chapter, 17, Section 10, Student Fees at UNLV that concern the student health insurance fees, as contained in Ref. C-15. This change in student health insurance fees is a result of increased pay out rate last year.

Dr. Eardley moved approval of the Handbook change regarding student health insurance fees at UNLV.

Mr. Klaich seconded.

Mrs. Gallagher abstained from voting due to a conflict of interest. She serves on the Blue Cross/Blue Shield Board of Directors.

Motion carried.

32. Approved Food Service Proposal, UNR

The Business Center North is in the final stages of evaluating proposals to provide a comprehensive food service to the northern institutions.

The vendor will be responsible for designing, building, equipping, managing and operating food services, to include: student residential dining, retail food sales, catering, vending and concessions. This venture will require a long-term contract and significant capital investment.

Approved to secure financing between \$2 and \$3 million for capital construction and renovation for this project. Detailed backup material was distributed at the meeting and is filed in the Regents' Office.

Mrs. Whitley moved approval of the Food Service Proposal at UNR and to proceed securing a loan for Business Center North between \$2 and \$3 million for this project. Dr. Eardley seconded. Motion carried.

33. Information Only: System Priority Issues, 1993-1998

Various constituencies were requested to draft priority issues for the System for the 5-year period 1993-1998. These were presented for discussion at the meeting and are filed in the Regents' Office.

Mr. Klaich expressed anger and disappointment in that only 6 Regents were in attendance to discuss these important issues.

CCSN faculty member Carolyn Collins requested time for faculty input to address this issue. The Board agreed to place this item on the June agenda.

The meeting adjourned at 3:52 P.M.

Mary Lou Moser

Secretary of the Board

05-19-1993