

Minutes are intended to note (a) the date, time and place of the meeting; (b) those members of the public body who were present and those who were absent; and (c) the substance of all matters proposed, discussed and/or action was taken on. Minutes are not intended to be a verbatim report of a meeting. An audiotape recording of the meeting is available for inspection by any member of the public interested in a verbatim report of the meeting. These minutes are not final until approved by the Board of Regents at the June 2015, meeting.

**BOARD OF REGENTS and its  
ad hoc UNLV PRESIDENT SEARCH COMMITTEE  
NEVADA SYSTEM OF HIGHER EDUCATION**

Richard Tam Alumni Center  
Marietta Tiberti Grand Hall  
University of Nevada, Las Vegas  
4505 S. Maryland Parkway, Las Vegas  
Monday, October 20, 2014

Members Present:       Dr. Mark W. Doubrava, Chair  
                              Mr. Cedric Crear  
                              Dr. Jason Geddes *{via telephone}*  
                              Mr. Kevin Page  
                              Mr. Rick Trachok *{via telephone}*  
                              Mr. Michael B. Wixom

Other Regents Present:  Mr. Ron Knecht  
                                  Mr. James Dean Leavitt

Others Present:         Mr. Daniel J. Klaich, Chancellor  
                              Mr. Scott Wasserman, Chief of Staff and Special Counsel  
  to the Board of Regents  
                              Ms. Brooke Nielsen, Vice Chancellor, Legal Affairs  
                              Dr. Constance Brooks, Vice Chancellor, Gov't and Community Affairs  
                              Mr. Frank Woodbeck, Executive Director, Nevada College Collaborative  
                              Mr. Jerry H. Baker, Baker and Associates, LLC

Faculty senate chair in attendance was Dr. Rhonda Montgomery, UNLV.

*For others present, please see the attendance roster on file in the Board office.*

Chair Mark W. Doubrava called the meeting to order at 9:00 a.m. with all members present. All of the institutional advisory members were present except for Mr. Alex Culley, Mr. Ken Evans, Dr. Liam Frink, Mr. John Hunt, Mr. Ken Ladd, Mr. Perry Rogers, and Mr. Tom Skancke.

1.     Information Only-Public Comment – Mr. Peter Bayer, UNLV Boyd School of Law; Mr. Sean Saxon, UNLV Boyd School of Law Library; and Dr. Paul Werth, former UNLV Chair of the Faculty Senate, requested having separate candidate interviews/forums with the UNLV Executive Committee, faculty groups, faculty senate, and so forth, rather than meeting with one large group.

1. Information Only-Public Comment – (continued)

Mr. Conrad Wilson, UNLV Classified Staff Council, wanted to be sure there is inclusion for classified employees, and their expertise, with the next UNLV president.

Mr. Jose Solorio, Latino Leadership Council, and Mr. Fernando Romero, Hispanics in Politics, believe the next UNLV leader should have the experience and ability to assist a diverse student population and should reach out to the Latino community.

2. Approved-Minutes – The committee recommended approval of the minutes from the June 2, 2014, meeting, with the inclusion of a verbatim statement from the Committee Chair of this day’s minutes. (Ref. UNLV PSC-2 on file in the Board office). {Note: The following is a verbatim transcript of the discussion under this agenda item.}

Chair Doubrava – We are going to go into Item 2 and, I just want to warn everyone I am going to jump around a little bit from different item to item and that is the minutes.

Regent Wixom moved approval of the minutes from the June 2, 2014, meeting.

Chair Doubrava – Before I take a motion I was going to say I have quite a few concerns and issues with the minutes that I wanted to see if, Mr. Wasserman, if you could accept some of these corrections or if I could submit these, or we could at least talk about them for a moment (and Nancy could you possibly help hand out I think page 5 of the minutes.) I don’t know how many people printed out the minutes that was sent with your reference material, or if you could access it if anyone has a computer or laptop.

Chair Doubrava – As I reviewed the written minutes I also had the opportunity to listen to the audio of our June 2<sup>nd</sup> meeting, and I would agree with Mr. Wasserman completely that the written minutes aren’t supposed to be verbatim – exactly every word that was spoken – but it is supposed to get to the substance of all matters proposed, discussed, and/or action was taken on. And, as I went through the minutes, I’d just like to point out as I listened to the audio that at our June 2<sup>nd</sup> meeting there certainly was a sense of understanding, and maybe even comfort, that the Chair of the Search Committee and the search consultant and the Chancellor were certainly going to put their heads together as the screening process took place to identify candidates to bring back to this committee. If I could, just for, and I know you won’t be able to follow along for the first four pages, but then we’ll get to page five that I think has just been delivered to everybody but, and again listening to the audio to support these comments at eight minutes into the meeting, “Mr. Baker is forming a strategy for the search and today will be fine-tuned. Over the next few months he will be talking to university presidents, provosts, deans and business men and women. He plans to be in constant contact with the Chancellor and the committee.” The omission – “He plans to be in constant contact with the Chancellor and the **Search Committee Chair.**”

Mr. Hunt entered the meeting.

2. Approved-Minutes – (continued)

Chair Doubrava – I then go on farther at 12 minutes, 30 seconds into the meeting, “Mr. Baker pointed out the procedural question impacting the search will be the ultimate need to identify publically those candidates who are interested. He plans to work over the summer and will keep the Chancellor informed about candidates who have expressed interest.” The omission – “He plans to work over the summer and will keep **the Chair and** the Chancellor informed about the candidates who have expressed interest.”

