

Minutes approved by the Board of Regents at the November 30-December 1, 2023, meeting.

SPECIAL MEETING

BOARD OF REGENTS

NEVADA SYSTEM OF HIGHER EDUCATION

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Ms. Lindsay Sessions, Acting Vice Chancellor and Chief Financial Officer

Mr. Michael B. ~~W~~m, Special Counsel

Dr. Ederico ~~Z~~ragoa, President, CSN

Dr. ~~K~~mud Acharya, President, DRI

Ms. ~~o~~yce M. Helens, President, GBC

Dr. DeRionne Pollard, President, NSU

Dr. ~~K~~rin M. Hilgersom, President, TMCC

Dr. ~~K~~ith E. ~~W~~field, President, NLV

Mr. Brian Sandoval, President, NR

Dr. ~~J~~he Dalpe, President, NC

Faculty senate chairs in attendance were Mr. Patrick Villa, CSN; Mr. David Sexton, GBC; Mr. Ed Boog, SA; Dr. Bill Robinson, UNLV; Dr. Peter S. Reed, UNR (*Chair, Council of Faculty Senate Chairs*); and Ms. Rachelle Bassen, WNC.

Land Acknowledgment

Before beginning, we take a moment to recognize that here in Nevada we stand on the land of the Wa She Shu – Washoe; Numu – Northern Paiute; Nuwe – Western Shoshone; and Nuwu – Southern Paiute. We take a moment to recognize and honor their stewardship that continues into today. With this recognition, we state an intention to rightfully include their voice and respect them as the 27 sovereign tribal nations of Nevada.

Chair Brooks called the meeting to order at 9:00 a.m. with all members present except Regents Brown and Perkins. Regent McMichael led the Pledge of Allegiance. Chair Brooks recognized that Special Counsel Michael B. Wixom was present to help with Open Meeting Law.

1. Information Only – Public Comment

Doug Unger provided written public comment approving the increased transparency of the proposed informational changes for Item 4, Code Revision, Development and Review of Salary Schedules. He also raised concerns that continued discussion and consideration of FY25 COLA raises was not on the agenda. (*Unger.Doug09.28.23 on file in the Board Office.*)

Jim New provided in-person public comment grateful to campus administrators who have recently announced support for the FY25 COLA raises. He was also encouraged that the proposed revisions for Item 4, Code Revision, Development and Review of Salary Schedules, now ask the Board of Regents to decide if changes to the salary schedules should be approved by a Board vote or presented to the Board as an informational item. Either option is a significant improvement over the current practice.

2. Approved – Minutes – The Board approved the July 21, 2023, special meeting minutes. (*Ref. BOR-2 on file in the Board Office.*)

Regent Brager moved approval of the July 21, 2023, special meeting minutes. Regent McMichael seconded.

Regent Del Carlo sent a grammatical error to the Board staff.

Chief of Staff to the Board Keri Nikolajewski asked if the motion included the correction.

Regents Brager and McMichael confirmed the motion included the correction.

Motion carried unanimously. Regents Brown and Perkins were absent.

3. Approved – Regent Emeritus – The Board approved awarding Regent Emeritus status to Kevin J. Page in recognition of his distinguished service to the Nevada System of Higher Education as a member of the Board of Regents. Pursuant to Board policy (Title 4, Chapter 1, Section 14), a minimum of 12 years of service is required to be eligible for the title of Regent Emeritus. Mr. Page served 12 years as the representative of District 3. (*Ref. BOR-3 on file in the Board Office.*)

Regent Del Carlo moved to award Regent Emeritus status to Kevin J. Page in recognition of his distinguished service to the Nevada System of Higher Education as a member of the Board of Regents. Regent Carvalho seconded.

Regent Perkins entered the meeting.

Regent Del Carlo stated it was her honor to make the motion. Shortly after she joined the Board, former Regent Page became the Chair and mentored her for the next two years. Former Regent Page brought BoardPaq and the laptops to the Board. He also spearheaded the Police Consolidation.

Regent Boylan recommended to former Regent Page that he refuse Regent Emeritus status. He served alongside another Regent for the same length of time, and that person has not been given this award. Special Counsel Wixom cautioned the Board that the individual being spoken about had not been noticed and that any discussion would violate the Open Meeting Law. Regent Boylan stated he was not discussing an individual but what the Board has not done. Special Cw 4.1.2 288 522-0.04 Tw T&J0 T (Cw 4.1.74 (eci)-6 (w)2 (ha))-2 (ng a) Meetw. Regent Boyln recommendeas not dis2 (e)4 (t)-204 Tc 0.0-8 (a)4 (s)-op

The meeting recessed at 9:16 a.m. and reconvened at 9:24 a.m. with all members present except Regent Brown.

4. Information Only – Code Revision, Development, and Review of Salary Schedules – Interim Chancellor Patricia Charlton and the Board reviewed options for revising the NSHE Code .5r3 (- -w)4 -13r D4.9180 6â€¦nev4a()C 4M5((agr-4 100hS)a)r0 Tvd r (r)3 (5,k)T(4.

