

Blasco Event Wing, UNLV Foundations Building  
University of Nevada, Las Vegas  
4505 Maryland Parkway, Las Vegas  
Friday, August 4, 2006

Members Present: Mr. Bret Whipple, Chair  
Mr. Mark Alden  
Dr. Stavros S. Anthony  
Dr. Jill Derby  
Mrs. Thalia M. Dondero  
Mrs. Dorothy S. Gallagher  
Dr. Jason Geddes {via telephone}  
Mrs. Linda C. Howard  
Mr. James Dean Leavitt  
Mr. Howard Rosenberg  
Dr. Jack Lund Schofield  
Mr. Steve Sisolak  
Mr. Michael B. Wixom

Others Present: Chancellor James E. Rogers  
Executive Vice Chancellor Daniel Klaich  
Vice Chancellor, Academic & Student Affairs, Jane Nichols  
Vice Chancellor, Finance, Mike Reed  
Chief Counsel Bart Patterson  
President Stephen Wells, DRI  
President Fred Maryanski, NSC  
President Phillip Ringle, TMCC  
President David Ashley, UNLV  
President Milton Glick, UNR  
President Carol Lucey, WNCC  
Secretary of the Board Scott Wasserman

Also present was UNLV Faculty Senate Chair, Dr. William Robinson.

Chair Bret Whipple called the meeting to order at 10:05 a.m. with all members present except Regent Howard.

Regent Alden led the pledge of allegiance.

Reverend Julian L. Miguel, from the University United Methodist Church, led the invocation.

1. Approved-UNLV School of Dental Medicine - The Board discussed the procedures and policies of the UNLV School of Dental Medicine in reporting, processing, and responding to the Honor Code violations at the School. The Board considered the policy implications of the procedures followed by the School and the appropriate V

learned, so the process can be made more effective and more responsive and more tools can be given to those directly dealing with these issues, (2) the Student and Academic Affairs Committee to report back to the full Board with recommendations about changing the process so that they can address the concerns raised and (3) that the Board be made aware if any of these individuals come to this president or any subsequent president with a request that their records be cleared. (Ref. A and handouts on file in the Board office) .

President David Ashley stated they would discuss the judicial process and the academic honesty procedures with the School of Dental Medicine. There has been an overall review of the process. There has also been a review of the actions document provided by Mr. Bart Patterson, General Counsel.

Regent Howard entered the meeting.

President Ashley introduced Vice President Rebecca Mills to discuss how the institution deals with these types of occurrences. FERPA, the Federal Right to Privacy Act, mandates that student's educational records will be held confidential. HIPPA, the Health Insurance Portability and Accountability Act, governs the confidentiality of medical records and patient information. Title 2, Chapter 6 of the Code lays out the authority of the Board, the president and the campus in disciplinary matters. The UNLV Student Code of Conduct is the umbrella document that sets forth campus expectations for conduct, procedures to follow in an investigation, and the nature of sanctions that can be imposed. The School of Dental Medicine also has an Honor Code that lays out how the procedures in the Student Code of Conduct will apply to the School of Dental Medicine. The professional schools have Honor Codes but they try to ensure that the procedures in Chapter 6 are followed. The Board approved the School of Dental Medicine Honor Code at the December Board of Regents' meeting, at which time the Board added a requirement that students report violations of the Honor Code. Both deans of the UNLV professional schools have been asked to provide recommendations for suspension and expulsion. General Counsel's report outlines the following recommendations:

Review of patient files.

- Interim Dean Sandoval has indicated that it should be complete within two weeks.

Letters of good standing for those students not involved.

- There has been one request to date for this letter.

Review of computer security.

- Pilot testing of thumbprint testing for authenticity is underway. Faculty will be required to change their password every 90 days as opposed to waiting until prompted and the ability to override the change will be reviewed. Computer security is being audited.

#### 1. Approved-UNLV School of Dental Medicine – $\text{Q} \} \text{q} \sim \wedge \text{a} \text{D}$

Increase in chart audits.

- Clinical faculty will conduct two unannounced chart audits per student, per semester.

Review of appointment schedule.

- Have built time into the schedules, so that when a student finishes work with a patient there is enough time to finish charts.

Creation of acknowledgement statement.

- General Counsel suggested requiring the students and faculty to acknowledge that they understand the responsibilities in this regard.

