

**SPECIAL MEETING
BOARD OF REGENTS
NEVADA SYSTEM OF HIGHER EDUCATION**
Third Floor Rotunda
Frank H. Rogers Science & Technology Building
Desert Research Institute
755 East Flamingo Road, Las Vegas
Friday, July 10, 2009, 9:00 a.m.

Members Present: Mr. James Dean Leavitt, Chairman
 Dr. Jason Geddes, Vice Chairman
 Mr. Mark Alden
 Mr. Robert Blakely
 Mr. William G. Cobb
 Mr. Cedric Crear
 Mrs. Dorothy S. Gallagher
 Mr. Ron Knecht
 Mr. Kevin Page
 Dr. Raymond D. Rawson
 Dr. Jack Lund Schofield
 Mr. Michael B. Wixom

Others Present: Chancellor Daniel J. Klaich
 Executive Vice Chancellor & CEO, HSS, Maurizio Trevisan
 Vice Chancellor, Academic & Student Affairs, Jane Nichols
 Chief Counsel Bart Patterson
 Special Counsel Brooke Nielsen
 President David B. Ashley, UNLV
 Chief Executive Officer of the Board Scott Wasserman

Also present were faculty senate chairs Mr. N. Mark Rauls, CSN; Mr. Jim Lowe, NSHE; and Dr. John Filler, UNLV. Student government leaders present included Mr. Adam Cronis, CSUN President, UNLV; and Ms. Jessica Lucero, GPSA President, UNLV.

Chair Leavitt called the meeting to order at 9:13 a.m. on Friday, July 10, 2009, with all members present.

Regent Schofield led the pledge of allegiance.

Chair Leavitt indicated that public comment would be heard at two different times during the course of the meeting, the first following conclusion of the consultant's report and the second being just prior to conclusion of the meeting.

1. Information Only- Personnel Session – UNLV President David B. Ashley (Agenda Item #1) - The periodic annual evaluation report of UNLV President David B. Ashley, along with President Ashley's self-evaluation, was presented to the Board. The Board discussed the self-evaluation and report, faculty survey, and all other matters pertaining to President Ashley's performance as specified in NRS 241.033 including his competence, alleged misconduct, character and mental or physical health.

Chancellor Klaich stated that Chief Counsel Bart Patterson and Special Counsel Brooke Nielsen were present and would be scrupulous in ensuring that the open meeting law was adhered to, including the interruption of speakers if necessary.

Special Counsel Nielsen stated that her role in this meeting was to provide counsel in regard to the open meeting law, particularly as it relates to a president's evaluations. In 2005, the legislature amended the open meeting law to require personnel sessions involving presidents and other officials to be held in an open and public session. She related that when a public body meets to discuss "the character, professional competence, alleged misconduct, physical and mental health of a person," the individual that is the subject of discussion has a right to receive written notice of the time, place and purpose of the meeting. She stated that notification has occurred in regard to Dr. Ashley. For any other persons that have not received proper notification, in-depth or significant discussion could not be engaged in. She indicated that the focus of this meeting was the evaluation of Dr. Ashley as President of UNLV. She counseled that any questions related to the conduct of other individuals be posed in the context of how those situations specifically reflected upon the evaluation of the President.

For the record, Regent Alden asked which individuals had received proper notification in accordance with the open meeting law. Chief Counsel Patterson stated that notification or a waiver of notification had been obtained from former Chancellor James Rogers, Chair of the Board Michael B. Wixom and Dr. David B. Ashley. The System also attempted to provide notice to Mrs. Bonnie Ashley. However, all attempts for personal delivery were unsuccessful.

Chancellor Klaich thanked Regents Crear, Rawson and Knecht, Ms. Hannah Brown, Mr. Adam Cronis and Dr. Tom Reilly for serving on the Evaluation Committee. He introduced the consultant selected by the Chancellor for this evaluation, Dr. John Welty, President of California State University, Fresno.

Prior to beginning his report, Dr. Welty clarified that he and Dr. Ashley had not served the same system, adding that he serves the California State University while Dr. Ashley had served the University of California system. Their different campuses were located approximately one hour from each other and they had interacted approximately ten times. Secondly, consistent with the NSHE's procedures, Dr. Welty stated that interviews were conducted in accordance with the schedule that was provided to him.

Dr. Welty related that Dr. Ashley's evaluation was conducted within the policies outlined under Chapter 2 of the NSHE *Procedures and Guidelines Manual*. On April 30 and May 1, 2009, Dr. Welty stated that he had the opportunity to interview 59 individuals and received one written letter from a campus administrator that had been unable to meet with him on campus. Follow-up interviews with some of those individuals occurred via telephone as well as a conversation with former Chancellor Rogers.

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Dr. Welty related that UNLV has achieved phenomenal growth in just over 50 years. The institution continues to be in a period of dramatic change and has the potential to become an outstanding urban research university. To achieve that potential would require creative and effective leadership and sufficient resources in the coming year. He indicated that most of the individuals interviewed wanted Dr. Ashley to succeed in his role as President.

Dr. Welty provided a summary of each of the eight criteria required in the Board's policy. First, in the area of Budgetary Matters and Fiscal Management, Dr. Welty related that those interviewed praised Dr. Ashley for his leadership. Interviewees particularly noted that several town hall meetings had been held to keep people informed and that Dr. Ashley had worked through a very difficult fiscal situation as successfully as possible.

In Academic Administration and Academic Planning, Dr. Welty noted that Dr. Ashley led the development of a plan for UNLV entitled *Focus 50 to 100* that many thought had been strong and insightful. Various constituents on campus acknowledged that Dr. Ashley successfully involved the campus community in the development of that plan. During the interviews, Dr. Ashley was recognized for his reorganization of the senior leadership team and it was specifically noted that he had delegated the responsibility to senior leaders for their areas. Those interviewed also communicated an understanding that Dr. Ashley had placed a focus upon research.

Dr. Welty indicated that in the area of Student Affairs, the establishment of the Academic Success Center was felt to be an excellent step in improving retention rates. Student leaders interviewed felt very positive in terms of their access to Dr. Ashley and complimented his support of diversity.

In Personnel Management, as indicated earlier in the report, Dr. Ashley had assembled a strong senior leadership team and has delegated responsibility to those individuals. It was also noted that he had placed a high level of trust in his senior team and had set performance-based expectations. There was discussion by some about the controversy that has risen with regard to the proposed "Policy on Bias Incidents and Hate Crimes" and whether there was a lack of a clear process and communication in the development of that proposal. In reviewing the evaluation materials provided, as well as through the interviews, Dr. Welty noted that Dr. Ashley had established a President's Advisory Council that appeared to be working effectively.

During the course of the evaluation, Dr. Welty indicated that a few staff members had expressed their concern in regard to communications they had received from the president's spouse. Some staff reported feeling threatened by the communications and, when the concerns were reported to the President, rather than intervening, Dr. Ashley had advised staff to work the issues out directly with his spouse. Dr. Welty stated that it did not yet appear as though the issues had been resolved.

In the area of External Relations and Fund Raising, Dr. Ashley's self-evaluation appeared to have accurately described the status of the "Invent the Future Campaign", which had

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been extended for one year. Dr. Welty reported that it had been stated by many that Dr. Ashley was actively engaged in that campaign and had raised approximately \$125 million. Dr. Welty related that the area of external relations places enormous pressure upon a president to be highly visible both on the campus and in the community. Some of those interviewed expressed concern for the President's lack of visibility. Dr. Welty felt that it was inevitable that comparisons are often made between current and previous presidents. However, a number of community leaders expressed the belief that Dr. Ashley had been engaged very effectively in the community. Dr. Ashley's interaction with other System presidents appeared to be professional. It was noted by some of the interviewees that a tension exists between UNLV and the University of Nevada, Reno, which pre-dated Dr. Ashley's appointment.

In terms of Relationship to the Board, Dr. Welty indicated that the Regents involved in the evaluation process felt that Dr. Ashley was candid in his dealings with the Board. He was praised for his responsiveness to Board members and those interviewed had indicated Dr. Ashley was trusted.

In regard to Progress toward Master Plan and Other Performance Goals, Dr. Welty felt that Dr. Ashley's self-evaluation indicated accurately the progress that had been made on major University goals. It was noted during the evaluation process that many recognized and appreciated Dr. Ashley's prioritization of issues related to campus diversity.

In terms of general findings, Dr. Welty indicated that Dr. Ashley had been described by many as brilliant, honest, supportive, personable, and thoughtful; a problem solver, a data driven decision maker, a quiet leader, a collaborator, an engineer and a calm leader. As part of the interview process, when asked what Dr. Ashley's single most important accomplishment to-date had been, 60% felt that it was the appointment of a strong senior leadership team, 20% indicated it was Dr. Ashley's support for diversity and 16% identified the emphasis placed on research. Dr. Welty added that the faculty survey identified Dr. Ashley's significant achievements as diversity, promotion of research and scholarly activity, support for faculty governance and the handling of the budget crisis, which was consistent with the interview results.

In terms of areas for improvement, 51% of those interviewed identified the need for improved visibility; 30% identified the need for improved communication (*with the exception of communication around budget issues*) and 14% believed that less delegation of authority would be important. The faculty survey also identified the need for improved visibility and communication with faculty.

In summary, when considering the combined data of the self-study, the faculty survey and the interview responses, Dr. Welty felt that Dr. Ashley was off to a good start under incredibly trying circumstances and had the support to move the institution forward to becoming a top-notch urban, research University.

Dr. Ashley thanked Dr. Welty, the Evaluation Committee and the UNLV Campus Affairs Committee for their work on the report and the faculty survey. He related that this evaluation really was a process defined and implemented by the System and System staff. He felt that a

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presidential evaluation had certain expectations and asked that those expectations be the focus of the discussion, and that this not be considered a hearing.

Dr. Ashley related that upon coming to UNLV in July 2006, he had committed to being the good manager that the Board was looking for. However, he also wanted to build an outstanding university, adding that there was great deal of potential for UNLV. In 2006, the community was experiencing strong growth and enjoying a strong economy with the availability of many resources. There was a developing recognition for UNLV's catalytic role in moving the region forward and contributing to the local economy. Dr. Ashley related that it was that promise that brought him to Las Vegas and that allowed him to recruit and assemble an outstanding leadership team. Almost immediately, significant budget issues were faced, including a hold harmless situation which required the University to consider a reduction in resources while living up to its commitments. The University also experienced significant budget reductions in that biennium as well as the next.

Dr. Ashley felt it was important to note that although UNLV was facing significant fiscal issues, it was still very important for the University to consider the future and the setting of priorities and expectations. In his first year, Dr. Ashley related that eighteen town hall meetings were held that resulted in the development of some outstanding plans. Typically, an academic strategic plan provides opportunities to identify areas where a university could invest and build. However, in a resource constrained environment, planning also helped to focus on areas that needed protection.

Dr. Ashley acknowledged that the evaluation report reflected some areas of concern, including the proposed policy on Bias Incidents and Hate Crimes. However, he felt that the situation had been misrepresented. He related that Regents had required a hate crimes policy that also addressed prevention. UNLV engaged the community through extensive town hall and group meetings to try and build a consensus on how to go forward. He felt that this was a situation in which there existed a range of views and values that was not allowing policy development to reach closure. During that time, he had not received a satisfactory recommendation that could be implemented. In the spring of 2009, Dr. Ashley related that an ad hoc task force was created and was asked to develop three options for consideration. As a result of that process, UNLV now has a policy which he felt was in many ways what the Cultural Diversity and Security Committee had asked for. However the bias incidents portion still needed to be fully vetted. The Faculty Senate was asked, as a body, to come forward with a recommendation on that piece. He felt that this debate was really about the open discussion of ideas, adding that if that could not occur at a university, it could not be done anywhere. He stated that he would defend the process as being inclusive of all constituents and in identifying and debating the issues in a public format. Although the process was only modestly successful in identifying a recommendation, he felt that the dialogue and debate had been critical.

