

UCCSN Board of Regents' Meeting Minutes March 24-25, 1992

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Pages 9-23

BOARD OF REGENTS

UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA

March 24, 1992

The Board of Regents met on the above date in a special meeting
at the Grand Hall, Richard Tam Alumni Center, University of
Nevada, Las Vegas.

Members present: Mrs. Carolyn M. Sparks, Chairman

Mrs. Shelley Berkley

Dr. Jill Derby

Dr. James Eardley

Mr. Joseph M. Foley

Mrs. Dorothy S. Gallagher

Dr. Lonnie Hammargren

Mr. Daniel J. Klaich

Mrs. June F. Whitley

Others present: Chancellor Mark H Dawson

President Robert Maxson

Dr. Donald Klasic, General Counsel

Ms. Mary Lou Moser, Secretary

Chairman Sparks stated the purpose of the meeting was to hold a closed personnel session in compliance with NRS 241.030.

Mr. Foley objected to the agenda in its entirety. However, he stated he was just handed a Summons and Complaint from the District Court in Clark County, Nevada wherein the Nevada Press Association vs. the University and Community College System of Nevada alleges violation of the Open Meeting Law for a closed personnel session conducted by the Board on January 9, 1992.

At that meeting it is alleged the Board was deliberating on the competency of Dr. Hammargren. All the Regents are named in the suit. Mr. Foley was not present at the meeting. He stated that when the meeting was called he did not feel the meeting should have been called and he refused to attend. He requested General Counsel Donald Klasic to inform the Nevada State Press Association of his non-involvement, and, further, request a voluntary dismissal from the suit.

Mr. Foley stated another matter is contained in the suit wherein the Nevada State Press Association, the plaintiff, has filed the suit about a matter on the agenda of the meeting. He questioned the procedure of the Legal Department in the matter of reviewing items to assure it is business that can be legally conducted.

Mr. Foley stated:

"I have objected to the agenda for this meeting. It is certainly not my intention to attack anyone without warning. Carolyn (Sparks), I told you last week that this agenda is ill conceived and I probably would not take part in it. I have had feedback from several sources which tells me that my message to you was communicated to others.

"I am now stating for all concerned that the execution of this agenda, in my opinion, jeopardizes all of our positions as Regents and will expose us to claims for damages which will probably not be recovered by indemnity, or immunity, provided by statute, or any insurance.

"Mary Lou (Moser), I would ask that my remarks be taped and I would like to be provided with a copy of this tape at my expense as soon as possible. Do we have a tape facility?"

(Ms. Moser answered in the affirmative.) Thank you.

"(Jerry) Tarkanian wants an investigation. He wants a hand in this game. There is nothing stopping him from putting up his chips and getting his own investigators. There are plenty of law enforcement people, and former prosecutors out there to fully accommodate him. All he has to do is pay the fees."

Mrs. Berkly interrupted Mr. Foley stating that she understood the meeting was to hold a closed personnel session with Mr. Brad Boone, Assistant General Counsel. Mr. Foley stated that he was objecting to the agenda, and stated he would appreciate it if he could be allowed to complete his statement. Chairman Sparks stated the Board would go into personnel session as soon as the open portion of the meeting was completed.

Mr. Foley continued:

"(Jerry) Tarkanian wants President Maxson's hide because the President would have fired him had he not resigned last May.

Who needs an investigation to further establish that fact?

Who quarrels with that fact?

"(Jerry) Tarkanian claims that the Chief Law Enforcement Officer of this State, who is duly elected by the people as Attorney General cannot be trusted with the investigation of this matter because she was a member of the Board of Regents that hired President Maxson. It just so happens that the Attorney General of the State of Nevada is the Chief Law Enforcement Officer of the State of Nevada -- for the Governor, for the Legislature, for the Supreme Court and the lower courts, and, of course, of the Regents.

"I can't believe the Regents are foolish enough to depart from this system for a do-it-yourself due process system proposed by two of our Regents. We can't do this for Tarkanian or for anyone else, as a matter of fact. Tarkanian wants the Regents to expend State funds for this investigation of the circumstances for his resignation.