Chair Doubrava – At 16 minutes in Dr. Alamo raised a question, he “wants to know if Mr. Baker narrowed the candidates down to a smaller number if it were appropriate for the Search Chair or the Chancellor to interview the candidates. Dr. Alamo thought having one or the other reach out to the candidates would give them the warm-fuzzies” as he would – “as we would try to recruit them to come forward and go public with their names. Dr. Alamo thought that would be a good strategy. Mr. Wasserman clarified that it is the Chancellor who has the authority. The Chancellor then alleviated Dr. Alamo’s concerns by saying, ‘I wouldn’t do anything without consulting with the Chair of the committee’.”

Mr. Wasserman – That’s not my full statement. Well, Mr. Chair, if you don’t mind, if we’re going to put this into context that was not my full statement at that time – what I said was, “The Chancellor is charged with narrowing the initial pool of applicants, the semi-finalists or finalists, in consultation with the search consultant and committee Chair.” And, I’m not knit-picking to point that out but, I think it’s appropriate to make the point here that everything that you’re reading has to be read in context. At that point in the meeting it was made very clear that the responsibility, is the Chancellor’s responsibility but he is charged to do that in consultation with both the Chair and the search consultant and I think I’m going to come back to that later when you get to the motion, which is why I wanted to point that out now.

Chair Doubrava – Thank you, Mr. Wasserman.

Chair Doubrava – At 41 minutes into the June 2<sup>nd</sup> meeting, “Mr. Lee understood the reasoning for bringing a small group of candidates. One of the strengths we can offer is our support and emotional commitment for this person to succeed.” What was omitted is he “**expressed tremendous confidence with the Chancellor and the Chairman to vet the candidates and bring the strongest candidates back to us.**” That was an omission.

Chair Doubrava – Now we are going to page 5 and I think we have that in front of you. As we go down you’ll see the paragraph that begins with “Regent Wixom felt the advantage” and go to the next sentence – “Mr. Wasserman clarified the motion would be to bring three to four candidates back to the committee and invited to the campus forums.” The omission here is, “Mr. Wasserman clarified the motion would be **for the consultant** to bring three to four candidates back to the committee and invited to the campus forums.”

Mr. Wasserman – Do you want me to respond to that or do you want me to wait.

Chair Doubrava – Give me a second then we’ll come back to it.

2. Approved-Minutes – (continued)

Chair Doubrava – Later on Regent Trachok, before he, he made a motion, he also expressed confidence with the Chair, Mr. Baker and the Chancellor. Also, which is not seen in the record, Regent Trachok says, and this is not verbatim but he says it not once, but twice, “I do not want to tie the hands of the Chairman, Chancellor, or search consultant if because of the pool” and then “flexibility might be necessary for a two-candidate to five-candidate range.” So, I just wanted everyone to be aware of that, that there was quite some discussion and, at times I thought the identities of either the search consultant or the Chancellor or the Chair was sometimes mixed, and I think it’s important to have clarity on that and, Mr. Wasserman, go ahead if you want to respond.

Mr. Wasserman – Sure, thank you, thank you Mr. Chair, and then I actually have a suggestion of how to deal with the specifics of the minutes itself that you asked at the beginning of this but, again, I would point out, and you’ll all note in the copy that was provided to you a few weeks ago, it starts with the “Minutes are intended to note the date, time and place of the meeting; those members of the public body who were present and those who were absent; and the substance of all matters proposed, discussed and/or action taken. Minutes are not intended to be a verbatim report of a meeting. An audiotape recording of the meeting is available for inspection by any member of the public interested in a verbatim report of the meeting” as the Chair himself had gone back and listened to the audio and, of course, so did I. The first thing I would just have to say Mr. Chair is I have an issue with the word “omitted” - we omitted 20 pages, at least, because if we did a verbatim record of this meeting, these minutes would be – they wouldn’t be minutes – they’d be a verbatim transcript and they’d be 30 pages long. So, obviously, when you’re summarizing what’s stated, you go to what the Open Meeting Law requires, which is to include the substance of what was discussed. As I said a little bit earlier this has to be read in context, which is why I pointed out the statement that led, that was part of this discussion, that were leading up to this motion where I read the policy of the Board into the record, which includes “the Chancellor has the responsibility to do the initial screening in consultation with the Chair and the Chairman of the Committee, as well as the consultant” so I am entirely in agreement with Chair Doubrava that each time that it’s stated either the search consultant or the Chancellor – whoever is being referred to – refers to that group of all three. Importantly, in fact, when I went back and listened to my own words, and anybody who goes back and listens to an audio tape, I guarantee you minutes will not reflect verbatim, therefore accurately, everything you said. My - when I was asked to re-read the motion at the end of that discussion what I actually said was “the motion is to bring not more than five candidates and ideally three to four candidates to the committee for consideration, but allow an additional candidate within the committee Chair’s discretion” and, I did that subconsciously because the point isn’t whether it’s the search consultant, the Chancellor, or the Chair or the group, the discussion at that point, the focus at that point, was how many candidates was coming back to this committee. In another statement that’s not included here, it’s not in the motion, but it was understood in the motion, is that this committee had chosen to bring back candidates for interviews by the committee – in essence what we would formally have called finalists – because usually you have semi-finalists and you do a paper cut.

Mr. Culley and Dr. Frink entered the meeting.

