

*Minutes approved by the Board of Regents at the February 16, 2024, meeting.*

**BOARD OF REGENTS and its  
ad hoc COMMITTEE TO REVIEW THE POLICIES GOVERNING  
A SEARCH FOR CHANCELLOR  
NEVADA SYSTEM OF HIGHER EDUCATION**

System Administration, Las Vegas  
4300 South Maryland Parkway, Board Room  
Tuesday, December 12, 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: Mrs. Susan Brager, Chair  
Mr. Joseph C. Arrascada  
Mr. Jeffrey S. Downs  
Ms. Stephanie Goodman  
Mr. Donald Sylvantee McMichael Sr.

Other Regents Present: Mr. Patrick J. Boylan  
Mrs. Amy J. Carvalho  
Mrs. Carol Del Carlo  
Dr. Michelee Cruz-Crawford  
Ms. Laura E. Perkins

Others Present: Ms. Patricia Charlton, Interim Chancellor  
Ms. Keri D. Nikolajewski, Chief of Staff to the Board of Regents  
Ms. Carrie Parker, Deputy General Counsel  
Mr. Michael B. Wixom, Special Counsel to the Board of Regents  
Dr. Federico Zaragoza, CSN President  
Ms. Tracy Bower, DRI Director of External Affairs  
Ms. Joyce M. Helens, GBC President  
Dr. DeRionne P. Pollard, NSU President  
Dr. Jeffrey Alexander, TMCC Vice President of Academic Affairs  
Mr. Brian Sandoval, UNR President

Faculty senate chairs in attendance were: Patrick Villa, CSN; Dr. Molly Appel, NSU; Dr. Bill Robinson, UNLV; Dr. Peter Reed, UNR; and Rachelle Bassen, WNC. NSHE Classified Council members Stacy Wallace and Louellen Montes were also in attendance.

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

Chair Brager acknowledged the December 6, 2023, tragedy on the UNLV campus. On behalf of the Board of Regents and staff, she extended their deepest condolences, thoughts, and prayers to everyone who has been impacted.

Chair Brager provided the Land Acknowledgement.

1. Information Only-Public Comment – Jim New discussed some of the minor revisions made to the NSHE executive search policy (for chancellor and institutional presidents) since 2012, and he expressed concerns about how those changes impact conducting transparent and comprehensive searches for top leadership positions.
2. Information Only-Introductions and Open Meeting Law Overview – Chair Susan Brager offered general remarks and provided context for the work of the Committee. Special Counsel to the Board of Regents Michel B. Wixom provided a brief overview and discussed the Open Meeting Law (OML) as it relates to Chancellor searches conducted by the Board of Regents.

Chair Brager stated that reviewing and revising the Chancellor search policy will be an open process and she looks forward to input from the Board and staff.

Mr. Wixom provided an overview of the current Chancellor Search process (*Title 2, Chapter 1, Section 1.5.4*) and the Nevada Open Meeting Law requirements relevant to the Chancellor Search process.

Regent Downs and Mr. Wixom discussed blind searches and how the more details provided about the candidates during the search process, the more transparent the search can become. The rationale behind blind searches is two-fold: 1) The Board would be making a search decision on a candidate based solely on qualifications, and no other factors; and 2) candidates involved in the search process prefer their present employer be unaware they are involved in a search because it could jeopardize their present employment.

Regent Arrascada and Mr. Wixom discussed how blind-hiring may reduce or eliminate qualified candidates from applying for the open position due to potentially redacting necessary information to make quality hiring decisions. Mr. Wixom shared in his experience as a Regent participating in searches, but those searches were not blind searches because blind searches were not part of Board policy. He said conceptually there are legitimate policy reasons to conduct blind searches and blind searches may be done at different levels within the System; however, blind searches have different implications in different areas of an institution. Mr. Wixom added that should the Board choose to conduct blind searches it would be critical to review the blind hiring search process from an Open Meeting Law perspective to avoid creating an issue with the OML. If more than one Regent participates in a search process at any level, that would automatically create an OML issue.

3. Information Only-Review and Discussion of the current Policy Governing Chancellor Searches – The Committee reviewed the Chancellor search policy (*Title 2, Chapter 1, Section 1.5.4*). Based on the discussion, the Committee directed staff to prepare a policy proposal. (*Ref. PGS-3 on file in the Board office*)

Chair Brager shared that one concern she heard from Regents is not having the opportunity to select the search consultant, and she confirmed with NSHE Counsel that a change to that can take place in order to have a more transparent selection process for the consultant, such as interviewing search firms in an open meeting. Mr. Wixom confirmed there is such a process in place currently as that is how the Investment Committee hires investment managers (OCIO) – that format can be utilized.

Chair Brager, Regent Downs, Chief of Staff to the Board of Regents Keri Nikolajewski and Mr. Wixom discussed a general timeline of Board approval to initiate the Request for Proposal (RFP), legal, operational, and practical considerations in regard to having a search committee interview and select the search consultant.