"Think about this situation. Does the Board have any authority in its governing documents to order such an investigation? My answer is, 'No'.

"Can the Regents justify the expenditure of State funds for such an investigation? My answer is, 'No'.

"Will the Regents have any immunity for improper invasion of personal rights by the Regents appointed to investigate it? My answer is emphatically, 'No'.

"Can the Board members be held personally liable for damages for such investigation? My answer to that is emphatically, 'Yes'.

"Let's get away from this nonsense. We have important functions. We should either perform them or resign from the Board. The crisis in education today begs for our attention.

"That's the investigation issue. Now, what about this so-called personnel session for Brad Booke? My objection, and I object strenuously, is that the Board has authority over the competency of the Presidents and the Chancellor because the Board hired these people. I'm talking about our governing documents again. Those documents give the Board no authority over employees of either the President or the Chancellor. Wherever you try to fit Brad Booke into the scheme of things, it does not work out to confer jurisdiction, or authority, on this Board to legally conduct a closed hearing about the competency of Brad Booke. Therefore, Madam Chair-

man, I object to the execution of any part of the agenda as set forth in the notice."

Chairman Sparks asked General Counsel Klasic if there was any part of Mr. Foley's statement which should be answered before going into personnel session. General Counsel Klasic stated he would answer any questions from the Board. Chairman Sparks interjected that the agenda had been reviewed by General Counsel before it was published. Mr. Foley asked that General Counsel speak to the matter. General Counsel Klasic stated he had studied the agenda and in his opinion it was in accordance with Nevada law and Board of Regents policy. He added that normally, the situation is that the Board does not, as a matter of practice, "dip down" into persons lower than the President or the Chancellor when it conducts personnel sessions. He related that the first time he could remember the Board doing so, during his tenure on the Board, was last June when a personnel session was held on Mr. Tarkanian. General Counsel Klasic stated that the Board of Regents' Bylaws specifically provides that the Presidents and the Chancellor are the Chief Administrative Officers of their particular divisions, and there is also another provision in the Board of Regents' codification policy which indicates that the purpose of the Board is to assess basic policy standards and to allow the detailed administration to the Presidents and the

Chancellor. So, normally what the Board has done in the past, is that whenever it had a particular problem with a particular employee who reports to a President or to a Chancellor, it did not call for that employee into a session, it called the Chancellor or the President into a session. By the same token, of course, by the Constitution, the Board has complete control of the University. So, the question was whether it wished at this time to waive its past procedures and practice.

Mr. Klaich moved that the Board enter into a personnel session for the purpose of discussion of the character, alleged misconduct, professional competence, or physical or mental health of a person or persons. Mrs. Berkley seconded. Motion carried.

Mr. Foley voted no.

Chairman Sparks stated the Board would recess for the personnel session. She added that she understood Coach Jerry Tarkanian was present as a voluntary witness in this matter and wished to address the Board during the personnel session. She stated she had been informed he wanted to be here and a letter had been sent to his attorney informing Mr. Tarkanian could appear if he so desired. Mr. Foley asked whether the Board had voted to have him appear, with Chairman Sparks stating it had not. Mrs. Whitley and Mrs. Berkley stated they had made such request of

the Chairman.

The Board recessed for closed personnel session and moved to the Conference Room where the question came up of whether having Danny and Jerry Tarkanian in the room would be a breach of attorney-client privilege. (Regent Foley was not present at the personnel session.) The door to the room was opened, a non-University person standing in the hall was invited in, and the following action was taken:

Mr. Klaich stated because a question had arisen whether the Board's attorney-client privilege would be violated with respect to those in attendance at the meeting, that he moved that the Board not waive its privilege and, further that Mr. Tarkanian and his attorney wait outside of the meeting while the Board had a discussion with its Counsel.

Mrs. Gallagher seconded. The motion passed 5 to 3, with Regents Hammargren and Berkley voting "no", and Dr. Derby abstaining.