Dr. Ashley acknowledged that the second concern raised in the report was visibility. He recalled that during Dr. Welty's closing remarks to the Evaluation Committee, he and the student representative spoke of the desire and need for greater visibility. Dr. Ashley agreed that visibility was important and that it was something that he could work on.

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Dr. Ashley related that many recommendations had been made to him that he felt were achievable. On the other hand, he believed there was a feeling among the senior leadership team and the community that he should be standing up and taking more credit for the things that he was proud of.

Looking forward, Dr. Ashley related that UNLV will be making several dramatic announcements in August or September that he felt would reshape the research profile of the university, including a donation to create a multimillion dollar research institute that would have a significant impact on the community for years to come. He indicated that there will also be a future announcement involving a high-profile collaboration.

Dr. Ashley acknowledged that fundraising was an issue. He indicated that UNLV was within approximately \$30 million of their ambitious \$500 million capital campaign. He stated that over the last two years, the capital campaign had respectively increased by 23% and 10.5%; cash donations had also increased by 7% and 25% respectively; the number of donors had increased by 5% and 17%; and the number of donations had increased 5% and 20%. He indicated that those numbers indicated that, even amidst the worst economic conditions ever faced by the Las Vegas community, UNLV was still able to have a successful increase in its capital campaign.

Looking forward, Dr. Ashley felt that the budget would remain a significant issue. UNLV was just beginning to implement the realities of its 15.4% budget reduction. He felt that those efforts are in hand and that the university could move forward into the next biennium. He felt that planning needed to begin immediately for the next legislative session. He felt that there was much work left to do and that he was absolutely committed to UNLV and felt that he could lead the university forward to its research objectives as well as be a good steward of its resources.

Chairman Leavitt opened the discussion to questions from the Regents and asked that questions first be directed to Dr. Welty and then to Dr. Ashley, in that specific order.

Regent Crear indicated that he and Dr. Welty had a conversation prior to the evaluation, in which he had expressed that the most important result of this process was for the Board to receive a fair, equitable and candid evaluation. He felt that many president evaluations have come forward with the indication that everything is wonderful. However, the Board knew that not to be the case.

Regent Crear related that beginning from that initial conversation, there was a glowing response for Dr. Ashley. However, the Committee knew there were issues left to be addressed and many issues that could be worked out. Subsequent to that, Regent Crear stated that many, many people had come forward to indicate that there were issues that needed to be addressed and to be worked out. He stated that one of the luxuries of serving on such an evaluation committee was that he has been a long-time resident of Las Vegas and has access to a vast amount of resources. Subsequent to the release of Dr. Welty's report, many people had contacted him with their concerns that what they had said during their interviews had not been included in the evaluation. The number of those concerns raised a red flag for him. He related that he had spoken with a tremendous number of

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people with the goal of finding the truth and to determine how a fair evaluation could be made. He indicated that many of the comments expressed were contradictory to what Dr. Welty had indicated in the report. For instance, the report indicated that in terms of fundraising, Dr. Ashley “has been a very effective closer.” However, Regent Crear indicated that he had been told that Dr. Ashley has been a non-issue in terms of fundraising. He asked Dr. Welty to help him understand how the Board could get their hands around the information in the report when it was known that it did not contain the full picture.

Dr. Welty replied that the final report represented his best judgment in terms of providing a summary of the comments and taking anonymity into consideration. In regard to the issue of fundraising, “an effective closer” had been a direct quote from an interviewee. Although he had not heard that Dr. Ashley was not effective in fundraising, he had heard that Dr. Ashley was not as present at certain alumni and other events as the interviewees would like to have seen. He related that there were two or three members of the faculty that expressed negative comments during the interview. However, the rest were positive. Dr. Welty indicated that he had attempted to provide a balanced summary. He added that he had also tried to adhere to a tight interview schedule and had offered each interviewee the opportunity to provide further comment at the conclusion of each interview.

Regent Crear expressed that he remained perplexed, that if they both had spoken with the same people, the outcome could be so different. Dr. Welty restated that he had attempted to provide a balanced summary although he did not include every positive or negative comment that was expressed.

Regent Page felt that the Board should have received more than a five page report upon conclusion of two full days and 59 interviews. He pointed that Dr. Welty had indicated that a phone conversation with former Chancellor Rogers had occurred. However, the report does not include what that conversation entailed. Regent Page questioned how that could be when former Chancellor Rogers had been Dr. Ashley’s direct supervisor for three years and had submitted a substantial memo to the Board expressing several concerns. Regent Page indicated that he had also spoken with many people on the interview list and they had also expressed concerns that many of their comments were not in the report. Other individuals have commented that Dr. Welty had not appeared engaged. Regent Page also noted that during their telephone interview, he had to ask Dr. Welty if he was still there.

Dr. Welty indicated his regret that Regent Page did not feel he was engaged in their conversation. He assured the Board that he had attempted to listen to every interviewee, to adhere to the schedule and to provide a summary report. Dr. Welty indicated that if the Board wished for a more detailed report, one could be provided. He also indicated that his conversation with former Chancellor Rogers’ had not been included in the evaluation as he did not want to repeat information that the Board had already received.

Regent Cobb noted that Dr. Welty’s report was dated two weeks after the memo from former Chancellor Rogers had been released. He felt that the fact that the memo contained some very blistering comments and recommended termination would have at the very least been indicated in the report. He felt that was a glaring oversight and asked Dr. Welty why he did not choose to then meet with former Chancellor Rogers to address

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the accusations that were made. Dr. Welty replied that, based on his interviews, there were instances in former Chancellor Rogers' memo that he could not agree with. He repeated that he had simply tried to summarize the interviews as called for in the procedure.

Regent Cobb expressed great concern for the validity of Dr. Welty's report when it had failed to include an interview with former Chancellor Rogers as Dr. Ashley's immediate supervisor or to follow up with the concerns that supervisor had made in his memo.

Chairman Leavitt stated that, in fairness, Dr. Welty had indicated that he did have the opportunity to have an extensive discussion with former Chancellor Rogers after the memo had been distributed. However, everything that was said in the memo had been included in the discussion and therefore Dr. Welty did not feel the need to include it in his report. Dr. Welty stated that was correct.

Regent Crear related that he and Chief Counsel Patterson did have a conference call with Dr. Welty to communicate the reasons for rescheduling an open meeting report of the evaluation. At that time, Dr. Welty was invited to please follow-up with any of the interviewees that he felt necessary. Regent Crear added that a list of interviewees and their contact information had been provided to Dr. Welty.

Regent Alden related that he had written six memos to Dr. Ashley over the last three years without receiving a single response although he and former Regent Sisolak had met with Dr. Ashley to address some of those issues. Regent Alden stated that he had received more phone calls in the last 30 days than he had received since the entire time that he has lived in this state (1962). The majority of those calls indicated that Dr. Ashley's contract should not be renewed. He felt that there was something wrong with this evaluation.

Regent Blakely asked Dr. Welty which of the comments he agreed with in former Chancellor Rogers' memo. Dr. Welty replied that he had indicated in his report that there was an issue with Dr. Ashley's spouse and that there were concerns expressed by the faculty, students, etcetera in terms of developing connections, although he was not sure it was to the extent indicated in former Chancellor Rogers' memo. Dr. Welty also indicated that the concern whether Dr. Ashley took appropriate and timely action on the situation with his spouse raised a legitimate issue.

Dr. Welty continued that his findings do not reflect a significant concern for Dr. Ashley's performance or his attendance at necessary events, although he had received one concern regarding Dr. Ashley's absence from an Alumni event. However, Dr. Welty felt that a university president could not be everywhere. Regent Blakely related that he has observed Dr. Ashley at many events, even those that would not have been considered high-profile.

Regent Blakely asked Dr. Welty if he currently maintained the same viewpoint as contained in the report. Dr. Welty indicated that he had not learned anything that would cause a change in his report.

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Regent Rawson asked Dr. Welty if he had been informally directed towards the expected conclusion of the report's findings. Dr. Welty indicated that he had not.

Regent Rawson indicated that he was not questioning Dr. Welty's work. However, he did have some questions on the process and asked Dr. Welty for his opinion of or insight based on his recent experience.

Chair Leavitt asked Chief Counsel Patterson if Regent Rawson's question was appropriate for this discussion. Chief Counsel Patterson felt that it would be appropriate for Dr. Welty to respond in terms of whether the process minimized his ability to arrive at a full or complete report. Otherwise, the response would need to be heard under New Business or in some other meeting format.

Chairman Leavitt asked Regent Rawson if he would accept the application of that limitation to Dr. Welty's pending response. Regent Rawson indicated he would, adding that had been the primary direction of his concern.

Dr. Welty felt that it may be helpful to the consultant to have a brief meeting or phone call prior to the process to review any major issues. Secondly, the final meeting of the Evaluation Committee was scheduled immediately upon conclusion of the final interview. He indicated that it would have been helpful to allow a period of time between those meetings for the organization of thoughts and major points.

Regent Crear asked Dr. Welty, from his personal standpoint of being a president, what his thoughts were in terms of a president not dealing with issues that have been brought to their attention and allowing those issues to fester. Specifically, Regent Crear referenced Dr. Ashley's direction to the UNLV staff to work out their issues directly with his spouse. Dr. Welty indicated that his thoughts were contained in the report. He felt that it was still an issue and one that needed to be resolved in order for the office of the presidency to move forward effectively.

Regent Crear asked if Dr. Welty felt Dr. Ashley's response to the concerns was indicative of good leadership of a president of a university. Dr. Welty stated that presidents are expected to address and solve problems. Although they are not able to solve all of the problems, in this case, it was important to achieve resolution because it was important to the university.

In relation to Dr. Welty's summary comments in the report, Regent Crear asked Dr. Welty whether they reflected a summary of others' comments or were made relying upon his experience and knowledge as a president. Dr. Welty indicated that his comments were really his own comments, adding that he felt it was important that the situation be resolved.

Regent Knecht related that because of the personal and professional relationships that he and his family have developed with Dr. Ashley and his spouse, this discussion was not an easy one for him. However, because he has spent half of his career in the public sector, he could understand the staff's perspective. His concern was that, regardless of what the President's spouse has said or done, or what perceived authority they have or do not have, from the staff's perspective for their own protection and purposes, they have to

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treat the president's spouse as if they speak with the authority of the president.

Regent Knecht referred to the public record of communication between the President's spouse and UNLV employees. He asked Dr. Welty if he perceived that this type of issue, if left unresolved for some period of time, would be detrimental to the staff morale and if it was concerning that Dr. Ashley maintained his response that staff needed to work it out directly with his spouse.

Special Counsel Nielsen cautioned that the issue is solely how that situation reflected on Dr. Ashley's leadership and handling of the situation.

Regent Knecht restated his question and asked Dr. Welty if he was concerned that the issue had continued on without resolution, how that reflected on leadership and the implication that had on employee morale. Dr. Welty indicated that he had noted that in his summary as a situation that needed to be addressed.

Regent Knecht asked Dr. Welty if it was concerning that this type of situation had been allowed to continue as long as it has without being addressed. Dr. Welty replied yes.

Regent Cobb referred to the fourth bullet point in former Chancellor Rogers' memo. He asked Dr. Welty if he had received an e-mail from Dr. Brian Spangelo, former Faculty Senate Chair, UNLV. Dr. Welty indicated that he had not received the e-mail during the evaluation but had interviewed Dr. Spangelo. Regent Cobb asked if Dr. Welty had since had the opportunity to review the e-mail from Dr. Spangelo dated February 29, 2008. Dr. Welty indicated that he had seen and briefly reviewed the e-mail that morning.

Regent Cobb asked Dr. Welty, if during Dr. Spangelo's interview, was there an opportunity to address the perceived faculty issues that somewhat paralleled the concerns outlined in point #4 of former Chancellor Rogers' memo. Dr. Welty indicated that some, although not all, of the concerns expressed in the e-mail were mentioned by Dr. Spangelo during the interview. However, Dr. Spangelo's concerns were not consistently expressed by the other faculty members interviewed nor were they reflected in the faculty survey.

