

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

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

Thursday, September 30, 2021

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:

Mrs. Cathy McAdoo, Chair  
Dr. Patrick R. Carter, Vice Chair  
Mr. Joseph C. Arrascada  
Mr. Patrick J. Boylan  
Mr. Byron Brooks  
Ms. Amy J. Carvalho  
Mrs. Carol Del Carlo  
Dr. Mark W. Doubrava  
Dr. Jason Geddes  
Mr. Donald Sylvantee McMichael Sr.  
Mr. John T. Moran  
Ms. Laura E. Perkins  
Dr. Lois Tarkanian

Others Present:

Dr. Melody Rose, Chancellor  
Ms. Crystal Abba, Vice Chancellor, Academic and Student Affairs  
and Community Colleges  
Dr. Constance Brooks, Vice Chancellor, Public Affairs and Advancement  
Mr. Caleb Cage, Vice Chancellor, Workforce Development and Chief  
Innovation Officer  
Mr. Andrew Clinger, Chief Financial Officer  
Ms. Yvonne Nevarez-Goodson, Deputy General Counsel  
Ms. Keri Nikolajewski, Interim Chief of Staff to the Board  
Mr. Joe Reynolds, Chief General Counsel  
Dr. Federico Zaragoza, President, CSN  
Dr. Kumud Acharya, President, DRI  
Ms. Joyce M. Helens, President, GBC  
Dr. DeRionne P. Pollard, President, NSC  
Dr. Karin M. Hilgersom, President, TMCC  
Dr. Keith E. Whitfield, President, UNLV

Others Present: *(Continued)*  
Mr. Brian Sandoval, President, UNR  
Dr. Vincent R. Solis, President, WNC

Faculty senate chairs in attendance were: Dr. Julian Smit, CSN; Dr. Dave Rhode, DRI; Dr. Samantha Jewell, NSC; Mr. Glenn Heath, SA; Dr. Virginia Irintcheva, TMCC; Ms. Shannon Sumpter, UNLV; Dr. Amy Pason, UNR; and Mr. Jim Strange, WNC. Student body presidents in attendance were: Mr. Zachary Johnigan, ASCSN President, CSN; and Mr. Austin Brown, ASUN President, UNR.

Chair McAdoo called the meeting to order at 9:00 a.m. with all members present except Regent Del Carlo. Regent Moran led the Pledge of Allegiance.

1. Information Only – Public Comment

The following individuals spoke or provided written public comment in favor of the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement:

- Natascha Boers (*Boers.Natascha09.30.21 on file in the Board Office.*)
- Michael Branch (*Branch.Michael09.30.21 on file in the Board Office.*)
- Stephen Caplan (*Caplan.Stephen09.30.21 on file in the Board Office.*)
- Patty Charlton
- David Anthony Durham (*Durham.DavidAnthony09.30.21 on file in the Board Office.*)
- Kent Ervin (*Ervin.Kent09.30.21.mp3 on file in the Board Office.*)
- Jacqueline Ewing-Taylor (*Ewing-Taylor.Jacqueline09.30.21 on file in the Board Office.*)
- Carl Gatson
- Galen Gorelangton (*Gorelangton.Galen09.30.21 on file in the Board Office.*)
- Avery Grant (*Grant.Avery09.30.21 on file in the Board Office.*)
- Jenna Hanchey (*Hanchey.Jenna09.30.21 on file in the Board Office.*)
- Chris Heavey
- Barbara Henderson (*Henderson.Barbara09.30.21 on file in the Board Office.*)
- Kent Irvin
- Renata Keller (*Keller.Renata09.30.21 on file in the Board Office.*)
- Ann Keniston (*Keniston.Ann09.30.21 on file in the Board Office.*)
- David Kennedy (*Kennedy.David09.30.21 on file in the Board Office.*)
- Kelly Loria (*Loria.Kelly09.30.21 on file in the Board Office.*)
- Ashley Marshall (*Marshall.Ashley09.30.21 on file in the Board Office.*)
- Megan Mather (*Mather.Megan09.30.21 on file in the Board Office.*)
- Chris Mays (*Mays.Chris09.30.21 on file in the Board Office.*)
- Angela Moore (*Moore.Angela09.30.21 on file in the Board Office.*)
- Reagan Poston (*Poston.Reagan09.30.21 on file in the Board Office.*)
- Leah Prescott (*Prescott.Leah09.30.21 on file in the Board Office.*)
- Dana Rider (*Rider.Dana09.30.21 on file in the Board Office.*)
- Todd Ruecker (*Ruecker.Todd09.30.21 on file in the Board Office.*)
- Emily Sawan (*Sawan.Emily09.30.21 on file in the Board Office.*)
- Mary Smith (*Smith.Mary09.30.21 on file in the Board Office.*)
- Shannon Sumpter
- Douglas Unger

