

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

System Administration, Las Vegas
4300 South Maryland Parkway, Board Room

Thursday, December 30, 2021

Video and Telephone Conference Connection from the Meeting Site to:
System Administration, Reno
2601 Enterprise Road, Conference Room
and
Great Basin College, Elko
1500 College Parkway, Berg Hall Conference Room

Members Present: Mrs. Carol Del Carlo, Chair Pro Tem
Ms. Amy J. Carvalho, Vice Chair Pro Tem
Mr. Joseph C. Arrascada
Mr. Patrick J. Boylan
Mr. Byron Brooks
Dr. Patrick R. Carter
Dr. Mark W. Doubrava
Dr. Jason Geddes
Mrs. Cathy McAdoo
Mr. Donald Sylvantee McMichael Sr.
Mr. John T. Moran
Ms. Laura E. Perkins

Members Absent: Dr. Lois Tarkanian

Others Present: Dr. Melody Rose, Chancellor
Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs and
Community Colleges
Dr. Constance Brooks, Vice Chancellor, Public Affairs and Advancement
Mr. Caleb Cage, Vice Chancellor, Workforce Development
Mr. Andrew Clinger, Chief Financial Officer
Ms. Yvonne Nevarez-Goodson, Deputy General Counsel
Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
Ms. Tina Russom, Deputy General Counsel
Dr. Federico Zaragoza, President, CSN
Dr. Kumud Acharya, President, DRI
Ms. Joyce M. Helens, President, GBC
Dr. DeRionne Pollard, President, NSC
Dr. Elena Bubnova, Officer in Charge, TMCC
Dr. Keith E. Whitfield, President, UNLV

Others Present:

(Continued)

Mr. Brian Sandoval, President, UNR

Dr. J. Kyle Dalpe, Officer in Charge, WNC

Faculty senate chairs in attendance were: Dr. Julian Smit, CSN; Mr. Kevin Seipp, GBC; Dr. Samantha Jewell, NSC; Ms. Shannon Sumpter, UNLV; Dr. Amy Pason, UNR; and Mr. Jim Strange, WNC. Student body presidents in attendance were: Mr. Zachary Johnigan, ASCSN President, CSN; Ms. Darian Richards, SGA President, TMCC; Ms. Caren Yap, CSUN President, UNLV; Ms. Nicole Thomas, GPSA President, UNLV; and Mr. Austin Brown, ASUN President, UNR.

Vice Chair Pro Tem Carvalho called the meeting to order at 6:01 p.m. with all members present except Regents Moran and Tarkanian. Vice Chair Pro Tem Carvalho led the Pledge of Allegiance and provided the Land Acknowledgment.

Regent Moran entered the meeti entTw 8hMDA th me LPalBCnd provi-19ovi-19ovi-1et48 8 BDC -0.004 Tc 0.00

1. Information Only – Public Comment – *(Continued)*

The following individual provided first-hand experience of living in the dormitory while in a two-week lockdown for a person testing positive for COVID-19:

Nathan Noble

The following individual provided CSN student body survey results, with 40 percent in opposition and 30 percent in favor of a mandatory student vaccine mandate:

Zachary Johnigan

The following individuals provided written/voicemail public comment in favor of the student and/or employee vaccine mandates:

Christian Abbo (*Abbo.Christian12.30.21 on file in t*

1. Information Only – Public Comment – *(Continued)*

1. Information Only – Public Comment – *(Continued)*

The following individuals provided written/voicemail public comment in favor of the student and/or employee vaccine mandates – *(Continued)*

Rachel Gamberg *(Gamberg.Rachel12.30.21 on file in the Board Office.)*

Samantha Gannon *(Gannon.Samantha12.30.21 on file in the Board Office.)*

Charlene Gassett *(Gassett.Charlene12.30.21 on file in the Board Office.)*

Caitlin Gatchalian *(Gatchalian.Caitlin12.30.21 on file in the Board Office.)*

Nezarnebuchad Gatchalian *(Gatchalian.Nezarnebuchad12.30.21 on file in the Board Office.)*

