

Minutes approved by the Board of Regents at the January 19, 2024, meeting.

WORKSHOP
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION

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

Friday, October 20, 2023

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: Mr. Byron Brooks, Chair
 Mr. Joseph C. Arrascada, Vice Chair
 Mr. Patrick J. Boylan
 Mrs. Susan Brager
 Mrs. Amy J. Carvalho
 Dr. Michelee Cruz-Crawford
 Mrs. Carol Del Carlo
 Mr. Jeffrey S. Downs
 Ms. Stephanie Goodman
 Mr. Donald Sylvantee McMichael Sr.
 Ms. Laura E. Perkins
 Dr. Lois Tarkanian

Members Absent: Ms. Heather Brown

Others Present: Ms. Patty Charlton, Interim Chancellor
 Ms. Lynda P. King, Associate General Counsel
 Mr. James J. Martines, Vice Chancellor and Chief General Counsel
 Ms. Keri D. Nikolajewski, Chief of Staff to the Board of Regents
 Mr. Alejandro Rodriguez, Director of Government Relations
 Mr. Chris Viton, Chief Financial Officer
 Mr. Michael B. Wixom, Special Counsel to the Board of Regents
 Dr. Federico Zaragoza, President, CSN
 Ms. Joyce M. Helens, President, GBC

Faculty senate chairs in attendance were Mr. Patrick Villa, CSN; Mr. David Sexton, GBC; Dr. Molly Appel, NSU; Dr. Eric “Rick” Bullis, TMCC; Dr. Bill Robinson, UNLV; and Ms. Rachelle Bassen, WNC. Student body presidents in attendance were Mr. Kevin Osorio Hernández, NSSA President, NSU; and Ms. Nicole Thomas, GPSA President, UNLV. Classified council chair in attendance was Ms. Louellen Monte, GBC.

Land Acknowledgment

Before beginning, we take a moment to recognize that here in Nevada we stand on the land of the Wa She Shu – Washoe; Numu – Northern Paiute; Nuwe – Western Shoshone; and Nuwu – Southern Paiute. We take a moment to recognize and honor their stewardship that continues into today. With this recognition, we state an intention to rightfully include their voice and respect them as the 27 sovereign tribal nations of Nevada.

Chair Brooks called the meeting to order at 12:00 p.m. with all members present except Regent Brown.

1. Information Only – Public Comment

The following individuals provided in-person or written public comment opposed to The James G. Martin Center leading the workshop:

- Carli Barnum (*Barnum.Carli10.20.23 on file in the Board Office.*)
- Dr. Eric Bullis (*Bullis.Eric10.20.23 on file in the Board Office.*)
- Dr. Eric Bullis (*Bullis.Eric(2)10.20.23 on file in the Board Office.*)
- Darrell Carter (*Carter.Darrell10.20.23 on file in the Board Office.*)
- Amey Evaluna
- Dr. Kent Ervin (*Ervin.Kent10.20.23 on file in the Board Office.*)
- Dr. Corey Fernandez (*Fernandez.Corey10.20.23 on file in the Board Office.*)
- Clement Gelly (*Gelly.Clement10.20.23 on file in the Board Office.*)
- Iram Gonzalez (*Gonzalez.Iram10.20.23 on file in the Board Office.*)
- Dr. Elizabeth Gunn (*Gunn.Elizabeth10.20.23 on file in the Board Office.*)
- Tanya Hayes
- Lars Jensen (*Jensen.Lars10.20.23 on file in the Board Office.*)
- Martha Johnson-Olin (*Johnson-Olin.Martha10.20.23 on file in the Board Office.*)
- Devin Lopez (*Lopez.Devin10.20.23 on file in the Board Office.*)
- Dr. Pete Martini
- Leah Mell-Carrington (*MellCarrington.Leah10.20.23 on file in the Board Office.*)
- Jim New
- Kevin Osorio Hernández
- Heather Peterson (*Peterson.Heather10.20.23 on file in the Board Office.*)
- Jennifer Pierce (*Pierce.Jennifer10.20.23 on file in the Board Office.*)
- Roger Putnam (*Putnam.Roger10.20.23 on file in the Board Office.*)
- Sarah Quigley (*Quigley.Sarah10.20.23 on file in the Board Office.*)
- Roberta Sabbath (*Sabbath.Roberta10.20.23 on file in the Board Office.*)
- Bradley Summerhill (*Summerhill.Bradley10.20.23 on file in the Board Office.*)
- Carlos Tkacz (*Tkacz.Carlos10.20.23 on file in the Board Office.*)
- Doug Unger
- Alexa Wong (*Wong.Alexa10.20.23 on file in the Board Office.*)