Review of curriculum.

- The school is revising the student handbook. Courses have been identified that are specific to charting responsibilities and the ethics that come with it.

Review of audit findings.

- There is an ongoing NSHE audit. UNLV General Counsel will help with the record keeping of sanctions.

Approval of community service.

Dr. Mills reported that in addition to General Counsel's recommendations, she has also made recommendations to President Ashley. Some of the recommendations may require a change to the Honor Code. The

recommendations are as follow:

- Asked the deans and their respective administrators to coordinate with Office of Student Conduct.
- Coordinate the training for hearing panel members.
- Involve non-school faculty in panels.
- Ensure appropriate internal and external communication.

Dr. Mills acknowledged that UNLV should have communicated with the Regents about the incident and the process that they were following. They will ensure they use the established Regent's Alert process. Dr. Mills stated in judicial cases they appropriately focus on student misconduct. Those that do it for a living have to remind themselves that many students never come to the attention of the Office of Student Conduct. This incident was the result of a small group of student's choices and actions, and it is important that it does not reflect on their classmates.

Regent Whipple was present the day Senator Reid presented a check to the School of Dental Medicine. He did not want this incident to diminish the good work of the school. General Counsel's report was prepared quickly and was an excellent report.

Regent Alden pointed out that there were ten students that cheated they have hurt the university and the dental school. He asked that they move aggressively and revoke the diplomas of the ten students.

Regent Wixom made a point of order. He indicated that revoking the diplomas was not what was before the Board at this time. Regent Alden disagreed.

1. Approved-UNLV School of Dental Medicine – 01 } a ~ ^aD

Regent Sisolak appreciated the media's attention to this issue because the Board would not have known. There seems to be a sense or culture of covering things up and not notifying the Board in a timely manner. Regent

say about the incident. Ms. Haskins noted that the investigation did directly ask the faculty member if he gave out the password. The faculty member emphatically denied giving out his password and was devastated that it had been stolen. Regent Sisolak asked if they had exhausted all possibilities to determine who stole the password. Ms. Haskins stated all students were asked and they were not able to ascertain who stole the password. Ms. Haskins reported she was not part of the original investigation. Regent Sisolak appreciated her honesty, but was frustrated with the fact that they did not know who stole the password. Mr. Dan Klaich, Executive Vice Chancellor thought it stood to reason that the first chronological transaction would be the logical assumption. Chief Counsel Patterson stated that as an attorney it would be his assumption. He pointed out there needs to

1. Approved-UNLV School of Dental Medicine –  $\Phi\} \text{ã} \sim \wedge \text{ãD}$

be better training for the committees so they understand that they must get to the bottom of the allegations. In a way the students were let off the hook by allowing them to provide a generic answer that the password was just



out what was important enough to notify the Regents. Executive Vice Chancellor Klaich asked that it also









there is a mutual walk away from the relationship at this point. The breach provisions did not envision breach prior to attainment of the initial gift. There are provisions referring to maintaining rights to the moveable equipment, which is not applicable at this point. The Florida LLC has no particular assets. We do not believe there would be a

2. Approved-UNLV Orthodontics Program and its Contractual Relationship with Orthodontic Education





their eyes open to all the information that is relevant to the decision to be made.

## 2. Approved-UNLV Orthodontics Program and its Contractual Relationship with Orthodontic Education Company (OEC) – (Continued)

Regent Leavitt appreciated Regent Wixom's remarks, but he asked to draw their attention to the Handbook which states that all contracts be reviewed by the Board of Regents or the Chancellor. Regent Leavitt stated that just last March this did not come before the Board. The Board is managing the Nevada System of Higher Education. Regent Leavitt did not understand how this issue was not brought to the Board.

Regent Leavitt withdrew the motion.

Regent Leavitt moved approval of bringing this topic to the Budget & Finance Committee.

Regent Sisolak withdrew his second of the original motion.

Regent Sisolak seconded the new motion.