Regent Cobb asked Dr. Welty if his evaluation report referenced any of the concerns that Dr. Spangelo expressed as then Chair of the UNLV Faculty Senate. Dr. Welty indicated that Dr. Spangelo's concerns were not specifically referenced in the evaluation report but were reflected in the summary under Faculty Governance.

Regent Cobb asked if Dr. Welty's report reflected a positive relationship between Dr. Ashley and the faculty. Dr. Welty indicated that it did.

Regent Cobb asked if Dr. Spangelo's comments during the interview were consistent with those expressed in the February 29, 2008, e-mail. Dr. Welty indicated that some of the comments made during the interview were consistent with the e-mail. However, not all the concerns expressed in the e-mail were raised during the interview.

Regent Cobb asked where in the evaluation report Dr. Welty indicated the concerns expressed by the then Chair of the UNLV Faculty Senate. Dr. Welty indicated that was not included in the report.

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Regent Rawson related that upon reading Dr. Ashley's self-evaluation, he held the impression that particular document had been written by different people. He asked Dr. Welty if he had also sensed that. Dr. Welty indicated that it was not uncommon for various departments to prepare different portions of that type of document.

Regent Leavitt thanked Dr. Welty for his attendance at that meeting and indicated that the Board would now address concerns directly with Dr. Ashley.

Regent Crear stated that, out of respect for Dr. Ashley's career and reputation, he had felt compelled to seek input from a number of people. He related that those conversations have led to numerous responses that Dr. Ashley has repeatedly shown that he does not address issues and continues to let issues fester to the detriment of the institution. Dr. Ashley stated that he did not agree.

Regent Crear felt that was an easy response. However, the people he had spoken with had been very candid. Dr. Ashley stated that he respectfully disagreed, adding that the problem with Regent Crear's characterization was that it referred to incidents and individuals that could not specifically be addressed.

Regent Crear felt that the issues still remained in terms of Dr. Ashley's leadership. Dr. Ashley stated that he had confidence in his ability to lead. He was confident that the University was on track and that its senior leadership was doing the job expected of them.

In terms of fundraising, Regent Crear felt that Dr. Welty's evaluation was contradictory to what he has been told by members of the UNLV Foundation and the Alumni association that indicated Dr. Ashley was indeed not an "effective closer" nor were they comfortable with Dr. Ashley's ability to reach out to donors. Dr. Ashley replied that the evaluation had included positive comments made by many community members that were donors and others involved in UNLV's capital campaign activities. Secondly, Dr. Ashley indicated that he had cited evidence in support of the evaluation's findings, including increases in the dollars raised, the number of donors and the number of donations.

Regent Crear referred to the fact that issues have been brought to Dr. Ashley's attention in which he has chosen not to intervene and has in fact asked staff to work it out themselves. He asked Dr. Ashley if he felt that was appropriate for the president of an institution. Dr. Ashley replied that not only was it not appropriate, it was not what had happened. Regent Crear asked Dr. Ashley to further comment. Dr. Ashley related that UNLV's Vice President for Diversity and Inclusion had many responsibilities that crossed many dimensions of the campus. That was the obvious person to put in charge of the hate crimes policy.

Regent Crear indicated that he did not have an issue with the hate crimes policy. His concern was in regard to the issues that had been brought to Dr. Ashley that were obviously allowed to fester and asked if it was indicative of a president of an institution to allow that to happen. Dr. Ashley again stated that was not correct and again indicated that was not what happened.

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Regent Crear stated, for the record, that this was a harsh evaluation process, adding that what he had been told by many was in contradiction with Dr. Ashley's statement. Dr. Ashley replied that he did not have the benefit of the details of Regent Crear's conversations and therefore could not verify the substance of what was being cited.

Chairman Leavitt cautioned the Board that many conversations had occurred during this process and asked that specific questions be directed to Dr. Ashley.

Regent Crear asked Dr. Ashley for his opinion of the memo submitted by former Chancellor Rogers. Dr. Ashley felt that the memo mischaracterized his performance and he would have liked to have seen the support for the claims listed against him.

In terms of the unresolved spouse issue indicated in former Chancellor Rogers' memo, Regent Page asked Dr. Ashley if he felt it was appropriate for the president of an institution to direct staff to work their concerns out for themselves, without his intervention. Dr. Ashley replied that his observation was that the situation had in fact been resolved.

Regent Cobb noted that Dr. Ashley had stated that there was no substantive support for the claims in former Chancellor Rogers' memo. Dr. Ashley felt that was the case for almost every issue raised in the memo.

Given that response, Regent Cobb asked Dr. Ashley if he had responded to the concerns raised in Dr. Spangelo's e-mail dated February 29, 2008. Dr. Ashley asked if that was the e-mail that was sent to Regent Wixom. Regent Cobb indicated that was correct. Dr. Ashley replied that he had not seen that correspondence until two days ago, feeling that it had been a secret communication between Dr. Spangelo and Regent Wixom. He felt the results of the faculty survey countered just about every point made in Dr. Spangelo's e-mail.

Regent Cobb noted that attached to Dr. Spangelo's e-mail was a memorandum to Dr. Ashley from the Faculty Senate Executive Committee that raised a number of issues. He asked Dr. Ashley if he had responded to those issues. Dr. Ashley replied that he had met with the Faculty Senate Executive Committee and the current Faculty Senate Chair and continues to work on those issues. He noted that at that point in time, there was concern for how UNLV dealt with the first budget reduction of 4.5%. Dr. Ashley related that his interpretation of the Faculty Senate's concern was that they felt they had not been appropriately involved in fiscal discussions. He indicated that there was some validity to that argument as decisions had to be made under a short turnaround requirement over the course of the winter break. Dr. Ashley related that those concerns continue to be taken under diligent consideration in terms of the most recent round of budget reductions, adding that he felt they were no longer valid.

Regent Cobb asked if that memo by the Faculty Senate Executive Committee had been included in Dr. Ashley's self-evaluation. Dr. Ashley indicated that he had no knowledge of that.

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Regent Cobb asked Dr. Ashley if he had met with former Chancellor Rogers regarding the concerns he had raised. Dr. Ashley indicated that former Chancellor Rogers had told him that he did not want anything to do with him. Regent Cobb asked if that meant they had a discussion. Dr. Ashley replied that the former Chancellor was pushing very hard for his resignation and when he did not comply, wrote the memo and stated that was the last he wanted to talk to him about the issue.

Regent Cobb noted that an annual evaluation had been conducted in 2006 and 2007 and asked if one had been conducted in 2008. Dr. Ashley confirmed that there were two prior evaluations that were contained in the self-evaluation materials. Regent Cobb again asked if an evaluation was conducted in 2008. Dr. Ashley indicated that the first annual evaluation conducted in the spring 2007 covered the last half of 2006. The evaluation conducted in 2008, covered the 2007 year. The current evaluation process was a three year review and functioned as a substitute for the 2008 evaluation.

Regent Crear noted that there had been an editorial in the UNLV Rebel Yell that indicated the students would love to come to Dr. Ashley's defense. However, for the most part, they do not know who he is. He asked Dr. Ashley to respond to that opinion. Dr. Ashley stated that he had read the article and felt that it was very much on point in terms of his visibility, adding that was something that he could work on. He related that there have been many instances of his visibility with the students, citing an annual event at his home with the outgoing and incoming student leadership. The Regents were invited to join that event this past year. Dr. Ashley related that one step that he has taken that may not be widely understood was the creation of the President's Advisory Council. That Council is a very small group that includes representatives from the Faculty Senate, the professional staff, the classified staff, the graduate and undergraduate student presidents and the President's Chief of Staff. The Council meets periodically and helps to address the concern that there was not enough or timely communication occurring across those constituencies. He related that although the Council has only been in existence for approximately one year, he has found it very encouraging as it quickly brings issues to his attention.

Regent Crear asked what the average schedule was for the President of UNLV. Dr. Ashley replied that he typically start his morning between 7:30 a.m. and 8:15 a.m. During the day, there were often events on and off-campus as well as evening events. He stated that a work day could easily be 12 hours or more. Dr. Ashley indicated that in his position as President, he has travelled less than in previous positions as most of the activity that concerns the University is centered in southern Nevada. He had traveled a bit more than usual during the previous spring due to the legislative session. Also, the weekends involved sporting or other community events where the UNLV President's attendance would be desirable.

Regent Crear asked if Dr. Ashley felt he was a 9:00 a.m. to 5:00 p.m. type of president. Dr. Ashley stated absolutely not.

1. Information Only- Personnel Session – UNLV President David B. Ashley (Agenda Item #1)
– (Cont'd.)

Regent Crear asked Dr. Ashley if he felt that he was accessible to his leadership team at all hours including after hours or while on vacation. Dr. Ashley felt that he was, adding that the e-mail approach was 98% effective and that his blackberry was always with him. He also stated that the President's Cabinet meets weekly with individual meetings occurring weekly or every other week as schedules allow.

Regent Cobb referred to a May 14, 2009, e-mail between Ms. Christian Hardigree, UNLV Chief of Staff/Assistant President, and the President's spouse, where it was stated that Ms. Hardigree was not to use the home phone to contact Dr. Ashley. In response, Ms. Hardigree had indicated that the home phone number was provided by Dr. Ashley for use in emergencies. Regent Cobb asked Dr. Ashley what his policy was for being contacted when an emergency arises. Dr. Ashley replied that his blackberry is with him at all times. Their home phone was in his spouse's name, and is available, but only for true emergencies. Dr. Ashley recalled that in that particular case, Ms. Hardigree had contacted him. However, it was not on the home phone so there had not been any difficulty in communication that evening.

Regent Crear asked if Dr. Ashley did not feel that it was inappropriate that his Chief of Staff was told that it was inappropriate for her to contact him at a home that the Board of Regents' supplements. Dr. Ashley indicated that his household had several phones. However, that particular phone number was in wife's name and available for emergencies only. He felt that there was constant contact between e-mail and his cell phone and there existed no inability to reach him.

2. Information Only - Public Comment (Agenda Item #3) – Mr. Fred Cox, Donor and Resident of Las Vegas, as well as a member of the UNLV Foundation Board of Trustees related that although his educational background was in engineering, he had spent most of his career in an entrepreneurial capacity, including the selection and evaluation of executives, presidents and other individuals. He felt that the values of integrity, honesty, trust, reliability, character and ethics were necessary to determine if one was a leader. His initial assessment and subsequent associations with Dr. Ashley have confirmed those characteristics. Secondly, it was important to assess the concurrence of vision and outlook. Also, in the opinion of Mr. Cox, Dr. Ashley has put together a world class team that has proven itself in its execution and ability to handle crisis. Finally, Mr. Cox felt that the evaluation had triggered many questions and issues, some of which could not be considered fundamental. He related that he had been a participant in one of Dr. Welty's group interviews and felt that the group's input had concurred with the basics of the evaluation report. He understood that the Board had concerns in regard to the quality of the report, and indeed there was some concern that some issues had not been addressed. However, Mr. Cox felt that the bottom line was that the report did reflect Dr. Ashley's performance as a leader. He felt that the concerns raised in the memo by former Chancellor Rogers reflected what he felt to be lacking in the report. In regard to the maintenance of an appropriate working environment at UNLV, Mr. Cox felt that the report and survey reflected that Dr. Ashley had done that quite well. In terms of developing connections, Mr. Cox felt that Dr. Ashley had a good relationship with the students. However, there was room for improvement in

2. Information Only - Public Comment (Agenda Item #3) – (Cont'd.)

the relationship and communication between Dr. Ashley and the Board of Regents and the Las Vegas community. As to whether Dr. Ashley's management style was conducive to continued development of UNLV, the Board needed to first determine what management style it wanted. If the Board wanted a person that was smart, intelligent and data driven and that empowered his team to make decisions, then Dr. Ashley was a good fit. From the perspective of a donor, Mr. Cox felt that a shifting of the presidency created great disruption within the organization and impacted a donor's decisions. Currently UNLV had a team in place that has already dealt with one budget reduction, and will be able to deal with further reductions in the context of the University's vision and plan. He understood that the options before the Board were to terminate Dr. Ashley and reassign him to a faculty position in the School of Engineering. However, he felt that would be a waste of talent. A second option would be to allow Dr. Ashley to finish out his term. However, that would create a lame duck situation. A final option would be for the Board to place their support in Dr. Ashley and his team, to let them do their jobs and use the resulting time to work out the issues.