Regent Goodman appreciated the concerns raised. She felt everyone needed to listen more. She understood this was a conservative group, but this is an informational presentation on policy in a workshop. Each of the Board members is going to take with them what is valuable and leave behind what isn't valuable. Higher education is about listening to opposing views.

1. Information Only – Public Comment – *(Continued)*

Regent Del Carlo stated that NSHE belongs to two national organizations, ACCT, Association of Community College Trustees and AGB Association of Governing Boards, and asked why someone from either group was not asked to make this presentation. She did not think it was appropriate for The James G. Martin Center for Academic Renewal to present and asked who selected them. Special Counsel to the Board of Regents Michael B. Wixom cautioned that the character and competence of President Robinson or The James G. Martin Center for Academic Renewal has not been agendaized and they have not given a waiver that would allow the Board to discuss their character or competence.

Regent Del Carlo asked for an answer to her question. Chair Brooks stated it could have been addressed after the agenda was posted and before this moment in time. His interest was to ensure those wanting to offer public comment are given an opportunity to speak.

Regent Cruz-Crawford shared her concerns about the choice for the workshop presentation. Special Counsel Wixom stated Regent Cruz-Crawford was close to discussing the entity's character and qualifications, and that had not been agendaized.

Regent Cruz-Crawford wants to see the Board as a collective body and one that continues to diversify its lenses in a positive manner. She added that she disagrees with the workshop presenter.

Regent Boylan asked who chose the entity and how much they were paid.

Chair Brooks responded there was no cost for the workshop today. He looked for an alternative source of support in guiding the Board, specifically in reference to the differences between management and governance. While other organizations could have been used, his idea was to try something different because what the Board had done in the past did not seem to work.

Chair Brooks was surprised by the passion folks have displayed regarding an agenda item geared toward Board education.

Regent Perkins agreed with Regent Del Carlo in that there are trusted sources that have been around in higher education that could have been used. Although this group may have an excellent presentation, she did not think the Board should align with them. Special Counsel Wixom again warned that this was a discussion of the character and competence of the organization and not in accordance with the Open Meeting Law.

Regent Carvalho believed the Regents had done their research, which is why there is discussion. She is uncomfortable with the organization presenting. Special Counsel Wixom again warned that this was a discussion of the character and competence of the organization and not in accordance with the Open Meeting Law.

Regent Carvalho asked if the item could be tabled or withdrawn.

1. Information Only – Public Comment – (Continued)

Chair Brooks clarified that the organization is only presenting the differences between management and governance by a governing Board.

2. Information Only – Principles and Best Practices of Highly Effective Governing Boards –
Dr. Jenna A. Robinson, President, The James G. Martin Center for Academic Renewal, led a discussion on the principles and best practices of highly effective governing boards in higher education. *(Supplemental Material on file in the Board Office.)*

Regent Downs asked what input the members of the Board should have on forming the agenda. Dr. Robinson responded that the members of the Board will have the most input through their committee assignments.

In response to a question from Regent Downs related to the differences between executive and governance committees, Dr. Robinson stated an executive committee refers to the Chair, Vice Chair, secretary, or anyone who holds an executive office. Its exclusive purpose is to be nimble and make decisions when the full Board cannot.

