

UCCSN Board of Regents' Meeting Minutes
January 21-22, 1994

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BOARD OF REGENTS

UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA

January 21, 1994

The Board of Regents met on January 21, 1994 in the Computing Center Video rooms on the University of Nevada, Reno Campus, and the University of Nevada, Las Vegas Campus.

Members present:

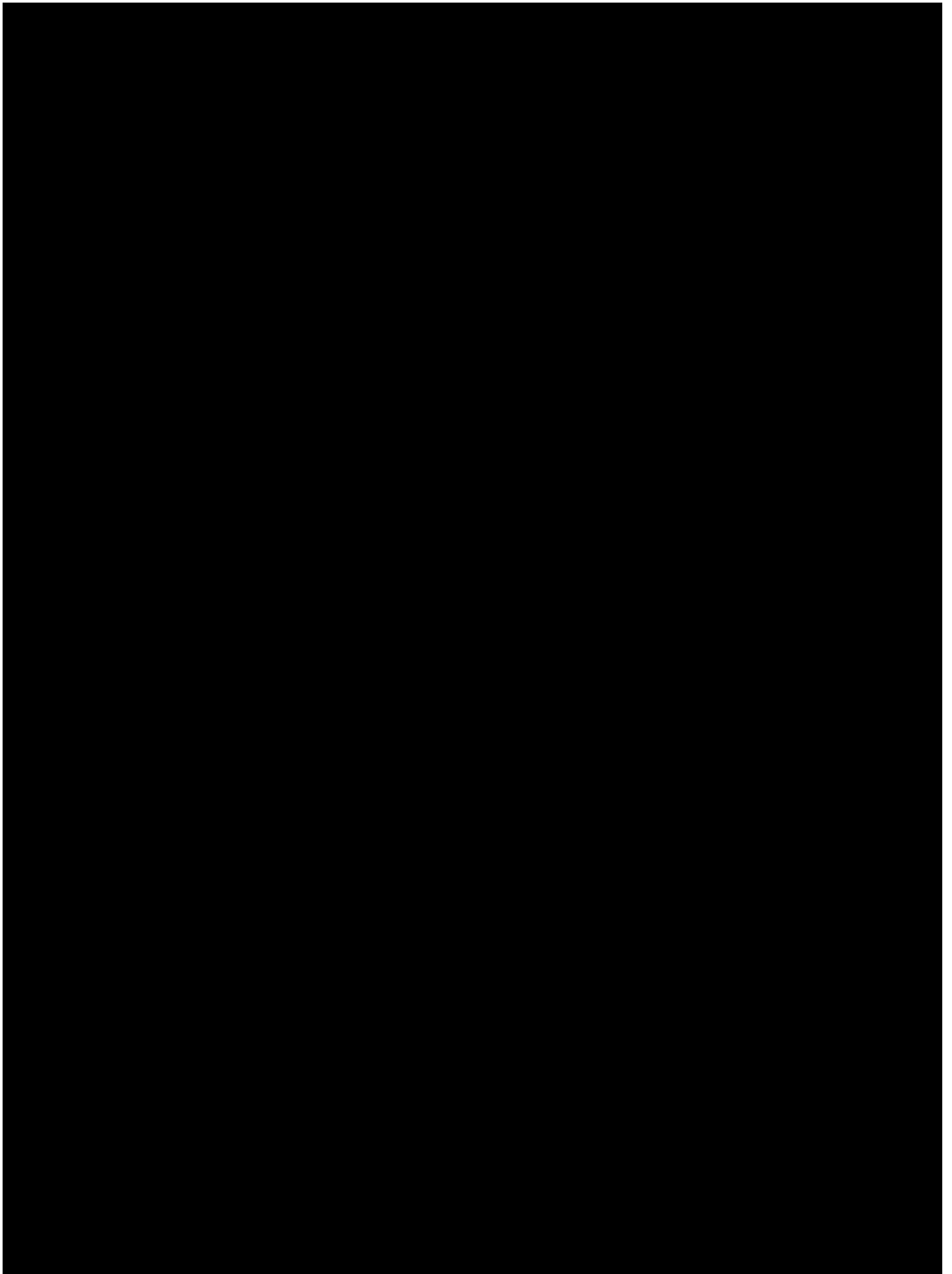
Reno : Dr. James Eardley, Chairman

Dr. Jill Derby

Mrs. Dorothy S. Gallagher

Mr. Daniel J. Klaich

Las Vegas : Mrs.