1. Information Only – Public Comment – (Continued)

The following individuals spoke or provided written public comment in opposition to the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement:

- Tim Baguley
- Sam Bakke
- Casey Beard (*Beard.Casey09.30.21 on file in the Board Office.*)
- Deborah Bergin (*Bergin.Deborah09.30.21 on file in the Board Office.*)
- Kevin Brandt (*Brandt.Kevin09.30.21 on file in the Board Office.*)
- George Buch (*Buch.George09.30.21 on file in the Board Office.*)
- Gayle A. Carlton (*Carlton.GayleA09.30.21 on file in the Board Office.*)
- Alison Chastain (*Chastain.Alison09.30.21 on file in the Board Office.*)
- Adma Diego (*Diego.Adma09.30.21 on file in the Board Office.*)
- Elizabeth Duryea (*Duryea.Elizabeth09.30.21 on file in the Board Office.*)
- Rachel Elias
- Vern Eggert (*Eggert.Vern09.30.21 on file in the Board Office.*)
- Vickie Eggert (*Eggert.Vickie09.30.21 on file in the Board Office.*)
- Nayelo Espinoza (*Espinoza.Nayelo09.30.21 on file in the Board Office.*)
- Darlene Hatfield (*Hatfield.Darlene09.30.21 on file in the Board Office.*)
- Robert Herrington (*Herrington.Robert09.30.21 on file in the Board Office.*)
- Angie Houchins (*Houchins.Angie09.30.21 on file in the Board Office.*)
- Margarita Huerta (*Huerta.Margarita09.30.21 on file in the Board Office.*)
- Debbie A. James (*James.DebbieA09.30.21 on file in the Board Office.*)
- Derek Jones
- David Lewis (*Lewis.David09.30.21 on file in the Board Office.*)
- Diane Lewis (*Lewis.Diane09.30.21 on file in the Board Office.*)
- Donna Lewis (*Lewis.Donna09.30.21 on file in the Board Office.*)
- Maria Maliagros (*Maliagros.Maria09.30.21 on file in the Board Office.*)
- Janet Martin (*Martin.Janet09.30.21 on file in the Board Office.*)
- Amy J. Mesner Burdick (*MesnerBurdick.AmyJ09.30.21 on file in the Board Office.*)
- Sally Nelson-Datillo
- Madelyn Oropeza
- Patricia Randrup (*Randrup.Patricia09.30.21 on file in the Board Office.*)
- Cristina Reding (*Reding.Cristina09.30.21 on file in the Board Office.*)
- Jim Reding (*Reding.Jim09.30.21 on file in the Board Office.*)
- Sabrina Roybal (*Roybal.Sabrina09.30.21 on file in the Board Office.*)
- James Skeary (*Skeary.James09.30.21 on file in the Board Office.*)
- Lois Sternberg (*Sternberg.Lois09.30.21 on file in the Board Office.*)
- Krissa Tejada (*Tejada.Krissa09.30.21 on file in the Board Office.*)
- Andy Thompson
- Vivian Thompson (*Thompson.Vivian09.30.21 on file in the Board Office.*)
- Kirby Trumbo (*Trumbo.Kirby09.30.21 on file in the Board Office.*)
- Lacey W. Valdez (*Valdez.LaceyW09.30.21 on file in the Board Office.*)
- Julie Williams (*Williams.Julie09.30.21 on file in the Board Office.*)
- Nyla Williams (*Williams.Nyla09.30.21 on file in the Board Office.*)
- David Willis
- Patrick Woodruff (*Woodruff.Patrick09.30.21 on file in the Board Office.*)
- Apryl Wolfinger (*Wolfinger.Apryl09.30.21 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