Audrey George *(George.Audrey12.30.21 on file in the Board Office.)*

Tyler Gibbons *(Gibbons.Tyler12.30.21 on file in the Board Office.)*

Katie Gilbertson *(Gilbertson.Katie12.30.21 on file in the Board Office.)*

Carver Goldstein *(Goldstein.Carver12.30.21 on file in the Board Office.)*

Erich Goldstein *(Goldstein.Erich12.30.21 on file in the Board Office.)*

Kayleen Gonzaga *(Gonzaga.Kayleen12.30.21 on file in the Board Office.)*

1. Information Only – Public Comment – (Continued)

The following individuals provided written/voicemail public comment in favor of the student and/or employee vaccine mandates – (Continued)

Logan Kennedy (*Kennedy.Logan12.30.21 on file in the Board Office.*)
Jordyn Kenton (*Kenton.Jordyn12.30.21 on file in the Board Office.*)
Rachel Kim (*Kim.Rachel12.30.21 on file in the Board Office.*)
Rachel King (*King.Rachel12.30.21 on file in the Board Office.*)
Joshua Knight (*Knigh.Joshua12.30.21 on file in the Board Office.*)
Joseph Kotlarsic (*Kotlarsic.Joseph12.30.21 on file in the Board Office.*)
Austin J. Krehbiel (*Krehbiel.Austin12.30.21 on file in the Board Office.*)
Carlos Lara (*Lara.Carlos12.30.21 on file in the Board Office.*)
Suzanne Lara (*Lara.Suzanne12.30.21 on file in the Board Office.*)
Shannon Larson (*Larson.Shannon12.30.21 on file in the Board Office.*)
Nhi Le (*Le.Nhi12.30.21 on file in the Board Office.*)
Sharica Lee (*Lee.Sharica12.30.21 on file in the Board Office.*)
Christopher Lemke (*Lemke.Christopher12.30.21 on file in the Board Office.*)
Noah Levrant (*Levrant.Noah12.30.21 on file in the Board Office.*)
Jenifer Lissett (*Lissett.Jenifer12.30.21 on file in the Board Office.*)
Marie LaCamera (*LaCamera.Marie12.30.21 on file in the Board Office.*)
Joel Lopez (*Lopez.Joel12.30.21 on file in the Board Office.*)
Melusi Mabaso (*Mabaso.Melusi12.30.21 on file in the Board Office.*)
Timothy Malacarne (*Malacarne.Timothy12.30.21 on file in the Board Office.*)
Orestes Marquetti (*Marquetti.Orestes12.30.21 on file in the Board Office.*)
Shantal Marshall (*Marshall.Shantal12.30.21 on file in the Board Office.*)
Ashley Melissa Martinez (*Martinez.AshleyMelissa12.30.21 on file in the Board Office.*)
Marjorie Mauk (*Mauk.Marjorie12.30.21 on file in the Board Office.*)
Carol Mauthe (*Mauthe.Carol12.30.21 on file in the Board Office.*)
Syd May (*May.Syd12.30.21 on file in the Board Office.*)
Regina McDade (*McDade.Regina12.30.21 on file in the Board Office.*)
Valerie Medina (*Medina.Valerie12.30.21 on file in the Board Office.*)
Miguel Mercado (*Mercado.Miguel12.30.21 on file in the Board Office.*)
Kelsie Messineo (*Messineo.Kelsie12.30.21 on file in the Board Office.*)
Sydney Messinger (*Messinger.Sydney12.30.21 on file in the Board Office.*)
Mary Miller (*Miller.Mary12.30.21 on file in the Board Office.*)
Zoey Mills (*Mills.Zoey12.30.21 on file in the Board Office.*)
Dillon Mims (*Mims.Dillon12.30.21 on file in the Board Office.*)
Melissa Miranda (*Miranda.Melissa12.30.21 on file in the Board Office.*)
James Morrow (*Morrow.James12.30.21 on file in the Board Office.*)
Susie Moss (*Moss.Susie12.30.21 on file in the Board Office.*)
Emily Mussio (*Mussio.Emily12.30.21 on file in the Board Office.*) Pauiehaus
Jessica Mussio (*Mussio.Jessica12.30.21 on file in the Board Office.*)
Leeann Nasrallah (*Nasrallah.Leeann12.30.21 on file in the Board Office.*)
Laura Naumann (*Naumann.Laura12.30.21 on file in the Board Office.*)
Patricia Nehilla (*Nehilla.Patricia12.30.21 on file in the Board Office.*)
Lisa Ann (*Ann.Lisa12.30.21 on file in the Board Office.*)
Alex Niehaus

