

**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  
Monday, August 16, 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:    Mr. Joseph C. Arrascada  
                                  Mr. Patrick J. Boylan  
                                  Mrs. Cathy McAdoo, Board Chair  
                                  Mr. Donald Sylvantee McMichael Sr.

Others Present:            Ms. Keri Nikolajewski, Interim Chief of Staff to the Board  
                                  Ms. Sherry Olson, Director of Human Resources  
                                  Ms. Tina Russom, Deputy General Counsel

Chair Carter called the meeting to order at 1:00 p.m. with all members present.

1.    Information Only – Public Comment

Dr. Kent Ervin, Nevada Faculty Alliance, stated the Chief of Staff position is necessary for the smooth functioning of the Board of Regents. Expertise in Robert's Rules of Order is essential to allow a civil discussion leading to a decision even when Regents strongly disagree with one another. The Chief of Staff should also guide strong and effective governance without influencing decisions.

The following individuals provided written public comment in favor of S/U grading for Summer and Fall 2021:

- Sevil Cetin (*Cetin.Sevil08.16.21 on file in the Board Office.*)
- Rita Fadhel (*Fadhel.Rita08.16.21 on file in the Board Office.*)

Regent Perkins left the meeting.

2. Approved – Minutes – The Committee recommended approval of the June 30, 2021, meeting minutes, as amended. (*Ref. COS-2 on file in the Board Office.*)

Regent Del Carlo requested the following change on Page 7, second paragraph, first sentence:

Regent Del Carlo ~~clarified the Committee reviewed the semifinalist applications~~ acknowledged Interim Chief of Staff Nikolajewski's clarification that the Committee reviewed the semifinalist applications in 2015.

Regent Del Carlo moved approval of the June 30, 2021, meeting minutes, as amended. Regent Brooks seconded. Motion carried via a roll call vote. Chair Carter, Vice Chair Geddes, and Regents Brooks, Del Carlo, and Moran voted yes. Regent Perkins was absent.

3. Information Only – Chair's Report – Chair Carter reported six semifinalist candidates would be reviewed for the position of Chief of Staff and Special Counsel to the Board of Regents, as one candidate had withdrawn from the process.
4. Information Only – Overview of Applicant Pool – Director of Human Resources Sherry Olson provided a report on the search process, including advertising, and a summary of the applicants for the position of Chief of Staff and Special Counsel to the Board of Regents. There were twenty-seven total applicants, eleven of which were determined to meet the minimum qualifications. In addition, seven candidates were chosen as semifinalists, with one deciding to withdraw.

Regent Brooks stated it was his understanding that an initial job announcement was posted that called for a part-time position but was then corrected to a full-time position. He asked for clarification as to the timeframe. Director Olson stated, according to her records, the job announcement was published internally to Workday on Saturday, June 3, 2021. At that time, the error was found, corrected, and then the announcement was published in the other external locations.

5. Action Taken – Review of Semifinalist Candidates and Selection of Finalists – The Committee took action to fail the search.

Regent Moran stated this is an essential hire for the Board of Regents and System. He has reviewed the applicants and feels that he could support one of the individuals who he knows to be well-qualified and believes would be a good fit for the position.

Regent Perkins returned to the meeting.

Regent Moran asked Chair Carter to consider opening the search to additional applicants including those who reside in northern Nevada. Having this person located in the north would not interrupt the Board's representation or the day-to-day duties of the position.

5. Action Taken – Review of Semifinalist Candidates and Selection of Finalists –  
*(Continued)*

Regent Perkins agreed that opening up the search would potentially expand the pool since applicants would not be eliminated based on their location. She stated the correction to the internal posting of the job announcement gave her pause, as well.

Regent Del Carlo also agreed there should not be a limitation on the location of the position. She reminded the Committee that the Board had a Special Counsel from the north, and he did the job admirably. She also was not opposed to opening up the search to increase the applicant pool. She said the Committee members should think about how the applicants will be rated in a public forum.

Regent Brooks stated the semifinalists brought forward today have gone through the process and it would be a disservice not to review them and narrow the pool to finalists. He would not be opposed to keeping the search open to additional applicants, but if that were to happen, he strongly suggests bringing in an outside agency to assist the Committee with the search. He believes the location of the Board's attorney does matter. The Las Vegas System Office is active and the position should be located in Las Vegas. The announcement should be open to all, but the person chosen must accept an assignment that relocates them to Las Vegas.

Chair Carter stated a motion could be made to reopen the search. He invited input from the Committee on whether to proceed with narrowing the semifinalists presented today.

Regent Moran believed that all applicants should be kept on the same level playing field and no selections should be made today if the decision of the Committee is to expand the search.

Regent Moran stated he could make a motion to hold this item for a period of time, consider expanding the search, adding candidates, and soliciting candidates from anywhere in Nevada. He believes that anyone in the state of Nevada should have an opportunity to apply for this position.

Deputy General Counsel Tina Russom offered a reminder that the scope of the parameters for the Board's consideration is limited by NRS 241. The item is agendaized so the Committee can discuss and assess the semifinalist candidates and consider taking action to select finalists. She does not believe the limited scope of the agenda item as it is written would allow the Committee to reset the parameters of the position. Deputy General Counsel Russom recommended the topic be raised under New Business and agendaized properly so that Public Comment and further discussion can occur.

Regent Moran asked if it would be appropriate to suggest holding Agenda Item 5 in abeyance and consider a re-notice during New Business.

Chair Carter stated a motion could be made to open the search and allow additional applicants. However, the job description cannot be changed without placing it on an agenda for discussion and action. Deputy General Counsel Russom agreed.