as job security, future promotions, etc.

This Committee has recently been charged with allegations that this search would be conducted in secret with no input from the public, when in fact it has always been the intent of the Committee and the Board to select at least five finalists for this position.

At that time the names would be released to the public, the remaining candidates would be invited to each and every Campus, to be introduced to and interviewed by the advisory committee on that Campus, comprised of Presidents, Faculty Senate Chairmen and Student Body Presidents. The recommendation of the advisory committee would be taken seriously by this Committee, whereupon at the conclusion this Committee would make a final recommendation to the full Board of Regents for their consideration. Having gone through this process I would have hoped against all hope that all members of the press and the public at large could see that this is an open and fair process and equitable to our constituents, the System, the institutions and, please, let's not forget, the applicants.

elected and not appointed therefore, if our constitu-
ents feel the Boar

It is because of this belief that to properly guide the quality and direction of higher education in the State of Nevada that we, as Board and Committee members, must have the ability to seek and select the most qualified individuals for the respective positions. The law under which this Committee must now operate ties our hands behind our backs and makes it impossible to do the jobs that we were elected to do. I am being candid when I tell you that I feel that our Search Committee has been compromised, and I implore you as Board Mem-

this search today, the 53 remaining applicatig

the press, if it wished, could have sued and the controversy could have been determined by the courts.

At that time, Mrs. Berkley stated she was told the Board's opinion that this search should not be subject to the Open Meeting Law at this early stage would be given better strength

search should continue. She stated she agreed with Mr.

Graves that the Board should obtain the most qualified can-

didate possible to lead the System, and i

And that would abdicate her responsibility to do her job as

ahead with the search with great dispatch, but with careful consideration, and to do the job of selecting the next Chancellor. In her opinion, the System cannot afford at this time to be without a permanent

Committee has also not met to discuss aborting the search. I think it is premature to talk about aborting this search. If we can't achieve a consensus about

ing classification. Now, that is just one member of the Search Committee and that is what I would be bringing to the Committee for our deliberations.

I would submit that when we still have highly qualified people and qualified candidates it is no time to abort a search. I think the argument that some of our highest quality candidates have withdrawn has some merit, but also has some weakness. I think that anybody that's been through a search knows what you see on paper can tell you very little. The initial cut has to be done, but when you have been through a search you know that it is not until you do the background checkup, you get the references, and that you ultimately meet people, that you really have n/

a strong job performance where you are, no one wants you to leave. And, I would submit that we have a very good example of that here in UCCSN, rather recently, when there were rumors that a strong President was being courted elsewhere, and we did what we needed to do to keep him here. And, I think if you have strong performance, and are strong where you are, that it's not such a dissuasion to you to participate in an open search.

I think it could also be argued that you are more likely to get candidates committed to openness and committed to working in an open environment when you participate in an open search. There's good evidence suggesting that effective searches can be done in the open, and I would point most recently to the search that the Legislature did for the search for its Executive Director, which was done entirely in the open to the skepticism of some of the Legislators that participated in that. They had 200 applicants to that position, and in the end, when asked whether or not it had worked, Legislators who were at first skeptical said, "Yeah, an open search works." And, I would suggest to you that there is not that much difference between those who

apply to be Executive Director of a Legislature and

those who apply to be a Chancellor.