1. Information Only – Public Comment – (Continued)

The following individuals provided written/voicemail public comment in favor of the student and/or employee vaccine mandates – (Continued)

Louise Marielle Suaybaguio (*Suaybaguio.LouiseMarielle12.30.21 on file in the Board Office.*)

Sydney Szostek (*Szostek.Sydney12.30.21 on file in the Board Office.*)

Annie Tan (*Tan.Annie12.30.21 on file in the Board Office.*)

Jaden Tan (*Tan.Jaden12.30.21 on file in the Board Office.*)

Zane Taylor (*Taylor.Zane12.30.21 on file in the Board Office.*)

Nicole Thomas (*Thomas.Nicole12.30.21 on file in the Board Office.*)

Kristian Thymianos (*Thymianos.Kristian12.30.21 on file in the Board Office.*)

Sydney Tso (*Tso.Sydney12.30.21 on file in the Board Office.*)

Thomas Tsunemoto (*Tsunemoto.Thomas12.30.21 on file in the Board Office.*)

Doug Unger (*Unger.Doug12.30.21 on file in the Board Office.*)

Alexis Urrieta (*Urrieta.Alexis12.30.21 on file in the Board Office.*)

Erika Vaca Lopez (*Lopez.ErikaVaca12.30.21 on file in the Board Office.*)

Ruby Valencia (*Valencia.Ruby12.30.21 on file in the Board Office.*)

Jimena Amador Velasco (*Velasco.JimenaAmador12.30.21 on file in the Board Office.*)

Shannen Velasco (*Velasco.Shannen12.30.21 on file in the Board Office.*)

Ariel Vera-Castillo, Jr. (*VeraCastillo.Ariel12.30.21 on file in the Board Office.*)

Samantha Wakil (*Wakil.Samantha12.30.21 on file in the Board Office.*)

Li Wang (*Wang.Li12.30.21 on file in the Board Office.*)

David Ward (*Ward.David12.30.21 on file in the Board Office.*)

Wyatt Watson (*Watson.Wyatt12.30.21 on file in the Board Office.*)

Jack Wehbe (*Wehbe.Jack12.30.21 on file in the Board Office.*)

Cole White (*White.Cole12.30.21 on file in the Board Office.*)

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1. Information Only – Public Comment – *(Continued)*

The following individuals provided written/voicemail public comment in opposition to the student and/or employee vaccine mandates – *(Continued)*

Natalia Arroyo (*Arroyo.Natalia12.30.21 on file in the Board Office.*)

Kayla Asbenson (*Asbenson.Kayla12.30.21 on file in the Board Office.*)

Michelle Austin (*Austin.Michelle12.30.21 on file in the Board Office.*)

Joseph Babb (*Babb.Joseph12.30.21 on file in the Board Office.*)

Hope Backman (*Backman.Hope12.30.21 on file in the Board Office.*)

Christopher Baker (*Baker.Christopher12.30.21 on file in the Board Office.*)

Robert Bartholomew (*Bartholomew.Robert12.30.21 on file in the Board Office.*)

Joseph W. Bell (*Bell.JosephW12.30.21 on file in the Board Office.*)

Pamela M. Bell (*Bell.PamelaM12.30.21 on file in the Board Office.*)

Madeline Benson (*Benson.Madeline12.30.21 on file in the Board Office.*)

James M. Benthin

1. Information Only – Public Comment – (*Continued*)

The following individuals provided written/voicemail public comment in opposition to the student and/or employee vaccine mandates – (*Continued*)

Sierra Dani (*Dani.Sierra12.30.21 on file in the Board Office.*)

Cynthia Darcy (*Darcy.Cynthia12.30.21 on file in the Board Office.*)

Amy Davis (*Davis.Amy12.30.21 on file in the Board Office.*)

Kayla Davis (*Davis.Kayla12.30.21 on file in the Board Office.*)

Stephanie Davis (*Davis.Stephanie12.30.21 on file in the Board Office.*)

Laura DeGonia (*DeGonia.Laura12.30.21 on file in the Board Office.*)

Lisa DeHart (*DeHart.Lisa12.30.21 on file in the Board Office.*)