4. Information Only – Code Revision, Development, and Review of Salary Schedules – (Continued)

and System Office. From a historical perspective, at one time, the Board did look at and approve these items, but then the Board shifted to put this in the hands of the experts and allow the Chancellor to make the final recommendation. It was determined that members of the Board did not have enough experience in these specific matters to set the salary bands. He appreciated all the comments, particularly around fiscal responsibility. It does feel like the Board confuses management with governance.

5. Approved – Policy Revisions Related to Legislative Audit Findings – The Board approved various policy revisions and procedures recommended for compliance with findings of the legislative performance audits of self-supporting and reserve accounts (LA24-03) and capital construction projects (LA24-04), including amendments as follows: 1) *Handbook*, Title 4, Chapter 10, Section 13, subsection 3, last sentence: “One dollar of the per registration fee dedicated to the General Improvement Fee funds generated at each institution may be used for other purposes as designated by the President.”; and 2) *Procedures and Guidelines Manual*, Chapter 5, Section 2, subsection g, third paragraph, last sentence: “Annually, institutions will provide a report to the Board identifying all capital project accounts separated by those with State funds of greater than 25 percent and other revenue sources.” (Ref. BOR-5 on file in the Board Office.)

Acting Vice Chancellor and Chief Financial Officer Sessions presented various policy revisions and procedures recommended for compliance with findings of the legislative performance audits of self-supporting and reserve accounts

6. Action Taken – NSHE Chancellor Search – The Board approved establishing an ad hoc Committee to Review the Policies Governing a Search for Chancellor, which would be charged with reviewing the current provisions governing the search process that are established in the Handbook, Title 2, Chapter 1, Section 1.5.4, subsections f.-i., and recommending any revisions thereto to the full Board. (*Ref. BOR-6 on file in the Board Office.*)

At its special meeting on August 29, 2023, the Board voted to appoint Interim Chancellor Patricia Charlton and commence a search for a permanent chancellor. The provisions governing the search process are outlined in the NSHE Code (Title 2, Chapter 1, Section 1.5.4, subsections f.-i.).

Chief General Counsel James J. Martines provided the following options:

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6. Action Taken – NSHE Chancellor Search – (Continued)

so if two or more committee members participate in the screening process, it is now deemed a public body.

Special Counsel Wixom agreed with Chief General Counsel Martines. One idea posed in the past is to circulate resumes; however, once you start distributing the information, which is viewed as a precursor to a decision and an invitation to a deliberation, it violates the Open Meeting Law Manual.

Regent Downs clarified that if there is a five-member committee, then two members would be a minority and be able to review and bring finalists to the committee. Special Counsel Wixom agreed that was part of their previous discussion, but then he checked the statutes and determined that two people would constitute a public body.

Regent Boylan stated the Board should wait until they have a new Chair who will decide who to place on the committee. He added that the screening policy includes the Chief of Staff and Special Counsel and asked for Chief General Counsel Martines' opinion.

Chief General Counsel Martines stated his office previously issued a legal opinion that the change adding "and Special Counsel" to the Chief of Staff title was not made with the approval of the Board. Therefore, it is void, and the Chief of Staff would be a part of the screening process. However, having the Special Counsel involved would make sense since the Board separated the positions.

Regent Goodman left the meeting.

Regent Boylan agreed the policy needed to be changed.

Regent Del Carlo states she supports Option A. She thinks hiring the Chancellor and Presidents is the most crucial thing the Regents do. The process has worked well in the past. She believed the last search had timing issues, and it erred in the selection of the Search Consultant.

Regent Goodman entered the meeting.

Special Counsel Wixom cautioned that the discussion related to the last search had not been agendized under the Nevada Open Meeting Law.

Regent Del Carlo stated she would like the Board to take a bit more time to get the policy right and ensure everybody understands the policy. She stated she supports Option A.

Regent Brager appreciated all the comments. She fully respects and understands the Open Meeting Law. She stated the Board needs a meeting only to discuss the Chancellor search.

In response to a question from Regent Brager related to the entire Board choosing a Search Consultant, Special Counsel Wixom responded yes, the Board as a whole can engage in that policy discussion or create a subcommittee.

6. Action Taken – NSHE Chancellor Search – (Continued)

In response to a question from Regent Brager related to a review of the policies, Chief General Counsel Martines stated it would be a part of the committee process.

Regent Perkins stated in the previous search that no DEI was present at the initial review of candidates.

Chair Brooks suggested that language be added to allow consideration if someone withdraws from the process at the last moment. He also suggested that there be education on the policy and why it exists the way that it does so Regents understand why things move in the direction and speed that it does.

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

Regent Boylan stated he would like to change his vote to yes. Special Counsel Wixom responded that the matter has been closed. There would have to be a motion for reconsideration.

7. Information Only – New Business

Regent Perkins requested an electronic voting system.

8. Information Only – Public Comment

Bill Robinson suggested an in-state and NSHE search. He also stated that the Board can submit a BDR to the legislature for higher education searches. He reminded the Board that higher education searches are advertised in the fall and hired in the spring.

Patrick Villa suggested working backward from when you want the person to start in the position.

The meeting adjourned at 11:01 a.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