Regent Howard asked how this will effect the students. Dr. C. Lynn Hurst, Associate Dean for Advanced Education and Director, Advanced Education in Orthodontics, stated that from the residents' perspective he would say terminate the contract. From the university's perspective, he would say try and get the additional \$1.75 million and then terminate the contract. He believed that on the operations side they would be able to move the program forward. The big issue is the \$1.75 million, if Dr. Lazzara does not pay this then yes the relationship should be over. He noted that he too was excited about the program and left a position in Texas to come to UNLV. Educators need to be better business people. The residents understand that they came into a situation that had some opportunity. It is important that education be able to open the door to opportunities. The Board is correct, this may not have been the home run it was planned to be, but keep the door open because the next one might be. Regent Howard asked how the tuition increase would effect the enrollment and the affordability to the student. Dr. Hurst stated that when they looked at the other orthodontic programs, UNLV would be considered a private program. At this particular point there are 26 private and 34 public programs. UNLV is next to last in cost for private institutions. UNLV could double their tuition and he still could fill the class of 16 students. Orthodontics is a very lucrative specialty in dentistry. Dr. Hurst believed they needed to respect the students that are here and be cautious about changing the rules for them. There has been criticism that students we take here are of a different quality not true. Dr. Hurst stated the residents here are first class and he was proud of all of them.

Regent Howard asked what the legal implications were with regard to the contract. Chief Counsel Patterson noted that they had not issued the 30 days notice. The \$1.75 million is due to be paid in the beginning of September. He recommended that UNLV issue notice of breach with respect to the operating funds and allsued 5.

did not believe there was a way to discontinue this program if they did want to discontinue the program it would have to be after the students that are enrolled have completed the program. Regent Gallagher stated this would be a great opportunity for the dental school to expand its course of learning.

Regent Schofield was thrilled to receive a fax from the students that communicated their passion for the school. The concept is fantastic and the Board has to get behind it. Regent Schofield stated that as a Regent he wanted to leave the legacy that the Board did something positive. The Board needs to get behind the program, make it work and think outside the box.

Regent Derby believed that when the Board made the decision, it was done in good faith. She thought the partnership was promising, and she was proud that the Board went forward and developed the program. There are avenues by which they can make the program work. Regarding getting materials right before the meeting, she stated that the Board used to get a recommendation from staff. It protected the Board and provided assurance that there had been due diligence and careful scrutiny.

Executive Vice Chancellor Klaich wanted the Board to keep in mind that President Ashley and Mr. Bomotti had indicated that the financial model for the orthodontic program indicated not only the subsistence of that program but use of funds for other programs. As other financial models come forward it may be appropriate to keep this in mind in how the adjustments go forward. Executive Vice Chancellor Klaich said they had heard three times today about the quality and timeliness of information. The System knows the deadlines and yet the Regents still get information at the last moment. He encouraged the Board to say no when it does happen. Ultimately it will keep the staff on their toes to do better.

Regent Sisolak noted that the community turned out in support of this program, but they were not supportive of OEC. He stated he was in support of the school, just not the vehicle that got them there. Regent Sisolak agreed with Executive Vice Chancellor Klaich regarding dissemination of information. The Board has a responsibility and a moral obligation to not raise the tuition. He agreed that public-private partnerships were the wave of the future. Maybe this was a good thing to happen right now, so that in the future the Board knows what to look for. In the approach of these things, there has to be an opposite side. The quality and timeliness of the information is extremely important. Regent Sisolak commended the

## 2. Approved-UNLV Orthodontics Program and its Contractual Relationship with Orthodontic Education Company (OEC) – (Continued)

students and noted that they would not leave them hanging. He suggested to President Ashley that he meet with the community regarding the future of this program.

Regent Gallagher stated that as time has gone by the process has been put aside. Early on, the Board enforced the deadlines for material to come to the Board. If it was an emergency item, it went to the legal department. If it was declared to be an emergency, it was added. It is not fair for the Regents to be asked to make a decision when they receive a stack of documents at the meeting that they have been unable to review.

Regent Rosenberg reiterated that the orthodontic community did not support the OEC model, but they did support the orthodontic program. He asked if they would be willing to step up and help support the orthodontic program.

Regent Schofield stated there is a lot of grant money available. He stated most grant money goes to waste every year and that they must be more aggressive in obtaining this type of money.

Chancellor Rogers suggested that from now on, the Board get a summary opinion from legal and finance on contracts.

Regent Leavitt stated receiving opinions from legal and finance would imply that the System has enough resources. Chancellor Rogers stated that the System may only have four of these agreements a year. In those, we have the obligations to get the finances and legal issues analyzed.