The Board then moved back into the closed personnel session and reconvened in open session at 3:10 P.M. with all Regents present. Chairman Sparks had explained that the time certain for Item 2 on the agenda was 2:00 P.M., which was the earliest the Board would

reconvene.

2. Disapproved the Request for an Independent Investigation

The Board disapproved the request for an independent investigation to review the controversy involving sports administration at the University of Nevada, Las Vegas.

Chairman Sparks stated the discussion would be among the Regents, but she would accept comments from the public.

However, because the Board had already had two public sessions on a similar matter, she stated the Board would not repeat speakers; that anyone who had spoken at the last two meetings would be asked to allow new speakers to come forward. She added that Board members could relinquish the floor to an outside person, that if a person had something pertinent to add to the discussion, she would entertain that person. She cautioned that the Board would not have a repeat of the same conversations that had gone on at the last two meetings because of the time constraints.

However, if different information is available, Chairman Sparks stated the Board would hear that. (Murmuring from the audience.)

In response to a question, General Counsel Klasic stated that under the Open Meeting Law the Board did not have to allow anyone to speak during the portion of the meeting dealing with Item number two. The Nevada Open Meeting Law provides that a portion of the agenda must be devoted to public input, which is Item number three. However, if the Board wishes to allow a person to speak, that is its prerogative.

Mr. Pat Clary, an attorney, asked for time to speak to the Board.

Dr. Eardley moved to consider Item number two which is Dr. Hammargren's request that the Board call for an independent investigation to review all the controversy involving sports administration "at any level from the Regents down to the last Assistant Trainer within the University of Nevada, Las Vegas." Mrs. Gallagher seconded.

Dr. Hammargren distributed, then read a letter to the Board dated March 12, 1992, which had been attached to the published agenda, filed with the permanent minutes. The letter also called for consideration of alternate proposals should they be submitted. It also suggested that the Board ask

the Legislative Commission to conduct the investigation.

He stated Dr. Derby had drafted a proposal calling for an independent inquiry and mediation and he felt mediation would be a way to solve the issue, but so far he did not feel there had been any mediation, in fact, it was his personal feeling that there had been a cover up in hopes it would all go away, but the matter was still here.

Chairman Sparks called on each Regent to express an opinion.

Dr. Derby distributed a memo addressed to Chairman Sparks, dated March 23, 1992, filed with the permanent minutes.

She stated she had put forth two proposals, one involving mediation and one involving an independent inquiry that is different in nature, in that it does not involve the Legislature. She added that she had been apprehensive about legislative involvement, feeling the Regents could take care of their own inquiry and could arrange for an inquiry. Dr. Derby stated she felt a blue ribbon panel could be chosen for that purpose.

Dr. Derby stated she felt the question was that of what was the right thing to do to put this very divisive and damag-

ing controversy behind, so that the University and the System could get back to the task of educating Nevadans. She related that she feels the disagreement on the Board is with how to do that, but that all are looking at the well-being of UNLV. She stated she believed that doing nothing sends a more damaging message than to take action; that the cloud of unanswered questions remaining are more damaging when left unanswered. Dr. Derby stated that she fully supports the Administration of UNLV, but that she also sees the need for an appropriate response to the public concern, and that she believes that appropriate response is an independent inquiry.

Dr. Derby continued that she wanted everyone to understand that her stand in the balance between athletics and academics is with academics. She stated that there can be absolutely no question about the priority of higher education in her view; academics is what "we're about first and foremost". She also stated that there must be absolute institutional control over all programs for an institution to be functional; athletics is no exception to that.

She stated that she felt it was important to put the controversy to rest and she felt the best way to do that

was for calling for an independent inquiry. She added that she was only responding to what she felt was best for UNLV in the long- and short-term. She stated the value of an independent inquiry would be the response directly to the heart of the public concern in this matter – questions of institutional and/or programmatic impropriety in performance, and underscores the important democratic principal that the public has the right to know. She felt that questions left unanswered about institutional integrity cannot be ignored. Dr. Derby stated she believes that the core issue at stake cuts across the many faces this controversy has assumed and goes to the very heart and character of the University as an environment for the free exchange and discussion of all ideas. She added that leaving questions unanswered could leave a legacy of doubt attached to the institution that could limit its aspirational promise.

