

REVISED
Correction highlighted on page 7

**BOARD OF REGENTS and its
ad hoc CHIEF OF STAFF AND SPECIAL COUNSEL TO THE BOARD
SEARCH COMMITTEE
NEVADA SYSTEM OF HIGHER EDUCATION
System Administration, Las Vegas
4300 South Maryland Parkway, Board Room
Wednesday, June 30, 2021**

Video Conference Connection from the meeting site to:
System Administration, Reno
2601 Enterprise Road, Conference Room

Members Present: Dr. Patrick R. Carter, Chair
 Dr. Jason Geddes, Vice Chair
 Mr. Byron Brooks
 Mrs. Carol Del Carlo
 Mr. John T. Moran
 Ms. Laura E. Perkins

Other Regents Present: Dr. Mark W. Doubrava, Chair
 Mr. Joseph C. Arrascada
 Mr. Patrick J. Boylan
 Ms. Amy J. Carvalho
 Mrs. Cathy McAdoo
 Mr. Donald Sylvantee McMichael Sr.

Others Present: Ms. Yvonne Nevarez-Goodson, Deputy General Counsel
 Ms. Keri Nikolajewski, Interim Chief of Staff to the Board
 Ms. Sherry Olson, Director of Human Resources

Chair Carter called the meeting to order at 10:32 a.m. with all members present except Regent Moran.

1. Information Only – Public Comment – None.

2. Approved – Position Announcement, Chief of Staff and Special Counsel to the Board of Regents – The Committee recommended approval of *Ref. COS-2* with the following amendments: to strike the word "renewable" and add "at will," change the approximate start date to October 1, change "seven years progressive experience" to "five years progressive experience," and add "or a sufficient number of applicants received" after the application deadline date. (*Ref. COS-2 and Supplemental Material on file in the Board Office.*)

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

Chair Carter noted there are two versions of the draft position announcement. Should the Committee choose to move forward with *Ref. COS-2*, he noted the word "renewable" will need to be stricken and replaced with "at will". If the Committee prefers the version posted as Supplemental Material, he suggested the following amendments:

Change: This is a renewable, full-time, non-tenured, administrative position and reports to the Board of Regents.

To read: This is an at will, full-time, non-tenured, administrative position and reports to the Board of Regents.

Change: In addition to the duties described above, the Chief of Staff and Special Counsel is also responsible for providing certain legal advice to the Board as a public body and to individual Regents when acting in their official capacity.

To read: In addition to the duties described above, the Chief of Staff and Special Counsel is also responsible for providing legal advice to the Board as a public body and to individual Regents when acting in their official capacity.

Reword the third paragraph to read: The Chief of Staff and Special Counsel will work with the Chair of the Board and Board Staff, and may consult with the Chancellor and the Cabinet, on procedural issues including the development and posting of Board agendas and meeting preparation. The Chief of Staff and Special Counsel will be responsible for various legal matters directly relating to the Board, including responding to Open Meeting Law complaints and public records requests.

Regent Perkins suggested a minimum of five years progressive experience instead of seven years.

Regent Brooks did not have an issue with the change if it would broaden the pool of applicants.

Regent Perkins also requested the wording "or a sufficient number of applicants received" be added after the application deadline.

Regent Perkins moved approval of *Ref. COS-2* changing "seven years progressive experience" to "five years progressive experience" and adding "or a sufficient number of applicants" after the application deadline date.

Regent Brooks requested Regent Perkins strike the word "renewable" and add "at will" to her motion.

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

Regent Perkins amended her motion to approve *Ref. COS-2* changing "seven years progressive experience" to "five years progressive experience". adding "or a sufficient number of applicants" after the application deadline date and to strike the word "renewable" and add "at will." Regent Brooks seconded.

Human Resources Director Sherry Olson stated this is an NSHE executive-level position and the requirement of seven years is more applicable.

Regent Perkins stated she would like the requirement of five years.

Vice Chair Geddes was concerned with the timeline. He believed that the holiday weekend and time for Human Resources to get the announcement posted would only leave approximately two weeks for applications. He thought it should be extended to August 15 to allow more time for applications. He pointed out that the September 15 start date is a religious holiday and requested it be extended to September 30.

Chair Carter clarified whether the language "or a sufficient number of applicants received" met Vice Chair Geddes' concerns or if he wanted the specific date of August 15 listed.

