Recent Issues

- In April 2016, the Review Journal published an article showing that the Board of Regents purposely stymied efforts by the 2012 Interim Committee to redo the state’s funding formula.

- Nevada System of Higher Education consulted think tank, National Center for Higher Education Management Systems
  - NSHE presented “findings” from NCHEMS’s report to the Interim Committee as though they were independent data
    - However, emails revealed NCHEMS allowed NSHE to write a memo on its own letterhead regarding its research.

Objectives of Nevada Higher Education Reform Act

1. Clarify the Legislature’s constitutional oversight role while maintaining Board of Regents’ direct accountability to voters;
2. Increase the resources allocated to the Board of Regents;
3. Insert critical checks and balances;
4. Require that institutional presidents present their budgets directly to the Board and the Legislature;
5. Allow for the establishment of regional advisory committees;
6. Support whistleblower protections for system employees;
7. Allow for a full investigation of the malfeasance brought to light by the Review Journal’s April 16, 2016 revelations.
#1: Clarify the Legislature’s constitutional oversight role while maintaining Board of Regents’ direct accountability to voters

- Regents’ position within the Nevada Constitution is a relic of our early statehood.
- Nevada has three branches of government, not four.
  - The Board should be like every other state agency so that we are empowered to hold the Nevada System of Higher Education accountable.
#2: Increase the resources allocated to the Board of Regents

- This would improve their oversight capacity.
- The Board is a part-time body that manages all eight of our state’s public higher education institutions. We need to give regents the proper resources to do their jobs effectively.
#3: Insert critical checks and balances

- The hiring and firing power over institution presidents should be vested with the regents.
  - Currently, the chancellor’s office has too much control which inhibits the flow of information from presidents to lawmakers.
#4: Require that institutional presidents present their budgets directly to the Board and the Legislature

- This would allow the regents, followed by lawmakers, to weigh each institution’s policy and funding priorities (rather than having those priorities decided solely by unelected administrators).
#5: Allow for the establishment of regional advisory committees

- This would give our higher-ed institutions a more direct connection to the community to publicly share information about their concerns and priorities.
  - This is key to helping legislators make well-informed decisions.
#6: Support whistleblower protections for system employees

- This would include disclosure of any information involving false or misleading statements made to the Legislature.
  - It’s clear that we need to protect the legislative process from abuse. State workers must be able to report false statements without fear of retaliation.
#7: Allow for a full investigation of the malfeasance brought to light by the Review Journal’s April 16, 2016 revelations

- Would be accomplished by bringing the system of higher education under the purview of the Spending and Government Efficiency Commission
  - This would allow the state government to conduct a top-to-bottom review of the system.
Impetus for AJR 5

In a case called *King v. Board of Regents*, the Nevada Supreme Court struck down a statute that sought to create the “board of advisory regents.” The Court was concerned that such an advisory committee might usurp the Board of Regents’ constitutionally granted authority.

The Board has relied heavily on this decision in justifying a variety of its subsequently implemented controls and policies.

However, within that very same case, the Court cautioned that although the Board’s constitutional status conferred certain exclusive controls, it did not immunize them from “the right of the legislature to prescribe duties and other well recognized legislative rights not here in question.”
Plain Language in the Nevada Constitution

- "a State University which shall embrace departments of Agriculture, Mechanic Arts, and Mining" (the curriculum stipulated under the Morrill Act).
Intent of the Framers

- Originally, the State Constitution was written thus:
  - “The Legislature shall provide for the establishment of a State University, which shall be under the control of a Board of Regents.” (Debates and Proceedings, p. 586).
  - One George Nourse, a Lawyer from Washoe County, remarked on the floor: “I like the general idea [of the board of Regents] only I would suggest to add to it, ‘whose powers and duties shall be prescribed by the Legislature,’ and not leave it to be inferred perhaps, that they [The Board] have absolute control. I will vote for it with that addition.”