Mrs. Berkley echoed Dr. Derby's words and supported her statement. She reminded the Board that UNLV is her alma mater, that she has taken an oath to preserve the integrity of the University, and to represent the concerns of her constituents. She stated she was not the voice of any one narrow interest group; that her vote should not be taken to

reflect negatively on President Maxson or his staff. She stated that her constituents want answers and she would vote in concert with her constituents. She added that she respects the opinions and motives of fellow Board members and hoped they would respect hers.

Mr. Klaich stated he felt the issue was how to get about the business of doing what UNLV is all about. In that, he stated he agreed with Regents Derby, Berkley and Hammargren. He stated he did not agree with the call for an independent investigation and he would not support the motion. He stated that as he recounted the facts of the matter, Coach Tarkanian voluntarily tendered his resignation, which was accepted by the University at a time when the Coach was represented by counsel of his own choosing. He related that in his opinion the tendering and acceptance of that resignation closed the book on matters that occurred prior to that resignation. He continued that subsequent to the resignation there has been a tremendous hue and cry in the media, and there have been calls of cover up and conspiracy. He has followed these and tried to educate himself as to the facts. He stated that he has tried to represent this System and this institution as best he can. However, subsequent to the resignation of Coach Tarkanian there have been two in-

idents wherein the Administration, or staff associated with UCCSN, have been alleged to taking part in action to smirch Coach Tarkanian. Those two incidents are 1) videotaping of what was supposed to be a conditioning class, but which showed basketball practice; and, 2) supposedly leaking information regarding point shaving allegations. He related that the individuals related with the videotaping incident admitted it had occurred, acknowledged their responsibility and apologized to the individuals involved.

Mrs. Tim Grgurich shouted that her husband had not accepted the apology for the videotaping, and certain audience members shouted comments. The meeting was disturbed by an outburst from the audience. Chairman Sparks admonished the crowd that the meeting would be conducted in an orderly, polite way, or it would be adjourned.

Mr. Klaich continued that with respect to alleged leaking of point shaving, there has not been one credible witness or shred of evidence that has been brought forth indicating that anyone in the Administration was linked to that incident.

Mr. Klaich stated that, in his opinion, this institution

must go forward with the business of education. If there is problem solving to be done, and if Coach Tarkanian feels that he has been wronged, then he has the responsibility to prove that in court; the courts are set up under our system of government for redressing wrongs between one individual and another. He added that this Board is not set up to conduct independent investigations of this sort; it does not have subpoena power; it does not have the ability to do investigations; and the members were not elected to do it. Mr. Klaich stated, in his opinion, it was time for the members of this Board to stand up and say to this educational community, "We have heard enough. We are going forward with the business of UNLV." He stated he would not vote for an independent inquiry, or any more sessions on this matter. However, if the Coach wished to bring matters to the Board, he has subpoena power in Council and he has the ability to sue the Board if he feels it has wronged him.

Loud comments and boos came from the audience. Chairman Sparks again admonished the audience.

Mr. Foley stated he had expressed himself on this matter during the morning open session. He added that he wanted to thank Mr. Klaich for his wise appraisal and wise counsel

on this matter. Mr. Foley related that he joined Mr. Klaich in saying the book is closed, and "Tark, go to court".

Mrs. Gallagher stated that in all the years she has been a Regent she could not remember the Board spending as much time on anything as has been spent on the UNLV men's basketball program. She added that the Board had heard from everyone; that she believed the Board members have been very open-minded about the situation; they had investigated internally; and that she is satisfied with the answers which have been given. Mrs. Gallagher stated that she, too, felt it was not the prerogative, nor the duty of this Board to turn into an investigative body; that it was not what the Board was elected to do. she related that she felt the proper redress for any wrongs which may have been committed, or have thought to be committed, should be addressed in a court of law where witnesses can be subpoenaed; witnesses can testify under oath; and due process would certainly be part of the procedure and possibly the truth, as everybody has talked about, would come out. She stated she would not be voting for an independent investigation.