Mr. Jim Ratigan, past President of the UNLV Alumni Association, recognized that the job of a university president was not an easy one. However, one of the attributes of a good leader, much less a great leader, was to cultivate relationships with a variety of interest groups and campus constituencies including the UNLV Foundation, the business community, the Alumni Association, faculty, staff and students. He felt that Dr. Ashley had not done a very good job in doing that, and particularly in the area of alumni relations. The perception of many alumni was that either Dr. Ashley did not care or did not value the Alumni Association as a priority. Specifically, at last year's UNLV versus Arizona State University (ASU) football game, the UNLV Alumni Association and its College of Business Chapter, co-hosted a pre-game tailgate party in which Dr. Ashley was scheduled to present an award to an outstanding member of the UNLV Alumni from the Phoenix area. However, Dr. Ashley, in attendance at the pre-game party in the ASU President's box, ultimately decided that the Alumni's party and award presentation was not important enough to attend. Secondly, the UNLV Alumni Association Board of Directors has hosted an annual event to afford the President, their Cabinet and the Deans an opportunity to meet with the members of the Association and discuss topics of mutual interest. The event is scheduled around the Presidents' calendar in advance to ensure that there are no conflicts. In 27 years, no sitting UNLV President has made a decision not to attend, until Dr. Ashley. UNLV Provost, Neal J. Smatresk, had done a wonderful job representing the President's office. However, Dr. Ashley was conspicuous in his absence. Mr. Ratigan stated that although there are many different styles in effective leadership, he felt that UNLV needed, at this moment in time and for the foreseeable future, a leader that was willing to be seen and heard. The quiet leadership model is better suited for an institution that is not facing economic and financial challenges. Mr. Ratigan stated that while he harbored no personal animosity against Dr. Ashley, he did feel it was time for a change.

Mr. Jeff Knight, current President of the UNLV Alumni Association, provided additional concerns on behalf of the Alumni Association. Over the last ten years, Mr. Knight indicated that he has had the opportunity to witness how critical the partnership was between the University administration and the Alumni Association and for the President to be visible and engaged with the community at large. At this time, Mr. Knight felt that UNLV did not have

2. Information Only - Public Comment (Agenda Item #3) – (Cont'd.)

that partnership. Specifically, he shared the concern that there was a general lack of engagement. Without the leadership of former Chancellor Rogers, the Alumni Association would not have been prepared to address the recent budget crisis. Mr. Knight acknowledged that being president of a university was very challenging. He agreed that Dr. Ashley was very intelligent and a genuinely nice person. However, he felt that Dr. Ashley has not shown the necessary skills to lead UNLV or to make that critical connection to the external community. In terms of the evaluation, Mr. Knight expressed his concern for the time he spent with the consultant. He expressed his frustration in seeing the articles in the paper about a glowing and positive review. He felt that the Las Vegas community required a very dynamic leader. As President of the Alumni Association, Mr. Knight related that he was also an ex-officio member of the UNLV Foundation Board of Trustees. He related that at the last UNLV Foundation Retreat he was taken back at the level of criticism expressed for Dr. Ashley. There was a consensus during that meeting that Dr. Ashley was not engaged. The perceived lack of passion, lack of visibility and the lack of engagement with the alumni and the community at large needed to be addressed. Dr. Knight also felt that there needed to be a change.

Mr. Vik Sehdev, former CSUN Vice President and current member of the UNLV Alumni, related that he had come to know Dr. Ashley and felt that he was doing a great job, adding that UNLV has gone from a regional university to a research university to an international research institution. He indicated that he did not personally care about tailgate parties, adding that, at the end of the day, he preferred that UNLV be recognized on an international level. He felt that Dr. Ashley was very intelligent although very calm and quiet. However, Mr. Sehdev was confident that Dr. Ashley had a reason for every action. During the evaluation process, the student government leaders had realized that Dr. Ashley was not very active in the eyes of the students. As a group, they came together and made a pact to help Dr. Ashley become more engaged. He felt that Dr. Ashley was an asset to UNLV. As former Chancellor Rogers had stated, nobody wanted to be part of a losing team. He felt that terminating Dr. Ashley would make UNLV the losing team and, on behalf of the students, he urged the Board to vote in favor to renew Dr. Ashley's contract.

Mr. Kyle George, Vice President of the GPSA student association and current member of the Alumni Association, indicated that he had repeatedly heard that the evaluation process was materially flawed. He felt that if the evaluation was not satisfactory, perhaps a new one needed to be conducted. He did not understand how the Board could decide the evaluation was useless but then make a decision based upon it. He had also heard several Board members comment on the feedback from the community. However, none of those discussions were on the public record and questioned the appropriateness of those discussions taking place privately. His third concern was that he felt the evaluation was being disregarded and that the full Board had taken on the role of an ad hoc Evaluation Committee. He felt that a vocal minority were being allowed to steer the process. He related that UNLV had a very diverse community with diverse opinions and asked that the Board be mindful of that. Mr. George recognized that the members of the Alumni Association had expressed their displeasure of Dr. Ashley's performance, but in his opinion, as a member of that Association, he felt that Dr. Ashley had been very supportive of the students. He hoped the Board took the opinions of the students into account when making a decision on this evaluation.

2. Information Only - Public Comment (Agenda Item #3) – (Cont'd.)

Regent Cobb addressed the concern expressed by Mr. George for the meeting process and referred to Chapter 2, Section 2, Paragraph 12 of the *Procedures & Guidelines Manual*, that states “as soon as practical after the submission of the final evaluation report, the evaluation consultant will present the final report at a meeting of the Board of Regents where the President will participate in an open personnel session to review the finding of the evaluation.”

In regard to the comments made by Mr. George in relation to the open meeting law, Chief Counsel Patterson advised that as publicly elected officials, citizens are free to call upon the Regents directly to discuss any subject. The issue of concern by the open meeting law is solely that a quorum of the Board cannot meet behind closed doors and arrive at a decision. Any decisions must be arrived upon at a public meeting. Chairman Leavitt added that a decision of the Board will not be made until the appropriate time on the agenda arrives.

Ms. Jessica Lucero, GPSA President, UNLV, related that she had gained great experience in her leadership role mostly due to her interactions with the members of the Board and with Dr. Ashley. She stated that, although she does not always see eye-to-eye with all the members of the Board, she expressed the utmost respect for each of them. Having said that, she was very surprised for how this meeting was proceeding. She found it uncomfortable that details of the report had been referred to before it had even been released to the public. She had participated in Dr. Welty's interview of the student government leaders. She related that during Dr. Welty's interview with the student government leaders, they had identified a single area of concern as being Dr. Ashley's need for greater visibility with the students. As a result, the student leaders made a pact and decided it was their responsibility to get Dr. Ashley to events and to make sure his involvement on campus was better advertised. Ms. Lucero related that she had also reviewed past evaluations of other presidents, and was surprised to note that they had also not included interviews with other Board members, adding that in one recent case, former Chancellor Rogers had not been on the interview list. She questioned why that was an issue for this evaluation. She understood that it was important for donors to feel comfortable with a president. However, in the UNR President's evaluation earlier in the year, it was indicated that the institution was not even conducting a capital campaign due to the economic climate. Given that information, she felt that having raised \$125 million for UNLV was a positive reflection upon Dr. Ashley. Although she was glad that many stakeholders had called or been contacted, she, as current GPSA President, had not been one of them. She expressed her confidence in Dr. Ashley's abilities. However, she felt that valid criticisms included developing better relationships with donors and the alumni, increasing visibility and communication on his activities.

Mr. Matt Cutler, UNLV Student and former CSUN Student Body Senate President, related that he has had the opportunity to interact with Dr. Ashley on official and social occasions. In his opinion, Dr. Ashley was genuine, adding that, in his opinion, it was more important that the President stood by his ethics rather than being able to entertain. He related that when invited, Dr. Ashley has attended events around campus. He felt that there had been much hearsay, but that in an evaluation, it was more important to review the facts. He expressed concern for the media's jumping to conclusions and felt they should be more focused on facts. He echoed Mr. Sehdev's

2. Information Only - Public Comment (Agenda Item #3) – (Cont'd.)

point that it was more important to know that a degree from UNLV meant something, and not that Dr. Ashley attended a tailgate parties. He also indicated that during Dr. Welty's interview with the student government leaders, a general sense had been expressed that Dr. Ashley was doing a great job.

Mr. Adriel Espinoza, former CSUN President, agreed with many of the points that had been made by other former and the current student body leaders. He related that Dr. Ashley had always been willing to meet with the student leaders and was open to discussion. He felt that Dr. Ashley embraced opportunities to meet with the students and to attend student events. He expressed his support of Dr. Ashley and hoped that the Board voted for his contract renewal.

Senator Joe Neal addressed the Board of Regents as a taxpayer and a former legislature. He expressed concern that during this evaluation process, no one had yet discussed the mission of the university. He felt that Dr. Ashley knew what that mission was. He felt that the process of education was an upward effort where the most important person was the instructor, not the presidents. In his opinion, it was the success of the department heads that should be considered in terms of a president's evaluation, not how the president got along with the community. Mr. Neal recognized that the Las Vegas community was dominated by the interests of the gaming industry, which he felt did not have the essence of higher education at heart. He implored the Board to look carefully at what has been said in Dr. Ashley's evaluation. He felt that if the Board looked carefully at what was reflected in Dr. Ashley's evaluation, it would not conclude to terminate Dr. Ashley's contract. Mr. Neal felt that the core issue before the Board should be whether the students were receiving the proper education and were prepared to deal with local, regional and international issues.

Chairman Leavitt indicated that the meeting would recess briefly and asked the Board members to refrain from speaking with each other out of respect for the process.

The meeting recessed at 11:48 a.m. and reconvened at 12:04 p.m., on Friday, July 10, 2009, with all members present.

1. Information Only- Personnel Session – UNLV President David B. Ashley (Agenda Item #1) – (Cont'd.)

Dr. Nassir Daneshvary, Professor and former Chair of the Faculty Senate and current member of the Faculty Senate Executive Committee, related that the UNLV Bylaws state that the President shall be evaluated at least once every three years according to procedures and criteria established by the Faculty Senate. The Campus Affairs Committee was charged with the duty of designing and conducting a survey of the faculty. A two-page questionnaire was developed based on UNLV's strategic planning goals, the goals stated by Dr. Ashley during his inauguration speech as well as the Presidents' job description as outlined in the NSHE Handbook. A specific question was included in regard to the renewal of Dr. Ashley's appointment. Dr. Daneshvary stated that the questionnaire was distributed to 2,019 faculty and professional staff members and

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included a mechanism for anonymity and confidentiality. By mid-December, 766 (38%) of the surveys had been returned. Dr. Daneshvary indicated that was approximately two to three times greater than the return rate in previous administrations. The increased rate of return could be attributed to several factors including assured anonymity, that the analysis was conducted by the Faculty Senate instead of by the President's office and that the campus has felt an increasing support and respect for faculty input. The overall results were as objective as possible and reflected the opinions of the wider campus and not just the opinions of a small group of individuals.

On a personal level, Dr. Daneshvary related that interaction between the faculty and the administration was generally adversarial. However, that has not been the case with Dr. Ashley and most of the Faculty Senate representatives. In the last three years, Dr. Ashley has brought a sincere openness and transparency to the campus. He has shown consistency and credibility in his speech and actions. He did not feel that Dr. Ashley surrounded himself with a small group of people but felt that he had listened to every group possible. As reflected in the report, Dr. Daneshvary emphasized that the faculty supported the renewal of Dr. Ashley's contract by nearly a ratio of four to one.

