

**BOARD OF REGENTS and its
ad hoc COMMITTEE TO REVIEW THE ROLES AND RESPONSIBILITIES
OF THE CHANCELLOR
NEVADA SYSTEM OF HIGHER EDUCATION**
System Administration, Las Vegas
4300 South Maryland Parkway, Board Room
Friday, September 23, 2022

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: Dr. Mark W. Doubrava, Chair
 Ms. Laura E. Perkins, Vice Chair
 Mr. Byron Brooks
 Dr. Patrick R. Carter
 Ms. Amy J. Carvalho
 Dr. Jason Geddes

Other Regents Present: Mr. Joseph C. Arrascada
 Mr. Patrick J. Boylan
 Mrs. Carol Del Carlo
 Mr. Donald Sylvantee McMichael Sr.
 Mr. John T. Moran
 Dr. Lois Tarkanian

Others Present: Mr. Dale A.R. Erquiaga, Acting Chancellor
 Ms. Crystal Abba, Executive Vice Chancellor and Chief of Staff
 Ms. Renee Davis, Interim Vice Chancellor, Academic and Student Affairs
 Mr. Robert G. Kilroy, Chief of Staff and Special Counsel to the Board
 Ms. Keri Nikolajewski, Deputy Chief of Staff to the Board
 Mr. Joe Sunbury, Chief Internal Auditor
 Dr. Vic Etyemezian (*sitting in for Dr. Kumud Acharya, President, DRI*)
 Ms. Joyce M. Helens, President, GBC
 Dr. Karin M. Hilgersom, President, TMCC
 Mr. Brian Sandoval, President, UNR
 Dr. J. Kyle Dalpe, Interim President, WNC

Faculty senate chairs in attendance were: Ms. Tracy Sherman, CSN (*Chair, Council of Faculty Senate Chairs*); Mr. Ed Boog, SA; and Dr. Eric Marchand, UNR. Student body president in attendance was: Mr. Issac Hernandez, CSUN President, UNLV.

Chair Doubrava called the meeting to order at 9:00 a.m. with all members present. Regent Brooks led the Pledge of Allegiance.

1. Information Only – Public Comment

Martin Paris, Nevada Cattlemen’s Association, provided written public comment stating the Chancellor must understand agriculture in the state and the various programs, education, and resources made possible through land grant universities.

Neal O’Flaherty provided written public comment stating the Chancellor, NSHE, and the Board of Regents are directly responsible for violent crimes on campuses.

Agee Smith provided written public comment stating that the Chancellor must understand agriculture and its importance in the state.

Kent Ervin provided public comment welcoming a robust discussion of the role and duties of the Chancellor, the Board of Regents, and the Presidents. At a more detailed level, the Committee should identify and fix structural issues in the Chancellor’s rules of order and duties.

Larry Dailey provided public comment citing apparent conflicts of interest. He also cannot find policies that provide transparency when the Chancellor’s Office is investigating matters of wrongdoing and that mandate the Chancellor to assure members of the public that their concerns are taken seriously. It is time for the Board of Regents to protect the people they are sworn to protect and change the organization for the better.

2. Information Only – Chair’s Report – Chair Mark W. Doubrava stated the Committee would gather external stakeholder input. There will be a third meeting in October.

3. Information Only – NSHE Constituency Input – Chair Doubrava provided time for the NSHE Classified Council to give input. No input was received.

4. Information Only – External Stakeholder Input – Acting Chancellor Dale A.R. Erquiaga stated no input was sent to his office. The only comments received were the in-person and written public comment received.

5. Information Only – Roles and Responsibilities of the Chancellor – The Committee discussed the roles and responsibilities of the Chancellor, all *Handbook* and statutory references to the position, and suggestions for revision made by constituencies and stakeholders. The Committee provided direction to staff regarding future agenda items and a work session. (*Refs. RRC-5a, RRC-5b, RRC-5c, and RRC-5d on file in the Board Office.*)

Regent Brooks stated that based on his experiences in the last year, he believed the role of the Chancellor should be equivalent to that of a Chief Administrative Officer. The position should support NSHE operations and staff performances in a manner that allows for adjustments and improvements within the System while creating a positive workplace culture. Implementation of policy should be a primary focus for the role. The position should be focused on system initiatives and supporting the Presidents from a task-oriented or operational perspective. The Chancellor should be equal to the Presidents but with

5. Information Only – Roles and Responsibilities of the Chancellor – (Continued)

processes and policies as a focus. Regent Brooks suggested the Chancellor should not evaluate the Presidents and the Board of Regents should hold the Presidents accountable. The Chancellor's roles and responsibilities should be clear and reflect that the Chancellor cannot terminate a President. It should be clear that dual reporting exists, and that Presidents can contact any member of the Board at any time without fear of repercussions. For accountability, the Chancellor should have the same disciplinary clause as the Presidents, thereby allowing the Board a broader arena for disciplinary action should something occur. The Chancellor's Cabinet should have direct access to the Board and vice versa. The Chancellor's Cabinet review process should include members of the Board, particularly when salary increases and performance measures are being reviewed. The Chancellor's evaluation process should be conducted by the Chair and a small Board committee and include a matrix designed for performance goals and accountability. The position should have the ability to appoint some of the Cabinet positions.