Dr. Eardley stated he has, for many years, been a great sports fan of the Runnin' Rebels and related that their

popularity was great in the northern part of the State.

He stated that a number of people had called him from the Las Vegas area about the situation on the UNLV Campus. He stated that he felt that due process meant that the Regents must listen to everyone and every side as much as they possibly could and then make a decision. He added that as each day went by and he heard from people, he changed his opinion on certain things because of the number of people involved and what was happening to the Las Vegas community.

Dr. Eardley wondered how long this matter could go on? How long can it be damaging to the University? Could it be cut short so that it would be best for all, including the Coach, the President, the University and the community? He stated he had never received so many "clips" (newspaper articles), so many faxes, and so many letters on a matter that had been generated by the interests of the community.

Again, much applause and crowd murmuring.

Dr. Eardley continued that the interest of the community was important to him, but the interest of the University was first, and the reason for that is, that he did not feel the University could continually be attacked by ANY side, and that the matter should be shut down as soon as it can. He

stated he felt that any due process should be within the organization, and that he "flat out" did not like the idea of the Legislative Commission doing an investigation. He added that he felt there should be an independent investigation ... (loud applause) ... that deals through the Attorney General's Office.

There were loud verbal objections with that statement.

Dr. Eardley continued that the Board did not have the authority to do many of the things that people wanted it to do, but that if there must be subpoena power involved, the matter may have to go back to the Attorney General's Office or into a court. He stated that, "we cannot, as a Board, continue on with this and do much about it." He added that he would be in favor of just ending the matter.

There were loud applause and loud verbal comments.

Mrs. Whitley referred to the personnel session held earlier that day that satisfied many of her personal questions. She stated she was undecided on asking for an independent investigation. However, she added that many of the people she represents are calling for an investigation (loud

applause) ... therefore, she felt compelled to ask for an independent investigation (more loud, long applause).

Dr. Derby asked to respond to points raised by fellow Regents, and stated that it was never her thought that this Board could do the investigation themselves, that the Board was not a body elected to do that, or even capable of doing this. She added that her proposal calls for the appointing of an independent, blue-ribbon panel to do the investigation ... (more applause). Dr. Derby stated it was possible for such a group to put people under oath in taking testimony, but not possible for that group to have subpoena power. She stated she felt very strongly that the matter must be "put away" from the Board ... (more applause).

General Counsel Klasic stated that any group put together by the Board would not have subpoena powers. It would not have the authority to administer oaths, although it is possible that if a court reporter is present, who is a notary, he/she could offer to administer the oath, but there is nothing to compel the witness to take the oath.

Chairman Sparks stated that with the testimony taken this

date, the matter must be brought to a conclusion; that the majority opinion is that this Board is not empowered to subpoena or take oaths; that it is not the job of the Board; that the Board is elected by the people to administer the policy and the budget of the University and Community College System of the State of Nevada. She added that the Regents are not investigators, now lawyers, not judges, that the job of the Board is not to determine if the internal problem on a specific Campus is right or wrong. That is not the job of the Board of Regents. She stated that at this point, her personal thoughts were that the only way this could be solved fairly to all, to grant due process to all involved, and if an investigation was to be suggested, she would recommend that the Attorney General approach the Grand Jury and have that body investigate if necessary or this matter be turned over and handled by a court of law. She added that this Board could not deal with matters regarding law; that the courts are the only place this matter could be properly handled.

Chairman Sparks stated the motion on the floor was for the introduction of Item 2 to the Agenda.

Mr. Foley moved that this matter be closed and this meet-

ing be adjourned.

Loud comment from the audience objecting to the motion.