The meeting recessed at 10:08 a.m. and reconvened at 10:18 a.m. with all members present except Regent Del Carlo.

The following individuals provided written public comment in favor of the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement:

- Donna Linzy Garcia (*Garcia.DonnaLinzy09.30.21 on file in the Board Office.*)
- Jillian Luthy (*Luthy.Jillian09.30.21 on file in the Board Office.*)
- Tim Johnson (*Johnson.Tim09.30.21 on file in the Board Office.*)
- Amy Shannon (*Shannon.Amy09.30.21 on file in the Board Office.*)

The following individuals provided written public comment in opposition to the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement:

- Maisara Abebe (*Abebe.Maisara09.30.21 on file in the Board Office.*)
- Deborah Alves (*Alves.Deborah09.30.21 on file in the Board Office.*)
- Annette Amdal (*Amdal.Annette09.30.21 on file in the Board Office.*)
- Angela Ashe (*Ashe.Angela09.30.21 on file in the Board Office.*)
- Robert Atkerson (*Atkerson.Robert09.30.21 on file in the Board Office.*)
- Jamie Bartlett (*Bartlett.Jamie09.30.21 on file in the Board Office.*)
- Noemi Bautista (*Bautista.Noemi09.30.21 on file in the Board Office.*)
- Carol Bishop (*Bishop.Carol09.30.21 on file in the Board Office.*)
- Joel Bobrosky (*Bobrosky.Joel09.30.21 on file in the Board Office.*)
- Theresa Borger (*Borger.Theresa09.30.21 on file in the Board Office.*)
- Lisa Bossert (*Bossert.Lisa09.30.21 on file in the Board Office.*)
- Dawn Bouteiller (*Bouteiller.Dawn09.30.21 on file in the Board Office.*)
- Diane Brandt (*Brandt.Diane09.30.21 on file in the Board Office.*)
- Spring Bratton (*Bratton.Spring09.30.21 on file in the Board Office.*)
- Lauren Brown (*Brown.Lauren09.30.21 on file in the Board Office.*)
- Bar Cameron (*Cameron.Bar09.30.21 on file in the Board Office.*)
- Harry Chastain (*Chastain.Harry09.30.21 on file in the Board Office.*)
- Robert Conerby (*Conerby.Robert09.30.21 on file in the Board Office.*)
- Jennifer Czajkowski (*Czajkowski.Jennifer09.30.21 on file in the Board Office.*)
- Donald Deever (*Deever.Donald09.30.21 on file in the Board Office.*)
- Darla Dodge & 31 others (*Dodge.Darla09.30.21 on file in the Board Office.*)
- Nancy Dooley (*Dooley.Nancy09.30.21 on file in the Board Office.*)
- Dwight Fuller (*Fuller.Dwight09.30.21 on file in the Board Office.*)
- Robyn Gates (*Gates.Robyn09.30.21 on file in the Board Office.*)
- Terry Gates (*Gates.Terry09.30.21 on file in the Board Office.*)
- Sean Gilmour (*Gilmour.Sean09.30.21 on file in the Board Office.*)
- Howard Gordon (*Gordon.Howard09.30.21 on file in the Board Office.*)
- Kayleen Grady (*Grady.Kayleen09.30.21 on file in the Board Office.*)
- Joseph A. Greenway (*Greenway.Joseph09.30.21 on file in the Board Office.*)
- Isabelle Haderer (*Haderer.Isabelle09.30.21 on file in the Board Office.*)
- Erin Haertling (*Haertling.Erin09.30.21 on file in the Board Office.*)
- Susan Hall (*Hall.Susan09.30.21 on file in the Board Office.*)
- Virginia Hendricks-Smith (*Hendricks-Smith.Virginia09.30.21 on file in the Board Office.*)
- Jennifer Huffman (*Huffman.Jennifer09.30.21 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