Jackson Demura (*Demura.Jackson12.30.21 on file in the Board Office.*)

Lenni Depaoli (*Depaoli.Lenni12.30.21 on file in the Board Office.*)

Yvette Dix (*Dix.Yvette12.30.21 on file in the Board Office.*)

Nancy Dooley (*Dooley.Nancy12.30.21 on file in the Board Office.*)

Andrew Dopler (*Dopler.Andrew12.30.21 on file in the Board Office.*)

Lorraine Dougherty (*Dougherty.Lorraine12.30.21 and Dougherty.Lorraine(2) on file in the Board Office.*)

Robert Douglas (*Douglas.Robert12.30.21 on file in the Board Office.*)

Danica Duran (*Duran.Danica12.30.21 on file in the Board Office.*)

Adrian Durate (*Durate.Adrian12.30.21 on file in the Board Office.*)

Jennifer Eaton (*Eaton.Jennifer12.30.21 on file in the Board Office.*)

Rachel Elias (*Elias.Rachel12.30.21 on file in the Board Office.*)

Erica Ellrich (*Ellrich.Erica12.30.21 on file in the Board Office.*)

Jayde Emory (*Emory.Jayde12.30.21 on file in the Boari.*)

1. Information Only – Public Comment – (Continued)

The following individuals provided written/voicemail public comment in opposition to the student and/or employee vaccine mandates – (Continued)

Carl Gatson (*Gatson.Carl12.30.21 and Gatson.Carl(2)12.30.21 on file in the Board Office.*)

Eugene Gerscovich (*Gersovich.Eugene12.30.21 on file in the Board Office.*)

Alicia Gondini (*Gondini.Alicia12.30.21 on file in the Board Office.*)

Adam Gonzalez (*Gonzalez.Adam12.30.21 on file in the Board Office.*)

Dorothy Gonzalez (*Gonzalez.Dorothy12.30.21 on file in the Board Office.*)

Kirk Guier (*Guier.Kirk12.30.21 on file in the Board Office.*)

Michelle Gustavson (*Gustavson.Michelle12.30.21 on file in the Board Office.*)

Yani Hadzhiev (*Hadzhiev.Yani12.30.21 on file in the Board Office.*)

Kristine Haley (*Haley.Kristine12.30.21 on file in the Board Office.*)

DaLeena Hall (*Hall.DaLeena12.30.21 on file in the Board Office.*)

Adam Haman (*Haman.Adam12.30.21 on file in the Board Office.*)

Joanie Hammond (*Hammond.Joanie12.30.21 on file in the Board Office.*)

Michael Hanley (*Hanley.Michael12.30.21 on file in the Board Office.*)

Janine Hansen (*Hansen.Janine12.30.21 and Hansen.Janine(2)12.30.21 on file in the Board Office.*)

Lisa Harris (*Harris.Lisa12.30.21 on file in the Board Office.*)

Roxana Haures (*Haures.Roxana12.30.21 on file in the Board Office.*)

Health Freedom Nevada (*HealthFreedomNevada12.30.21 on file in the Board Office.*)

Robert Heard (*Heard.Robert12.30.21 on file in the Board Office.*)

Amber Henninger (*Henninger.Amber12.30.21 on file in the Board Office.*)

Dayna Hernandez (*Hernandez.Dayna12.30.21 on file in the Board Office.*)

Issac Hernandez (*Hernandez.Issac12.30.21 on file in the Board Office.*)

Nicol Herris (*Herris.Nicol12.30.21 on file in the Board Office.*)

JoAnne Hershaw (*Hershaw.JoAnne12.30.21 on file in the Board Office.*)

Don Hicks (*Hicks.Don12.30.21 on file in the Board Office.*)

Carrie Hintz (*Hintz.Carrie12.30.21 on file in the Board Office.*)

Tara Holt (*Holt.Tara12.30.21 on file in the Board Office.*)

Bill Horne (*Horne.Bill12.30.21 on file in the Board Office.*)

Susan Howell (*Howell.Susan12.30.21 on file in the Board Office.*)

Debrah Hudgens (*Hudgens.Debrah12.30.21 on file in the Board Office.*)

Margarita Huerta (*Huera.Margarita12.30.21 on file in the Board Office.*)

Christine Hurley (*Hurley.Christine12.30.21 on file in the Board Office.*)