Dr. Bill Robinson related that he has been involved in every presidential survey since the mid-1980's. The aspects of this process that were notable compared to previous administrations was that this had been the first time that the Campus Affairs Committee was allowed to design the survey or allowed to include a direct question in regard to contract renewal. In the past, the written comments went directly to the President's office, and then selected comments were attached to the self evaluation. This was the first time that the faculty knew that 100% of the survey's results would be submitted to the Board of Regents. Dr. Robinson related that the comments had not been edited or censored. He felt that the number of responses and the data spoke for itself. Most of the responses were heavily weighted on the positive side. There was a higher than expected percentage of responses for "Neutral" or "Don't Know." The responses for questions related to research, diversity and planning issues were all on the positive to strongly positive side.

Regent Cobb referred to a memo dated January 28, 2009, from the Faculty Senate Executive Committee where Dr. Ashley was criticized on several topics. He asked if those concerns had been satisfactorily addressed. Dr. Daneshvary felt that the issues had all been addressed. Dr. Robinson added that all of the issues had been addressed, although not everyone may have been happy with the outcome.

Regent Cobb related that his primary concern was that the memo indicated that decisions on the budget reduction plan were made "without input from the faculty." and that "neither the Chair or the Executive Committee of the Senate were consulted prior to December 19." The paragraph then concludes with the statement that "once again faculty input was not solicited." Regent Cobb asked how that compared to the remarks that were just made. Dr. Robinson replied that Dr. Ashley, unlike previous administrators, has resolved to seek input from the Faculty Senate on a list of topics before making changes.

1. Information Only- Personnel Session – UNLV President David B. Ashley (Agenda Item #1)
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Regent Cobb asked if the Faculty Senate was satisfied with Dr. Ashley's response to the concerns. Dr. Robinson indicated that they were. Dr. Daneshvary added that on approximately December 19, 2008, the administration had begun speaking with the Faculty Senate Executive Committee regarding the upcoming budget issues. The Faculty Senate Executive Committee was under the impression that they would then be consulted before any decisions were made. Over the holiday break, a town hall meeting was conducted in which information was provided that made it sound like the decisions had been finalized. However, that was a complete misunderstanding which resulted in a learning situation in which Dr. Ashley and his administration learned that if options were going to be discussed with the campus community, the Faculty Senate must first be involved.

Chancellor Klaich noted that the response categories in the survey included a neutral column with positive or negative options to the left and right. However, the question related to contract renewal included a different set of options and asked if that was a conscious decision, and if so, why. Dr. Robinson replied that because no comparative data exists for that question, the Campus Affairs Committee had initially felt it should not be included on the questionnaire. However, in the end it was decided that it should be included. He agreed that the questions should have been structured consistently. He expected that the question would change over time.

Chancellor Klaich expressed his appreciation to the Faculty Senate and its Executive Committee for the process and success of the survey.

Regent Knecht related that he had heard the characterization that the distribution of the results was flatter than normally seen. He questioned if that reflected Dr. Robinson's opinion or rather a misunderstanding of the results. Dr. Robinson related that the Campus Affairs Committee had debated on the best way to present the data, particularly because of the unusually large percentage of neutral responses. In the end, it was decided to submit the data to the Board in its raw form because, statistically speaking, it could not be decided if there was a best way to present the data. The ration of the number of agree versus disagree were significant. However, at the same time, there was a large cluster of neutral responses. Dr. Daneshvary agreed that there was a flatter distribution. However, some of the questions were fairly technical and specific to individual departments. He also felt that a neutral answer indicated honesty.

Regent Knecht noted the 38% return rate may correlate to the flatter distribution and the large number of neutral responses. Dr. Robinson indicated that it certainly had much to do with it. Some of the questions did not pertain to certain groups of faculty and, in those instances, a response of "neutral" or "do not know" would be more desirable.

Regent Crear noted that the survey had been taken in December of 2008. He asked Dr. Daneshvary and Dr. Robinson to elaborate on their personal opinion if the issues raised in recent months would possibly dictate a change in the survey results. He also asked them each to elaborate on the opinions that they have heard from their peers in regard to the events of the last sixty to ninety days and how those opinions differ from those expressed in December.

1. Information Only- Personnel Session – UNLV President David B. Ashley (Agenda Item #1)
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Dr. Robinson stated that the survey questions were drafted in such a way that they dealt with the faculty's direct work responsibilities, and not on indirect issues such as donor relations. He felt that the responses from a survey conducted that day, would differ from that taken in December. However, he was uncertain how responses related to the President and general university business could be separated from the resulting general unsettledness of the salary reductions that occurred.

Regent Crear repeated the question, asking what Dr. Daneshvary's and Dr. Robinson's personal opinions were based upon the new information available in the last sixty to ninety days and what changes may have occurred in the opinions of their peers. Dr. Daneshvary agreed that many issues have come up since December including budget reductions as well as the situation with the President's spouse. In terms of the budget reduction, Dr. Ashley has received many compliments. In terms of the situation involving the President's spouse, Dr. Daneshvary felt that, with the exception of a conversation that he had with a single person that was directly involved, the rest of the campus was only aware of the situation based on newspaper articles. Regent Crear asked if, in Dr. Daneshvary's opinion, had anything changed between last December and that day. Dr. Daneshvary stated that his opinion was that the faculty and staff do not want media attention focused on this issue.

Regent Leavitt felt that Dr. Daneshvary was not being responsive to Regent Crear's question. He asked Dr. Daneshvary to answer if he or Dr. Robinson felt that there would be any material differences in the survey responses as of that day as opposed to those provided in December.

Dr. Daneshvary felt that there would not be a difference on either issue.

Chairman Leavitt asked Dr. Robinson for his answer. Dr. Robinson replied that he also felt there would not be a difference.

Dr. John Filler, Faculty Senate Chair, UNLV, related that his opinions and comments relative to Dr. Ashley's performance were based on his 40 years of experience as a Professor in higher education at six different institutions, including twenty years at UNLV. Dr. Filler indicated that he had also formed his opinions based upon a review of the faculty survey results and from his direct interactions with Dr. Ashley. He emphasized that his remarks were strictly a reflection of his own opinions and that the Faculty Senate had adjourned on April 14, 2009, without having taken a formal position on the performance of Dr. Ashley. Dr. Filler stated that upon his review of the faculty senate survey, the majority (57%) of the respondents were administrative faculty or non-tenured track faculty-in-residence. 19.5% of the respondents did not support the renewal of Dr. Ashley's contract and another 9% either did not know or provided no response. An additional 19.5% only somewhat supported a contract renewal and that had been the mid-point rating on a five point scale that really should have reflected "undecided" or "unsure." He took responsibility for that, as he was on the Faculty Senate Executive Committee when the questionnaire was created. In the final analysis, 52% of respondents clearly supported the renewal of Dr. Ashley's contract. That amounted to 414 respondents out of 2,019 academic or administrative faculty, or approximately 21%

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of the total UNLV faculty. By comparison, in UNR President Glick's evaluation, 74.2% of the UNR respondents of a similar campus wide questionnaire, either strongly agreed or agreed that their president's contract should be renewed. He pointed out that UNR's return rate was 16%, whereas UNLV's was much higher. The proportion of respondents to Dr. Glick's evaluation that supported a contract renewal was much larger than Dr. Ashley's, while the proportion of respondents that felt Dr. Ashley's contract should not be renewed was somewhat smaller. Dr. Filler felt that the responses to the UNLV questionnaire clearly indicate that visibility and communication were areas of significant concern. It also appeared that the senior tenured faculty had the greatest concern.

On a personal level, Dr. Filler considered visibility and effective communication to be absolutely critical to the effectiveness of a university president. He related that his own interaction with Dr. Ashley seemed to support the concern in that area. He felt that Dr. Ashley seemed to hear but not listen, and while it was certainly Dr. Ashley's right to disagree, Dr. Filler expected a president to take the time to explain his answers. Dr. Ashley had consistently demonstrated a tendency to adhere to a position, even when all those around him maintain that position is untenable. In speaking with many faculty, Dr. Filler felt that if the evaluation was conducted that day, the results would be far more negative than those received in December 2008. Dr. Filler stated that he had not received a single message of any kind urging him to stand before the Board and support the renewal of Dr. Ashley's contract. He felt that there could be no hesitation to do what was best for UNLV. In that spirit, Dr. Filler indicated that he had reluctantly and with a genuine sadness come to the conclusion that UNLV was best served by a change in leadership.

Mr. Adam Cronis, CSUN President, UNLV, related that during his interview with Dr. Welty, he had expressed the need for Dr. Ashley to increase his visibility in terms of everyday types of interactions with the students. Mr. Cronis related that as part of the President's Advisory Council, Dr. Ashley was always very responsive in addressing concerns. Some students, particularly in the research-related fields, had commented that Dr. Ashley was not responsive to the needs of the students in terms of funding for lab equipment, and have recommended that Dr. Ashley not be reappointed. However, Mr. Cronis related that he has also heard many positive comments that Dr. Ashley had stood up for the students in regard to the surcharge fee that had been proposed last year. He indicated his respect for Dr. Ashley in that decision and in his support of access for all students. He felt that Dr. Ashley was a good and genuine man. He believed that all comments needed to be taken into consideration. Mr. Cronis indicated that he would continue to trust Dr. Ashley's judgment if he were to be reappointed, although he may disagree with him at times. He also felt that Dr. Ashley would continue to address the issue of visibility.

Mr. James E. Rogers, former Chancellor of the NSHE, related that Dr. Welty had not contacted him but he had not considered that a great offense as he had not been contacted by either of the consultants involved with Dr. Glick's or Dr. Wells' evaluations. However, upon receiving the initial report he was surprised by how positive it was on all fronts and that it did not include concerns relating to the spousal issue. At that time, he had contacted Dr. Welty and expressed concern that the report did not include mention of

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the very public battle related to Dr. Ashley's wife. Dr. Welty had indicated to him that although he had heard of the issues, he was not comfortable including negative information in a public document. Former Chancellor Rogers stated that he conveyed to Dr. Welty his distress that the analysis did not include the good, the bad and the mediocre aspects of Dr. Ashley's administration. He informed Dr. Welty that the report was inadequate and gave the appearance of a white wash and that would need to be addressed. Dr. Welty indicated to the Chancellor that he understood.

Former Chancellor Rogers related that in terms of importance, the issue with Dr. Ashley's spouse was in some ways significant. The question really became what was the President of a major university to provide in terms of leadership and support. He felt that everyone, including the Chancellor's office, should be able to look to the president for leadership and support. The grumblings at UNLV began when Dr. Ashley chose a residence approximately 30 miles from the campus. That was concerning for some because the System does provide a housing stipend to the institutional presidents because they need to be accessible and it is assumed that they would also entertain from that location. In addition, specific Regents began expressing concern that communication was not occurring between them and Dr. Ashley. Former Chancellor Rogers stated that he had addressed that concern with Dr. Ashley and expressed to him that relationships were very important to the position of president and that Dr. Ashley needed to look outward from the university. Over a period of time, UNLV was becoming more and more isolated.

Former Chancellor Rogers related that the eight NSHE institutions must work together because, separate and apart, they do not have the funding to be successful. He related that when the concept of the Health Sciences System first materialized, an expert was hired to conduct an analysis. It was essential that all eight institutions be involved as they all had something to contribute. In the Health Sciences System's report, it was indicated that initially UNLV had expressed an interest in participating. However, that interest had begun to wane. Former Chancellor Rogers felt that indicated a new era of isolationism that was contrary to his wishes as to what the System should be doing. Although it may have been someone else within the UNLV administration that was making the decision not to participate, Dr. Ashley was ultimately responsible and was part of a much larger team.

Former Chancellor Rogers related that it was reflected in the evaluation report that Dr. Ashley had somewhat received credit for the raising of \$125 million. However, after speaking with many people, he was left with the impression that although Dr. Ashley was present during those donor negotiations, he had never been the closer. He was not sure how much of the credit Dr. Ashley actually deserved. He felt that Dr. Ashley had done an outstanding job in developing an excellent support staff. However, he felt that Dr. Ashley was an isolationist and did not respond when spoken to.

