

NSHE CHANCELLOR
SEARCH/NEVADA OPEN
MEETING LAW
REQUIREMENTS

The NSHE Code, Ch. 1, Sec. 5.1.4 sets forth the following process for a Chancellor search:

- 1) The Board shall determine whether to conduct a national, regional, in-state, or other search for a permanent Chancellor and whether the Committee shall be aided by a Search Consultant.
- 2) If the Board determines to use a Search Consultant, the Search Consultant shall be selected by the Chancellor, the Chief of Staff and Special Counsel to the Board of Regents, and the Chief General Counsel.
- 3) The Board Chair shall appoint an hoc Regents' Chancellor Search Committee composed of four to six members of the Board of Regents, in consultation with the Board's Vice Chair, for the purpose of recruiting and recommending a nominee or nominees to the Board of Regents for appointment to the position.
- 4) The Chair of the Board, in consultation with the Vice Chair, shall appoint the Chair of the Regents' Chancellor Search Committee.

- 5) Before it makes its recommendation or recommendations to the Board, the Committee shall consult with an advisory Committee described in Code Sec. 1.5.4.f.
- 6) The Regents' Chancellor Search Committee will oversee the details of the search.
- 7) The Board Office shall provide staff assistance to the Regent's Chancellor Search Committee.
- 8) The budget for the search shall be established by the Chair of the Board in consultation with the Chief of Staff and Special Counsel to the Board of Regents.

9) The Chair of the Committee shall, in accordance with direction from the Committee, either directly, or in consultation with a Search Consultant, if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee.

10) The Regents' Chancellor Search Committee shall meet at the call of the Chair of the Committee to discuss qualifications of applicants recommended after the initial screening process and to hear the recommendations of the members of the advisory committee.

11) The Regents' Chancellor Search Committee will interview and evaluate candidates, and thereafter will select its nominee or nominees for appointment to the position.

12) If the Board determines not to appoint the nominee(s) recommended by the Regents' Chancellor Search Committee, it may direct the Committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.

II. Nevada Open Meeting Law (OML) sets forth the following requirements relevant to the Chancellor Search process.

If a “public body” participates in any part of the selection process for the position of public officer or for a person who serves at the pleasure of the public officer ... then all discussion of the appointment process must occur in a public meeting. NRS 241.030(5)(e).

The term “public body” means: “(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body ... [if] [t]he subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.” NRS 241.015 (4)(d)(2).

The Chancellor Search Committee is composed of between four and six Board members, and it is charged with making a recommendation to the full Board for action. Therefore, the Chancellor Search Committee is a “public body.”

The initial screening process is not subject to OML because it includes only a single Regent, and not others of the Regents' Chancellor Search Committee.

If two or more regents or other people appointed by the Board participate in the initial screening process for the Chancellor search, then the process must take place in a public meeting. NRS 241.015(4)(d)(2).

For this reason, the Board's current Chancellor search process provides that only one member of the Chancellor Search Committee is charged with the initial screening task.