2. Approved-Minutes – (continued)

Mr. Wasserman – There is a statement here where Regent Wixom indicated that he did not desire to do a paper cut, and that was understood by the committee – that also isn't stated in the motion, and in fact wasn't stated – so even if we had verbatim minutes, or a verbatim transcript, you wouldn't see that there, but that was understood by the committee.

Mr. Wasserman – With all that said Mr. Chair, I think it's appropriate – it's up to the committee, but I think it's appropriate to approve the minutes and we will include your statements, verbatim in fact, for the record, of your comments on the minutes so that's clarified in the minutes from today, sir.

Regent Wixom amended his motion to so reflect.  
Regent Crear seconded.

Chair Doubrava – I have a motion and a second. For discussion I accept that, and there were some other minor ones if you would accept that, Mr. Wasserman, as far as making sure the minutes reflect the meeting, that we're all satisfied. So I have a motion, and a second. Discussion, Regent Crear?

Regent Crear – No, I just seconded, thank you sir.

Chair Doubrava – All in favor please say, "aye."

Committee – "aye."

Chair Doubrava – All opposed? Motion carries.

Motion carried.

Chair Doubrava – If everyone could keep page 5 available because we are going to refer to that motion that Regent Trachok made at the very end.

3. Information Only-Chair's Report – Chair Doubrava will provide general remarks and update the committee members regarding the president search process.

Chair Doubrava preferred to proceed directly to Agenda Item #4.

4. Information Only-Search Process Report – Chancellor Daniel J. Klaich and search consultant, Mr. Jerry Baker, Baker and Associates, LLC, provided a report on the UNLV presidential search process utilized to recruit and screen potential candidates to serve as the next president of UNLV.

Chancellor Klaich was excited to talk about the search process conducted. He hoped the discussion will be helpful to know what was going on and for everyone to have a sense of confidence in the search.

4. Information Only-Search Process Report – (continued)

Chancellor Klaich felt in the context of process, it is important to know how this began and asked Mr. Wasserman to talk about the difference between an interim and acting president, the decisions made and the implications it had for this search because it is very important to understand what was done.

Mr. Wasserman stated the search process started when the president of UNLV gave notice of resignation and the Board was apprised of the impending vacancy in the office of the president. Board policy provides for an officer in charge to act as president at that point, which is the provost of UNLV, who was Provost John V. White. Mr. Wasserman continued at the January 24, 2014, meeting, the Board approved a motion to appoint Mr. Donald Snyder as the acting president and, consistent with Board policy, to immediately launch a national search. Mr. Snyder will serve as UNLV president until December 31, 2014, or a permanent president is appointed. The Boards' action at the January 24<sup>th</sup> meeting was consistent with the NSHE Code which states that when the Board considers an appointment of an acting president the Board must then decide whether to, instead of appointing an interim president which would have been for a period of one to three years and not do a search, or whether a national search shall be conducted immediately. Mr. Wasserman noted part of Regent Trachok's motion at that meeting was to conduct a national search immediately.

Mr. Wasserman explained about the six steps of the president search at the March 28, 2014, meeting. He reiterated those steps: 1) the Search Committee was appointed by Board Chairman Page; 2) determination of using a search consultant; 3) on May 2, 2014, the committee chose the company of Baker and Associates, LLC, with Mr. Jerry Baker as the consultant; 4) at the June 2, 2014, meeting, the committee developed a Presidential Leadership Statement and met with Mr. Baker to discuss the search process; 5) the committee and institutional advisory members will interview and evaluate the candidates to determine who to bring forth and interview as finalists; and 6) the Regents will have the constitutional duty to select a nominee, or nominees, taking into consideration the advice of the institutional advisory members, to recommend to the Board of Regents. Mr. Wasserman noted since the June 2<sup>nd</sup> meeting the search has progressed according to Board policy, which provides, according to the *Handbook, Title 2, Chapter 1, Section 1.5.4(g)* – "... The chancellor shall, in accordance with directions from the Committee and in consultation with the Committee chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee."

Mr. Wasserman said the Chancellor and Mr. Baker will describe the recruiting and screening process. He reminded the committee, under the Open Meeting Law (*OML*), and in agreement with initial candidates to provide confidentiality, there can only be discussion of the candidates the Chancellor will identify and who have signed waivers of not only any rights under the *OML*, but also rights to confidentiality. He stated the pool of candidates can be discussed in general, but there should not be discussion about a specific individual who was not brought forward – it is not sufficient to not say their

4. Information Only-Search Process Report – (continued)

name when it is apparent who is being discussed. Mr. Wasserman noted the person has a right, under the OML, to have signed a waiver of notice as well as confidentiality.

Mr. Wasserman reminded the committee the meeting is an audio recorded public hearing, with minutes taken. He suggested comments should be discussed in a positive manner because the candidates have great careers and have stepped up and answered the invitation to apply for the position of UNLV president.

Chancellor Klaich stated on June 2, 2014, he and Mr. Baker were assigned the task of bringing candidates to the committee. The input the committee and institutional advisory members gave to Mr. Baker for the President Leadership Statement was a very important guide to assemble the candidate pool.

Mr. Baker spoke with many leaders in higher education in the U.S. who are intrigued and curious about what was going to happen at UNLV. He felt the goals set for UNLV are aggressive, but attainable in time. Mr. Baker worked vigorously to convince potential candidates how serious UNLV is, but it was a hard sell because of cash resources.