Vice Chair Geddes stated he would prefer August 15 but would defer to Human Resources.

Director Olson noted that August 15 would assist in gathering additional candidates. The hire date is an approximation, but she recommended October 1 to help with benefits enrollment if the date is changed.

Chair Carter asked Regent Perkins if she accepted August 15 and October 1 as an amendment to her motion.

Regent Perkins offered a friendly amendment of September 20 as the start date.

Regent Brooks accepted the friendly amendment.

Regent Del Carlo believed the Regents should take the advice of Director Olson to extend the deadlines, but she would not be able to support the motion if the experience requirement was changed to five years.

Regent Moran asked for clarification of the motion.

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

Regent Perkins clarified her motion to read: approval of *Ref. COS-2* adding to strike the word "renewable" and add "at will," change the approximate start date to September 20, change "seven years progressive experience" to "five years progressive experience," and add "or a sufficient number of applicants" after the application deadline date.

In response to a question from Regent Moran related to the renewable versus at will, Chair Carter stated it was a mistake in the drafted position announcement because the position is at will and not renewable.

Regent Moran did not understand why the Board wanted to change dates when many people are currently looking for positions.

Interim Chief of Staff Keri D. Nikolajewski asked for clarification on whether the application deadline was extended to August 15 as part of the motion. Regent Perkins responded that the date would stay on July 30, with the additional language added.

Regent Brooks asked if there was precedent with five years versus seven years of experience. Chair Carter believed it was at the Regents' discretion, but the advice from Human Resources is to have seven years of experience.

Vice Chair Geddes reiterated his concerns with the timeline. This is an executive-level position, and the Regents want the best candidates possible. Therefore, Human Resources should be given sufficient time to gather applications with an extended start date of October 1.

Regent Perkins accepted a start date of October 1 but clarified that she would keep the application deadline with the additional language.

The motion to read: approval of *Ref. COS-2* with the following amendments: to strike the word "renewable" and add "at will," change the approximate start date to October 1, change "seven years progressive experience" to "five years progressive experience," and add "or a sufficient number of applicants" after the application deadline date.

Interim Chief of Staff Nikolajewski added many steps take place between when applications are received and the approximate start date and that should be taken into consideration when discussing the overall timeline.

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

Deputy General Counsel Yvonne Nevarez-Goodson stated the reasoning behind it will be that the position serves at the pleasure of the Board of Regents.

Regent Del Carlo asked what the requirement was for other executive-level lawyers within NSHE. Director Olson stated it was seven years for this level of a position. She believed that the NSHE Chief General Counsel position had the requirement of seven years.

Regent Moran stated in his experience, it did not matter whether the person has five or seven years of experience. The Regents will know when the right individual is before them.

Motion carried via a roll call vote. Chair Carter and Regents Brooks, Moran, and Perkins voted yes. Vice Chair Geddes and Regent Del Carlo voted no.

3. Approved – Organization and Search Procedure – The Committee charged the Committee Chair, in consultation with Committee staff, to narrow the initial pool of applicants meeting minimum qualifications to semifinalist candidates, ideally seven to 10, for review and consideration by the Committee at its next meeting and recommended approval to advertise the position announcement in the places listed, with the addition of social media, LinkedIn and Indeed, and that the Committee Chair can authorize staff to post in any other available locations at staff's request. (Ref. COS-3 on file in the Board Office.)

Chair Carter reviewed a proposed search process and timeline:

July 30, or a sufficient number of applicants: Deadline for submission of applications.

Interim activities:

- Human Resources conducts an initial screening of applications to identify those that met the minimum qualifications.
- Committee Chair, in consultation with Committee staff (Interim Chief of Staff Nikolajewski), reviews all applicants meeting minimum qualifications and narrows the initial pool to semifinalists.

TENTATIVE August 16: Committee meets to conduct a paper review of semifinalists and select finalists to be interviewed by the Committee.

TENTATIVE August 26: Committee meets to interview finalists and recommend a candidate for consideration by the full Board.

TENTATIVE August 27: Special Board meeting to appoint Chief of Staff and Special Counsel.

3. Approved – Organization and Search Procedure – (Continued)

Chair Carter requested a motion to charge the Committee Chair, in consultation with Committee staff, to narrow the initial pool of applicants meeting minimum qualifications to semifinalist candidates, ideally seven to 10, for review and consideration by the Committee at its next meeting.

