

**SPECIAL MEETING**  
**BOARD OF REGENTS**  
**NEVADA SYSTEM OF HIGHER EDUCATION**

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

Friday, July 21, 2023

Video 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:

Mr. Byron Brooks, Chair  
Mr. Joseph C. Arrascada, Vice Chair  
Mr.

Faculty senate chairs in attendance were Mr. Patrick Villa, CSN; Mr. JD Lancaster, DRI; Dr. Molly Appel,

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

The following individuals provided written public comment in support of Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – *(Continued)*

- Mindy Lokshin (*Lokshin.Mindy0723 on file in the Board Office.*)
- TMCC Leadership (*TMCCLeadership0723 on file in the Board Office.*)

The following individual provided written public comment in opposition of Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom:

- Lars Jensen (*Jensen.Lars0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom, voicing multiple concerns:

- Amy Cavanaugh (*Cavanaugh.Amy0723 on file in the Board Office.*)
- Connie Croysdill (*Croysdill.Connie0723 on file in the Board Office.*)
- Jim New (*New.Jim0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 9, One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom, and thought that the evaluation process is important and required but should not impact the date of departure:

- Julia Hammett (*Hammett.Julia0723 on file in the Board Office.*)

The following individual provided written public comment related to Item 11, NSHE Update on Dual Enrollment, voicing concerns regarding dual enrollment and the possibility of having college-level professors with only “high school instructor qualifications”:

- Bradley Summerhill (*Summerhill.Bradley0723 on file in the Board Office.*)

The following individual provided in-person or written public comment in favor of Item 11, NSHE Update on Dual Enrollment:

- Molly Appel
- Susan Enfield (*Enfield.Susan0723 on file in the Board Office.*)
- Sarah Keyes
- Jim Webber

The following individual requested assistance from the Board of Regents to make the necessary NSHE appointments to the Nevada State Apprenticeship Council:

- Toni Giddens

In response to a question from Regent Boylan related to employees providing public comment, Associate General Counsel Lynda P. King stated that it is a matter between the employee and supervisor and handled at the campus level.

Regent Brager led the Pledge of Allegiance.

2. Approved – Consent Items – The Board approved the Consent Items except for Item 2b (Code and *Handbook* Revisions, Definition of State College), which was considered separately.

- 2a. Approved – Minutes – The Board approved the following meeting minutes:
- April 21, 2023, Board of Regents special meeting (*Ref. BOR-2a1 on file in the Board Office.*)
  - May 16, 2023, Board of Regents special meeting (*Ref. BOR-2a2 on file in the Board Office.*)

2c. Approved – Clarification, UNR and UNLV Schools of Medicine Fiscal Year 2024 Cost of Living Adjustment for Clinical Faculty – The Board approved the application of the fiscal year 2024 cost of living adjustment as applied to their respective School of Medicine clinical faculty base salaries in the amount of four percent (4%). (*Ref. BOR-2c on file in the Board Office.*)

University of Nevada, Reno President Brian Sandoval and University of Nevada, Las Vegas President Keith E. Whitfield requested approval of the application of the fiscal year 2024 cost of living adjustment as applied to their respective School of Medicine clinical faculty base salaries in the amount of four percent (4%). At its June 30, 2023, special meeting, the Board discussed and assented to the bases for the differential cost of living adjustments due to clinical activity. Since then, Dr. Marc J. Kahn, Dean of the UNLV Kirk Kerkorian School of Medicine, and Dr. Paul J. Hauptman, Dean of the UNR School of Medicine, and their teams, have arrived at a consensus of four percent (4%) cost of living adjustment applicable to clinical faculty base salaries.

Regent Boylan moved approval of the Consent Items except for Item 2b (Code and *Handbook* Revisions, Definition of State College). Regent Downs seconded. Motion carried.

*Consent item considered separately.*

2b. Approved – Code and Handbook Revisions, Definition of State College – The Board approved the proposed revisions to amend Board policy (Title 2, Chapter 1, Section 1.1 and Title 4, Chapter 1, new Section 41) to define “state college” to mean the state college known as Nevada State University and for the Board

*Consent item considered separately – (Continued)*

- 2b. Approved – Code and Handbook Revisions, Definition of State College – (Continued)

to align with *Nevada Revised Statutes* 396.005, which defines “state college” to mean all of the state colleges within the Nevada System of Higher Education, including, without limitation, the state college known as Nevada State University. This proposal includes a Code revision requiring two hearings before the Board. It was first presented for information at the