Cody Hussla (*Hussla.Cody12.30.21 on file in the Board Office.*)

Heather Ijames (*Ijames.Heather12.30.21 on file in the Board Office.*)

Chelsea Jaget (*Jaget.Chelsea12.30.21 on file in the Board Office.*)

Johnnah Johnson (*Johnson.Johnnah12.30.21 on file in the Board Office.*)

Jess Johnston (*Johnston.Jess12.30.21 on file in the Board Office.*)

Mallory Jones (*Jones.Mallory12.30.21 on file in the Board Office.*)

Serina Jones (*Jones.Serina12.30.21 on file in the Board Office.*)

Joel Kabura (*Kabura.Joel12.30.21 on file in the Board Office.*)

Murray Kane (*Kane.Murray12.30.21 on file in the Board Office.*)

Lisa Ann Keller (*Keller.LisaAnn12.30.21 on file in the Board Office.*)

Trudie Kibala (*Kibala.Trudie12.30.21 on file in the Board Office.*)

1. Information Only – Public Comment – *(Continued)*

The following individuals provided written/voicemail public comment in opposition to

2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – NSHE Code (Title 2, Chapter 12) that sets forth policies and procedures regarding a COVID-19 vaccine requirement for all NSHE employees was maintained in its entirety. Failure of an employee to timely comply with the provisions of the Chapter will result in termination by December 31, 2021, absent an approved waiver based upon a medical condition or religious belief. The policies and procedures outlined in the Code provisions were approved on a temporary 120-day emergency basis by the Board at its September 30, 2021, meeting and subsequently made permanent by the Board at its December 2-3, 2021, meeting. (*Refs. BOR-2a, BOR-2b, BOR-2c, and Supplemental Material on file in the Board Office.*)

Vice Chair Pro Tem Carvalho presented the Board with the following options:

1. Maintain the existing Code provisions in their entirety;
2. Maintain the existing Code provisions, except for an amendment to the effective date of any employee termination based upon failure to comply with the vaccination requirements from December 31, 2021, to January 15, 2022 (*Ref. BOR-2b on file in the Board Office.*); or
3. Repeal the Code provisions in their entirety thereby eliminating the vaccine requirement for all NSHE employees and revoking all previously issued notices of termination based on vaccine status and revoking any determinations and/or conditions imposed upon employees under approved waivers of mandatory vaccinations based upon a medical condition or religious belief. (*Ref. BOR-2c on file in the Board Office.*)

Vice Chair Pro Tem Carvalho highlighted the Supplemental Material, which included a letter of unanimous support for maintaining the existing employee COVID-19 vaccine mandate provided to the Board and signed by each institutional President. The faculty also supports the current policy. In addition, Governor Steve Sisolak has issued a public statement encouraging the Board to maintain the existing mandate.

UNLV Department of Epidemiology and Biostatistics Assistant Professor Dr. Brian Labus provided the following comments to the Board regarding vaccinations and how institutions can operate safely during a pandemic. He stated that the vaccine is safe, effective, and fully approved, and it is recognized by all public health and legitimate medical organizations as the most important thing to be done to fight COVID-19. The vaccine is not perfect. If a vaccinated person is infected, the risk of hospitalization or death is much lower. The oldest people on campus, and those with the highest risk of death and hospitalization, are the most experienced faculty and staff. It is crucial to protect the most experienced with a vaccine mandate. One infected faculty or staff member causes those around them to quarantine, severely disrupting institutional operations. The institutional response to an infected faculty or staff member changes based on whether the faculty or staff member is vaccinated. Every mutation of a virus

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2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – (Continued)

Vice Chancellor for Workforce Development and Chief Innovation Officer Caleb Cage, who serves as Co-Chair of the NSHE COVID-19 Task Force and formerly served as the Governor's Director of the Statewide COVID-19 Response, thanked Dr. Labus for his thoughtful remarks and expressed thanks to the institutional teams and campus experts. Vice Chancellor Cage stated he has learned many lessons and, most importantly, we cannot truly predict what will happen in the future. Decisions to be made are just considerations using the best tools to fight COVID-19. As of December 2020, vaccines became that tool. NSHE aims to provide a healthy and safe environment for faculty, staff, and students.