Mr. Baker said the position was advertised in *Hispanic Outlook*, *Diverse: Issues in Higher Education*, the *Chronicle of Higher Education*, *Asian Week* and *Women in Higher Education* with a budget of \$7,000 to \$10,000 of which \$5,782 was used resulting in three responses, which was what he expected. He also heard from a number of individuals from UNLV with thoughts and ideas about the search.

Mr. Baker began a strategy of who to contact as sources of information and who to contact with significant senior management experience at universities already having high research, health sciences/medical schools and athletic programs. He did not focus on small colleges. He reviewed 400 biographies and especially looked at the successful with tangible results as leaders. Mr. Baker was in direct contact with 208 individuals: 74 presidents, 34 provosts, 37 deans of medicine or vice presidents of health science, 4 vice presidents of research, 5 leaders of associations in Washington, D.C., 23 deans of other disciplines, 21 others (CFO's and vice presidents in various capacities), and 10 senior, non-academics mainly from the corporate sector.

Mr. Baker was committed and sensitive to diversity, not only in gender and race, but especially in an academic perspective of discipline and geographic assessment. The group in the end focused on 41 women, 8 African-Americans, 6 Latino/Hispanic, 5 Asian, and 20 other non-Caucasian from various countries around the world to arrive at a group of 16. The group consisted of 4 presidents or chancellors, 4 provosts, 4 deans of medicine or vice presidents of health sciences, and 4 deans of other disciplines; 3 were women, 2 Hispanic, 1 African-American, and 3 non-Caucasian. Mr. Baker stated 15 of the 16 had significant senior experience at public universities; 12 had significant experience at universities with medical schools; and 10 were at, or have been at, Amateur Athletic Union (AAU) institutions. The academic disciplines represented in the final

4. Information Only-Search Process Report – (continued)

group are engineering, medicine, law, economics, business and social work. The 16 currently reside in 13 different states and range in age from 48 to 68 years; at least 6 are fluent in another language in addition to English; and compensations range from \$425,000 to \$1.2 million on an annual basis.

Mr. Baker met with Chancellor Klaich and Chair Doubrava to share the information on the group of 16. Regent Crear asked about summarizing and distributing the statistical information Mr. Baker just identified. Chair Doubrava hoped Mr. Baker would talk about the process and due diligence.

Chancellor Klaich continued from the end of July until mid-September the core pool was discussed and brought down by approximately half in a series of meetings. He and Mr. Baker met personally with those candidates in an effort to fulfill the charge of bringing the top three candidates. He noted the OML caused a female candidate to drop out, and very late in the process another candidate declined to sign the waiver – which was the reason for cancelling the meeting of October 10, 2014. Mr. Baker added the OML was an extraordinarily difficult process to work around. The result is positive, but going forward the recommendation is for the chancellor and president searches to be exempt from the OML.

Chair Doubrava attended the August 1<sup>st</sup> and September 8<sup>th</sup> meetings as discussions continued to identify the pool. He always intended to support the process of bringing four candidates for the committee's consideration. However, one candidate dropped out in mid-September bringing the candidates to three and on October 9<sup>th</sup> another candidate dropped out, leaving two candidates. The October 10<sup>th</sup> meeting was cancelled but on that day there was a meeting among him, Chancellor Klaich, Mr. Baker and Mr. Wasserman. Discussions took place about interpretation of rules, consultation, authority, and so forth. He thought it important to speak to the candidate(s) who might be brought into the pool at that time. Chair Doubrava was comfortable bringing the two candidates Mr. Baker and Chancellor Klaich identified during the consultation. He was prepared to support the Chancellor and search consultant and say, "We tried, there are two candidates and we think they deserve consideration and maybe we find the next president of UNLV with that."

Chair Doubrava stated he was previously reminded of the screening process by Ms. Brook Nielsen, Vice Chancellor for Legal Affairs, and Mr. Wasserman, where there are confidential conversations that remain confidential but what happened was he was put in an extremely awkward position because of being privy to those discussions and to see how things play out. Chair Doubrava assured Chairman of the Board, Kevin J. Page, that he takes the position and duty very seriously and is aware of its importance.

Regent Wixom asked, for clarification, if it could be affirmatively stated that the processes were followed and complied with in every respect through the search.



4. Information Only-Search Process Report – (continued)

Mr. Wasserman agreed the process was absolutely followed even when it presented uncomfortable responses to participants in the process – it absolutely followed the Board policy and the statutes that govern this type of search and public meeting. Regent Wixom wanted to be sure there would be nothing that could be called into question by way of the process. Mr. Wasserman stated, in his opinion, that was absolutely correct. Regent Wixom asked Vice Chancellor Nielsen if she agreed. Vice Chancellor Nielsen agreed completely and added she was consulted throughout the process and, not only is it in compliance with the Board process, but was also fully in compliance with OML requirements. Regent Wixom felt it was important to have comfort going forward to be on a solid platform. He was comfortable with the process, where the process is, and with moving forward.

