

Thursday, June 30, 2022 2

Video Conference Connection from the Meeting Site to:

Sam Administration, Reno
2601 Enterprise Road, Conference Room
and
Great Basin College, Elko

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Others Present: (Continued)
Dr. Jeff Thompson (filling in for Mr. Brian Sandoval, President, UNR)
Dr. J. Kyle Dalpe (Interim President, WNC)

Faculty senate chairs in attendance were: Dr. Samantha Jewell, NSC; Dr. Virginia Irintcheva, TMCC; and Dr. Amy Pason, UNR Student body president in attendance as well as Ms. Dionne Stanfill, ASUN President, UNR

Chair McAdoo called the meeting to order at 1:00 p.m. with all members present except Regents Del Carlo, Doubrava, Perkins, and Tarkanian. Regent Arrascada led the Pledge of Allegiance and Chair McAdoo provided the Land Acknowledgement.

1. Information Only – Public Comment

Regent Tarkanian entered the meeting.

The following individuals provided written Public Comment or spoke in support of a full repeal of the NSHE Code (Title 2, Chapter 12) which sets forth policies and procedures regarding the COVID-19 vaccine requirement for all NSHE employees

- Angela Ash (Ash.Angela@06.302 on file in the Board Office.)
- Jon Carpineta (Carpineta.Jon@06.302 on file in the Board Office.)
- Teresa Mettler (Mettler.Teresa@06.302 on file in the Board Office.)
- Gloria Sharlein

The following individuals provided written Public Comment in opposition to the appointment of Richard Hinckley as Chief of Staff and Special Counsel to the Board:

- Glynda White (White.Glynda@06.302 on file in the Board Office.)

Regent Doubrava entered the meeting.

Regent Boylan stated he agreed with the written public comment by Sondra Cosgrove (On file in the Board Office for June 29, 2022, ad hoc Chief of Staff and Special Counsel to the Board Search) He believed the search was not properly conducted and requested advice on how to proceed. Interim Chief General Counsel Martines stated that a discussion would be more appropriate under New Business.

2. Approved – Appointment, Chief of Staff and Special Counsel to the Board of Regents

The Board approved the appointment of Robert G. Kilroy as Chief of Staff and Special Counsel to the Board of Regents consistent with the terms outlined in the offer letter (letter BOR2b and Supplemental Material file in the Board Office Other references on file in the Board Office include Refs. BOR2a and BOR2c.)

Committee Chair Moran stated that the ad hoc Chief of Staff and Special Counsel to the Board Search Committee interviewed three highly qualified candidates for the Chief of Staff and Special Counsel to the Board of Regents position. The Committee unanimously selected Robert G. Kilroy to be presented to the full Board for consideration.

2. Approved –Appointment, Chief of Staff and Special Counsel to the Board of Regents
(Continued)

Regent Moran moved approval of the appointment of Robert G. Kilroy as Chief of Staff and Special Counsel to the Board of Regents consistent with the terms outlined in the offer letter. Regent McMichael seconded.

In response to a question from Regent Boylan about his options to not vote on the motion, Interim Chief General Counsel Martines stated that a Regent has a duty to vote on matters that come before the Board. The only time a Regent would not vote is if the Regent chose to disclose and abstain on the record or if the Regent ~~is~~ absent.

Regent Boylan stated he would abstain because he did not think the search was ethical.

Regent Moran stated that all Regents received the Supplemental Material and that the posted salary is \$208,942, with a 12-month timeframe. ~~Paravony C by Oatdut o0 (e)404 Tcfmo72 (t)-2~~

4. Approved – Handbook Revisions, Finance and Administration Charter and Financial Policies: Operating Budgets – (Continued)

Chief Financial Officer Andrew Clinger, on behalf of the NSHE Business Officers Council, presented revisions to the Finance and Administration Charter (Handbook Title 4, Chapter 9, Section B) and the Financial Policies: Operating Budgets (Handbook Title 4, Chapter 9, Section C) to define the purpose, roles and responsibilities of the Business Officers Council.

Regent McMichael moved approval of revisions to the Finance and Administration Charter (Handbook Title 4, Chapter 9, Section B) and the Financial Policies: Operating Budgets (Handbook Title 4, Chapter 9, Section C) to define the purpose, roles and responsibilities of the Business Officers Council. Regent Boylan seconded.

In response to a question from Regent Perkins related to how they make sure the Council is doing what it is supposed to do, Chief Financial Officer Clinger stated the reason to codify the revision is to create accountability to ensure the Business Officers Council is accomplishing the things outlined in the Charter.

Motion carried. Regent Del Carlo was absent.

5. Approved – Handbook Revision, NSHE Capital Improvement Budget Process The Board approved a revision to the NSHE Capital Improvement Budget Process (Handbook Title 4, Chapter 10, Section 26(6)) to include the revised recommendation of a system on 2612 108 3

5. Approved – Handbook Revision, NSHE Capital Improvement Budget Process (Continued)

Regent McMichael moved approval of revisions to the Finance and Administration Charter (Handbook Title 4, Chapter 9, Section B) and the Financial Policies: Operating Budgets Handbook Title 4, Chapter 9, Section C) to define the purpose, roles and responsibilities of the Business Officers Council. Regent Tarkanian seconded. Motion carried. Regent Del Carlo was absent.