UNR Faculty Senate Chair Dr. Amy Pason asked that the Board consider the employee vaccine policy a workplace safety policy. The majority of full-time faculty have complied with the mandate and view it as a requirement to continue to work at an institution. Removing this appropriate and necessary safety requirement will put faculty at risk. Likewise, repealing or changing deadlines will only disrupt campus operations. The vaccine mandate is a prevention strategy and what faculty want.

Regent Geddes stated this has been debated in detail since June 2020 to provide protections for faculty, staff, and students. The Board has heard from experts that the vaccine is the best way to provide the protection needed on the campuses. It is the Board's responsibility to make sure that as many people as possible on the campuses are vaccinated for the safety of NSHE.

Regent Geddes moved approval to maintain the existing Code provisions in their entirety. Regent Doubrava seconded.

Regent McMichael stated NSHE must work quickly to get this under control and the only way he believed that could be done is to continue the vaccine mandate.

Regent Carter was concerned this would put the Board and the Legislative Commission out of sync. He also has an issue with firing employees while the students do not have to do that same thing on campus. Therefore, he cannot support the motion.

Regent Moran thanked the experts for providing their recommendations. He asked to hear the Chancellor's recommendation.

Based on the COVID-19 Task Force expertise, Chancellor Melody Rose stated that her recommendation is to maintain the employee vaccine mandate. The best tool to fight COVID-19 is the vaccine. Therefore, she recommended the passage of the motion.

Dr. Labus noted boosters are an essential part of the COVID-19 response, but the country is struggling to get everyone their first two doses. As the virus evolves, the response may change. Dr. Labus explained the two new treatments, including monoclonal antibody treatment to keep people out of the hospital and oral medication to shorten the duration of the virus.

2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – (Continued)

Regent Brooks was concerned with the lack of an equitable policy between faculty and students and the termination of unvaccinated faculty.

Regent Boylan didn't believe masks worked. He thought it was foolish to terminate faculty members because of their vaccination status. He was not in favor of the vaccine mandate.

Regent Perkins did not believe a permanent solution should be considered for a fluid situation.

Regent McAdoo thanked all the people that provided public comment, and she committed to reading each submitted comment. She also thanked her constituents that called, emailed, and personally offered their thoughts on the policy. NSHE knows that this is an ever-changing situation. Regents want to do their best while having varying options on how to accomplish it. Regent McAdoo was unwilling to support the motion

2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – (Continued)

support for the Code provisions. She believed that dissenting direction from System leadership and the experts would undermine the System’s response to the current situation.

Deputy General Counsel Nevarez-Goodson stated that any agenda item passage would require seven affirmative votes. If an item does not receive seven affirmative votes, it will result in no action taken, and the existing Code provision would remain in place.

Motion failed via a roll call vote. Chair Pro Tem Del Carlo, Vice Chair Pro Tem Carvalho and Regents Doubrava, Geddes, McMichael, and Moran voted yes. Regents Arrascada, Boylan, Brooks, Carter, McAdoo, and Perkins voted no. Regent Tarkanian was absent.

Deputy General Counsel Nevarez-Goodson acknowledged that another motion could be made before moving forward.

Interim Chief of Staff Keri D. Nikolajewski indicated Chair Pro Tem Del Carlo had texted her she was having difficulty unmuting but that she had voted yes.

Regent Brooks asked if the Board could review the other actions to see whether they could achieve a different outcome. Deputy General Counsel Nevarez-Goodson stated the agenda language presents options that the Board could vote on.

Regent Brooks asked if he could provide a different motion with a fourth option. Deputy General Counsel Nevarez-Goodson stated she believed that would violate the Open Meeting Law since a fourth option would fall outside the scope of options provided. The second option could potentially amend the policy to stay the effective date of terminations until January 15, 2022. It would give the Board the ability to return with new agenda items at the January special meeting.

Regent Brooks was unsure what option two would change besides JEMC /P ~~AMC~~ could c Jesidendon 8o
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2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – (Continued)

Regent McAdoo clarified that if a motion were made for option two, employees would have until January 15, 2022, and the Board could request a new business item for a future agenda. Deputy General Counsel Nevarez-Goodson agreed that there is potential to revisit the issue in January under option two. Option two was included on the agenda because of concerns about not having enough time for stakeholder input.

