



Daniel J. Klaich
Chancellor
Nevada System of Higher Education

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MEMORANDUM

DATE: October 21, 2011

TO: NSHE Board of Regents

CC: Scott Wasserman, Chief Executive Officer of the Board

FROM: Daniel J. Klaich

RE: Vacancy in Office of Presidency - Nevada State College

When a vacancy occurs in the position of President of any System institution, it is the responsibility of the Chancellor to recommend an individual to serve as acting president. While there is no established protocol relating to this process, in order to discharge that responsibility, I have always believed that it is important to meet with and listen to the opinions of campus stakeholders. On October 19, Chair Geddes, Vice Chair Page, Regent Alden and Regent Wixom met with campus stakeholder groups to inform them of this recommendation. This is the same process that has been followed a number of times under similar circumstances. A schedule of our meetings at NSC is attached to this memorandum (**Appendix A**).

The purpose of this memorandum is to provide you with (1) a summary of meetings with stakeholders at Nevada State College ; (2) a summary of my thought process as a result of those meetings; and (3) a recommendation for the Interim President of NSC. Because of the shortness of time between our meetings and the Board meeting, this recommendation will be a bit shorter than past memoranda.

With each of the groups with whom the Chair and I met, we indicated that we were meeting with them to listen to them, and we spoke as little as possible. We indicated that we were there to hear what they were looking for in a president and who they might be looking for in a president. The Chair indicated his intention to commence a search process for a permanent president immediately with the goal to have final candidates on campus in the spring and a permanent president in place by July 1.

I took voluminous notes which I will summarize for you in order to give you as close to the same view of the campus as I got. I would like to express my thanks to the many individuals at NSC and in the community who participated in this process on very short notice and those who helped assemble their respective constituencies.

Every set of meetings of this sort produces a theme or themes which are consistently heard through every group and this was no exception. The theme that sounded the most clearly was that the campus wanted someone for president who understood Nevada State College and its critical role in the NSHE. Over and over again, starting with the group of students, we heard that the College wanted someone ... “who knows what we are about, who we are, and who understands what we have been through from the beginning.” NSC is still a size where there is a family feeling about it. People care about each other and, most important, the students they serve. Hopefully that feeling will continue as the institution grows and prospers. But right now at this critical juncture in its history, the College yearns for someone who knows it, knows the community in which it is situated, respects the sacrifices and contributions of those who have brought the college to its current state, and is prepared to lead with passion for its unique mission. Passion for NSC was evident in every group with whom we met, and every group demanded a president who is and will share their passion for NSC.

A second theme that was discussed, and which is closely related, was insider versus outsider, and who is which. I believe that while not unanimous, the College’s definition of an “insider” has more to do with the heart of the individual rather than who signed the paycheck. Many groups defined key community members as “insiders.” At NSC, “insider” is anyone who passionately believes in the mission and core values of the College.

Finally, I want to acknowledge one more individual whose name came up constantly during our discussions – Mr. Glenn Christensen, the Chairman of the NSC Foundation. Along with Dr. DiMare, it is clear that Glenn has fostered a new era of good feelings and trust between the College and the community to the extent that he was mentioned by virtually every group with great respect and genuine fondness. It is clear that all consider Glenn an “insider” and one who could serve as interim president. I relayed these feelings and comments to Glenn after our meetings and he was touched and thankful for the trust. While his commitment to Nevada State has not changed, nor is his passion any less, he indicated that he is not looking for a full time job at this time and feels that his greatest contribution to Nevada State is by continuing as Chair of the Foundation. I am confident that I speak for all of us associated with the NSHE in thanking Glenn for all he has done and all that he will do in advancing Nevada State College.

STUDENTS:

I have already indicated that the predominant theme of the day was sounded immediately by the student leadership with whom we met. The students added the following comments:

- *Must be someone who cares about students first.
- *We are on a good path. Keep it going.
- *Must have a passion for what NSC has to offer.
- *Someone who is open minded and has an open door.
- *We are a family.
- *The school is on a good path and progressing in the right direction.

In addition to the “insider” vs. “outsider” theme, the students raised another issue which we heard a number of times during the afternoon. They expressed a great deal of confidence in the current administrative team below the level of President, noted the number of interims in those positions, and worried that the elevation of someone from that team would cause another round of “administrative musical chairs.” The students did not see that as a positive for the college.

When asked for any specific name that they would recommend for Interim President, the students deferred. When asked if they could support a “rent-a-president” they strongly indicated that they would not.

ADMINISTRATION:

The group of administrators with whom we met started the discussion by noting that they felt that the college was running smoothly and should maintain its current course. They were rightly proud of the success of the last year in particular and wanted to see that continued. This group emphasized early and often their deeply held belief in the mission of Nevada State College and the students it serves. This pride and passion in the college is another common theme that we heard from every group we spoke to.

The administration echoed that they wanted someone with a demonstrated commitment to NSC and record of leadership. Additional comments included:

- *Must be a good communicator.
- *Innovative.
- *Believes in our values.
- *Lets us do what we do.
- *Nevada State is not broken and doesn’t need to be fixed.

There was an extensive discussion on internal vs. external candidates. As noted above, the administration took a broad definition of insider and was extremely thankful for the interaction of the Foundation over the last year, and in particular, Mr. Christensen. The administration group was also very concerned with the potential for another round of interims should there be an internal (that is, solely within the college) appointment. I think this concern mostly reflects how well the current group of leadership functions as a team and a desire to keep that team intact.

A number of administrators felt that the college could always use a fresh pair of eyes looking at them and how they are working.

Finally, the group again commented on the improvement in external relations and the importance of an interim continuing that work. It was interesting to me that the group of administrators did not put forth any specific name as a preferred candidate for Interim President.