I want to say a little bit about interim leadership

because I think it has some drawbacks. I think i

board and start getting in swing with UCCSN. So, let's not kid ourselves that we are talking about a short interim period here. We're talking about a long interim period.

And what about other searches th

our System on hold for three years, and nevermind that
it's the law. That's what we are debating. The Open
Meeting Law is there for a reason, and the track record
of th

ness in government, about accountability for elected
officials. Let's not be dragged kicking and screaming
into that reform. Let's welcome it and move forward.

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/ You know this has been a difficu

Executive Director in

can the Board

I have on

This

search of

Nevada

the press

ee. I would

like to remind

ly for

the position of Ch

Committee, comprised of

capable, caring and conscientious,

competency and quality of all the applicants that

es, and then recommend a small pool of the best

h our judgement for the consideration of the higher

"educational h

isn't today. It is only after the Committee has met

be formed which would be fair, which would encourage high quality candidates and that good candidates would not be shut out because of the process. She stated she would support stopping the search now with thh

determined by a court of law, it is only an opinion, and the Board would be complying with an opinion from one who has an invested interest in the outcome. Therefore, she felt the opinion is doubly suspect.

Mrs. Spahr asked General Counsel Klastic whether the search could be stopped at any time should it be found the process was impeding the decision to make a good selection? General Counsel Klastic responded by first clarifying that this discussion is not about the f

Chairman Eardley agreed with General Counsel Kla

Board are to haggle with where it is with

a step forward, and comply with openness in government.

The law is clear.

Mrs. Whitley stated that having chaired both a Chancellor and a Presidential search she realized the importance of having the applicant's names remain confidential. She stated there had been a lot of rhetoric, but felt that when the search was down to the finalists, they should be publicized. The leaders of the System community and community leaders would be able to interview these finalists, it was time enough for them to help the Board select the person to lead the System or one of the Campuses. Continuing, she stated that speaking of John Richardson

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being



they had made their own search public. Thirdly, she felt that while there were a number of important matters the Board might challenge in court, this would not be one of them. She reminded the Board that General Counsel Klasic at the last meeting had stated that the trend in the country was not toward closed, but rather toward openness in government. Mrs. Price stated that in her opinion the quality candidate would appreciate that process. Finally, she felt that the Board's greatest challenge is the reputation of the System and the institutions. She related that even though the Committee expenditures are just over \$6000, each of the applicants left has spent time, energy and emotions in thinking about a change in their lives. She felt that if the search is aborted, then have changes made later on, _____ the reputation of the seara



his duty in evaluating his employees, rather he said that
he had only been Chancellor for a short period of time --
six months -- an

like to [redacted] ty of the Committee who has looked
at the [redacted] e Board should wait, that there
may be [redacted] Search Committee to explore and
could pre [redacted] tial integrity until the final
list is dete [redacted]

The Chairm [redacted] al Counsel Klasic to review
alternatives [redacted] e at this time. General

Counsel Klas [redacted] en requested by the Chair-
man and Chan [redacted] ernatives to the Board
for discussion p [redacted] n five alternatives
with Mr. Foley a [redacted] adding a sixth and
seventh.

1. Continue the cu [redacted] remaining members
of the applicant p [redacted] uire release of
the names of the [redacted] h

veloped as to the harm that the search in the initial

stages presents, that the names not be releaseese

would happen if the search was terminated, asking for an
Attorney General's opinion on using a "headhunter" approach
so that there would be a totally independent agency screen-
ing applicants and protecting their confidentiality, and

month or so for the opinion. Mrs. Berkley stated

at the problem is that one oá . . .

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expected 1/2 to 2/3 of the candidates would withdraw.

She stated she was concerned with the discussion of ways of circumventing the Open Records Law. She added that with some of the suggestions the Regents would lose their opportunity to be ver

reputation of a school is hampered when there is an "inside"

candidate, yet the search process is carried through? ?

Counsel to research and explore the legalities of conducting executive searches through head hunters or Chancellor's

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