Regent McAdoo believed that an agenda item with more flexibility might change the outcome.

Regent Carter moved approval to maintain the existing Code provisions, except for an amendment to the effective date of any employee termination based upon failure to comply with the vaccination requirements from December 31, 2021, to January 15, 2022. Regent Brooks seconded.

Regent Moran noted he would vote no on the motion.

UNLV President Keith E. Whitfield stated this motion would provide a logistical nightmare since notifications have been sent to the employees with terminations beginning tomorrow. In addition, some of the employees have already left since receiving their notice.

CSN President Federico Zaragoza clarified the current policy allows faculty that have received a termination notice a window to request reinstatement.

NSC President DeRionne Pollard stated the institutions had worked diligently to implement the Board's policy. The policy's intent was to ensure the campuses were the safest place for students and employees. There are procedures to demonstrate that the employee obtained the vaccination series and an appeal process for religious and medical exemptions. The date of termination is tomorrow. Operationally, revisiting this for January 15, 2022, is highly problematic and sends a mixed message about the intent of the policy and NSHE's commitment to public health.

DRI President Kumud Acharya agreed with his colleagues.

GBC President Joyce M. Helens stated the institutions had followed all procedures, and the deadline is tomorrow. As was indicated, there is an available opportunity for employees to appeal the decision.

WNC Officer in Charge J. Kyle Dalpe also believed there would be operational chaos with a two-week delay. Employees who did not necessarily want to receive the vaccine did receive it to keep their jobs.

2. No Action Taken – Emergency Code Revision, Employee COVID-19 Vaccine Requirement – (Continued)

TMCC Officer in Charge Elena Bubnova stated an overwhelming number of faculty have worked to comply with the mandate. Therefore, a reversal of the mandate would send a mixed message and potentially cause talented faculty to take their talents elsewhere.

Regent Geddes stated two weeks does nothing but cause confusion. Only 379 faculty members are not vaccinated, and each has 30 days to comply with the mandate. He was opposed to the motion on the floor.

Regent McAdoo stated considering what the Presidents shared, she would vote no on the motion.

UNLV Faculty Senate Chair Sumpter shared her concern that Regents did not know a reconsider date was included in the original mandate. The percentage of unvaccinated employees is 2.5 percent. The remainder of the faculty and staff should be protected.

Motion failed via a roll call vote. Regents Boylan, Brooks, and Carter voted yes. Chair Pro Tem Del Carlo, Vice Chair Pro Tem Carvalho and Regents Arrascada, Doubrava, Geddes, McAdoo, McMichael, Moran, and Perkins voted no. Regent

3. Approved – Letter of Support for Student COVID-19 Vaccinations – (Continued)

Regent Geddes supported a student COVID-19 vaccine mandate and asked that all other measures in effect before the vaccine was available be reinstated on the campuses.

Chancellor Rose shared that she has already scheduled a meeting with the COVID-19 Task Force to evaluate the very fluid current situation and hear recommendations related to the safety of faculty, staff, and students. The Task Force will then meet with the Presidents on Wednesday to decide on mitigation measures before the beginning of the Spring 2022 term.

Chancellor Rose stated NSHE Chief General Counsel has made it clear that the Board has the authority to pursue mitigation measures.

Regent McMichael moved approval to direct the Chancellor, in consultation with Chair Pro Tem Carol Del Carlo, on behalf of the Board of Regents, to issue a letter in support of COVID-19 vaccinations for students attending any NSHE institution to the appropriate governing bodies with jurisdiction to impose vaccine requirements including, without limitation, the Governor, Nevada Board of Health and Nevada Legislature. Regent Doubrava seconded.

Regent Brooks offered a friendly amendment that once the letter is complete, it be provided to the Regents before it is distributed.

Regent McMichael accepted the friendly amendment.

Regent Doubrava appreciated the request but did not believe it was the most efficient way to be done.

Regent Doubrava did not accept the friendly amendment.

Deputy General Counsel Nevarez-Goodson stated that the reason the item was written was to direct the Chancellor, in consultation with the Chair Pro Tem, to issue a letter of support, which effectively says the Board supports a student vaccine mandate. She believed it would be problematic under the Open Meeting Law for the Board to deliberate behind the scenes on the terms of the letter.