6. Action Taken– Code Revision, Emergency COVID-19 Vaccination Policy, and Resolution Relating to Coronavirus Safety Measures
The Board repealed NSHE Code (Title 2, Chapter 12) which sets forth policies and procedures regarding the COVID vaccine requirement for all NSHE employees and approved the Resolution as revised and read into the record by Interim Chief General Counsel Martinez (Res. BOR-6a and BOR-6b on file in the Board Office)

Officer in Charge Crystal Abba and Interim Chief General Counsel Jimmy Martinez presented a recommendation to repeal NSHE Code (Title 2, Chapter 12) which sets forth policies and procedures regarding the COVID-19 vaccine requirement for all NSHE employees. The proposed Code revision was presented for initial discussion at the May 25, 2022, special Board meeting.

6. Action Taken–Code Revision, Emergency COVID Vaccination Policy, and Resolution Relating to Coronavirus Safety Measures – (Continued)

6. Action Taken—Code Revision, Emergency COVID Vaccination Policy, and Resolution Relating to Coronavirus Safety Measures – (Continued)

Interim Chief General Counsel Martines clarified that there are no mask mandates or vaccine requirements in Nevada. If the State Board of Health or the Governor's Office provided directives, everyone would have to comply.

Regent Boylan clarified there is a difference between mandates and Resolutions. Interim Chief General Counsel Martines stated this is a Resolution for the Board to express its position. It does not create any new authority. Instead, it provides the Board's position and the current authority that rests with the Presidents pursuant to the Handbook

Regent Brooks stated he is in favor of anything that needs to be done to repeal the outdated policy that NSHE currently has. However, in terms of the Resolution, why would an institution provide more guidance or mandate than the state requires? Additionally, while the Presidents must have the authority to implement best practice measures for their campuses, why would there be more at an individual campus than in Nevada? Interim Chief General Counsel Martines stated it is essential knowledge that certain things can happen on a campus that would require a President to use their authority to ensure safe and successful campus operation.

Regent Doubrava thanked Officer in Charge Abba, the Presidents, and Interim Chief General Counsel Martines for their hard work. As a physician, he believes the vaccine mandate should be kept in place.

Regent Moran stated that the Presidents already have the discretion and authority to make choices for their institutions

Regent Brooks left the meeting.

Regent Carvalho stated she is in favor of the Code repeal. She believed the Office of the Governor should be added to the RESOLVED statement on page two. Interim Chief General Counsel Martines stated they had not included the Governor's Office because the tevee

6. Action Taken–Code Revision, Emergency COVID Vaccination Policy, and Resolution Relating to Coronavirus Safety Measures – (Continued)

Regent Carvalho requested that “health and safety” be added to the following RESOLVED:

RESOLVED, that each institution President may, based on the aforementioned assessment based on regional health data, ~~implement one or more campus mask mandates~~ appropriate health and safety measures to ensure successful institutional operations ~~when the President determines that doing so~~ in the best interest of the health and safety of the institution’s students, faculty and staff;

- 7. Approved –ad hoc Committee to Review the Roles and Responsibilities of the Chancellor
– The Board approved establishing the ad hoc Committee to Review the Roles and Responsibilities of the Chancellor and its charge (ref. BOR7 on file in the Board Office.)

Under Title 1, Article VI, Section 4, the Board considered establishing the ad hoc Committee to Review the Roles and Responsibilities of the Chancellor and establishing its charge. The Chancellor is the chief executive officer and chief treasurer of the Nevada System of Higher Education and is responsible to the Board of Regents for the administration of the Nevada System of Higher Education, the implementation of Board policies and directives, and the financial management of the Nevada System of Higher Education. Before beginning the search for a permanent NSHE Chancellor, the Board may establish a special committee charged with reviewing the roles and responsibilities of the Chancellor

Regent Boylan moved approval to establish the ad hoc Committee to Review the Roles and Responsibilities of the Chancellor and its charge. Regent Geddes seconded.

Regent Geddes believed it was an excellent time to review the roles and responsibilities.

Regent Doubrava left the meeting.

Motion carried Regents Del Carlo and Doubrava were absent.

Chari McAdoo stated that today is Officer in Charge Abba's last day serving as Chancellor. She

8. Information Only – New Business(Continued)

Regent Arrascada requested a review of Title 5, Chapter 5, Section 5.5.1 provisions of the periodic four year review of the NSHE salary schedule including the process currently in place for evaluating salary schedules used for hiring purposes to ensure they are market competitive.

Regent Boylar requested the Chief General Counsel investigate the process of the recent hiring of the Chief of Staff and Special Counsel to the Board.

9. Information Only – Public Comment – None.

The meeting adjourned at 2:51 p.m.

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

Submitted for approval by: Robert G. Kilroy
Chief of Staff & Special Counsel
to the Board of Regents

Approved by the Board of Regents at its October 14, 2022 , meeting.