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

In response to a question from Regent Boylan asking whether the applicant has been evaluated for the position, Associate General Counsel King responded Ms. Nikolajewski did have evaluations while in the Interim position and throughout her 21 years of service. The briefing paper indicates that the position description questionnaire was completed at the request of the General Counsel's Office to ensure a current review of the position. Human Resources determined the position of Chief of Staff, without the Special Counsel, remains in the Grade 3 NSHE Executive Salary Schedule. The position without legal duties was initially classified in the current range in 2007. Interim roles are generally distinguished from acting roles so that an interim candidate can be considered for permanent appointment without a search. The *Handbook* supports internal promotions for administrative faculty positions without any search. This is an appropriate action from a legal perspective.

Regent Boylan asked for clarification on the definition of administrative faculty. Associate General Counsel King clarified there are different classes of employees: administrative faculty, academic faculty, and classified employees. Administrative faculty, such as Chief General Counsel and Chief Internal Auditor, are on a contract. For those positions, when in an interim status, the Board can make a permanent appointment with a thorough justification and Human Resources evaluation without a competitive search.

Chair Brooks clarified there is no process or procedure in which Regents can table an item via email. It is quite possible that placing more than five Regents in an email and asking for something specific is a potential violation of the Open Meeting Law.

Regent Boylan stated it was a request by three Regents. He said there is no Chief of Staff position in the *Handbook*. There is a Chief of Staff and Special Counsel to the Board of Regents position in the *Handbook*.

Chair Brooks stated receiving supplemental material 24 hours before the meeting is not unusual, especially when staff are away from work. The supplemental material references prior action taken by the Board to separate the two positions.

Regent Boylan believed changes to the *Handbook* must be approved by  $\frac{3}{4}$  of the Board and asked when that took place to change the position to Chief of Staff in the policy. Associate General Counsel King stated the Bylaws provide Regents access to the agenda. Since the item being discussed was already on the agenda, any action concerning the item has to happen in the meeting. She reiterated that Legal had requested a recommendation from Human Resources. One individual staffs the Human Resources department at System Administration and she was on vacation. At the April 21, 2023, special meeting, the Board voted to separate Special Counsel, which will now be a position under the Chief General Counsel's Office. Supplemental information was provided with the agenda discussing the differences between the roles. Chief General Counsel Martines explained on the record why the Board has *Handbook* references that call the two positions Chief of Staff and Special Counsel. The words Special Counsel were added to the Bylaws, where the Chief of Staff position and duties are described, by a predecessor. The Special Counsel reference

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

was added outside of a public meeting, which makes the action void. The *Handbook* does have a description of the Chief of Staff duties. When the former employee made the change, it was made under a provision that allows for non-substantive changes, usually correcting grammatical or housekeeping changes. Adding or changing the title of a position is not non-substantive, so the action is void. Chief General Counsel Martines noted at the April meeting that necessary revisions would come forward at a future meeting. In August, an agenda item will state that the action was void and ask the Board to provide direction to staff to go back and make the necessary revisions. The General Counsel's Office is also working with Human Resources to put together a position description for the Special Counsel position in the General Counsel's Office, which is a shared position and will provide legal counsel to the Board of Regents.

Regent Perkins believed by precedent that the Board had codified the position because the Board had taken action on the position since 2014. Associate General Counsel King stated that as legal counsel, it is not the position of the Chief General Counsel's Office that there has been a codification of the Chief of Staff and Special Counsel position, and even if there had been, the Board has now voted to separate the position.

Regent Perkins stated the process had been overlooked to fit a dynamic. She is interested in the position description because how can the Board determine a salary if the duties have not been provided. Regent Perkins stated she needs the job description to make an informed decision.

Associate General Counsel King reiterated that the duties of the Chief of Staff position are listed in the Bylaws and included in the April 21 supplemental material. That is the material that Human Resources utilized to prepare the position description for the comp and class evaluation to determine that the Chief of Staff position should remain in Grade 3 of the NSHE Executive Salary Schedule. Associate General Counsel King added that the recommendation for Grade 3 is based 100 percent on the Chief of Staff. The legal duties have been separated and will be evaluated as a position that provides legal services to the Board and System Administration. The Special Counsel position's division of labor will be determined.

Vice Chair Arrascada called the question.

Chair Brooks observed there was no second to the motion to call the question. Therefore, discussion on the agenda item will continue.