Mrs. Berkley stated that if she thought that if by not speaking about this and vowing that this has come to an end would make it go away, she would be a very strong advocate for that position. She stated that she did not believe that the Board wishing it away would make it so.

Loud applause and audience comments.

Mrs. Berkley continued that she had received a phone call from Assembly Mc Gaughey, who had been her successor in the Legislature. She stated he advised her, and asked that she tell the Regents, that in fact if they did not do something affirmative and do not create some sort of inquiry to look into this matter, that the Legislature will do that for the Board.

Loud applause and comments.

Mrs. Berkley stated that she was an elected official of the State of Nevada; that she would not abdicate her authority

to another body and another branch of government; she felt it was a difficult decision and one she did not make happily or comfortably but is one she will make. She added that if "we do not clean our own house, somebody will do it for us."

Loud applause and comments.

Chairman Sparks stated that was exactly what this Board has in mind; that it does not intend to look the other way and hope this matter goes away. (Loud interruptions from the audience.) She continued that the only way this issue will be solved is in the courts; that the Board is not capable of functioning as a court; that the Board would conduct its duty by seeing that this matter is taken to the proper authorities to be dealt with legally, officially, granting due process to every person concerned, including the Board of Regents. She stated that the Board could not do otherwise and by recommending that this be sent on to the proper authorities is the only way it could specifically handle its duties and its obligations to this System.

Some applause, loud objections. A member of the audience questioned Dr. Hammargren, whether this would satisfy him,

or would he like something different.

Dr. Hammargren stated that the Board must get on with its business, that there would be time for public comment at the end of the meeting.

Dr. Hammargren moved for an independent inquiry.

Loud applause, comments.

Dr. Derby seconded.

General Counsel Klasic reminded the Board there was a motion on the floor. There was general discussion among the Board members as to the wording of the first motion. (There was a great deal of noise from the audience, and it was difficult for the Board members to hear their own discussions.)

The Secretary reread the motion, which was to consider Item 2 in which Dr. Hammargren had called for an independent investigation.

Again, loud applause and comment from the audience.

Dr. Eardley withdrew the original motion. Mrs. Gallagher

withdrew the second.

Chairman Sparks declared there was now one motion on the floor.

Dr. Derby requested Dr. Hammargren to amend the motion to make it an independent inquiry and for the Board to appoint a blue-ribbon panel from respected members of the State, showing a regional balance, to conduct the inquiry.

Dr. Hammargren declined, asking for a vote on a simple independent inquiry. If passed, the details could be worked out. Dr. Derby explained that she felt the motion was too broad, and she preferred the motion to contain the details.

Dr. Hammargren explained that the first step should be to determine whether the Board wanted an independent inquiry, with details to be worked out in public.

Loud, long applause, verbal assent from the audience.

Because of the noise from the audience, Chairman Sparks asked Dr. Hammargren to repeat the motion. Dr. Hammargren repeated that he moved the Board of Regents request an in-

dependent inquiry. Dr. Derby stated she would agree to the second for purposes of discussion.

Mr. Klaich spoke to Dr. Hammargren stating he respectfully suggested that the motion "is a fraud". He added that if Dr. Hammargren had a motion to put before the Board in which he had any confidence, he suggested that he (Dr. Hammargren) spell out the motion. He added that the Board has raised questions about who will conduct an inquiry, what kind of powers that inquiry will have, can it be done by this Board, or should it be done by the Legislative Commission? He stated that by doing the motions piece by piece, it put the Board in the position of not being able to vote on anything substantive. He stated that , "should we have an inquiry" is not responsive to any of the questions posed by the Board and urged that the Board vote against the motion.

Mrs. Berkley stated that Dr. Hammargren knew where she stands on the matter, but that she was uncomfortable with an open-ended motion, asking him to reconsider Dr. Derby's request for making the motion a little more narrow. She stated she felt it was ultimately more important to do the investigation as rapidly as possible, reach a conclusion

which all could live with, and is satisfactory to the public.

Mrs. Whitley asked to amend the motion by adding that it be completed within 60-days.