Regent Geddes stated the Chancellor should be able to hire any staff that they want in the System Office. He believed the Chancellor needs to complete the Presidents' annual evaluation until the Board receives permission from the Legislature to do evaluations in closed session. The yearly evaluations would then be available to use during the 3-year review.

Vice Chair Perkins agreed that a matrix should be used to delineate the expectations. The Chancellor is responsible for signing contracts, but the Board should receive a report on what has been signed and the System implications.

Regent Carter believed the Board should discuss whether the Chief Financial Officer should report to the Board. He also thought that the Board should have some input on who the vice chancellors are. The presidential evaluation process is not fantastic, and the Open Meeting Law causes some issues. Regent Carter wanted to establish a different presidential evaluation process to prevent the Chancellor and Chair from completing the annual review alone.

Regent Geddes stated the Board needs Open Meeting Law clarification or changes to ask for the ability to complete executive closed sessions.

Regent Boylan stated people do not change, and he agreed with Regent Brooks that there should be a closer connection between the Board and Presidents.

Regent Geddes noted that the Presidents do report to the Board. He stated he communicates with each regularly. Regent Geddes asked Acting Chancellor Erquiaga what his thoughts were.

Regent Arrascada wanted to commend Chair McAdoo for her search for the Chancellor and the diligence that she set forth regarding the Board of Regents *Handbook*. He did feel that the Board could expand on the section related to the Chancellor vacancy. The Board should work collaboratively on this process. Regarding the presidential evaluation, there should be increased communication throughout the search for that individual. Regent

5. Information Only – Roles and Responsibilities of the Chancellor – (Continued)

Arrascada stated salary increases need increased oversight by the Board in order to maintain its fiduciary duties. Arbitrary salary increases should not be taking place. It is a foolish way to run a business. There needs to be more transparency on where the money is being spent within the Chancellor's Office.

Regent Carvalho believed the dialogue had been productive. She stated she is more comfortable with the Chancellor in a CEO role. However, it is essential to have a direct dialogue with the Presidents. Regent Carvalho believed the Open Meeting Law is great for transparency but challenging regarding personnel.

Regent Brooks clarified that nothing precludes the Presidents from having an open conversation with any member of the Board, but he wanted to see it reinforced through policy.

Acting Chancellor Erquiaga stated that in his three months on the job, he learned that a substantial portion of the job is administrative. There is also the budget and political realm, and he believes the job would be extremely hard if someone did not have political experience. The Chancellor's relationship with the institutional Presidents is the most unclear part of the job because everyone loves dual reporting except the Chancellor. It is good for the Presidents and the Board, but the Chancellor is in the middle. If the Chancellor advises the President, but the President chooses to proceed, how does the Chancellor resolve that conflict? He stated the Board wants communication, but the Chancellor must be careful about how many Regents he communicates with because of the Open Meeting Law.

Acting Chancellor Erquiaga stated the evaluation process of the Presidents and the Chancellor should be addressed. There is barely anything on how the Chancellor is evaluated, and then endless sections on evaluating a President. The Presidents and the Chancellor are public employees and signed up to be evaluated when they were hired into a leadership position. The Board should be more involved with the Chancellor in the president evaluation process because of the dual reporting structure. The policy regarding the role of the Chancellor's Office in constructing the agenda is old and should be updated. Acting Chancellor Erquiaga added that the Code should be clearer as to who reports to the Board.

In response to a question from Regent Geddes regarding a recommendation for the presidential evaluations, Acting Chancellor Erquiaga stated a performance matrix should be added to the Code. In addition, the Presidents and the Chancellor should agree upon a set of goals and metrics for which they will be evaluated. That may make the public evaluation a lot easier.

6. Information Only – New Business

Regent Arrascada requested that the Board review the notice of non-reappointment and notice of termination for administrative employees within the System Office.

7. Information Only – Public Comment – None

The meeting adjourned at 10:04 a.m.

Prepared by: Angela R. Palmer
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Submitted for approval by: Keri D. Nikolajewski
Interim Chief of Staff
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Approved by the Board of Regents at its January 12 & 13, 2023, meeting.