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February 3, 2022

VIA EMAIL

Board of Regents
Attn: Chair Pro Tempore Carol Del Carlo
4300 S. Maryland Pkwy.
Las Vegas, NV 89110

Dear Chair Pro Tempore Del Carlo:

This firm is legal counsel to Melody Rose, Chancellor of the Nevada System of Higher Education (“Chancellor”). The purpose of this letter is to request that you immediately rescind authorization for Regent Byron Brooks to carry a firearm onto Nevada System of Higher Education (“NSHE”) property.

In or about August 24, 2021, Regent Brooks requested permission to carry a firearm onto NSHE property under Title 4, Chapter 1, Section 33 of the NSHE Handbook. He received conditional approval of his request from then-Chairwoman Cathy McAdoo on September 29, 2021.

After receiving approval, Regent Brooks has only carried his firearm onto NSHE property on one occasion to our knowledge—the December 30, 2021 legal briefing on NSHE matters. This meeting was attended by the Chancellor, the Board of Regents, and Deputy Attorneys Tina Russom and Yvonne Nevarez-Goodson at the Las Vegas NSHE Administration office. Regent Brooks’ conduct while armed during that meeting is extremely concerning. Just before the meeting, the Chancellor learned that Regent Brooks had chosen to carry his firearm into the NSHE building for the first time, which left her very uneasy as he had, on more than one occasion, spoken to her in an antagonistic and verbally intimidating manner. After Regent Brooks refused to be seated next to the Chancellor, the meeting began and quickly escalated. Armed and seated directly across from the Chancellor, Regent Brooks became visibly agitated that the Chancellor was present at the meeting. He argued that she be excluded for a purported conflict although she was not the subject of the meeting. His conduct was unnecessarily aggressive and appeared designed to verbally and/or physically intimidate the Chancellor. Unfortunately, he was successful. The Chancellor left the meeting shaken, scared, and concerned for her personal safety.

This led the Chancellor to submit a written report of the incident to the attorneys investigating her hostile work environment complaint, Ann Morgan, Esq. and Leslie Bryan, Esq., in the hopes that steps would be taken by NSHE to address the grave safety concern. To this day, however, no steps have been taken and the Chancellor remains concerned for her personal safety while at work, knowing Regent Brooks, who has been openly hostile to her, remains free to carry a weapon onto NSHE property.

The Chancellor is entitled to and must be provided with a safe and respectful workplace free from intimidation and threats of violence—so she can perform the important duties for NSHE she was hired to perform. *See e.g.*, Board of Regents Handbook, Title 2, Chapter 6, Section 6.2, Cause 6.2.1 and Title 4, Chapter 3, Section 46. Accordingly, we demand that steps be immediately taken to rescind Regent Brooks' permission to carry a firearm onto NSHE property. If such steps are not taken to ensure a safe work environment for Chancellor Rose by **February 10, 2022**, she will pursue all legal and equitable remedies available to her. We hope that will not be necessary.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Daniel F. Polsenberg
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DFP/jkh

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