Regent Goodman stated the discussion is an excellent point as to why Regents should receive briefings before meetings to alleviate many questions. Regent Goodman stated she has learned to trust staff. Regent Goodman made the motion because the office needs someone at the helm. Ms. Nikolajewski has been in the position for 27 months and is doing an excellent job. She believed it was imperative to move forward and bring people into permanent positions to work more effectively as a System.

3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

Regent Downs felt very rushed and was concerned about the pay. He noted that some vice presidents are paid significantly less than this proposed salary. This is a generous salary.

Chair Brooks reiterated that the two positions were separated in April. In terms of compensation, Huron completed an equity study. Human Resources examined the position classifications, and the Chief of Staff was placed at the minimum of Grade 3. Associate General Counsel King offered that the Chief of Staff position has been in the current grade since 2007.

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3. Approved – Appointment, Chief of Staff to the Board of Regents – (Continued)

Associate General Counsel King recommended that the motion include an effective date to discuss the other contract terms.

Regent Goodman amended her motion to approve Keri D. Nikolajewski as Chief of Staff to the Board of Regents and to discuss the contract's salary and human resources components effective at the next meeting. Regent Brager seconded.

The meeting recessed at 10:30 a.m. and reconvened at 10:43 a.m. with all members present.

Regent Goodman withdrew her motion to restate. Regent Brager withdrew her second.

Regent Goodman moved to appoint Keri D. Nikolajewski as the permanent Chief of Staff effective at the next Board of Regents meeting, special or otherwise, at which time the contractual terms, including compensation, will be considered. Regent Brager seconded.

Regent Del Carlo voiced her support for Ms. Nikolajewski. She felt the process was backwards, and it would have been helpful to have some of the April 21, 2023, reference material brought forward to this meeting. She requested that all the material be brought forward to the next meeting.

Regent Carvalho believed that many Regents thought additional information would come to this meeting, including the PDQ. She stated it was alarming that substantive changes were made to the Bylaws without Board approval. She appreciates the willingness of her colleagues to change the motion to suit everyone's concerns, as well as Ms. Nikolajewski's demeanor, grace, and professionalism during the process.

Regent Cruz-Crawford



4. Approved – Handbook Revision, NSHE and Member Institution Foundations’ and Affiliated Groups Administrative and Accounting Policies – (Continued)

Associate General Counsel King asked that the motion and second be withdrawn and a new motion be provided.

Regents Tarkanian and Perkins withdrew the motion and second.

5. Approved – Handbook Revision, Enhanced 12-Month Contracts for Academic Nursing Faculty, UNR – (Continued)

President Sandoval added the Orvis School of Nursing cannot offer 12-month contracts within the nursing program, and this amendment would allow it.

Regent Carvalho asked why the revisions only applied to specific institutions and not all institutions. Associate General Counsel King was unsure of the policy history. Still, she surmised that it was applicable to certain institutions when drafted, and now it applies to another. Acting Vice Chancellor Patricia Charlton stated the provision was added many bienniums ago when the Legislature requested NSHE to double (i)-2 (n ( a)4 (ke)4 (d )-2 (ons)1p (ons)1.2



The meeting recessed at 11:37 a.m. and reconvened at 11:55 a.m. with all members present.

8. Information Only – Salary Equity Study – Senior Director Kurt Dorschel, Huron Consulting Services, presented an overview of compensation study results and recommendations recently conducted for System Administration, which included a review of pay grade assignments and pay equity for all System Administration and System Computing Services employees and an analysis of the compensation for institutional presidents. (*Ref. BOR-8 on file in the Board Office.*)

Key points for NSHE Staff included:

- Did not identify systemic compensation inequity based on gender or race. NSHE should consider creating policies and practices to ensure equitable compensation.
- Did identify some individual positions for potential review related to compression issues.
- An individualized analysis will look at additional data points.

Key points for institutional Presidents included:

- Did not identify systemic disparate impact based on gender or race.
- All market ratios were at or above the market median.
- NSHE should consider creating policies, structures, and practices to ensure equitable compensation in pay setting and adjustments.

Regent Perkins asked for examples of descriptive versus statistical differences. Senior Director Dorschel stated that statistical differences determine how confident the variation results from a particular variable, while descriptive differences look at an overall pattern.

In response to a question from Regent Downs related to whether the analysis was adjusted by the market cost of living for the different communities, Senior Director Dorschel responded no because the focus of equity was a comparison across positions within the organization, not based on geography.

Regent Cruz-Crawford requested that the data analysis tools used be noted in the future.

