

11.21.2021

Complaint Addendum:

Despite having submitted a hostile work environment complaint on October 4th, some of the aggressive and undermining behaviors have continued, albeit from different regents. I will share some examples within.

I have heard through multiple sources that Regent Brooks is actively and publicly disparaging me: calling me a liar in an effort to undermine my credibility and tarnish my reputation in Southern Nevada. Regent Amy Carvalho can confirm (she should also be interviewed her, as she earlier reported to Joe Sunbury her concerns regarding how officers were treating me).

I received a complaint from Regent Carter regarding the conduct of Joe Reynolds. Chief General Counsel Reynolds had requested that Carter stop badgering him and the other lawyers in our Legal Department, and Carter's reaction was to file a complaint against Reynolds, clearly not understanding the power imbalance between regents and System attorneys. Reynolds will document all of this behavior for this investigation, which is evidence of further retaliation.

Board Meeting Agenda Review:

I have responsibility to review and formulate Board agendas. As we were approaching the dates for December Board meeting agenda review with officers McAdoo and Carter, I told Keri Nikolajewski that I would not be attending that meeting, but wanted to review with the new officers (they would be presiding over the Dec. meeting) and she refused. This is not her purview, and I have an obligation to conduct such a review. I do not know whether she is circumventing my authority on her own or at the direction of officers McAdoo and Carter, but in any case, such actions are interfering with my job duties.

11.12.2021: I entered the Board room 10 minutes before the meeting began, and found that I had no name plate or seat at the dais. Neither did V/C Brooks, despite my having made it clear at the last meeting that she should always have a name plate and seat. When Regent Del Carlo asked, "why is there no seat for the chancellor?" Keri N. and her staff stumbled and indicated they didn't know I would be attending. After the meeting, I spoke with Keri N., who repeated that statement. I told her it is my job to attend all Board meetings and have never missed one (which she would know). This treatment was embarrassing and disrespectful to my position. It was also demoralizing to

those who witnessed it. Many in the audience (including media) observed this awkward situation, which left me feeling further undermined.

Additional undermining from Regent Geddes: I only learned third-hand that he would be presiding over the Nov. 12th meeting and had been meeting with the Attorney General and Keri regarding logistics and roles. Although Board policy indicates that the presiding officer works with the chancellor on all Board agendas, I knew nothing of it until it was publicly posted. I also believe that Regent Geddes and the Board office constructed the agenda without our Legal Department's input.

I am aware that Regent Geddes directed Deputy Counsel Nevarez-Goodson to stay in the Reno office during the meeting, which is not within his purview. Her intention was to be present in Las Vegas, where I, the majority of regents, and the AG would be in person (as is customary for legal counsel). Deputy N-G politely replied to him over email that she would go to Vegas, as planned. I believe he was attempting to isolate me and to sideline Deputy N-G.

I am aware that Regent Geddes met with Joe Reynolds after the meeting and told him that Deputy N-G's legal advice to the outgoing Chair (McAdoo) to abstain from voting for her successor "pissed him off." As one of the state's leading experts on ethics, and as a professional duty-bound to protect all regents from public embarrassment and/or ethics violations, I find this reaction stunning. It also demonstrates further the tendency of regents to "venue shop," and to punish attorneys who do not provide them the counsel they need to justify their actions.

Regent Geddes conducted a very odd Board meeting in which he further undermined Deputy N-G by stating he would be looking primarily to the AG on legal and ethical questions, despite the fact that it had previously been established that she would handle *only* OML, leaving handbook interpretations and ethical considerations to N-G. It seemed an affront to our own legal counsel to admonish her publicly this way, and that effort was entirely in violation of the agreement that had been struck with the AG's office.

Geddes created a voting structure unlike any I have ever seen utilized by this Board or under Roberts Rules. He allowed two sets of nominations (Moran for Del Carlo/Carvalho and Perkins for Arrascada/Brooks). He himself voted twice, registering "yays" for both sets of candidates. When Regent Carvalho questioned this unconventional method, he dismissed her concern.

Under New Business, Regent Arrascada seemed to take aim at my upcoming trip with the presidents to ASU, where we have planned to consider online learning and student services innovations that may benefit NSHE institutions. He cited "optics" problems with the visit, which he mistakenly referred to as a presidents' retreat. Not only was this complaint not appropriate under New Business, but I would note that Chancellor Reilly had taken multiple delegations from NSHE to ASU as well as to Mexico without interference by regents. This is purely a management matter, and the point of the statement seemed to be to cast doubt on my judgement and to pique outside interest in the trip.

Arrascada then emailed our internal auditor (not me, which is customary under the PG&M), Joe Sunbury, requesting information on the expenses related to this trip. It is entirely appropriate to request such information, and we are happy to supply it. The form of the request, however, is unusual: asking the *auditor* to explore this, rather than asking me for the details, feels aggressive and has never happened before in my tenure. Follow-up emails suggest that Regent Arrascada sees urgency in his request, indicating he wants the financials prior to the trip, leaving me with the impression that he intends to block it? (see emails)

Presidents and chancellor have the authority to make such a trip without regent interference as a part of developing appropriate academic strategy to achieve the Board's goals. I have written a regent alert, to go out as soon as we have our final agenda, that explains the Board notifications that I have provided regarding to this trip over the past year; this alert will also provide the expense data Regent Arrascada requested.

Meanwhile, since Nov. 12th, Regents Brooks, Geddes, and Perkins have demanded that the new officers (Del Carlo and Carvalho) place the matter of the Board's Special Counsel onto the December agenda. Keri N. indicates that never in her 20+ years at NSHE has this occurred. Brooks has been aggressive, caustic and not collegial in this process, as described by Del Carlo and Joe Reynolds.

My assistant began reaching out to regents for routine pre-quarterly Board meeting visits. Regent Brooks would not make himself available (see email).

I believe that this group (Arrascada, Brooks, Geddes, and Perkins) are lashing out because they lost the bid for officer positions. It feels like continued over-reach and retaliation and does nothing to assist the organization in moving forward collaboratively.

That Joe Reynolds and I have continued to feel abused by regents *after* submission of my complaint, and what I must assume is advice by legal counsel to refrain from such behavior, is simply stunning, points to how ingrained this culture of overreach and badgering is within NSHE, and further evidence of my need for relief.