Regent Leavitt referred to the *Handbook, Title 2 (Nevada System of Higher Education Code), Chapter 1, Section 1.5.4(g)* – Vacancy of the Office of President, where it stated “The Chancellor’s Office and the Board Office shall provide staff assistance to the Committee. The chancellor shall, in accordance with directions from the Committee and in consultation with the Committee chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee.” He felt, regardless of anyone’s personal feelings in this process, there was nothing giving trumping authority to any member of the committee. The Code says, “The chancellor shall” so regardless of anyone’s discomfort, it is the chancellor’s responsibility to decide who the finalists are. The chancellor gets to consult – he does consult – he did consult. He thought the Code could be amended by the Board of Regents if the Chancellor has too much power – or not enough power. The Code was followed and he supports whoever the Chancellor recommends for finalists. The Chancellor is not just considering rankings – but rather everything else like the needs of the university, community, state, political considerations, experience and many other factors.

Chair Doubrava is concerned with the statement “in accordance with directions from the committee” and referred to the June 2<sup>nd</sup> minutes, page 5, where it clearly states the direction of the committee is for Mr. Baker to bring back candidates, not more than five. Mr. Wasserman pointed out what was said is “the Chancellor, the committee Chair and the search consultant,” and when he [Mr. Wasserman] restated the motion at the end, he did not reference who was bringing the candidates forward because the direction at that time from the committee was the number of candidates coming forward.

Mr. Wasserman clarified the committee has to comply with Board policy because it does not have the power or authority to override Board policy – even had it attempted to. He said the Chair asked what the provision meant so he will read his response because it is thorough and will then be happy to answer any questions. Mr. Wasserman reiterated a portion of the Board policy, “...The chancellor shall, in accordance with directions from the Committee and in consultation with the Committee chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to

4. Information Only-Search Process Report – (continued)

determine candidates for consideration by the Committee,” so the Board’s policy as a regulation of the Board has the effect of law. Mr. Wasserman continued a common rule of statutory construction requires that when interpreting a law words must be given their common meaning. Also, the same word must be interpreted similarly throughout the provisions. “Consultation” is a meeting where someone talks to a person about a problem, question, and so forth. A “consultation” is seeking and giving advice, information and/or opinion. The Board policy provides the chancellor, in consultation with the Committee chair, is responsible for the initial screening process to determine candidates for consideration – this portion focuses on consultation with the chair – this means the Chancellor should meet with the chair and seek his advice, information and opinion.

Mr. Wasserman stated he has been very consistent and intentionally very clear throughout this process from the very first meeting that it is the Chancellor’s responsibility to make this decision and the role of the Chair and search consultant is to advise the Chancellor. He noted the Board policy also provides that if a search firm is hired the Chancellor shall make this decision by “consultation” with the search firm. If consultation was interpreted to mean with prior approval, the search firm’s approval would also be required before the Chancellor could make a decision. That is not only contrary to the plain meaning of “consultation,” it would lead to an absurd result of the decision making process being delegated to the search firm. Laws are interpreted to avoid absurd results.

Mr. Wasserman continued another important rule of statutory construction is if a different rule could have been adopted, but was not, a court will not impose the different rule. Here, the Board could have provided that the Chancellor shall determine the candidate, after receiving the approval of the committee Chair, but the Board did not – it chose to provide for consultation only, and delegate the authority to determine a candidate to the Chancellor.

Mr. Wasserman said such delegations are very common in statutes and regulations, and it is common in the Board of Regents’ policies. Some decision making processes are not legally delegable to others, so a rule making body such as the Board of Regents or a Legislature, cannot change the decision maker. It can require the decision maker to consult with others. Thus, there are many examples of this type of regulation. For such laws to be constitutional, when a delegation of an authority is legally prohibited, the person held legally responsible for making a decision cannot abdicate the decision making process. It necessarily follows that to have legal effect, when a regulation indicates that the decision maker must first consult with another, the consultation can only be advice, and legally would be prohibited from being an approval. While it may be uncommon for there to be a disagreement between these parties, there legally must be the potential for such disagreement.

4. Information Only-Search Process Report – (continued)

Mr. Wasserman stated no individual Regent has the authority to override the decision delegated to the Chancellor. However, there is a practical way for the committee to disagree with the Chancellor should it so choose. We are in uncharted water because the UNLV President Search Committee chose to bypass bringing semi-finalists forward and then reviewing semi-finalists to choose finalists. In that instance, the committee could have eliminated a semi-finalist that it disagreed with the Chancellor for bringing forward. In the case at hand the committee chose to direct the Chancellor and search consultant to bring not more than five candidates, and ideally three to four candidates, to the committee for consideration, also allowing an additional candidate within the committee chair's discretion. If the committee disagrees with a candidate the Chancellor brings forward, the committee can eliminate that candidate from consideration as the finalist(s) to be recommended to the full Board when making its decision on which finalist(s) should be recommended to the Board for approval as the next president of UNLV.

Mr. Tom Jingoli wondered if one of the candidates eliminated was an internal candidate. Vice Chancellor Nielsen believed the answer would be covered in Agenda Item #5 when the candidates are announced. Chair Doubrava explained at this stage an individual should not be specifically identified.

Regent Crear asked if the Chancellor made a recommendation, the Chair could not disqualify that recommendation. The recommendation would come to the committee and then the committee could disqualify that recommendation. Mr. Wasserman said under Board policy, it is correct the chair does not have the authority to disqualify a candidate. The chair could give his opinion or advice in the matter, but the Chancellor is delegated that authority by the Board of Regents. This committee chose to go forward by having the Chancellor identify finalists. The number of finalists the Chancellor brings forward will have campus visits and forums and then on November 17<sup>th</sup> and 18<sup>th</sup> will be interviewed by the committee, in accordance with the process this committee chose to follow. The way the committee would eliminate a candidate is to not choose him/her to go forward to the Board as their recommended candidate. Regent Crear said whomever the Chancellor has finalized would come forward to the committee for consideration. Mr. Wasserman agreed and added the only way for a finalist to be eliminated is a vote by a quorum of the committee.