Anthony was in agreement with moving it to committee for discussion. Regent Derby disagreed. She felt that the full Board should have the discussion. Regent Leavitt indicated that he did not have any objection to modifying the motion to include the full Board.

Regent Leavitt withdrew his motion. Regent Sisolak withdrew his second.

2. Approved-UNLV Orthodontics Program and its Contractual Relationship with Orthodontic Education Company (OEC) – (Continued)

Regent Leavitt moved to add this item to full Board. Regent Sisolak seconded.

Regent Howard noted a point of order. She believed that this could be the decision of the Board Chair.

Regent Leavitt indicated that he would not withdraw the motion.

Regent Howard noted a point of order. She asked if they were making a motion that was unnecessary.

Mr. Wasserman stated the motion currently being considered was to refer the issue to the Budget and Finance Committee, and then for the Budget and Finance Committee to bring forward recommendations to the full Board.

Regent Sisolak noted a point of order. He stated the motion was changed when he withdrew his second and Regent Leavitt withdrew the motion to instead bring it to full Board. Regent Sisolak understood the motion to be the same as asking for an agenda item for the October Board meeting. Regent Leavitt agreed.

The motion carried.

Regent Wixom moved that they refer the matter (OEC contract, potential resolutions to the shortfall, including tuition increases and back fill costs with respect to the \$1.75 million) back to President Ashley and Legal Counsel to come back to the October meeting with potential resolutions. Regent Rosenberg seconded.

Regent Sisolak asked if it was Chief Counsel Patterson's understanding that presently Mr. Lazzara is in default of the contract. Chief Counsel Patterson stated he was in default as it relates to payment of operating expenses due July 1, but has not been sent a notice of breach. Chief Counsel Patterson assumed that the Board wants strict compliance with all contract terms, and if not met, that UNLV take appropriate action to terminate the relationship.

Regent Wixom amended his motion to state that the Board would require strict compliance with "



were demanding performance and they perform, then the System does not accept that performance and send the money back, the System will be sued. Executive Vice Chancellor Klaich stated that the will of the Board, with respect to the contract and relationship, was clear. He assured the Board that they will talk with the Board if the facts or circumstances change. Regent Leavitt stated that they reentered into this agreement three months ago, with all the information that was before the Board today. Executive Vice Chancellor Klaich stated they were now smarter than they were two hours ago as it relates to the sensitivity of the Board about the amending of contracts. Regent Leavitt stated he would withdraw his comments as they pertained to the amendment of the motion.

Regent Wixom reread the motion.

Regent Sisolak asked if there were other material breaches in addition to the non-payment of the \$1.75 million that could be used later. Executive Vice Chancellor Klaich stated there were two major financial obligations that OEC has. There is the \$1.75 million gift and the ongoing support obligations to the students in the program. The \$1.75 million is not due until September 6, 2006. Executive Vice Chancellor Klaich stated he would defer to Mr. Linstrom if there were any other defaults at the present time. Mr. Linstrom was reluctant to go into this, because they were working on trimesters. Because they are working on trimesters the money becomes due on July 1, 2006. Mr. Linstrom pointed out that the \$1.75 million is due September 15 and September 6 would be the breach date, assuming that the letter is sent out immediately. Regent Sisolak asked if it was possible that the Board be notified prior to the October meeting if OEC was in breach of their contract. Regent Whipple directed the Chancellor's Office to report any modifications, changes or occurrences in relation to OEC in a Regent's Alert.

Regent Sisolak asked that if any of the students had obtained counsel to represent themselves, that System Counsel coordinate or inform their counsel of the Board's actions. Mr. Lindstrom stated they must be mindful of interfering with their contractual relationship. It was his understanding that all residents had terminated their relationship, with or without counsel, in very favorable financial terms.

### 3. Public Comment – (Continued)

Mr. Tom Garner, a scholarship student, stated that all first year, now second year residents had reached an agreement with OEC. The terms of the agreement cannot be disclosed. The residents are no longer bound to OEC.

### 2. Approved-UNLV Orthodontics Program and its Contractual Relationship with Orthodontic Education Company (OEC) – (Continued)

Via a roll call vote the motion carried unanimously.

Regent Geddes requested that Budget & Finance Committee review all future public-private partnerships.

The meeting recessed at 2:16 p.m. and reconvened at 2:28 p.m. with all members present.