The following individuals provided written public comment in opposition to the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement – (Continued)

- Taro Ito (*Ito.Taro09.30.21 on file in the Board Office.*)
- Jason Jackson (*Jackson.Jason09.30.21 on file in the Board Office.*)
- Kay Kaseko (*Kaseko.Kay09.30.21 on file in the Board Office.*)
- Carson Keller (*Keller.Carson09.30.21 on file in the Board Office.*)
- Anthony LaBounty (*LaBounty.Anthony09.30.21 on file in the Board Office.*)
- Kelly LaBounty (*LaBounty.Kelly09.30.21 on file in the Board Office.*)
- Keith Larson (*Larson.Keith09.30.21 on file in the Board Office.*)
- Abby Lewis (*Lewis.Abby09.30.21 on file in the Board Office.*)
- Amy Lubitz (*Lubitz.Amy09.30.21 on file in the Board Office.*)
- William Lubitz (*Lubitz.William09.30.21 on file in the Board Office.*)
- Fury Mancuso (*Mancuso.Fury09.30.21 on file in the Board Office.*)
- Keith McDermott (*McDermott.Keith09.30.21 on file in the Board Office.*)
- Kathleen McFarlin (*McFarlin.Kathleen09.30.21 on file in the Board Office.*)
- Shannon Meredith (*Meredith.Shannon09.30.21 on file in the Board Office.*)
- Jill Miller (*Miller.Jill09.30.21 on file in the Board Office.*)
- Peter Miller (*Miller.Peter09.30.21 on file in the Board Office.*)
- Ellyn Nixon (*Nixon.Ellyn09.30.21 on file in the Board Office.*)
- J.A. Nixon (*Nixon.J.A.09.30.21 on file in the Board Office.*)
- Erika Noltie (*Noltie.Erika09.30.21 on file in the Board Office.*)
- Grayce Nordborg-Gilman (*Nordborg-Gilman.Grayce09.30.21 on file in the Board Office.*)
- Frank Pangallo (*Pangallo.Frank09.30.21 on file in the Board Office.*)
- Viola Pellissier (*Pellissier.Viola09.30.21 on file in the Board Office.*)
- Sheri Perez (*Perez.Sheri09.30.21 on file in the Board Office.*)
- Sara Phillips (*Phillips.Sara09.30.21 on file in the Board Office.*)
- Jacob Pinkney (*Pinkney.Jacob09.30.21 on file in the Board Office.*)
- Carolyn Piper (*Piper.Carolyn09.30.21 on file in the Board Office.*)
- Bill Porter (*Porter.Bill09.30.21 on file in the Board Office.*)
- Corneliu Salagean (*Salagean.Corneliu09.30.21 on file in the Board Office.*)
- Richard Saul (*Saul.Richard09.30.21 on file in the Board Office.*)
- Desire Schultz (*Schultz.Desire09.30.21 on file in the Board Office.*)
- Joe Schultz (*Schultz.Joe09.30.21 on file in the Board Office.*)
- Carla Sensing (*Sensing.Carla09.30.21 on file in the Board Office.*)
- Mersina Swearinger (*Swearinger.Mersina09.30.21 on file in the Board Office.*)
- Karen Taylor (*Taylor.Karen09.30.21 on file in the Board Office.*)
- Sean Toomey (*Toomey.Sean09.30.21 on file in the Board Office.*)
- Sandy Walters (*Walters.Sandy09.30.21 on file in the Board Office.*)
- David Webre (*Webre.David09.30.21 on file in the Board Office.*)
- Terrence Williams (*Williams.Terrence09.30.21 on file in the Board Office.*)
- Rebecca Wronski (*Wronski.Rebecca09.30.21 on file in the Board Office.*)
- Amy Young (*Young.Amy09.30.21 on file in the Board Office.*)
- Megan Yurovchak (*Yurovchak.Megan09.30.21 on file in the Board Office.*)