Ms. Pam Hicks asked if the finalists being brought forward were all part of the original 16 candidates chosen. Mr. Baker affirmed they were all part of the original 16 candidates.

Mr. Robert Boughner asked how many candidates the Chancellor met. Chancellor Klaich said he met with approximately 8 candidates. Decreasing the candidates from 16 to 8 was done in consultation with Mr. Baker at two meetings, and then subsequently Chair Doubrava and Mr. Wasserman were advised of the conversations that took place. Mr. Boughner wondered if consultation took place at each step when 8 became 4 which became 2. Chancellor Klaich believed consultation took place at each of those times.

4. Information Only-Search Process Report – (continued)

Mr. Boughner understood the process failed to deliver the requested number of candidates. Chancellor Klaich did not believe that was correct. Chair Doubrava added Regent Trachok gave a range which could include 2 to 5 with an additional candidate at the discretion of the Chair. Chancellor Klaich said the pool changed and Chair Doubrava's memo of October 10<sup>th</sup> noted the pool was very fluid. Chancellor Klaich kept the direction of the committee in mind and intended to comply, and will comply, but the individuals in the pool moved in and out. Mr. Boughner asked when the requirement of candidates went from 3 to 2. Regent Wixom called a point of order stating the requirement was never reduced from 3 to 2, which was never part of the direction. Mr. Boughner said the 2 number was from the very beginning. Regent Wixom called a point of order saying the range was 2 to 5 and we are still well within the range and the process. Mr. Boughner said that was from the very beginning, to which Regent Wixom agreed.

Dr. Tony Alamo's interpretation of the process was to hire Mr. Baker to look at hundreds of candidates and reel them down based on very significant requirements as best fit for UNLV. He thought the process would be with Mr. Baker, Chancellor Klaich and Chair Doubrava coming together to present the final candidates. He realizes Mr. Baker put together a list and the Chancellor could add to it. Chancellor Klaich stated he never added a name to the list. Dr. Alamo thought no one could unilaterally put someone in front of the committee that not everyone collegially agreed with.

Mr. Hunt said it was clear there was some kind of elephant in the room. He was sure Chancellor Klaich, in consultation with the chair and the committee and with the representatives Mr. Baker brought, got to 4 then 2 dropped out. He assumed someone could be added and did not understand why it would not be welcome. He felt there was an honest integrity and the system has been followed. He wanted to move on.

Mr. Nate Bynum wondered if the two candidates dropped out because of the process itself. He was glad to have 3 candidates rather than 2. Chancellor Klaich said both reasons were personal. One was employment related and the other was the individual's name being made public as a candidate.

Dr. Carolyn Yucha agreed with Mr. Hunt that unless the elephant in the room is exposed she would like to move on.

Mr. Michael Yackira assumed the process had people dropping out and would hope to get a certain number, then the number turns out to be bigger at one point but smaller at another. The question is, do you stop the process, go back out again to fulfill a mandate of something more than 2 and what are the ramifications of stopping the process. How do you keep those people from going out and finding something else or deciding against you? He thought the process was handled very well and appropriately. It is difficult to wish there was a larger number but there has not been any information about the candidates so let us move on and hear about the qualities of the potential candidates.

4. Information Only-Search Process Report – (continued)

Mr. Hunt pointed out in order to maintain the integrity of the search which has been maintained, that add on's should not be not be identified as added on – everyone should have an equal shot. The process is fluid and in the event the committee is not impressed with the candidates nothing says it cannot be reloaded. At this point, the recommendations of the Chancellor, in consultation with the Chair and committee, are that these are good candidates who could lead the university.

Regent Wixom respectively requested moving on. The process was followed and because that point has been established he is anxious to hear the names of the candidates.

Regent Leavitt reminded the committee there are options – either a split vote to take to the full Board or no vote for any candidate and the search will start over.

Chair Doubrava, as being privy to consultation discussions, saw the direction the committee gave to Mr. Baker. In his opinion Mr. Baker identified 2 candidates and the Chancellor wants to bring an additional candidate, and the additional candidate falls within the discretion of the Chair.

Regent Wixom called a point of order saying this is not the policy. Chair Doubrava did not see it that way. Regent Wixom reiterated this is not the policy the Board has written. Chair Doubrava is happy to go forward but wanted to state his objection. Regent Wixom asked Mr. Wasserman what the state of the Board policy is.

Mr. Wasserman reiterated the policy: "... The chancellor shall, in accordance with directions from the Committee and in consultation with the Committee chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee." Mr. Wasserman said the first point is it is the Chancellor's responsibility to identify the candidates which he is required to do in consultation with the committee Chair and the consultant – of which he has already given an opinion regarding what consultation means.