A great deal of simultaneous conversation among the Board and simultaneous loud comments from the audience ensued.

General Counsel Klasic commented that if there was a second to Mrs. Whitley's amendment, the Board could proceed.

Mrs. Berkley seconded.

Chairman Sparks called for a vote on the amendment which was for a 60-day time limit to the investigation. The vote could not be determined by voice vote.

Amendment failed on roll call vote:

Aye: Regents Berkley, Derby, Hammargren, Whitley

Nay: Regents Eardley, Foley, Gallagher, Klaich, Sparks

Dr. Derby moved to amend Dr. Hammargren's motion to specify

that the independent inquiry called for in the motion be the particular independent inquiry, Proposal 1, calling for an independent blue-ribbon panel of impartial and respected Nevadans be appointed by the Board. Mrs. Berkley seconded.

Mr. Klaich stated for the record that he had discussed this with Dr. Derby, that this inquiry has no subpoena power, no power to issue oaths, and felt that it would be an independent inquiry which would lead to no success and would not put the matter to rest at all. Dr. Derby stated that it would have the capacity to issue oaths, but it could not require people to take the oath, but could put people voluntarily under oath.

Motion failed on roll call vote:

Aye: Regents Berkley, Derby, Hammargren, Whitley

Nay: Regents Eardley, Foley, Gallagher, Klaich, Sparks

Chairman Sparks called for the vote on the original motion, which was for an independent inquiry.

Original motion failed on roll call vote:

Aye: Regents Berkley, Derby, Hammargen, Whitley

Nay: Regents Eardley, Foley, Gallagher, Klaich, Sparks

3. New Business

Pandemonium broke out among the audience. Chairman Sparks tried to gavel the meeting to order, called for the audience to be quiet so that everyone could speak.

Mr. Conan Fine began speaking stating that he had begun working on the "Save Tark" campaign, but felt the issue of the integrity of the Regents has become more important. He stated it was impossible that the Regents could deny what the public wants.

Chairman Sparks explained that the Board wanted the matter to go where everyone will have "his or her day in court". She added that the Board could not properly do that, and that a court of law is where the matter should be handled.

The audience noise did not diminish.

Mrs. Berkley suggested that Dr. Hammargren had another

motion to bring before the Board. Chairman Sparks continued to gavel for quiet.

Mr. Patrick Clary approached the podium, stating that he was an attorney, and felt the matter should not be solved in the courts, that it was a political issue, and the Board was a political body that should decide. Chairman Sparks stated the Board had made a decision: not to have an investigation. Mr. Clary stated he had come to the meeting to ask the Board to conduct an investigation and had not had an opportunity to say it to the Board. He referred to a letter written to the Board by General Counsel Klasic, and was speaking on behalf of himself as Chairman of the Committee to Save Tarkanian, Jackie Mc Call and Reverend Marion Bennett as Co-Chairmen of the Citizens for Academic Freedom at UNLV, and urged the removal of General Counsel Klasic and Assistant General Counsel Bradley Booke, "both of whose conduct has demonstrated extreme bias and unfairness. Of the multitude of lawyers available to you, you are entitled to a much higher standard of legal counsel in carrying out your duties of office in your deliberations."

He questioned how General Counsel Klasic, in his letter, could call Mrs. Mc Call, Reverend Bennett and himself, a "handful of shameless malcontents who have engaged in a

vicious smear campaign". He continued with a statement that they and their followers had been "up front" in their support of Mr. Tarkanian, and cited the Administration has been in the wrong, and asked if Mr. Tarkanian was not to be the basketball Coach at UNLV, that the Board tell them why. (Loud shouting from the audience.) He stated that matter would not go away because of the Board action today.

Chairman Sparks stated that if Mr. Tarkanian wished to take action he was free to do so.

Pandemonium broke out among the audience, surging forward to the Board table. Because the audience would not respond to the gavel, the meeting adjourned at 4:10 P.M.

Mary Lou Moser

Secretary of the Board

03-24-1992