### 4. Approved-UNLV Institute for Security Studies - The Board heard and discussed a report on the status of the UNLV Institute for Security Studies. The Board took action by approving a motion to wait for the completion of the internal audit to then make a determination as to whether a systemic audit would be requested. (Ref. C and handouts on file in the Board office).

President Ashley reported this was the most complicated issue because of all the different elements. As a result of some of the concerns that were raised, the Board of Directors of the Research Foundation requested two reviews. The first is a financial review being completed by Mr. Bomotti and his staff and the other is a performance review regarding the Institute's specific tasks and their goal statement, which is being performed by Dr. Mark Rudin, Vice President.

President Ashley stated the institute is fulfilling part, but not all of its mission. The same question as to whether UNLV will continue this program and if they do choose to continue in what form will it continue has to be answered. President Ashley believed that this institute should continue and that it will be of great value to the institution, System and State. Dr. Rudin's performance review of the program contains several recommendations. One of the recommendations is to move the control of the program from the Research Foundation to UNLV proper. President Ashley believed this recommendation was the right thing to do and they would proceed. They are also looking at a variety of issues regarding the oversight of other like institutes. There is a vacant position for Executive Director, and the recommendation is to fill that position expeditiously. UNLV will aggressively recruit from outside the current university. Dr. Ashley introduced Vice President Mark Rudin.

Regent Alden stated he had read all of the materials and felt it was very clear that there needs to be a full, independent assessment of the institute from both a financial and operation standpoint. This has to be an external review. He believed the review provided did not meet

#### 4. Approved-UNLV Institute for Security Studies – (Continued)

minimum standards. We need a report that the institute, UNLV, the Regents and the public can have confidence in.

President Ashley appreciated Regent Alden's suggestions. President Ashley was convinced that the reviews done to date and the one to be finished by the end of August will provide substantial information that will be useful to Board.

Dr. Rudin stated it was critically important to identify the accomplishments, shortfalls and recommendations in order to move this forward. At the beginning of July, the Chancellor's Office and the Research Foundation Board commissioned a financial audit to be conducted by Mr. Bomotti. At that time the Research Foundation Board thought in addition to a financial audit there should be a typical performance assessment of the program.

Regent Whipple asked what report he was referring to. Dr. Rudin stated it was the ISS Performance Assessment Report. Regent Sisolak assured Dr. Rudin that the report, dated July 28, had been thoroughly reviewed by Board members.

Dr. Rudin presented the findings and recommendations.

#### 1. Managerial Oversight – insufficient managerial oversight at the ISS. Recommendations:

- Implement formal project management practices.
- Accelerate the transition of the ISS to the UNLV Division of Research and Graduate Studies to be completed by August 31, 2006. All ISS grants will be administered using UNLV infrastructure and accounting procedures.

#### 2. Adherence to Goals – there has been progress on approximately half of the six goals.

Recommendations:

- Reevaluate and realign goals, talk with sponsoring agencies and bring strategic plan to appropriate bodies for review.

#### 3. Postponement of Executive Master's Degree in Crisis and Emergency Management – Was a pilot program in the Department of Administration.

Recommendations:

- Hire a program director in Fall 2006.
- Re-evaluate the degree program requirements and curriculum.
- Develop a student recruitment plan.
- Evaluate the effectiveness and viability of the program.

4. Hiring practices – ISS utilized a large number of sub-contractors for their work. Found that they were subject matter experts by a resume review. However, there was some indication about using proper university hiring procedures. Waiting for the financial audit to make recommendations on this finding.

5. Appearance of Secrecy – There has been much information that comes through ISS that is not classified or protected and therefore should be and will be released to the appropriate bodies. All protected information is

always available to the Board of Regents. Administrative and financial activities of the ISS needs to be released and available for public consumption.

4. Approved-UNLV Institute for Security Studies – (Continued)

6. Outsourcing Contracts – The original mission of the ISS was to perform research, conduct educational activities and involve the university. Many of the contracts were issued to non UNLV personnel. This was found to be a concern.

Recommendations

- Encourage greater collaboration with UNLV faculty and students.

Mr. Bomotti stated he had provided a preliminary status update on the financial audit of the ISS. Mr. Bomotti believed the audit would be complete by the end of August. The intent of this status update was to give the Regents an indication of where UNLV is in the audit. The audit started in late June. It is fairly detailed. Only the area of hiring practices has been completed. All other areas are still under review.