Mr. Wasserman reminded the committee what the direction of the committee is because there is a disagreement on it. He listened to the audio and all that is relevant is the final motion approved by this committee. What he said when asked to restate the motion was: "The motion is to bring not more than 5 candidates and ideally 3 to 4 candidates to the committee for consideration, but to allow an additional candidate within the committee Chair's discretion." Regent Trachok made the motion and Regent Page seconded and the motion carried. He did not identify which person was specifically bringing that forward because everyone understood, from the entire context of the meeting, what the Board policy was, the responsibility of each person, and yes, there was a group as Dr. Alamo pointed out, and Mr. Wasserman responded to him at that moment saying:

4. Information Only-Search Process Report – (continued)

“Mr. Wasserman stated the Chancellor is charged with narrowing the initial pool of applicants to the semi-finalists or finalists in consultation with the search consultant and committee Chair.” He felt the roles were very clear, including those under Board policy, as well.

Chair Doubrava saw it differently. He sees the Chancellor as responsible for the initial screening process to determine candidates – it did not clearly say he would identify the candidates. Chair Doubrava said that was his issue. He is beyond the consultation argument. The motion was written for Mr. Jerry Baker to bring not more than 5 candidates. He appreciated the comments about context.

Chair Doubrava said before moving to Agenda Item #5, as search committee Chair, being aware of what happened, drop outs, the pool of candidates, he is giving direction for Mr. Baker to identify the 2 candidates he is bringing forward to the committee and then the committee can discuss Chancellor Klaich bringing an additional candidate. Regent Wixom requested a point of order stating it would be a violation of Board policy. Vice Chancellor Nielsen stated in her role as Vice Chancellor for Legal Affairs, she is charged with interpretation of the Code of the Board of Regents. The provision we have been referring to today is *Section 1.5.4(g)* of the Code, as Mr. Wasserman indicated earlier, having the force and effect of law as the Nevada Supreme Court has ruled. In other words it is the equivalent of a statute or regulation that has been duly passed in accordance with the laws of the State of Nevada. Vice Chancellor Nielsen is charged with interpreting the Code and wanted the record to reflect how it should be interpreted, and has been interpreted by Mr. Wasserman. The Chancellor has been delegated the authority by the Board of Regents, pursuant to this provision, to bring forward the narrowed list of candidates, the finalists, the slate of nominees – in consultation with Mr. Baker and the Chair of the committee, but ultimately under that Code provision it is the Chancellor’s responsibility to bring that slate of candidates and present them to the committee today.

Regent Wixom moved the candidates be brought forward without such a recommendation by Mr. Baker and that there be no indication by Mr. Baker which 2 candidates he brought forward. Mr. Wasserman pointed out this is not an action item, it is an information item. He agreed with Vice Chancellor Nielsen’s statement. He indicated the Chancellor is charged with the initial screening process to determine candidates. He thought it was clear it is the Chancellor’s responsibility to identify, bring forward, and to determine the candidates.

Regent Crear did not understand why the candidates could not be brought forward without any indication of 2, 1 or who the Chancellor recommended – just bring the candidates forward and let the committee decide if they want to move forward or what direction they want to take. He did not think it was necessary to identify who was from Mr. Baker or who was from the Chancellor.

4. Information Only-Search Process Report – (continued)

Regent Wixom called a point of order to say if this was done it would call into question the entire integrity of the search process. We cannot do this.

Mr. Hunt agreed 100 percent – you cannot impugn the integrity of the recommendations by indicating 2 and then 1. More importantly, he felt it was so clear by the language where it says “the chancellor shall” – it does not say “the chancellor shall abide by it.” It is the same thing with intent – if that was the intent then, by direction of the committee, the word he would have to abide by would be placed in the policy – it has to be given its plain meaning. In this particular case this provision says “the chancellor shall” and he has all final say and Mr. Wasserman has made that clear. It would impugn the integrity of the search and there could be legal ramifications and collateral attacks to the System if it was presented that way.

Dr. Frink understood this candidate was part of the original 16 candidates and is comfortable with this person coming forward with the 3. He does not feel it necessary to point that person out.

The meeting recessed at 10:36 a.m. and reconvened at 10:48 a.m.

5. Information Only-Candidates for the Position of President of UNLV – Chancellor Klaich and Mr. Baker identified the candidates for the position of president of UNLV, presented the curriculum vitae (*on file in the Board office*), and discussed relevant background and reference information on the candidates for consideration by the committee.

Chancellor Klaich requested the candidates’ curriculum vitae’s and related materials be given to the committee and advisory members. Chancellor Klaich announced the three candidates in alphabetical order:

- Dr. Ricardo Azziz, MD, President, Georgia Regents University, Chief Executive Officer, Georgia Regents Health System;
- Dr. Len M. Jessup, Dean of Eller College of Management, University of Arizona, Professor of Entrepreneurship and Innovation, and Halle Chair in Leadership;
- Mr. John Valery White, J.D., Executive Vice President and Provost, University of Nevada, Las Vegas.

Regent Crear wondered if Mr. Baker previously worked with, or tried to place, any of the candidates. Mr. Baker replied there was no familiarization with any of the candidates before the UNLV search.

Mr. Baker reported the background checks and reference checks. An investigative agency in Washington, D.C. was retained for the background checks which is verification of: earned degrees, city, county, state, federal and nationwide criminal investigation, motor vehicle investigations, social security verification, workman’s compensation, full credit history, and national sex offender registry. A 15 page report was submitted on each candidate and none had even a speeding ticket. The background checks went back

5. Information Only-Candidates for the Position of President of UNLV – (continued)

to age 18 and all the candidates are completely clean. Regent Crear suggested the background checks be submitted to the Chancellor before making a decision on one individual. Chancellor Klaich would be glad to review the background checks and added it may be more appropriate to have either Mr. Wasserman or Vice Chancellor Nielsen review the information, as well.

