

**BOARD OF REGENTS  
BRIEFING PAPER**

**1. AGENDA ITEM TITLE:** Notice of Contract Termination for Chief of Staff and Special Counsel to the Board,

Robert Kilroy

**MEETING DATE:** November 18, 2022

**2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

The Board of Regents appointed Robert Kilroy as Chief of Staff and Special Counsel to the Board of Regents at a duly noticed public meeting on June 30, 2022. Mr. Kilroy’s first date of employment was August 8, 2022. Mr. Kilroy serves at the will of the Board of Regents. (Board of Regents Bylaws, Article V, Section 7).

Pursuant to Article V, Section 7 of the *Bylaws* of the Board of Regents, “[a]n item must appear on the agenda if three or more Regents request its inclusion on the agenda.” As of November 14, 2022, three (3) regents have requested this Notice of Contract Termination (NCT) be placed on an agenda. Pursuant to NRS 241.031(1)(b), consideration of this NCT must take place in a meeting that is open to the public.

Pursuant to NSHE *Code*, Title 2, Chapter 5, Section 5.9.6(a)(1), Mr. Kilroy is entitled to 60 calendar days’ notice in advance of the date of termination of employment. Accordingly, if this NCT is approved, Mr. Kilroy’s termination of employment will be effective 60 days from the date the NCT is approved by the Board.

During consideration of this item, the Board is not required to give reasons for approval of the NCT. Section 5.2.3 of the NSHE *Code* provides an administrative process for an employee to request a statement of reasons for the NCT after issuance thereof. For this reason, the action being requested also includes authorization for the Chair of the Board to carry out any and all administrative procedures related to the contract termination process.

**3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

The Board of Regents will consider approval of the notice of contract termination for Robert Kilroy, Chief of Staff and Special Counsel to the Board pursuant to NSHE *Code*, Title 2, Chapter 5, Section 5.9.6(a)(1) and authorizing the Chair of the Board to carry out any and all administrative procedures related to the NCT process, including, but not limited to, reassignment of duties and those contained in NSHE *Code*, Title 2, Chapter 5, Sections 5.2.3, 5.2.4, and 5.9.6.

**4. IMPETUS (WHY NOW?):**

Pursuant to Title 1, Article V, Section 7 of the *Bylaws* of the Board of Regents, “[a]n item must appear on the agenda if three or more Regents request its inclusion on the agenda.” As of November 14, 2022, three (3) regents have requested this NCT be placed on an agenda.

**5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:**

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21<sup>st</sup> century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

**INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL**

N/A

**6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

Regents have lost confidence in Mr. Kilroy’s ability to provide the Board with competent legal advice and perform the duties of his position.

**7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

Mr. Kilroy adequately provides the Board with competent legal advice and satisfactorily performs the duties of his position.

**8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

Allow Mr. Kilroy to continue in his role as Chief of Staff and Special Counsel to the Board of Regents.

**9. RECOMMENDATION FROM THE CHANCELLOR’S OFFICE:**

The Chancellor’s Office has no recommendation.

**10. COMPLIANCE WITH BOARD POLICY:**

Consistent With Current Board Policy: Title 2 Chapter 5 Section 5.9.6(a)(1)

Amends Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_

Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_

Other: \_\_\_\_\_

Fiscal Impact: Yes \_\_\_\_\_ No X

Explain: \_\_\_\_\_

**BOARD OF REGENTS OF THE  
NEVADA SYSTEM OF HIGHER EDUCATION**

**NOTICE OF TERMINATION OF CONTRACT FOR  
NONTENURED ACADEMIC AND ADMINISTRATIVE  
FACULTY HIRED AFTER JULY 1, 2016, EXCEPT DRI**

**INSTITUTION:** Board of Regents of the Nevada System of Higher  
Education

**TO:** Mr. Robert Kilroy

**YOU ARE HEREBY NOTIFIED**, pursuant to Title 2, Chapter 5, Subsection 5.9.6 of the NSHE CODE, that your employment will terminate sixty (60) calendar days from the effective date of this notice and that you will not be reappointed. (See Title 2, Chapter 5, Subsections 5.2.3, and 5.2.4 of the NSHE Code for Request for Reasons/Reconsideration.) The effective date of a Notice of Termination under 5.9.6 is the date of delivery if hand-delivered, or if mailed, the date of mailing. Notices are deemed received on the date the notice is hand-delivered or the date the notice is mailed.

**APPROVED AT A DULY NOTICED PUBLIC MEETING.**

\_\_\_\_\_  
**CATHY MCADOO**  
Chair, Board of Regents

\_\_\_\_\_  
**Date**

The undersigned certifies that the above notice was deposited in the mail, postage pre-paid, addressed to the above-named person on November 18, 2022.

OR

The undersigned certifies that the above notice was personally delivered to the above-named person on November 18, 2022.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**