1. Information Only – Public Comment – (Continued)

Neil Rombardo noted he is honored to be a semi-finalist applicant in the Chief of Staff and Special Counsel to the Board of Regents Search. He hoped to receive the opportunity to interview and become a finalist. He is excited about the opportunity.

The meeting recessed at 11:36 a.m. and reconvened at 11:46 a.m. with all members present except Regent Del Carlo.

2. Approved – Emergency Code Revision, Employee COVID-19 Vaccine Requirement (Agenda Item 3) – The Board approved an emergency amendment to the NSHE Code (Title 2, new Chapter 12) that sets forth policies and procedures to enact a COVID-19 vaccine requirement for all NSHE employees effective December 1, 2021. Failure of an employee to timely comply with the provisions of the Chapter will result in termination, absent an approved waiver based upon a medical condition or religious belief. (*Ref. BOR-3 on file in the Board Office.*)

Chancellor Melody Rose stated this policy results from the tireless work of Chief General Counsel Joe Reynolds, Vice Chancellor for Academic and Student Affairs and Community Colleges Crystal Abba, Vice Chancellor for Public Affairs and Advancement Constance Brooks, and their teams. Following the Board's decision earlier this month, NSHE staff immediately began to draft policies and procedures to implement and enforce a mandate that all NSHE employees be required to complete a COVID vaccination series before December 1, 2021. This comprehensive policy included input from many stakeholder groups. The Vice Chancellors created an expedited process based on NSHE precedent of systemwide policy development. Five stakeholder roundtable virtual meetings were held, hosting more than 335 stakeholders. At the meetings, the draft policy was reviewed, questions and answers received, and based on the feedback and suggested revisions, the policy was revised and amended until it was publicly posted on September 24, 2021. Chancellor Rose thanked everyone who played a role in developing this policy.

Regent Del Carlo entered the meeting.

Chief General Counsel Reynolds presented the proposed emergency amendment to the NSHE Code (Title 2, new Chapter 12) that sets forth policies and procedures to enact a COVID-19 vaccine requirement for all NSHE employees effective December 1, 2021. Failure of an employee to timely comply with the provisions of the Chapter will result in termination, absent an approved waiver based upon a medical condition or religious belief.

UNR Faculty Senate Chair Amy Pason stated she supports the vaccine mandate. A vaccine mandate protects communities. Faculty want to protect faculty rights, ensure a fair process, and that the implementation goes smoothly. At UNR, 95 percent of academic faculty and 91 percent of administrative faculty are vaccinated. In addition, students are encouraged to get vaccinated.

2. Approved – Emergency Code Revision, Employee COVID-19 Vaccine Requirement (Agenda Item 3) – (Continued)

Regent Geddes stated it is important to note that the State Board of Health controls the student vaccination mandate. He appreciated that the student and employee mandates were consistent.

Regent Geddes asked what sort of expertise would be on the review committee to address religious exemptions. Chief General Counsel Reynolds stated the constitutional standard is a sincerely held religious belief. The review committee composition will be at the discretion of the institutional President. The religious waiver includes a statement to explain the religious belief and provide a context of the foundation in belief. There is also an opportunity to supplement with additional documentation.

Regent Geddes stated he had heard that some are having trouble getting the vaccine and asked that vaccine clinics for staff be scheduled ahead of the deadlines. Chief General Counsel Reynolds responded that all the institutions had made robust efforts to make the vaccine available.

In response to a question from Regent Arrascada related to waivers being accepted from out-of-state medical providers, Chief General Counsel Reynolds responded that initial versions of the policy limited medical certification to licensed Nevada physicians, but after the roundtables, it was expanded to licensed physicians in any state.

