

SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

University of Nevada, Las Vegas
Student Union Ballroom
4505 S. Maryland Parkway, Las Vegas

Wednesday, November 30, 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:

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

Members Absent:

Mr. John T. Moran

Others Present:

Mr. Dale A.R. Erquiaga, Acting Chancellor
Mr. Andrew Clinger, Chief Financial Officer
Ms. Renee Davis, Interim Vice Chancellor, Academic and Student Affairs
Mr. James J. Martines, Chief General Counsel
Ms. Keri D. Nikolajewski, Deputy Chief of Staff to the Board
Ms. Sherry M. Olson, Director of Human Resources
Mr. Joseph Sunbury, Chief Internal Auditor
Dr. DeRionne Pollard, President, NSC
Dr. Karin M. Hilgersom, President, TMCC
Dr. J. Kyle Dalpe, Interim President, WNC

Faculty senate chairs in attendance were Dr. Brittany Kruger, DRI; Mr. Ed Boog, SA; and Dr. Eric Marchand, UNR. Student body president in attendance was Ms. Dionne Stanfill, ASUN President, UNR (*Chair, Nevada Student Alliance*).

Regents-elect in attendance were: Heather Brown, District 6, and Jeffrey Downs, District 11.

Also in attendance was Chricy Harris, Deputy Attorney General.

Chair McAdoo called the meeting to order at 7:22 p.m. with all members present except Regent Moran.

1. Information Only – Public Comment – None.
2. Approved – Appointment, Interim Chief of Staff, Board of Regents – The Board approved the appointment of current Deputy Chief of Staff Keri D. Nikolajewski to serve as Interim Chief of Staff and the proposed employment contract. (*Ref. BOR-2 and Supplemental Material on file in the Board Office.*)

Regent Geddes moved approval of the appointment of current Deputy Chief of Staff Keri D. Nikolajewski to serve as Interim Chief of Staff and the proposed employment contract. Regent McMichael seconded.

Regent Boylan asked for the item to be tabled since Regents are being asked to give an employee a significant raise without being able to review the last two employee evaluations or see the salary schedule used to justify the salary increase. In addition, he asked why there is not a Chief of Staff and Special Counsel search as before. He stated the policies and procedures being used are questionable and asked Chief Internal Auditor Joseph Sunbury to review the process to determine if it is ethical and legal.

Chair McAdoo stated *Supplemental Material* was provided to the Board of Regents and the public answering Regent Boylan's questions.

Regent Geddes stated the process was the same as the last time there was a vacancy in the position. The Board Office has a well-qualified person to fill the interim role, and as with any interim position, there is a salary supplement. Once an interim appointment is filled, the Board begins the search process. He encouraged the Board to support the appointment.

Regent Boylan was concerned that taxpayer's money was being used and asked how an employee receives a raise without an evaluation. The Board asks students to pay more while increasing an employee's salary.

Chair McAdoo stated per the *Supplemental Material*, an evaluation of Ms. Nikolajewski happened in June 2022.

2. Approved – Appointment, Interim Chief of Staff, Board of Regents – (Continued)

Director of Human Resources Sherry M. Olson stated if any Board member is interested in viewing an employee's personnel record, they are free to do so. However, evaluations are confidential documents included in a personnel file, and for Board members to access the documents, they must set up an appointment to review them in a one-on-one setting.

In response to a question from Regent Del Carlo related to what Ms. Nikolajewski was paid in the previous appointment, Chair McAdoo stated the proposed salary is the exact amount she was paid during the last appointment.

Regent Del Carlo offered that she was unaware that Ms. Nikolajewski had been evaluated in June and asked for better communication when the Board's direct reports are evaluated.

Chief General Counsel James J. Martines offered that all NSHE professional employees are required to go through the evaluation process annually.

In response to Regent Carter stating the salary figures in the documents are not the same, Director Olson said the salary of \$152,878.08 outlined in the original Board materials is correct.

Regent Boylan clarified the *Supplemental Material* would not have been provided if he had not asked for it. He stated there is a lack of communication.

Regent Perkins stated Ms. Nikolajewski is very capable, but she believes there is someone in the legal department that can step in to provide for both the Chief of Staff and legal side of the position.

Chair McAdoo pointed out this is an appointment for the Interim Chief of Staff. Leadership is needed in the Board Office. There is a process to hire a permanent Chief of Staff and Special Counsel.

Regent Perkins asked about the financial implications of hiring someone to provide legal services for the Board and appointing an Interim Chief of Staff. Chief General Counsel Martines stated his office has a fiduciary duty to represent NSHE. The office represents the executives of the organization. If there is a conflict, the Code provides that he will report to the Board Chair to resolve the conflict.

In response to a question from Regent Perkins about the costs related to hiring specific counsel for the Board, Chief Financial Officer Clinger responded it is dependent on the attorney and number of hours. The typical going rate for outside counsel is approximately \$400-\$425 per hour.

Regent Tarkanian observed that Ms. Nikolajewski has 20 years of experience and has already held the position successfully.

Regent Brooks believed Ms. Nikolajewski deserved the position and that she would support the Board in all matters even when it did not recognize the need for support.

2. Approved – Appointment, Interim Chief of Staff, Board of Regents – (Continued)

Regent Arrascada stated Ms. Nikolajewski is reliable, responds expeditiously, works diligently, provides institutional knowledge, and is committed to the Board.

Vice Chair Carvalho expressed her support for Ms. Nikolajewski.

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

3. Information Only – New Business

Acting Chancellor Erquiaga suggested an item to understand the Board’s Special Counsel versus NSHE’s Chief General Counsel.

Regent Del Carlo requested training on how to evaluate the Board’s direct reports.

Regent McMichael requested a concerted effort to obtain a full staff to support the Board.

Regent Tarkanian asked for better methods of communication to and from the Board.

4. Information Only – Public Comment – None.

The meeting adjourned at 8:04 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 March 10, 2023, meeting.