Former Chancellor Rogers indicated that, in general, he felt Dr. Ashley had been doing a good job. The critical issue was in regard to Dr. Ashley's overall leadership abilities. What he found was that there were pockets of people across the state that felt Dr. Ashley was unresponsive. He felt that if the spousal issue could be separated out, then it could be addressed at another time. However, the spousal issue had come up in a way that relates back to Dr. Ashley's leadership abilities. He felt that it was the president's job to tell the

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people what needed to be done, to support them in getting that done and in ensuring that they feel comfortable and secure in their positions.

Former Chancellor Rogers indicated that although he had heard rumblings about Dr. Ashley's spouse, the significance of the situation materialized when she was not present at what he felt to be a very important UNLV function.

Special Counsel Nielsen reminded former Chancellor Rogers that the discussion needed to remain focused on how the situation tied back to the evaluation of Dr. Ashley.

Former Chancellor Rogers noted that in his discussion with Dr. Ashley that night, and thereafter, he expressed concern that the president's spouse was refusing to participate in something that was important to the president's job.

Chairman Leavitt reiterated that Chief Counsel Patterson had indicated at the start of the meeting that efforts to serve Mrs. Ashley with proper notification were unsuccessful.

Regent Rawson asked if there had been a resistance to the System's attempts to serve proper notification. Chief Counsel Patterson related that Dr. Ashley was asked to facilitate receipt of proper notification for his wife. Once those attempts at notification proved unsuccessful, personal service attempts were then initiated. Reports from the process server indicate that three attempts were made on June 30, July 1 and July 2, 2009, including an extended attempt on July 2, that were all unsuccessful. The residence door was never answered nor were phone calls received from the business cards left on the vehicles or residence door. On July 2, Chief Counsel Patterson stated that during a telephone conversation, he specifically asked Dr. Ashley to provide information on his spouse's whereabouts. Dr. Ashley stated that he could not provide that information but did provide an e-mail address. Chief Counsel Patterson stated that he then sent an e-mail request to the spouse to acknowledge service.

Chairman Leavitt asked if the System had complied with Dr. Ashley's request to provide proper notification to certain individuals, although when the System asked Dr. Ashley to assist in proper notification, it was unsuccessful. Chief Counsel Patterson stated that was correct.

Dr. Ashley clarified that he had mentioned one, perhaps two, individuals that may be mentioned. Chairman Leavitt asked if he asked for notices to be sent. Dr. Ashley indicated that he did not.

Former Chancellor Rogers indicated that the discussions with Dr. Ashley in regard to his relationship with the members of the Board occurred on a continual basis. He indicated to Dr. Ashley that although he had not spoken to the Regents about it, he felt they would not continue to put up with it. He stated that it was particularly troublesome that an individual outside of the System was providing direction and that there had been no attempt to prevent that person from moving forward. He felt that once the situation became apparent to the wider campus community, it would create uncertainty and fear. He indicated that Dr. Ashley had replied to that concern by stating the individual was independent of him as the President and had a right to say what they pleased. To that, former Chancellor Rogers stated that he had attempted to explain that due to the relation

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of this individual to Dr. Ashley, that gave the person the appearance of an implied authority, especially if nothing was done to prevent that implied authority. However, former Chancellor Rogers indicated that Dr. Ashley did not agree.

Former Chancellor Rogers indicated that he had several conversations with Dr. Ashley on this topic. Although Dr. Ashley does not agree, former Chancellor Rogers stated that he had indicated to him that his failure to manage this situation would potentially cost him his job.

Former Chancellor Rogers had told Dr. Ashley that when the Board considered his evaluation, they would also consider his leadership and how it affected all of the issues. Former Chancellor Rogers indicated that Dr. Ashley's response had been that the situation encompassed only a few individuals and involved no one important.

Former Chancellor Rogers told Dr. Ashley at that point that he had spent a great deal of time talking with people that were much involved in the situation and told Dr. Ashley that uncertainty existed that must be addressed. He indicated that he received no response from Dr. Ashley. The day before Dr. Ashley and his spouse left for Singapore, former Chancellor Rogers related that he had met with Dr. Ashley to tell him he had really self-destructed with this one issue. Again, former Chancellor Rogers indicated that Dr. Ashley gave no response other than it was not his responsibility. Former Chancellor Rogers stated that he then recommended to Dr. Ashley that he quit and expressed concern that the situation would permanently injure his ability to attain a position elsewhere. Dr. Ashley repeated to him that he did not feel the situation was relevant to his evaluation. Former Chancellor Rogers indicated to Dr. Ashley that because of his lack of relationship with the Board, a request for a contract extension would be viewed as more in line with a new application.

Former Chancellor Rogers recommended that Dr. Ashley's contract not be extended, adding that the information received since the evaluation report has not indicated a change of mind. He also felt that Dr. Welty's report earlier that day had been inadequate.

Regent Alden expressed his deep regard for the Board of Regents. Secondly, he stated that he had not been an initial supporter of Dr. Ashley. However, Regent Alden felt that he had tried very hard to help him. As former Chancellor Rogers stated, Dr. Ashley does not listen. He asked former Chancellor Rogers, in the overall perspective of his remarks, if he was still consciously recommending to the Board of Regents that Dr. Ashley's contract not be renewed. Former Chancellor Rogers indicated that was correct. Regent Alden stated that he had no further questions.

Regent Gallagher felt it fair to relate her experience with Dr. Ashley to the Board. She related that some time ago she had wanted representatives from Georgia Tech to meet with the presidents of UNR, UNLV and DRI. She stated that she was quickly able to communicate that request with the presidents of UNR and DRI. However, when she called for Dr. Ashley, she had been told that he would need to call her back. After a week went by without that return phone call, Regent Gallagher stated that she called Dr.

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Ashley's office again. She was then told that Dr. Ashley had been too busy but he would be told to return her call. She stated that she never did receive that phone call.

Regent Gallagher stated that when being a Regent for as long as she has, she realizes that some people like her and some do not. However, when any president does not return a Regent's phone call, there is cause for concern. She related that there has never been a president that she did not eventually hear from, except for Dr. Ashley. After some urging by former Chancellor Rogers, Dr. Ashley did invite her to lunch. At that lunch, she felt she had been very straightforward with him but also felt that she was getting nowhere. In terms of disagreements that were so demeaning to many people, she emphasized that it was important to know that, at the conclusion of the process, it had been handled fairly. As vocal as former Chancellor Rogers could be, she knew that in this particular situation, he had been fair in wanting to allow Dr. Ashley a way out. She felt comfortable in the way that the Board had conducted itself in dealing with the situation. She felt badly to take a stand like this, but she did hope that in some measure, it would be a very good learning experience for Dr. Ashley as he moves forward.

Regent Schofield related that he wanted this process to be fair and wanted the opportunity to listen to all sides. He stated that he wanted UNLV to be the finest institution in the world and that the students were the bottom line. He also wanted to be fair and stated for the record that every time he had ever called Dr. Ashley, he had received a return phone call.

Regent Crear asked former Chancellor Rogers, in his history and experience in dealing with the institutional presidents, both internally and externally, did he find the situation with Dr. Ashley unique. Former Chancellor Rogers stated that he had never seen this situation before in his life.

The meeting recessed at 1:35 p.m. and reconvened at 1:40 p.m. on July 10, 2009, with all members present.

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Dr. Ashley stated that he had been struck by former Chancellor Rogers' comments in two ways. One was in the differing recollection of their conversations. Secondly, he wanted to stay away from "he said/she said" and wanted to get back to the fundamental issues.

Dr. Ashley felt that former Chancellor Rogers had made the issue of his spouse into a fundamental issue. The record was correct in reflecting that Dr. Ashley had said that the evaluation of his spouse was not an evaluation of him. He related that he had seen the e-mails related to the situation between his spouse and UNLV staff for the first time in March. He was aware of the underlying issues and was also aware of the resolution of those issues, adding that in many ways the situation had resolved itself. He felt that it needed to be understood that his spouse had been asked to become more involved by

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some of the people in the UNLV Foundation. He stated that when someone from your own family is hired within the same organization, it is not appropriate to supervise one another, so his spouse had been brought into the organization as an official volunteer to assist with hosting logistics and management of events.

Dr. Ashley recognized from the reaction to the e-mails published in June, that there was great consternation that would not easily be solved. At that time, Dr. Ashley related that his spouse had sent an e-mail to the Regents and former Chancellor Rogers that she would step back from the hosting responsibilities and made it clear that she understood that there may have been some harm from those communications. She had also indicated that she would step back until such time as the Regents or the presidents could provide better advice on the proper role of a president's spouse. To the degree that she has directly responded to the Regents and the Chancellor, he felt that the Board could trust in the validity of that response.

Dr. Ashley did not feel that many of the other issues were fundamentally relevant. He felt there were allegations and generalities that were not supported by evidence. However, he acknowledged that Regent Gallagher had raised a very important point, adding that she had tried to contact him in February of 2007 in regard to the Georgia Research Alliance, and agreed that they had "fouled up."

Regent Crear questioned that Dr. Ashley was able to speak of and defend his spouse, yet the Regents are not allowed to speak on the issue whatsoever. Special Counsel Nielsen understood Regent Crear's point. However, that was unfortunately the position that the Regents were in. She explained the restriction that the open meeting law places upon members of a public body in discussing the conduct of people that have not been provided proper notice.

Regent Crear noted that Special Counsel Nielsen had stopped former Chancellor Rogers from making his comments. Special Counsel Nielsen stated that was only to prevent him from further discussing the details of an incident involving a person that has not acknowledged receipt of proper notification.

Regent Crear felt that was what Dr. Ashley had been doing and wanted the process to be fair and open. If Dr. Ashley could speak of his spouse at will, Regent Crear felt that the Board had a right to question Dr. Ashley's responses that directly dealt with his spouse.

Chairman Leavitt added that the Regents wanted to hear from Dr. Ashley in terms of what steps had been taken in response to the issues related to his spouse. He was comfortable with what Dr. Ashley had said in that regard but appreciated Regent Crear's concern.

Regent Crear did not agree and did not feel that Chairman Leavitt was speaking on behalf of the entire Board.

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Regent Schofield asked if the Regents would be provided the opportunity to ask questions at the conclusion of Dr. Ashley's report. Chairman Leavitt replied that opportunity would be provided. In response to Regent Crear, Chairman Leavitt stated that the Board was under the advisement of Chief Counsel Patterson and Special Counsel Nielsen as to what would or would not be permissible in terms of the open meeting law. Regent Crear stated that it did not seem equitable that former Chancellor Rogers could not address what Dr. Ashley was allowed to freely speak of.

Chief Counsel Patterson stated that in regard to the open meeting law, the Attorney General's office has not made a decision as to what extent a public body has control of its employees. In the case of former Chancellor Rogers, there was concern that the Board may be held responsible for the comments of the former Chancellor as well as for presidents. However, in this unique situation where a president is speaking of a family member, Chief Counsel Patterson felt that the Board did not have the same responsibility. He added that it was a very delicate balancing act between permitting Dr. Ashley to address the issues in some form without a complete discussion of the details. He felt that Dr. Ashley was trying to address the facts on what had occurred. Regent Crear stated that he still disagreed.

Regent Alden concurred with Regent Crear and felt that the open meeting law, that the Board was held to, was not fair and equitable and was one-sided. He felt that some of the testimony that day should be dismissed from the record.

Chancellor Klaich stated that, unfortunately, the situation ventured into the grayest area of the open meeting law. He was still going to rely upon the legal counsel's determination when conversations approached a cause for concern and needed to be reined in. He stated that the Board was not going to risk infractions of the open meeting law. However, he sympathized that the restrictions were extremely frustrating. Regent Crear stated that he was not opposed to staying within the restrictions of the open meeting law whatsoever, he just could not see how the law was fair and equitable in this particular case.

Dr. Ashley stated that his intent was to get back to the questions that were raised in the beginning of this meeting as to what action he had taken and what confidence the Board could have in him. It was not a representation of his spouse, but rather of his actions as President.