Regent Brooks

3. Approved – Letter of Support for Student COVID-19 Vaccinations – (Continued)

Regent Doubrava appreciated Regent Brooks' perspective. However, the Board should have confidence in the Chancellor and Chair Pro Tem to make sure the letter is concise and states the Board's support.

Regent Doubrava did not accept the friendly amendment.

Regent McMichael withdrew his acceptance of the friendly amendment.

UNR Faculty Senate Chair Pason stated the Faculty Senate Chairs support a student vaccine mandate. She underscored faculty teaching conditions, which makes a student mandate necessary.

Regent McAdoo agreed that the Regents should see the letter before it is distributed.

Regent McAdoo offered a friendly amendment for the draft letter to be brought back for the Board's consideration and approval at the January 14, 2022, meeting.

Regents McMichael and Doubrava accepted the friendly amendment.

Regent Boylan stated he did not support a student vaccine mandate. However, he did believe that if something was sent out from the Board, the Regents should review it.

UNLV GPSA President Nicole Thomas was concerned that the Board was arguing over sending the letter while students and instructors must be back in the classroom in two weeks.

UNR ASUN President Austin Brown stated that student engagement was better than anticipated for the winter semester. Students are excited to be back on campus but want to be back together safely. On behalf of 17,000 University of Nevada, Reno undergraduate students, he can say that the only way to continue safe in-person instruction and activities is to ensure peers, faculty, and staff are all doing their part by being vaccinated.

Regent Geddes did not believe the friendly amendment was necessary. He thought the Chancellor and Chair Pro Tem were looking for assurance that the Board supports a student vaccine mandate.

Chancellor Rose clarified conversations related to the student vaccine mandate are happening now. She will continue to be neutral on the issue until there is clear direction from the Board.

3. Approved – Letter of Support for Student COVID-19 Vaccinations – (Continued)

Motion carried via a roll call vote. Chair Pro Tem Del Carlo, Vice Chair Pro Tem Carvalho, and Regents Arrascada, Carter, Doubrava, Geddes, McAdoo, McMichael, Moran, and Perkins voted yes. Regents Boylan and Brooks voted no. Regent Tarkanian was absent.

Deputy General Counsel Nevarez-Goodson confirmed for the record that Chair Pro Tem Del Carlo's votes on prior matters were recorded in writing with Interim Chief of Staff Nikolajewski.

The meeting recessed at 8:53 p.m. and reconvened at 8:59 p.m. with all members present except Regent Tarkanian.

4. Information Only – New Business – None.

5. Information Only – Public Comment

Doug Unger provided the "Petition for Safe NSHE Campuses," an open petition by faculty, staff, students, and family members of NSHE sponsored by the Nevada Faculty Alliance with over 3,400 signatures in favor of continued vaccination requirements for state employees.

Remington Longley urged the Board to reconsider its vote on the Employee COVID-19 Vaccine Requirement to extend the effective date of any employee to January 15, 2022, so the agenda item could be revisited with all board members present.

Olivia Cheche was happy to see that the employee vaccine mandate will remain in place but unhappy that the Board could not express united support for a student vaccine mandate.

Natalie McMahon did not understand how the Board could make light of the 379 employees that would lose their jobs on December 31, 2021. Further, she did not understand why she would need to test when she never sets foot on campus or works with students.

Sofia Takhtadjian stated that mentioning an absent Regent's possible vote violates the Open Meeting Law. Each Regent should be voting for those they represent.

Robert Bellucci voiced his disappointment in the Regents. The Regents should be considering the well-being of those they represent.

Zachary Johnigan urged the Board to reconsider its vote on the Employee COVID-19 Vaccine Requirement and repeal the Code provisions entirely, eliminating the vaccine requirement for all NSHE employees and revoking all previously issued notices of termination based on vaccine status.

5. Information Only – Public Comment – (*Continued*)

Nathan Noble thanked those Regents who advocated and operated in the students' best interests. He was shocked at the level of professionalism during this meeting and believes there is a fundamental problem with not taking this seriously enough.

The meeting adjourned at 9:13 p.m.

Prepared by: Angela R. Palmer
Special Assistant and Coordinator
to the Board of Regents

Submitted for approval by: Keri D. Nikolajewski
Interim Chief of Staff
to the Board of Regents

Approved by the Board of Regents at its April 22, 2022, meeting.