Regent Boylan asked for a copy of the religious waiver questionnaire, with Chief General Counsel Reynolds noting it was included in the reference material.

In response to a question from Regent Boylan related to biological research, Chancellor Rose indicated both universities are doing ongoing research. UNLV Assistant Professor in the School of Public Health Dr. Brian Labus stated there is a lot of different research happening at UNLV. COVID has touched every department across the institution. UNR Student Health Center Medical Director Dr. Cheryl Hug-English agreed there is research happening across the institution. In addition, there are daily vaccine clinics in easy-access locations for students and employees, including the Student Health Center and residence halls.

Regent Boylan asked for a summary of the research happening at the institutions related to COVID. Chancellor Rose stated she was remiss in not mentioning DRI's research efforts. She will speak with the three institutions and put together a summary for the Regents.

Vice Chair Carter noted he is a teacher and does not like wearing a mask. However, the light at the end of the tunnel is the vaccine. He stated the proposed policy indicates October 15 is when the memorandum would go out to employees and asked if that deadline would be met. Chief General Counsel Reynolds said he had discussed the policy at length with the Human Resources Advisory Council. They are working on the draft letter in anticipation of the policy's passage and compiling the vaccinated and unvaccinated employee lists.

2. Approved – Emergency Code Revision, Employee COVID-19 Vaccine Requirement (Agenda Item 3) – (Continued)

Vice Chair Carter suggested that the reevaluation of the policy be changed from Fall 2022 to Spring 2023. Chief General Counsel Reynolds stated the Faculty Senate requested the provision. It is to relieve concerns of long-term implications of the policy. In addition, it is to provide assurances to all employees that the policy will be revisited before the next academic year to provide the Board with current data.

In response to a question from Vice Chair Carter related to hiring issues, Chancellor Rose stated she was comfortable with the policy as written. A large part of the policy was the invaluable feedback received from the stakeholders.

Regent Perkins appreciated the hard work on the policy. She asked if it is possible to include antibody/natural immunity. Dr. Labus stated there are challenges. Nobody knows what natural antibodies mean in terms of COVID. Different studies are reviewing it. Every study done so far has shown that vaccination provides longer-lasting antibodies and strong antibody response. The more significant issue in terms of the policy is how to use antibody test results to show someone is immune. Antibodies must be measured and it must be determined how many antibodies are enough to have in place of vaccination.

In response to a question from Regent Perkins related to criteria as to when the policy would end, Chief General Counsel Reynolds stated the goal is to have 100 percent compliance. The original version had a statement that the policy would be repealed at the end of the pandemic. There were stakeholder concerns with that statement. Experts predict that COVID will not end, but the goal of the vaccine is to reduce the death and hospitalization rates.

Regent Del Carlo left the meeting.

Chief General Counsel Reynolds added that the COVID-19 Task Force is actively monitoring this and will make a recommendation to revisit the policy if there is consensus among the members.

Regent Brooks left the meeting.

Regent Carvalho thanked those for the public input as it was important to have voices from all sides. She voiced her support for the mandate. She believed the shared governance process resulted in a humane, inclusive policy. Regent Carvalho asked what preparations were happening at the institutions if a large number of employees were terminated.

Regent Brooks entered the meeting.

Chancellor Rose stated this is an immediate concern and constant conversation of the Council of Presidents. However, progress is being made weekly regarding the institutional vaccination rates, which provides confidence that the number of affected



2. Approved – Emergency Code Revision, Employee COVID-19 Vaccine Requirement (Agenda Item 3) – (Continued)

employees at the implementation date of December 1 should be minimal. The numbers of vaccinated employees are increasing, and they do not anticipate a significant employee loss.

Chancellor Rose hoped that employees would not walk away from their jobs. Employees are valued and contribute to the campus missions.

WNC President Vincent R. Solis stated it is a top concern at WNC. WNC is looking at creative ways to mitigate the issues, such as remote work. WNC has over a 70 percent vaccination rate at two sites and the third is at 69 percent. WNC will work with the employees who cannot get the vaccine to try and keep them in place.