Regent Whipple noted that this information had been received after the agenda packet had been mailed. This is the first opportunity to review this information. Dr. Ashley believed the information was distributed in advance of the meeting. Mr. Wasserman clarified that the agenda packet went out on Thursday, July 27 with the reference materials that were available at that time. Subsequent information was forwarded to the Regents via email, with hard copies provided at this meeting. Regent Whipple asked that efforts be made to include all reference material with the agenda mailing.

Regent Wixom asked when the ISS was moved from the Department of Graduate Studies and made a part of the UNLV Research Foundation and why. Dr. Rudin understood that the ISS was established in August 2003, and was housed in the Graduate College. It was thought that additional research would be ongoing, which ended up being the wrong place to be housed, so it was transitioned to the Research Foundation. Regent Wixom asked Dr. Rudin to find out who made the decision. Regent Wixom asked why it has now been decided to move it back. Dr. Rudin stated that in Spring 2005 the Research Foundation Board made a motion to transition all the grant activities from the Research Foundation to the university. The decision was made for a number of reasons. The original mission of the Research Foundation was to receive grant applications and to manage the grant process. The original mission of the Research Foundation was to receive grant applications and to manage the grant process.

something confidential it would bootstrap there. It is also stated the common law privileges can also keep certain things confidential. Regent Sisolak stated these contractual obligations were not confidential by law, but rather by an agreement. Mr. Linstrom stated they could only make those agreements in the cases where there is a common law privilege that would apply, such as trade secrets. Regent Sisolak stated the Board was the governing body being referred to that can agree to keep the information confidential. Regent Sisolak asked where in the law it states this information can be kept confidential. Mr. Linstrom stated you can keep the information confidential by acting through the Chancellor and the officers. If there is an appropriate signature delegation in place, and the contract is in compliance with the Handbook and the Code, then it can be made confidential. The issue surrounding the ISS is whether those individuals that signed the agreements had the authority to do so.

Executive Vice Chancellor Klaich reported the System attorneys have been reviewing this question. System attorneys have not completed research on this to determine confidential under applicable laws. He believed that if they took a relatively reasoned reading of the statute that Mr. Linstrom's guidance is probably correct. The questions are whether the Board has delegated authority to someone to execute a contract, and whether the person is dealing with subject matter that is proprietary. Are there matters which are the subject of contracts that involve NSHE that are probably proprietary? The answer is yes and it is going to involve some close discrimination. Just because parties agree that the subject matter should be confidential does not make it confidential with a public institution. Regent Sisolak agreed and stated that was his concern. In his review of the statute, there is no where that a public body can delegate the authority to override the law. Mr. Linstrom added that in the course of business, if they are entrusted with a trade secret, they cannot release the information. Mr. Linstrom stated that this is noted in the case law.

Chancellor Rogers hoped that they are not going to provide that we cannot do business with anyone who requires that we do not publish their company information. This will severely limit options. The President will need authority to keep certain things confidential. He asked that they do not enact a rule to be applied to every agreement or contract in which they enter. Regent Sisolak stated it was never disclosed that top secret information would be involved in this institute. Executive Vice Chancellor Klaich stated that this will require serious research. He understood that they owe an answer to the Board, institutions and the general public on this issue.

Regent Whipple believed that the agreements were based on trust. Executive Vice Chancellor Klaich stated that as Counsel they would provide information to individuals within the System as to what contracts they can and cannot sign, such as non-disclosure

#### 4. Approved-UNLV Institute for Security Studies – (Continued)

contracts. He stated he wanted to make sure that all information being provided from System Counsels would be the same.

Regent Sisolak asked how confidentiality agreements were signed with no copies kept. Mr. Linstrom stated he could describe the event without defending it. What happens is when a meeting is held elsewhere, the agreements are signed, and taken back to their office. That office may not always mail a copy to UNLV. Regent Sisolak stated he would never sign an agreement and not keep a copy. Regent Sisolak was concerned that the Foundation was entering into legal contracts with no legal counsel and not keeping copies of them. Mr. Linstrom understood that was what happened.