Regent Del Carlo asked why having a diversity committee is not a best practice. Dr. Robinson stated that it is a part of student affairs or personnel. Committees are structured based on the activities of the Board rather than subject matter. The work you might put into a diversity committee should best be divided between a personnel committee, student affairs committee, and academic affairs committee. Dr. Robinson noted the list of recommended committees comes directly from the Association of Governing Boards of Universities and Colleges.

Regent Brager noted these are suggestions. Agenda items and topics should come from the Board. She believed the presentation was direct and not slanted one way or the other.

Chair Brooks thanked Dr. Robinson for her time and the energy put into the presentation. He hoped the Board would take the tools provided and consider other processes in terms of effective governance.

The meeting recessed at 1:30 p.m. and reconvened at 1:41 p.m. with all members present except Regent Brown.

Regent Del Carlo asked if the Chair had singularly chosen the organization to present. Chair Brooks stated the group was suggested to him to support the Board with the differences between management and governance. From his perspective, the Board often bleeds one into the other. He did not understand why there was more conversation about who was providing the information than the Board listening to find out what could be used as best practices. He chose to bring in The James G. Martin Center for Academic Renewal. The conversations about having it on the agenda were collaborative, just like all agenda items.

Regent Cruz-Crawford left the meeting.

3. Information Only – Overview of the Nevada Open Meeting Law and How It Applies to NSHE Policies on Chancellor and President Searches – Special Counsel Michael B. Wixom presented an overview of the Nevada Open Meeting Law and how it applies to NSHE Chancellor and President search policies. The overview was provided in anticipation of the formation of an ad hoc Committee to Review the Policies Governing a Search for Chancellor, as directed by the Board at its September 28, 2023, special meeting. *(Ref. BOR-3 and Supplemental Material on file in the Board Office.)*

In response to a question from Regent Del Carlo related to search process, Special Counsel Wixom responded that it is permissible under the Open Meeting Law for the Board to say what it wants in a Chancellor or President and then delegate its authority by hiring someone to find that person.

Vice Chair Arrascada stated that in the last chancellor search, the type of search went from an in-state search to national and back to Nevada only search and asked if there was a way to maintain the previous candidates. Special Counsel Wixom did not think it was proper to judge the last search since he just observed the process but was not a part of it and did not know the details of the search. He added that from a policy perspective if the Board decides on a national search, it should be a national search until the Board votes to change the search parameters.

Vice Chair Arrascada stated experience requirements were changed in the last chancellor search and asked if they could be moved so much at the last minute to cause the search to fail. Special Counsel Wixom believed this was beyond the scope of the agenda item.

Special Counsel Wixom observed that the advisory committee is a critical search component. He did not think the committee necessarily had to force itself into one particular avenue. He believed there was a way to word search criteria so the search committee has parameters and flexibility.

Vice Chair Arrascada asked if the Chair of the search committee or the search committee could change the search criteria ongoing throughout the process. Special Counsel Wixom stated it could be done as long as it was within the original charge of the Board.

Chief of Staff Nikolajewski asked if it would be appropriate to bring the Request for Proposal to the search committee to set the consultant parameters once the Board decides on the search type. Special Counsel Wixom responded that the parameters could be included and shouldn't include the names of potential search consultants.

Chair Brooks noted that he has asked Special Counsel Wixom to participate in whatever committee will be assembled to support the chancellor search.

4. Information Only – New Business – None.

5. Information Only – Public Comment

Dr. Molly Appel stated listening is not only hearing with ears but meeting people fully where they are and being present in the actions and experiences they bring to the space. She offered that everyone brings actions, knowledge, and experience to all the work they do, and the goal of effective, honest dialogue is not to eliminate biases; rather, the goal is to situate positionality clearly when they come to the table. Educators and learners bring these concerns about The James G. Martin Center for Academic Renewal not maliciously, not to censor, but out of deep love, passion, and dedication to the craft.

Dr. Bill Robinson stated that NSHE has the expertise to source these workshops.

The meeting adjourned at 2:20 p.m.

Prepared by:

Angela R. Palmer
Special Assistant and Coordinator
to the Board of Regents

Submitted for approval by:

Keri D. Nikolajewski
Chief of Staff to the Board of Regents