Regent Perkins moved approval to charge the Committee Chair, in consultation with Committee staff, to narrow the initial pool of applicants meeting minimum qualifications to semifinalist candidates, ideally seven to 10, for review and consideration by the Committee at its next meeting.

No second.

Regent Moran recommended three to five candidates be brought for the Committee's consideration.

Chair Carter clarified that the semifinalists would come to the Committee. The Committee would conduct a paper review of semifinalists and select finalists to be interviewed by the Committee.

Regent Moran reiterated his recommendation that three to five candidates be brought for the Committee's consideration.

Regent Perkins clarified that the Committee would review seven to 10 applicant resumes and that pool would be narrowed down to three to five to be interviewed by the Committee.

Regent Perkins moved approval to charge the Committee Chair, in consultation with Committee staff, to narrow the initial pool of applicants meeting minimum qualifications to semifinalist candidates, ideally seven to 10, for review and consideration by the Committee at its next meeting. Vice Chair Geddes seconded.

Interim Chief of Staff Nikolajewski clarified that because the candidate materials will be reviewed in a public meeting, they will need to agree and sign an Open Meeting Law waiver for their materials to be examined publicly.

Regent Moran believed that it would be an overwhelming burden without a lot of added value for the Committee to review seven to 10 semifinalists.

Regent Del Carlo agreed with Regent Moran. She preferred the Committee Chair and staff review semifinalists and bring forward three to five finalists for the Committee's consideration.

3. Approved – Organization and Search Procedure – (Continued)

Interim Chief of Staff Nikolajewski stated during the previous search, a range was identified for semifinalists of three to 10, and ideally seven to 10. It was a wide range because it is hard to tell how many applicants will meet the minimum qualifications. The Committee reviewed 10 semifinalists on paper in 2015 and narrowed the pool down to four finalists.

Regent Del Carlo acknowledged Interim Chief of Staff Nikolajewski's clarification that the Committee reviewed the semifinalist applications in 2015. Interim Chief of Staff Nikolajewski noted the Committee Chair and staff reviewed the initial pool and selected the semifinalists, and then the Committee reviewed the semifinalist applications. In 2015, arrangements were made with the semifinalists to be available by phone should the Committee have questions.

Regent Perkins repeated her motion.

Motion carried.

Deputy General Counsel Nevarez-Goodson clarified the motion charged the Committee Chair, in consultation with Committee staff, to narrow the initial pool of applicants meeting minimum qualifications to semifinalist candidates, ideally seven to 10, for review and consideration by the Committee at its next meeting.

Chair Carter asked if the Committee wanted to offer any additions to the list of places where the position announcement would be posted.

Regent Perkins requested social media and LinkedIn be added to the list. She also asked if there are fees for the announcement to be placed.

Director Olson stated NSHE has a membership with Higheredjobs.com. However, some of the others may have additional fees. She will share the costs with the Committee Chair once the posting is prepared.

In response to a question from Chair Carter as to whether a motion was needed, Deputy General Counsel Nevarez-Goodson responded if the list is not inclusive, she suggested a motion.

Regent Brooks suggested leaving the list open just in case other areas were decided as the process moved forward.

Deputy General Counsel Nevarez-Goodson recommended advertising the position announcement in the places listed and that the Committee Chair authorize staff to post in any other available locations at staff's request.

3. Approved – Organization and Search Procedure – (Continued)

Regent Brooks moved to advertise the position announcement in the places listed and that the Committee Chair can authorize staff to post in any other available locations at staff's request. Regent Del Carlo seconded.

Regent Del Carlo agreed with Regent Perkins about posting on social media and LinkedIn. Director Olson stated NSHE typically posts positions on LinkedIn.

Regent Del Carlo offered a friendly amendment to include social media, LinkedIn, and Indeed.

Regent Brooks accepted the friendly amendment.

Motion carried.

4. Information Only – New Business – None.

Regent Moran stated it was his experience that the best candidates come from referrals. He hopes that if anyone hears about someone who would be a good fit for the position, they will take the extra step to encourage them to apply.

Director Olson stated the position would be posted in Workday with a link made available for referrals.

Deputy General Counsel Nevarez-Goodson cautioned the Regents that they do not want to create a conflict by making referrals as the appointing authority for the position.

5. Information Only – Public Comment – None.

The meeting adjourned at 11:20 a.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 December 2-3, 2021, meeting.