Regent Arrascada asked if there is a customary time in the general higher education hiring cycle to post a job opening for Chancellor or institutional president. Chief of Staff Nikolajewski said that within her experience in the Board office, searches have been initiated at different times. Interim Chancellor Patricia Charlton added typically it is best to look at a timeframe where there is opportunity to engage with students and faculty. She recommended launching a search in the fall semester because it allows stakeholders to provide input for the leadership profile and participate throughout the entire search process.

Regent Goodman agreed with a fall start date for a search and shared some research on how a general timeline would look from that point.

Regent McMichael thought a way to improve transparency in the search process is by requesting that only candidates who feel secure in their current position apply for the open position. He believed if the employer is aware of their employee applying for different jobs, perhaps that would give the employee an opportunity to negotiate a better salary at their current job.

Regent Goodman said in an ideal situation, she would agree with Regent McMichael; however, she did not think his idea was practical for executive recruitment within the higher education arena.

Regent Arrascada said it is important to ensure that the selection and performance criteria focus on the attributes that predict success – select candidates that have the acumen to provide leadership. He and Mr. Wixom discussed how two or more Regents can be involved in the search firm selection process as long as the Open Meeting Law is followed. Mr. Wixom clarified that social engagements for Regents and candidates do not violate the Open Meeting Law but the social engagements would need to be structured so as not to assemble a quorum of the search committee or Board during meet-and-greet events.

3. Information Only-Review and Discussion of the current Policy Governing Chancellor Searches – *(continued)*

In response to a follow-up inquiry from Regent Arrascada, Mr. Wixom said that non-disclosure agreements (NDA) would not cure an Open Meeting Law violation.

Regent Goodman recommended using data/information from the previous Chancellor search to start as a foundation for moving forward with reshaping the search policy. Mr. Wixom said that from a policy perspective, an evaluation of a search itself has not been conducted post-search and he believes it would be beneficial to conduct a review of the entire search process after the finalist has been selected.

In response to a comment made by Chair Brager regarding social gatherings for semi-finalists, Chief of Staff Nikolajewski shared there are open forums under the current policy which are available to students, faculty, the community, and the public at-large, to interact with the candidates in a less formal setting than an interview.

Regent Boylan agreed with Regent McMichael's previous comments. He and Mr. Wixom discussed that there is little difference between "discussion" and "deliberation," so it is important for Regents to be cautious when discussing Board matters, such as candidates in an active search, outside of a publicly noticed meeting. Mr. Wixom explained that in relation to the Open Meeting Law, the Board's counsel must ensure that the Regents abide by the OML to protect the integrity of the decisions made by the Board and also to protect the Board members. The penalties for violating the Open Meeting Law do not only affect the Board by calling into question the decision of the Board itself, but the penalties can also be personal to Board members.

Regent Del Carlo stated that the leadership profile should be built in an open meeting with input from the Regents and search committee advisory members. She commented that in the last chancellor search, spouses of the candidates were included in the interview process and she felt it was a meaningless endeavor.

Per the guidance of Mr. Wixom, Chair Brager agreed with having the Committee direct staff to draft revisions to the search policy based on the discussion and present a proposal to the Committee at its next meeting.

Regent McMichael said the Board should look within the System for a search consultant – perhaps assemble a group of experts who already work for NSHE to serve as the search consultant body.

Regent Downs supported the decision to have staff present a proposed policy at the next Committee meeting.

Chair Brager restated she would like staff to make a revision to Title 2, Chapter 1, Section 1.5.4(g) relating to the selection process for the search consultant. She would like the search consultant selection process to be conducted in an open meeting and the

3. Information Only-Review and Discussion of the current Policy Governing Chancellor Searches – *(continued)*

search committee to make a recommendation to the full Board on which consultant it would like to hire for the search.

Regent Downs addressed Title 2, Chapter 1, Section 1.5.4(d) in relation to the timeline for starting a search prior to when a vacancy will occur.

4. Information Only-New Business – Regent Downs requested a second meeting of the Committee to review the recommended amendments to the current policy.

Chair Brager and Regent Goodman agreed with Regent Downs and requested the next meeting take place before the January 2024 special meeting if possible.

Regent Boylan expressed concerns about scheduling the next meeting so soon. Chair Brager clarified that with transparency having been a large concern in past searches, she is initiating the work now to allow enough time for the Board and staff to address any issues and prepare for the upcoming search.

5. Information Only-Public Comment – Dr. Kent Ervin said he did not hear the Regents discuss whether the Board can/will appoint other officials to an evaluation committee to initiate the RFP process for selecting a search consultant. He shared his past experience with being involved in that type of procedure.

The meeting adjourned at 10:25 a.m.

Prepared by: Winter M.N. Lipson  
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Submitted for approval by: Keri D. Nikolajewski  
Chief of Staff to the Board of Regents