Regent Wixom noted in the report that they spent \$321,000 for the degree program and that approximately 15 students graduated in one class. The program was later terminated. Regent Wixom asked if there plans to reinstitute the degree program. Dr. Rudin stated the program was postponed. The initial cohort of students progressed through the program. Towards the end of that time, the Department of Public Administration conducted an assessment of the program and determined that it was not where they wanted it to be. There was a memo of understanding (MOU) between the Research Foundation and the Graduate College that stated that the educational program would reside at the university and the research activities for the ISS would reside at the Research Foundation. The degree program was always to be administered out of the Department of Public Administration. The ISS always had a certain role to support the Department of Public Administration and the

administration of the program. The MOU clearly defined the role of the ISS in terms of the program and transitioned the research activities from the graduate college over to the research foundation. Regent Wixom asked if there was a specific plan to reinstitute the program. Dr. Rudin stated there is, and that they were in the process of hiring a program director.

Regent Howard asked what was meant when it was stated the program was not what they wanted it to be. Dr. Rudin stated that ISS played a role in supporting that program. There was a culture clash with ISS and academics in the Department of Public Administration. There were some issues or concerns about how to offer the program as well as the rigor of the program. Dr. Lee Burdick, Professor of Public Administration and Chair of the Department of Public Administration, stated that in regards to the program they were concerned with the structure, number of hours, number of courses, how the courses would be formulated, the number of credits and the order in which they were taken. It was a pilot program and they have tried to learn from it. They decided to look for guidance from the students and faculty to restructure the program. The Board approved the program in May 2003, in the Department of Public Administration. The issue of the MOU is the amount of advice and assistance provided, not the specific degree.

Regent Alden left the meeting.

Regent Howard asked how long the Executive Director position had been vacant. Dr. Rudin stated it had been vacant since Spring 2005, but it has been filled with an Interim Executive Director.

#### 4. Approved-UNLV Institute for Security Studies – (Continued)

Regent Sisolak stated that in review of the ARSA report it had specific actions that needed to be taken. This is the third year of the program and at the time it was presented to the ARSA committee UNLV estimated that there would be 170 FTE students. Dr. Rudin stated there are no students in the program at this time. Regent Sisolak stated this program has deviated from the original request. At the time Dr. Rudin was proposed as one of the original faculty members. In the reference material from the ARSA meeting there are pages of proposed coursework, curriculum, faculty obligations and staff needs. President Harter made specific mention of the availability of faculty and professionals for this because it would create a second career opportunity for all the individuals



President Ashley stated he was new to the university but he did see issues that need to be dealt with. He encouraged the Board to take actions that will reinforce their opportunity to make corrections, rather than make this a witch hunt. He stated it was important that he be given the opportunity to make constructive changes and do it rapidly so that they can do the kinds of things that Chancellor Rogers indicated, such as move forward with first class research organizations. There was a long discussion on classified and proprietary information and President Ashley believed that on that issue, President Wells, President Glick and he will collaborate to find what will serve all the institutions the best. President Ashley was concerned that there was a notion that a series of audits will provide the cure. President Ashley believed that what we are really looking for are the best practices and how they align to the goals. Regent Whipple felt there are tremendous people and resources that should be utilized.

Regent Leavitt asked whether President Ashley would prefer to look at this institutionally prior to the start of the systemic audit or in conjunction. President Ashley noted the decision has been made to move the ISS within the control of the university. He believed that looking at ISS under the Research Foundation will not provide the answers that he is looking for. He wants to determine best practices, and the types of controls and processes that are needed. President Ashley stated he was confident that the review being completed through Mr. Bomotti's office will discover anything egregious with regard to the stewardship of the funds and the management of contracts. He wanted to see the audit runs its course before any recommendations are made.

Regent Sisolak stated that he had a lengthy discussion with the Chancellor about information that was relayed to him by Mr. W

withdrawal. Regent Sisolak stated that the motion could not be withdrawn in the absence of the Regent who seconded the motion. To dispense with the original motion Regent Wixom suggested that the original motion be voted down.

Mr. Wasserman re-read the original motion.

Upon a roll call vote the motion failed . (Regents Leavitt and Sisolak voted yes. Regents Dondero, Gallagher, Rosenberg, Schofield, Whipple and Wixom voted not. Regent Howard abstained. Regents Alden, Anthony, Derby and Geddes were absent.)

Regent W