Regent Carvalho asked if the individual positions for potential review of compression issues will come to the Board. Acting Chancellor Erquiaga stated adjustments for System Administration positions will be handled during the normal budget process. Acting Chancellor Erquiaga recommended that those related to Presidents include a more in-depth analysis.

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – The Board approved (1) a one-year extension of TMCC President Karin M. Hilgersom’s current Employment Agreement through July 1, 2025, and authorized the Acting Chancellor to execute an Employment Agreement upon review and approval by the Chief General Counsel; and (2) waiver of the periodic evaluation pursuant to the *Procedures and Guidelines Manual*, Chapter 2, Section 2.2, with an annual evaluation to be performed consistent with(e)4 aE

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

Truckee Meadows Community College President Karin M. Hilgersom requested a one-year extension of her current Employment Agreement through July 1, 2025.

Regent Downs stated the Board received a climate survey from the Nevada Faculty Alliance (NFA) and asked that the item be postponed allowing sufficient time to review it.

Regent Downs moved to postpone consideration of the item to allow the Board time to review the results of the NFA climate survey. Regent Boylan seconded.

Vice Chair Arrascada asked for clarification on whether Regent Downs was asking for additional time to review the climate survey results or conduct another survey. Regent Downs responded that he is requesting time to review what had already been completed.

Acting Chancellor Erquiaga provided information related to the president evaluation procedures that were re p is ce dd that (e)4 (e-2 )7ere rcedures thee-1.14.1P 0.254s (i)-139 tyt (ahi3t)4

9. Approved – One-Year Extension of Employment Agreement, TMCC President Karin M. Hilgersom – (Continued)

In response to a question from Regent Brager related to grandfathering within provisions, Associate General Counsel King and Interim Chief of Staff Nikolajewski agreed that it would need to be expressly provided in the provision.

TMCC President Hilgersom reiterated that the Board voted on a more transparent evaluation process in December 2022. She pointed out she has received two thorough multi-month periodic reviews and, most recently, an annual evaluation conducted by Acting Chancellor Erquiaga. She encouraged the Board to treat her equitably. TMCC President Hilgersom hoped it would not be necessary to point out that the timing for the periodic evaluation changed when the Board voted on the new Code provisions. It now says, “within the year.” That would have the Board considering renewal of a four-year contract in December 2023, which would have been good because most community college president searches are advertised in January and February, with interviews conducted from February through April. Because there is a delay in the process, this could put her and the institution in a very uncomfortable position. She believed she had earned the privilege to ask for a one-year extension.

Acting Chancellor Erquiaga pointed out that TMCC President Hilgersom had positive evaluations in calendar years 2021 and 2022. He began the periodic evaluation process for three community college presidents. Two reported they did not intend to request an extension and would comply with the policy to announce their departures. He started TMCC President Hilgersom’s periodic evaluation, which was paused due to the Legislative Session. Had the process begun on July 1, it would have been done by December. But, instead of the periodic evaluation, TMCC President Hilgersom asked for a one-year extension and to forgo the periodic process. If the periodic evaluation were to move forward, it would be feasible to complete by December, but it would be a tight timeline.

Regent Brown believed TMCC President Hilgersom had provided a good case, something that this Board has done in the past.

Regent Goodman called the question. Regent Perkins seconded. Motion carried via a roll call vote. Chair Brooks, Vice Chair Arrascada, and Regents Brager, Brown, Carvalho, Cruz-Crawford, Del Carlo, Goodman, McMichael, Perkins, and Tarkanian voted yes. Regents Boylan and Downs voted no.

Chair Brooks restated the original motion.

Motion failed via a roll call vote. Chair Brooks and Regents Boylan and Downs voted yes. Vice Chair Arrascada and Regents Brager, Brown, Carvalho, Cruz-Crawford, Del Carlo, Goodman, McMichael, Perkins, and Tarkanian voted no.





10. Withdrawn – Great Basin College and University of Nevada, Reno Consolidation – The item was withdrawn





11. Information Only – NSHE Update on Dual Enrollment – *(Continued)*

Ms. Moore said they work diligently with all NSHE partners on how to engage with the

13. Information Only – Public Comment

The following individual provided written public comment in support of Item 3, Appointment, Chief of Staff to the Board of Regents (Keri D. Nikolajewski):

- Laura Obrist (*Obrist.Laura0723 on file in the Board Office.*)

The meeting adjourned at 3:00 p.m.

Prepared by:

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

Submitted for approval by:

Keri D. Nikolajewski  
Chief of Staff  
to the Board of Regents