GBC Vice President for Business Affairs Sonja Sibert stated GBC is actively encouraging all employees to get vaccinated. GBC has had vaccination clinics at all locations, and the vaccination rate is constantly increasing. GBC is actively looking at options to keep all its employees.

Regent Geddes moved approval of an emergency amendment to the NSHE Code (Title 2, new Chapter 12) that sets forth policies and procedures to enact a COVID-19 vaccine requirement for all NSHE employees effective December 1, 2021. Regent Carvalho seconded.

Regent Brooks observed the Board of Regents did not have a vote related to the student mandate. He was concerned with the unintended consequences of the policy and asked if there were discussions regarding what they might look like for NSHE. Chancellor Rose responded the Task Force has been asking those questions and will continue to ask the questions in a very fluid environment. The Task Force will continue to monitor the impacts and accommodations that can be made.

Regent Brooks asked if other options were available besides getting the vaccine and looking for employment elsewhere. Chief General Counsel Reynolds stated there were robust conversations and he pointed out it wouldn't be a mandate if there were no clear consequences. The only medically recommended way to get out of this pandemic is to increase the vaccination rate. He noted Nevada infection rates grew from June to August.

In response to a question from Regent Brooks related to the exemption forms for students and employees, Chief General Counsel Reynolds responded the forms are consistent but created by different organizations.

Regent Brooks asked how access to the forms currently looks for students and employees. Chief General Counsel Reynolds stated NSHE received updated student forms from the State Board of Health last week. They have been distributed to the institutional registrars and posted to the NSHE website.

2. Approved – Emergency Code Revision, Employee COVID-19 Vaccine Requirement (Agenda Item 3) – (Continued)

Regent Brooks asked if there were considerations for recruitment and campus visitors. Chief General Counsel Reynolds noted the policy does not apply to visitors because there is no practical way to determine vaccination status for visitors. However, there are requirements for new hires and job postings. He noted that the underlying impetus is that NSHE has healthy and safe classrooms for the students and faculty.

Regent Doubrava expressed thanks to the Task Force. It is a complicated issue, and he intends to support the motion.

Regent Moran left the meeting.

Regent Boylan stated NSHE could lose thousands of years of experience if 25 percent of the workforce leaves the System. He asked whether there is a rehiring policy for these employees. Chancellor Rose reported that 80 percent of employees are vaccinated, and that number has most likely increased since the last report. Chief General Counsel Reynolds noted that terminated employees have a 30-day reinstatement clause. After 30 days, terminated employees can apply for open positions.

Regent Boylan thanked all who provided Public Comment. Regent Boylan could not support an unfunded mandate. He would not support the motion.

Regent Moran entered the meeting.

Regent Brooks stated he did not support the State Board of Health's student mandate, and he will not support an employee mandate.

Chair McAdoo noted she was not in favor of the student mandate, but because that mandate is in place, she will vote in favor of an employee mandate.

Motion carried via a roll call vote. Chair McAdoo, Vice Chair Carter, and Regents Arrascada, Carvalho, Doubrava, Geddes, McMichael, Moran, and Perkins voted yes. Regents Boylan, Brooks, and Tarkanian voted no. Regent Del Carlo was absent.

3. Approved – Assignment and Amendment of Lease at 5190 Neil Road to Renown Health, UNR (Agenda Item 2) – The Board approved the Assignment and Amendment of the Lease at 5190 Neil Road, Reno, Nevada, to Renown Health, pursuant to the Affiliation Agreement with Renown Health. (Ref. BOR-2 on file in the Board Office.)

3. Approved – Assignment and Amendment of Lease at 5190 Neil Road to Renown Health, UNR (Agenda Item 2) – (Continued)

Regent Geddes moved approval of the Assignment and Amendment of the Lease at 5190 Neil Road, Reno, Nevada, to Renown Health, pursuant to the Affiliation Agreement with Renown Health. Regent Brooks seconded. Motion carried. Regent Del Carlo was absent.

