

Others present: tChancellor Mark H Dawson

President Robert Maxson

Dr. Donald Klasic, General Counsel

Ms. Mary Lou Moser, Secret

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 f

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 u



the Chairman.

The Board recessed for closed personnel session and moved to the

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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

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moved that the Board not waive its privilege and, further

that Mr. Tarka

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

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 Sp

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 re

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

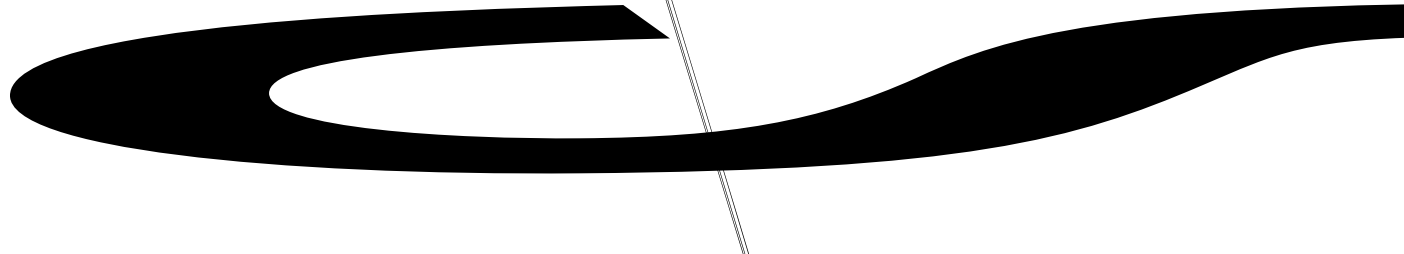
resignation closed the book on matters that occurred prior

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



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

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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 proceed

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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 t

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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

stated he felt that any due p

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

Dr. Derby asked too

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,

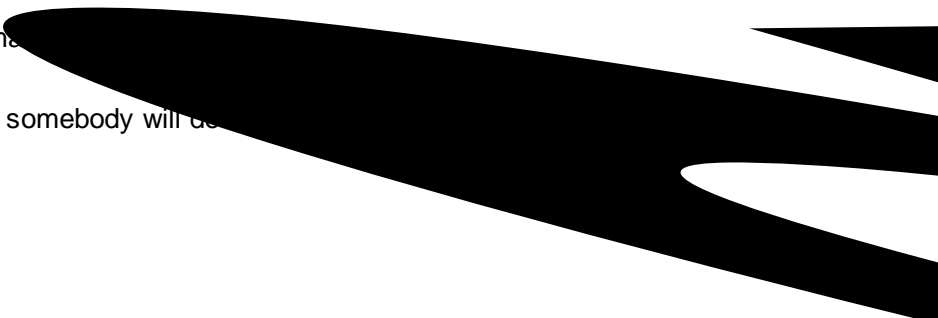
to another body and another branch of government she felt

it was a difficult decision and one she did not make hap-

pily or comfortably but is one she will ma

that if "we do not clean our own house, somebody will do

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

or would he like somethini

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

Mr. Klaich spoke to Dr. Hammargren statin

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.

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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 Boone, "both of whose conduct has demonstrated extreme bias and unfairness. Of the multitude M

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 telâ 0 "