Dr. Ashley continued that he felt it was a fair criticism that he had been negligent in reaching out to the Regents. He felt that the Regents were busy and did not want to disturb them with something that would only occupy their time and not help them in anyway. If that was indeed an issue, he felt it was something easily dealt with. Dr. Ashley did not hear anything in former Chancellor Rogers' comments that day that supported the bullet point concerns listed in his memo as the recommendations for nonrenewal of his contract. Dr. Ashley stated that, rather than going point by point, in general, the issues did not have substance and were not fundamental to the consideration for the renewal of his contract.

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Regent Blakely addressed each of the concerns listed in former Chancellor Rogers' memo. He stated that where Dr. Ashley chose to live was of no concern to him. Secondly, the issues related to Dr. Ashley's spouse were of no concern to him other than he would have like that it never happened. In terms of being unresponsive, Regent Blakely agreed that was sometimes a challenge for Dr. Ashley and he had seen that to be a concern. As far as Board interaction, Regent Blakely felt that he and Dr. Ashley had a good relationship but indicated that significant improvement would be needed depending upon the outcome of this meeting. Regent Blakely related that his most significant concern was in tangible versus intangible issues. He related that Dr. Ashley was strong to excellent in terms of concrete issues. However, in areas that involve intangible issues, he felt that Dr. Ashley showed a weakness.

Dr. Ashley requested that Regent Blakely provide examples. Regent Blakely related that, in terms of fundraising, Dr. Ashley needed to build much stronger relationships but questioned Dr. Ashley's ability to do that at this point. In terms of faculty, Regent Blakely noted that only 52% of the faculty looked favorably upon Dr. Ashley. At the same time, representatives from the Alumni and the Board have all expressed their similar concerns. In general, Regent Blakely questioned if Dr. Ashley was an appropriate fit for the institution.

Dr. Ashley pointed out that although he did not enjoy the question on whether or not his contract should be renewed, the faculty survey had reflected that 72% of the responses were in favor of him. Regent Blakely felt that regardless of which specific survey question was referred to, a significant number of the faculty did not look favorably upon Dr. Ashley.

Dr. Ashley expressed his surprise on the comments made by the Alumni, and acknowledged that the virtue of that meant he had not been communicating. Except for the steak dinner that had already been mentioned, Dr. Ashley felt that he had attended every Alumni event for which an invitation had been extended.

Regent Blakely summarized Dr. Ashley's strengths as possessing a good vision of where UNLV should be going, the development of a strong team and that the students supported him. However, there were many other components that Dr. Ashley needed to improve. Dr. Ashley stated that he understood, adding that this was a learning experience and felt that the issues raised were not impossible to fix.

Dr. Ashley related his surprise in that one of the issues raised by former Chancellor Rogers was attendance at important events. Except for the steak dinner, his calendar over the last three years reflects attendance at over 800 events. Regent Blakely agreed that he had seen Dr. Ashley at many events. Regent Blakely felt that, overall, his comments for Dr. Ashley were not positive.

Regent Knecht understood what Mr. Cronis said when describing Dr. Ashley as a good, genuine and decent man. He felt that Dr. Ashley had provided intellectual leadership, vision and he appreciated the focus on research. Being a member of the evaluation

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committee, Regent Knecht had brought up the concerns for communication, visibility and outreach, as well as a corresponding concern in terms of responsiveness. He felt that Dr. Ashley needed to be sensitive to the fact that it was not simply enough to direct staff to handle a situation of this type by themselves. He would have like to hear Dr. Ashley acknowledge that he understood that to be a very important component in this situation.

Dr. Ashley felt that when his spouse had removed herself from direct hostess responsibilities, the kind of interactions being discussed were eliminated. He also felt that in any organization where members of the same family are employed, supervision needed to be managed effectively and appropriately.

Regent Page related that he was in a unique position because he had served on the Alumni Association's Board of Trustees for eighteen years and as former President of the Alumni Association for three years. He did not feel that the steak dinner was an event that was simply noted on a calendar. It was an important Alumni event that was scheduled with the President's office to make sure the President could be in attendance. Regent Page related that for the past twenty seven years, the UNLV presidents have attended that event. Secondly, Regent Page stated that the "tailgate" that Dr. Ashley chose not to attend was not just another tailgate party for the purpose to socialize. It was an away tailgate at Arizona State University that UNLV paid for Dr. Ashley to attend. The Alumni were very insulted that Dr. Ashley chose to attend the game, but not the award presentation.

Regent Page expressed concern that he continues to be told that the report does not accurately reflect what was stated during the interviews. He was concerned as a Regent, and a member of the Alumni, that Dr. Ashley just does not listen to the concerns brought to his attention. Regent Page also indicated his agreement with the comments that there existed a lack of interaction with the Regents, adding that he has received only one invitation from Dr. Ashley since becoming a Regent.

Regent Schofield related that his focus had always been to do the right thing for UNLV. He expressed his pride in Dr. Ashley's scientific background. He emphasized the importance of science and research in today's world. He felt that the best leaders choose the best lieutenants and then support them to help them succeed. Regent Schofield felt that he had observed this leadership ability in Dr. Ashley and indicated his support of him.

Regent Geddes observed that if Dr. Ashley's term was extended, he highly encouraged him to work with Chancellor Klaich to find an alternative solution to the spouse issue. He discouraged the creation of general policies to resolve one specific issue at one campus. He noted that the System has eight institutions and there have been several presidents throughout the years and there has never been a spousal hosting policy.

In terms of the evaluation, Regent Geddes stated that although he had heard that day that Dr. Ashley was involved in team building and collaboration, that was not what he had seen from a System perspective. He has seen a handful of occasion, when Dr. Ashley has

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dissented from the group, which Regent Geddes felt could be good to a point. However, once the full group or Regents have made a decision, continued dissension could lead to isolation. For example, he noted the strategy for how the System would present its budget to the legislature. The Council of Presidents had discussed the recommendation that was to be made to the Regents which resulted in a seven to one vote, Dr. Ashley being the dissenting vote. The Board of Regents then discussed the Council of President's recommendation and had made a decision on how to address the legislature. However, throughout the 2009-2011 legislative session, Dr. Ashley continued to pursue his dissension with the final legislative budget reflecting support for that dissenting position. Regent Geddes found it very troubling that Dr. Ashley and his representatives pursued that support throughout the course of the legislature despite the Board's statement that was not the course it had wanted to take. He asked Dr. Ashley to address that issue and how the Board could expect Dr. Ashley to be less isolated when he continues to pursue his own dissenting opinion.

Dr. Ashley felt that the Council of Presidents was where many important issues were debated amongst the presidents, adding that may involve differences in philosophy and aggressive interaction but always with mutual respect. Dr. Ashley related that as an example of collaboration in the Health Science System discussions, UNLV has been a very strong collaborator and even instigator of things that lead to further collaboration as well as things that lead to tension. He elaborated that there is now a joint Ph.D. in Public Health which was the result of collaboration between UNLV and UNR. Dr. Ashley also related that when it came to the nursing simulation facility at the Shadow Lane campus, he felt that in many respects he had forced the issue of collaboration when NSC had been kept from being involved. In regard to the budget issue, Dr. Ashley felt that the Council of Presidents discussion was very quick and did not place UNLV in a position to have an honest discussion that would have resulted in a healthy resolution. He acknowledged that the vote was seven to one. However, in speaking with Chancellor Klaich and former Chancellor Rogers, he expressed his very real and deep concern for applying the 14.12% reduction to UNLV. He felt that the scenario severely disadvantaged one institution, in a sense, while benefiting the others. He stated that he had received approval from then Chancellor Rogers to present his dissenting position to the Board of Regents. He also felt that he had received permission not to undermine the System recommendation in anyway but to emphasize to elected officials the impact of applying that percentage to UNLV.

Dr. Ashley felt that permission was confirmed on separate occasions by former Chancellor Rogers throughout the legislative session. Dr. Ashley stated that former Chancellor Rogers had told him that in his conversations with leadership, the cuts would be applied across the board and that there would not be further discussion on applying the formula. However, that did not come to pass. Discussions continued on proportionality that were driven by the legislature. Dr. Ashley related that the term "stoploss" had been reintroduced not by him but rather by a legislator that had asked what it was and how it could be applied to the situation. When UNLV lobbied in Carson City with the other institution representatives, they all started from the standpoint that higher education, and education in general, was really in a desperate situation and made a broad case for reducing the proposed reduction as much as possible. Conversations with

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legislators included discussion of specific actions that UNLV had taken in order to deal with the previous budget reductions as well as the impact of the allocation of the formula, but not in a way that downgraded any other institution.

Chancellor Klaich disagreed with that characterization as at least incomplete. He agreed that the budgetary decision was made quickly, but he emphasized that a decision had been made. Once this Board makes a decision, all of the officers of the Board have an obligation to support the recommendation of the Board. He related that he and Dr. Ashley had sat in a corner of the Senate Finance Committee hearing room after a hearing one afternoon and discussed the difficulties of the session because of what he perceived to be the different agendas as approved by the Board and pursued by UNLV. They discussed the scenario that Regent Geddes summarized and of the results of the Council of Presidents meeting, the seven to one vote and Dr. Ashley's reserving the right to dissent and the action of the Board. Chancellor Klaich related that he had stated to Dr. Ashley that when the Board acted, his right to dissent had been terminated. Dr. Ashley's response to him had been that they had a difference of opinion. Chancellor Klaich did not feel that Dr. Ashley had completely and clearly characterized the activities at the legislature. Dr. Ashley felt that Chancellor Klaich's recollection was accurate. Dr. Ashley also recollected that the discussion during the Board meeting included that former Chancellor Rogers had stated that he could continue to talk about the impact to UNLV.

Chancellor Klaich understood that. However, nobody had worked closer with former Chancellor Rogers than he had so he very clearly knew what former Chancellor Rogers had to say during the legislative session. He felt that when the hearings began, certain legislators had a different opinion about how the budget should be funded than the Board had. Once leadership in the legislature speaks about how they want their budget, he felt that the System had an obligation to work with that leadership and bring this Board's budget into as close a comparison to the legislature's as possible. He felt that he had been very candid with the Board that the way the System put the budget together was not entirely the way the Board approved it. He felt that Dr. Ashley's response to him during their discussion at the legislature was telling in how questions had been raised by the legislators. He felt that Dr. Ashley never supported the methodology of the budget as approved by the Board in December of 2008, adding that he could not prove his theory, nor did he intend to.

Regent Rawson related that for twenty years while serving as a legislator, he had watched the System's budget come before the legislature. As former Assistant Majority Leader, it was one of his responsibilities to make sure that all of the institutions were treated equitably. He had to find a way to balance that with the rest of the System or make cuts. He emphasized that anytime the System broke ranks or competed against another part of the System, it was not forgotten anywhere in the process by the other presidents or by the legislators. He related that there had been horrible sectional fights that were destructive to the process and that had hurt higher education. Since that time, there has been a workable system in place and, combined with a strong Board of Regents, the legislature does see the importance of presenting a united front. He felt that it was important for Dr. Ashley to know that the high regard in which he had been held by the other presidents

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had changed and that in turn places pressure on the Board. The situation that was created in the last legislative session will have to be dealt with in the next legislative session. Regent Rawson felt there were bigger consequences than Dr. Ashley realized. He related that in his personal experience, there had been times when he had been as passionate as Dr. Ashley in fighting for his issues and that there were times when he really paid the price for that. He felt that experience and wisdom teaches that together is better. He indicated that although there were statements he would like to make in support of Dr. Ashley, the System lost ground in the legislature due to Dr. Ashley's activities.

Regent Knecht related that he was dissatisfied with Dr. Ashley's response to the issue of the proposed Hate Crimes and Bias Incidents policy. He stated that diversity and inclusion were important. Secondly, the fact that it is important does not mean it is provided an unlimited budget. He indicated that Dr. Ashley had upgraded an Assistant Vice President position to oversee diversity and inclusion at twice the salary of the original position and had provided a \$400,000 budget. Regent Knecht understood the need for diversity of practices, but questioned the fact that as a result of that decision, UNLV sent a registered lobbyist to Carson City that was funded by state funds, which was a violation of state law. He questioned the launching of a bill that had not been vetted and blessed by System Administration or by this Board that required every institution to have the level of Vice President for Diversity and Inclusion that UNLV had. Regent Knecht indicated that although Dr. Ashley has stated that he thought there had been an open discussion of ideas, Regent Knecht indicated that he had heard quite the contrary. He was not yet satisfied that the situation was handled well. He also understood there was a contracting and procurement initiative of which there has been little input from the people that are in charge of that at the System level. Regent Knecht felt that the bottom line was that there seemed to be a classic bureaucracy in seeking something to do in order to justify itself. The issue was not whether there should be an inclusion and diversity officer because there should be. He asked Dr. Ashley to respond to whether UNLV was a bureaucracy that was out of control and that had gone beyond the fundamental issues of diversity and inclusion toward propagating itself in somewhat of a spoils system.