5. Action Taken – Review of Semifinalist Candidates and Selection of Finalists –  
*(Continued)*

Regent Brooks noted the position announcement which included the location of Las Vegas was approved by the Committee and Board in June. He would not be opposed to opening up the search to additional applicants, but all applicants should understand the position is in Las Vegas.

Regent Perkins left the meeting.

Regent Moran observed there appears to be an appetite to expand the search to all Nevadans. While he understands Regent Brooks' position, he would not be able to support any motion that would require a candidate to relocate for the position.

Regent Moran moved to amend Agenda Item 5 to expand the search to all Nevadans, without any limitation on where the applicant decides to reside so long as it is in Nevada.

The motion died due to lack of a second.

Deputy General Counsel Russom clarified the position announcement was open to anyone in the country, but the parameters included Las Vegas as the position location.

Regent Moran stated the best-case scenario for him is to allow all applicants to apply and require that the person who accepts the position must reside in Nevada.

Regent Brooks stated the Board discussed a posting with the position in Las Vegas, and he is not comfortable going against what was previously decided. He suggested that the Committee determine who among the semifinalists presented will move forward. If the search is expanded, a consulting firm should be hired to move the search forward.

Regent Moran stated it would be possible to keep the current candidates and expand the search to get additional applicants.

Regent Perkins returned to the meeting.

Regent Moran moved to take no action on Agenda Item 5, as noticed, and to request that the matter be referred to New Business to discuss new parameters for moving the search forward.

Deputy General Counsel Russom stated she is interpreting the motion to be to table Agenda Item 5, move to reopen the candidate pool, and request that the full Board agendaize reconsideration of the job description and location.

Regent Moran stated his intention is to vacate Agenda Item 5 and consider a new notification under New Business. He clarified the motion.

5. Action Taken – Review of Semifinalist Candidates and Selection of Finalists –  
*(Continued)*

Regent Moran moved to take no action on Agenda Item 5. Regent Perkins seconded. Motion failed via a roll call vote. Regents Del Carlo, Moran, and Perkins voted yes. Chair Carter, Vice Chair Geddes, and Regent Brooks voted no.

Chair Carter stated the search could be reopened immediately to add applicants. However, if a special meeting is needed to revise the description, the search would likely lose a couple of weeks in the timeline.

Vice Chair Geddes stated the original parameters approved at the last meeting were to start reviewing applicants after the cutoff date, and he believes the Committee has the full flexibility to keep the search open and continue adding applicants to the pool in accordance with the action taken at the last meeting.

Regent Brooks reiterated that he is not comfortable changing the format in which the Board already voted related to the position. However, he would be comfortable with reopening the search.

Regent Brooks moved to reopen the search, leaving the parameters in place that were approved by the Board at the last meeting.

Deputy General Counsel Russom noted the Committee needs to decide if it will fail the search or if the search will be reopened. If the search is failed, the six semifinalists will be maintained as eligible, viable candidates.

Regent Brooks asked if the search is failed and the six candidates are retained, would that change any of the parameters that were approved at the June meeting. Deputy General Counsel Russom responded no. There would have to be a motion that would go before the Board for reconsideration of the job description and location. Regent Brooks recognized there is an urgency to fill the position, but he also understands the importance of ensuring it is the right person.

Regent Brooks moved to fail the search.

Regent Moran requested clarification and received confirmation from Deputy General Counsel Russom that if he seconds the motion to fail the search, the Committee would then hypothetically move on to Agenda Item 6, New Business, to discuss how the Committee wants to move forward with the search.

Regent Moran seconded the motion.

Vice Chair Geddes stated that when the search parameters and timeline were first discussed, it was determined that the Committee would begin reviewing applications that

5. Action Taken – Review of Semifinalist Candidates and Selection of Finalists –  
*(Continued)*

were received by a certain date, but no closing date was set in order to allow the Committee to extend as needed without failing the search. Deputy General Counsel Russom deferred to Director Olson to provide guidance and direction.

Director Olson stated if the Committee elects to fails the search, the status of the semifinalists would be maintained in the new search. A new search would open the door to additional candidates, and/or if the parameters are changed, those that applied previously can resubmit if they are interested in doing so. If the search is reopened, the status of the search remains the same; however, additional candidates would be able to apply at that point.

Chair Carter stated the parameters of the search that were previously approved specified no end date for receiving applications, and as the Chair he could say that the search remains open if no action is taken. Deputy General Counsel Russom responded that is correct.

Regent Del Carlo believed that was a fair way to move forward. She felt the six semifinalists were good, but she was unsure how to score the candidates to determine the finalists. She suggested a rubric be provided to the Committee.

Chair Carter stated if Regent Brooks withdraws his motion, the search will continue as if it was never closed.

Regent Brooks stated he would keep the motion on the table.

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

6. Information Only – New Business – Regent Moran applauded the Committee members for their hard work. This is an important hire for the Board.

Regent Moran requested that an item to reconsider the search parameters be fast-tracked to the next agenda. His preference would be for the search to be conducted in a manner that would allow an individual to reside anywhere in the state.

Chair Carter asked that utilization of an external search firm also be considered.

7. Information Only – Public Comment

Dr. Kent Ervin, Nevada Faculty Alliance, addressed items of general concern to the Board and NSHE including the Interim Finance Committee's transfer of \$373.4 million in funds from the American Rescue Plan Act to the state general fund and that NSHE advocate for the use of those funds to backfill the operating budget cuts for the current and next biennium until the post-pandemic economy recovers, and that NSHE advocate

7. Information Only – Public Comment - *(Continued)*

for complete restoration of employee healthcare benefits in the Public Employees' Benefits Program to pre-pandemic levels. He urged the Regents to support student vaccination and testing mandates.

The meeting adjourned at 2:08 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 December 2-3, 2021, meeting.*