Mr. Baker said the reference checks were conducted in a sequential manner as the candidacies became more serious and more interesting. He indicated, with the candidates' names now public, more references will be contacted for more insight into their work. The references on these individuals have so far not raised any issues, concerns or given pause.

Mr. Hunt wondered if there was a mechanism where either members of the committee or public can provide information to the committee, the Chancellor or Mr. Baker. Mr. Wasserman said the meetings always take place publically and there is an opportunity for public comment. He would encourage members of the community to come forward to speak on the search process and candidates. He stated there will be campus forums which different stakeholders in the UNLV community have been invited to attend. He added anyone can attend the forums. He also suggested emailing information to the Chancellor.

6. Approved-Campus Forums and Candidate Interviews – The Committee moved approval for Chancellor Klaich and search consultant Mr. Baker, to revise the forum and meeting schedules to include groups identified over one and one-half days to two full days, with those logistics to be determined.

Mr. Wasserman read the outline of the schedule for the candidate forums as it was distributed to the committee and advisory members (*on file in the Board office*). A number of the advisory members felt the schedule needed to be expanded to engage specific groups more thoroughly and not in public forums. Recommendations for specific groups were the UNLV Executive Committee, faculty, faculty senate, foundation, alumni, Tier One, various Chambers together, and the Clark County School District. Regents Trachok, Crear, Page and Geddes concurred with increasing the candidates' schedules to accommodate specific groups and engaging in various formats and forums.

Mr. Wasserman stated the committee could give direction, for example, to expand the schedule. He thought if there is an expansion to the schedule it should occur prior to the November 17-18, 2014, meeting, due to other Board business occurring at that time period.

Regent Crear asked about the new president starting January 1, 2015 with the new legislative session beginning. Mr. Wasserman explained the decision will be made by the Board in the terms of the contract including the start date.



6. Approved-Campus Forums and Candidate Interviews – (continued)

Mr. Wasserman, at the suggestion of Chair Doubrava, recommended a motion to expand the candidates' schedule by one and one-half days to two full days, depending on how the schedule can logistically be worked out by the Chancellor, search consultant, candidates and UNLV community.

Chancellor Klaich stated the message has been heard and he will work with Mr. Baker and the candidates to give them as much exposure to the communities as possible. His intention is to get the very best president for UNLV regardless of how long it takes.

Mr. Hunt felt all the groups should have access, but what is really important is to let the courting process begin. He did not think the candidates should be interrogated, but to have them understand how great the Las Vegas community is and encourage them to be a part of it. He hoped everyone will go back to their respective groups with the understanding of the process.

Regent Trachok moved approval for Chancellor Klaich and search consultant Mr. Baker, to revise the forum and meeting schedules to include groups identified over one and one-half days to two full days, with those logistics to be determined. Regent Page seconded. Motion carried.

The meeting recessed at 12:05 p.m. and reconvened at 12:28 p.m.

7. Information Only-Discussion of Interview Questions – The committee discussed the questions and/or topics to be covered during the interview process.

Mr. Wasserman suggested committee members address topics for the interview questions and Mr. Baker will draft and present them for consideration at the November 17<sup>th</sup> meeting. The questions to ask will be determined at that meeting.

Chair Doubrava asked for suggestions for the candidate questions. The committee and advisory members made the following suggestions:

Economic development; technology transfer; student satisfaction/enhance student experience; Tier One initiative and incorporation of faculty into that initiative; new fees-alleviate costs paid by students; shared governance; infrastructure to support development of a Tier One institution; demonstration of how diversity has been promoted at all levels of the campus; define leadership; convince graduates to stay in Nevada; recruit post-doctoral scholars; faculty development; student success/improve graduation rates; approach towards research and research funding; legislative experience and experience with governing boards; fundraising experience; experience in development of capital facilities, especially a sports facility; funding formula/funding formula for UNLV; capital campaigns; how UNLV connects with the community and vice-versa; medical school

7. Information Only-Discussion of Interview Questions – (continued)

initiative; student parking; consciousness of classified staff; familiarization of the presidential prospectus-and how to use it as a guide; intrastate collaboration with other campuses; understanding of Division I athletics; lead the community on environmental issues; why do you want to be president of UNLV; what level of the UNLV presidency do you feel less prepared to handle; why are you the right candidate and what experiences do you have for this position; why leave your current position; what is your ideal vice president or cabinet; leadership style; what experiences do you have toward promoting diversity; how would you recruit and retain and graduate the best students in a timely fashion; and specifically address diversity needs at UNLV.

8. New Business – Regent Crear wondered about a timeline. Mr. Wasserman stated the information and timelines would be a priority.

9. Information Only-Public Comment – Professor Rachel Anderson, UNLV Vice President’s Council on Diversity and Inclusion, expressed hope that issues of diversity, inclusion and campus climate will continue to be addressed throughout the final stages of the search, including determination to meet with the forums.

Mr. Solorio felt the candidates were well-qualified. He was confident UNLV will be a Tier One university. Mr. Solorio is interested to see the best students recruited, retained and graduated in a timely fashion and how diversity needs would be met at UNLV.

The meeting adjourned at 12:46 p.m.

Prepared by: Nancy Stone  
Special Assistant and Coordinator  
to the Board of Regents

Submitted for approval by: R. Scott Young  
Acting Chief of Staff to the Board of Regents