Regent Wixom left the meeting.

Regent Crear expressed his disagreement with Regent Knecht's statements.

Dr. Ashley felt that the campus had not previously realized the potential of being in a diverse community. He indicated that perhaps Regent Knecht had received his information from the newspapers. He related that UNLV's Department of Diversity and Inclusion had a very small staff that included the Vice President, Assistant Vice President and one support staff position. UNLV had also recently opened its Multicultural Center, which had some operating costs. The position of Assistant Vice President oversees the operation of the Multicultural Center as well as some programming. The additional funds reported were for two one-time initiatives as a result of a campus wide competition for institutional development grants. That competition had occurred when funds had been available for that type of investment. The competition focused around programmatic and research efforts in diversity and inclusion and social justice. The response had been so significant that the proposals were divided into two groups, each to cover a period of one

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year and each group receiving \$150,000. Those funds had been included in the total number that had been reported.

In response to the concerns related to supplier diversity, Dr. Ashley related that TMCC's President was leading the effort in working with Regent Crear's Cultural Diversity Committee to rally the presidents around the supplier diversity issue. The EDIC (*Equity, Diversity and Inclusion Council*), is currently an element of that Committee and is comprised of representatives from each of the institutions. UNLV's Vice President of Diversity and Inclusion was Co-Chair of that activity and due to her personal experience with supplier diversity is really one of the forces in that effort. Dr. Ashley felt that UNLV was probably the most resistant of all of the institutions to join into that effort. UNLV participation was through the use of the expertise of one of its administrators. However, that initiative did not necessarily fit into UNLV's independent interests although their campus remains committed to making advances in that area.

Regent Knecht stated that he did not get his information from the newspapers and had conducted due diligence to gain the facts.

In conclusion, Regent Crear stated that he personally had found issue with the evaluation, the evaluator and the evaluator's summary. He added that although the situation was unfortunate, a decision would need to be made.

2. Information Only - Public Comment – (Cont'd.)

Dr. Brian Spangelo, former Faculty Senate Chair, UNLV, expressed concern for the future of UNLV and its research mission. As a campus leader, he expressed regret at having to address the Board in regard to the President's performance. Due to his many opportunities to serve UNLV, Dr. Spangelo stated that he had many committee and individual interactions with Dr. Ashley. He related that he had brought issues of faculty concern to Dr. Ashley including the delayed opening of the Science and Engineering building, the elimination of the position of Senior Advisor to the President, Dr. Ashley's lack of visibility and communication to the campus community as well as a disappointing level of commitment to shared governance. Dr. Spangelo indicated that although his suggestions were cordially received by Dr. Ashley, the outcome of those conversations were retention of the status quo. He discovered that Dr. Ashley kept his own counsel and did not explain his decisions. In his opinion, the leadership picture that emerged was one of a non-productive, hands-off management style that does not demand accountability. The further lack of presence and visibility on campus has created a palpable frustration within the UNLV community. He too had felt it necessary to question the integrity of the final evaluation report. His concerns and those of other participants have been quietly dismissed. Because of these and other legitimate concerns, including the recent divisive Hate Crimes and Bias Incident policy situation, a crisis of confidence existed in the President's leadership. Dr. Spangelo respectfully but strongly requested that the Board of Regents take decisive action for a change in leadership.

2. Information Only - Public Comment – (Cont'd.)

Mr. Henry Schuck, Alumni of UNLV, felt that there had been much said about Dr. Ashley's inability and reluctance to engage in the University community. He felt that Las Vegas was a unique community fully engaged in the University's activities. To have a president that was not out in front and embracing that aspect of their job was a significant detriment to UNLV. The Las Vegas community expects the University president to be out in front. Mr. Schuck related that in 2006, Vice Chancellor Nichols had stated that one of the master plan goals included creating a reputation for excellence and improving the national ranking of Nevada's universities. He noted that although the evaluation report indicates that the campus likes Dr. Ashley's commitment to sustainability, it does not address progress towards the master plan or improvement of UNLV's rankings, which was a significant issue for the UNLV Alumni.

Mr. Jerry Kops, Professor at UNLV, stated that from his perspective, Dr. Ashley allowed the process surrounding the Hate Crimes and Bias Incident policy to get out of control. He questioned that Dr. Ashley did not understand that the use of police to investigate bias incidents on a university campus would not raise academic freedom issues. He also felt that Dr. Ashley was disengaged from the faculty and staff. Mr. Kops observed that the proposed Hate Crimes policy had been presented to the Board of Regents by UNLV's legal counsel who obviously had not participated in its creation as the biased incident portion of the proposed policy had been completely divorced from the hate crimes policy. He felt that was an indication of poor judgment that had tossed the University into turmoil.

Mr. Ernesto Abel-Santos, Associate Professor at UNLV, addressed the Board in regard to research. Mr. Abel-Santos related that he came to UNLV at about the same time that Dr. Ashley had become President. He indicated that one of the main reasons for his move to UNLV was the vision the University had of moving into a research-intensive institution. However, he had been disappointed. Mr. Abel-Santos suggested that the promotion of diversity in research areas may increase funding that would then improve the research mission of the University.

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– (Cont'd.)

Chairman Leavitt stated that in the absence of any motions to the contrary, it was his intent to receive the report of the evaluation consultant as part of the president periodic evaluation process. Such receipt of the report does not imply affirmation to its content, completeness, accuracy, findings or recommendations.

Chancellor Klaich suggested that the Regents seriously consider the recommendation made by former Chancellor Rogers as he had been Chancellor for five years and had taken this review very seriously.

Chancellor Klaich related that throughout the meeting, the Regents had heard various pros and cons about Dr. Ashley. However, he did not believe this was about whether Dr. Ashley was a good person, adding that was already known. He felt this evaluation was

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– (Cont'd.)

in regard to what was best for UNLV. He reminded the Regents that there was a contract before them for an additional term. He felt that Dr. Ashley should have no expectation that the contract be renewed. He indicated that this Board could legitimately treat this evaluation as a job interview to determine whether or not it wished to extend that contract.

Chancellor Klaich related that Dr. Ashley had indicated that the behavior of his spouse was irrelevant to his evaluation. Chancellor Klaich expressed his disagreement with that statement, adding that it reflected a fundamentally flawed vision of what the role of a married president was in a university system in 2009. He felt that the president and his spouse were the public faces and ambassadors of the university. He felt to think any other way would be wrong.

Chancellor Klaich related that Dr. Ashley indicated his surprise of the Alumni Association's issues. Chancellor Klaich felt that reflected on two issues. First, that the Alumni Association did indeed have issues and secondly, that Dr. Ashley was surprised by that.

Chancellor Klaich related that, as a former member of the Board of Regents, and most recently as a member of the staff, he has sat through two very high profile transitions of leadership at UNLV. In both of those instances, he had been inundated with information from the community (*donors, alumni, students and faculty*). In contrast, he has heard nothing in this case and felt that the silence was deafening. Throughout the meeting, the term "disengaged" had been heard a number of times, and the fact that he has heard nothing from the community indicated to him that "disengaged" was a correct analysis. He felt the discussion in regard to the legislature had been complete. There had been comments from the former and current Faculty Senate Chairs, both indicating that it was time for new leadership. Chancellor Klaich recommended that Dr. Ashley's contract not be extended based on what had been heard that day.

Dr. Ashley stated that he had hoped and expected that this evaluation would be treated as a normal evaluation process. He indicated that he was not convinced that this was that typical evaluation. He felt that it had brought in additional questions, issues and other types of information that were not based on as solid information as one would expect. He directed the Board back to the evaluation report and to the faculty and staff survey for the information necessary to base their decision on his performance as President.

Dr. Ashley acknowledged that there were areas for improvement including communication, visibility and access. He related that the most substantive issue that he needed to address was what had occurred during the last legislative session. He related that it was his hope and expectation that everyone had learned from that situation, in particular, that there is an uphill battle when it comes to developing a different type of funding approach. He felt that he had some great contributions to make to that process and there needed to be a change in the expectations of how higher education is funded. He thought that the Board needed to take a leadership role in that process and that he was ready to be a very positive collaborator.

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– (Cont'd.)

Dr. Ashley felt that he had been a very positive contributor to the System concept, noting that the NSHE was as diverse a System as he had ever encountered. Dr. Ashley indicated that he would commit to becoming a collaborator and partner in terms of future legislative issues. He felt that there was a difference in the recollection of what had occurred but he absolutely wanted to be a team player and felt that there was too much at stake. He indicated that he was quite proud of the fact that despite extraordinary budget reductions, the institution was still able to move its mission forward. He felt that was a credit to the UNLV team as much as it was to himself. He noted that the Board had heard from many of the students and indicated his delight and surprise in the level of support that they had expressed.

Dr. Ashley felt that the public evaluation process was not something that he would ever recommend. However, it has provided him an opportunity to learn more about how he was viewed than he would have seen from any other type of personnel session. He acknowledged that he had issues to work out but he also had every expectation that UNLV would continue to improve. He indicated that although people did not recognize the passion in him, he was absolutely committed to UNLV's future.

3. Motion Failed - Presidential Employment Contract, UNLV - Pursuant to NRS 241.033, the Board took administrative action to immediately reassign and relocate Dr. Ashley to the tenured faculty of the University of Nevada, Las Vegas, at his current base salary for the remainder of the contract term.

Regent Schofield moved approval to renew President David B. Ashley's contract. Regent Blakely seconded. Upon a roll call vote, Regents Blakely, Cobb, Crear, Gallagher, Geddes, Knecht, Leavitt, Page, Rawson and Alden voted no. Regent Schofield voted yes. Motion failed. Regent Wixom was absent.

Regent Alden offered a motion for nonrenewal of President David B. Ashley's contract. Chief Counsel Patterson advised that since a vote by the Board to renew Dr. Ashley's contract had failed, it was not necessary to entertain a motion for nonrenewal.

Regent Knecht moved approval that 1) Dr. Ashley be removed from the position of President and reassigned to academic faculty effective immediately, with a base salary only for the balance of the contract term; and that Chancellor Klaich, in consultation with Dr. Ashley, arrange for the relocation of Dr. Ashley's office at UNLV and, at a later date, bring to the Board an appropriate recommendation for faculty assignment, transition plan and faculty salary upon completion of the transition plan. Regent Alden seconded.

3. Motion Failed - Presidential Employment Contract, UNLV – (Cont'd.)

Regent Rawson commented that public life in Nevada had a strong altruistic tradition. As the Board considered the decision before it, he thanked Dr. Ashley for his work, service and sacrifice.

Regent Blakely requested that if the motion was approved, that Dr. Ashley's be reassigned to the civil engineering department, if he so chooses, and at the level of full tenure that he was so entitled.

Upon a roll call vote, Regents Cobb, Crear, Gallagher, Geddes, Knecht, Leavitt, Page, Rawson, Schofield, Alden and Blakely voted yes. Motion carried unanimously. Regent Wixom was absent.

4. Information Only - New Business – Regent Rawson requested that future consideration be given to conveying Emeritus status upon former Chancellor Rogers.

Chairman Leavitt thanked Dr. Ashley for his service to UNLV and thanked the Regents for their due diligence.

The meeting adjourned at 3:28 p.m.

Prepared by: Jessica C. Morris
Administrative Assistant IV

Submitted for approval by: Scott G. Wasserman
Chief Executive Officer of the Board of Regents

Approved by the Board of Regents at the September 17-18, 2009, meeting.