4. Information Only – Code Revision, Development and Review of Salary Schedules – Deputy General Counsel for System Administration Yvonne Nevarez-Goodson presented proposed revisions to the NSHE Code (Title 2, Chapter 5, Section 5.5.1) that would clarify the process and timelines for the Chancellor to develop salary schedules for executives, administrators, and faculty of NSHE institutions through input from System-wide stakeholders and retention of an independent compensation expert. The proposed amendments will be presented for action at a subsequent meeting of the Board to be held not sooner than 30 days after the September 30, 2021, meeting, in accordance with Title 2, Chapter 1, Section 1.3.3 of the Code. (Ref. BOR-4 on file in the Board Office.)

Regent Doubrava left the meeting.

Regent Perkins asked what created the need to change the policy. Chancellor Rose stated that the internal deadlines were restrictive and didn't allow an inclusive and transparent process as she would have liked. The consequences of meeting the deadlines were not having an inclusive Request for Proposal (RFP) process and not having an inclusive stakeholder input process. Therefore, she did not want to meet the deadlines and compromise quality, inclusion, and transparency.

Regent Geddes observed it took many years to get to the existing policy, prior to the proposed changes. He noted he was okay with changing deadlines and adding stakeholders. However, he was concerned that the data might not hold up nationally or internationally if they go back to the way it was done before the Gallagher Group Salary Study. Chancellor Rose believed that the previous process that allows for input at different times is entirely appropriate. She found the early deadlines to be confining under present circumstances and just needed some flexibility. The intent is more engagement, not less.

UNR Faculty Senate Chair Pason stated it is crucial to have accurate, regularly updated salary schedules that are competitive, market-based, and aligned with peer institutions. However, at this point, it would be difficult to ensure proper stakeholder input if deadlines are not extended.

Regent Brooks asked if there is a deadline issue related to the execution or do the salaries need to be redefined. Chancellor Rose stated it is a procedural matter related to the constrained timelines.

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

In response to a question from Vice Chair Carter related to the independent consultant, Chancellor Rose stated the consultant had not been chosen. She believed an RFP would be helpful to consider all the options carefully. Vice Chancellor Abba said the System paid for the last salary study.

Regent Moran asked what the next steps were. Chancellor Rose stated she would be seeking approval of the proposed policy revisions at a future meeting. In the meantime, the Human Resource Directors would craft the RFP.

Vice Chair Carter left the meeting.

5. Information Only – New Business – Regent Arrascada requested quarterly reports from the COVID-19 Task Force regarding all adverse effects and fatalities to staff and students for a time limit of at least 16-24 months.

Vice Chair Carter entered the meeting.

6. Information Only – Public Comment

The following individuals spoke or provided written public comment in favor of the Emergency Code Revision, NSHE Employee COVID-19 Vaccine Requirement:

- Melissa Burnham (*Burnham.Melissa09.30.21 on file in the Board Office.*)
- Patrick Harris (*Harris.Patrick09.30.21 on file in the Board Office.*)
- Richard Leonard (*Leonard.Richard09.30.21.mp3 on file in the Board Office.*)
- Eva Lin (*Lin.Eva09.30.21 on file in the Board Office.*)
- Nicholas Pulito (*Pulito.Nicholas09.30.21 on file in the Board Office.*)
- Doug Unger

The following individual provided written public comment in opposition to the Code Revision, Development and Review of Salary Schedules:

- Bradley Summerhill (*Summerhill.Bradley09.30.21 on file in the Board Office.*)

Regent Brooks left the meeting.

Chair McAdoo stated there is a book at each of the Regent's seats. She was encouraged by the keynote speaker at the MSI Summit at UNLV, and she believed that each Regent would appreciate the book's progressive thinking in meeting the needs of students.

Regent Brooks entered the meeting.

Chair McAdoo thanked everyone for their attendance.

The meeting adjourned at 2:02 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.*