FACULTY LEADERSHIP:

The faculty group began by wishing to emphasize the “monumental year” that Nevada State had and the extraordinary team that was in place. They felt that the school was in good hands at this point. They echoed the belief that the Interim President needed to understand what the college has been through and how it came to where it is now.

The faculty was extremely complimentary of the leadership of Provost Erika Beck. They described Dr. Beck as being at the “epicenter of the positive activity” on campus at this time. She was cited for strong internal relationship and her positive engaging of faculty.

It was noted that a leader should have a track record of embracing diversity issues and implementing change. This group also commented on the need to continue strong community relations and thought that a team of Dr. Beck as Provost and Mr. Christensen as Interim

President could best continue that leadership. System Chief Counsel and Vice Chancellor Patterson was mentioned by a number of faculty as a potential choice for the interim position.

Summing up characteristics that they were looking for in a leader, the faculty cited:

- *Transparency.
- *Dynamic personality.
- *Commitment to the mission of Nevada State College.
- *Inclusive in style.
- *Commitment to diversity and equity.

FOUNDATION AND COMMUNITY LEADERS:

Much of the discussion in this group centered on the critical relationship between the community of Henderson and the college. Members of the Foundation who were present at the meeting had been associated with the college virtually since its inception. They felt strongly that a leader should be closely identified with the community, and they had a broad definition of an insider candidate being inclusive of the larger community. Again, Mr. Christensen was prominently mentioned as a leader of the college.

There was a lengthy discussion regarding the search process, and a number of the individuals present expressed concern regarding the efficacy of national searches.

Not surprisingly, this group felt that a leader must have and be committed to the institution and its unique role in the Nevada System of Higher Education.

This group also discussed whether or not the interim should be eligible to be a candidate for the permanent position. The consensus seemed to be that that would depend on who the interim was, but they showed no inclination to preclude an interim from being a candidate for the permanent position. Spencer Stewart was mentioned as an individual who knew the college and community and who could act in the capacity as permanent president.

OPEN FORUM:

There were about fifty people who attended the open meeting at the end of the day. As would be expected in a meeting like this, opinions were diverse. Comments included the following:

- *Should be someone who knows us and is familiar with how we came to this point.
- *We do not need someone to shake us up.
- *An external candidate with new eyes would be good for the college.
- *Must be able to work well with the Foundation and capitalize on relationships.
- *Need someone who understands academics and the balance with student services.
- *Must care about students and what they think.
- *Sensitive to diverse and disabled populations.
- *We could use some new ideas.
- *Must be willing to listen in an unbiased way and make rational decisions.
- *Accessible.
- *Would like someone who is familiar with the System and has the big picture in mind.
- *Must be optimistic and a good communicator.

RECOMMENDATION FOR FILLING THE VACANT PRESIDENCY

The above discussion brings me to the most difficult part of this memorandum, and that is a recommendation. In making that recommendation I would like to explain why certain recommendations are not being made. I do not believe that this is the time for an individual from the local broader support community. The one person mentioned over and over again during our meetings has indicated that he feels the best support for the college is through a strong and active Foundation, and that he intends to pursue that role.

Looking to the current administration of Nevada State College, while the ranks are passionate, effective and committed, they are small. In my opinion, the only candidate that could be considered, indeed, the only candidate whose name was mentioned is Provost Erika Beck. I believe that Dr. Beck is enormously talented and clearly is well respected within the institution. She could well be successful as an interim president and certainly has a great career in front of her. Balanced against these positives are the concerns I heard over and over about setting in motion another round of administrative shifts, and I am persuaded that those concerns are real and substantial.

My recommendation for the Interim President of Nevada State College is Vice Chancellor and Chief Counsel Bart Patterson. I must tell you that I make this recommendation with mixed emotions. As I will detail more below, I believe Bart is a superb choice and will be an excellent interim president. On the other hand, he is a key part of System Administration and we will miss him and scramble to fill his shoes.

Nevada State College wanted an insider. One of Bart's first jobs in the System was as General Counsel to Nevada State College, and indeed, he has been in the System through virtually the entire history of the college. In conversations with him it is absolutely clear to me that he understands and is completely committed to the vital tier of higher education filled by Nevada State College and that that mission is being well discharged by a dedicated faculty, staff and administration. I believe he qualifies as an insider.

He also gives the College the perspective of the entire system. Along with a view of the entire System, I believe Bart brings his own credibility to the position of President. He is a known commodity and I believe is respected by all in the System. The College wanted someone with a demonstrated commitment to diversity. You can look to Mr. Patterson's activities with respect to supply chain inclusion to see that in practice now.

Shared governance is always a critical factor. I can think of no person in the System over these last four tumultuous years who has been more active in shared governance than Mr. Patterson with respect to issues of the Code and furloughs.

The College was looking for a person who was a critical thinker, made unbiased decisions and was an excellent communicator. Each of these perfectly describes Bart Patterson.

Over the time I have worked with Bart, I have found him to be a tireless worker, a superb partner, a trusted advisor, and a self starter. In addition, he is quite simply a wonderful person to be around. He is quick with a smile and as close as I can determine is liked as much as he is respected. I believe that he will bring to Nevada State College the passion, intellect and critical thinking that the campus communities are looking for in a President. I believe that he will also have the opportunity to show his formidable skills as a communicator, both within the College

and as an advocate for the College within the System and the community. My recommendation is without hesitation or qualification.

I have attached below an updated vitae for Mr. Patterson for your information and consideration as Appendix B.

Appendix A Schedule of Meetings



NSC Discussions on the Interim Presidency

with Chancellor Dan Klaich and Board of Regents Jason Geddes (Chair), Kevin Page (Vice Chair), Mark Alden, Mike Wixom, and Scott Wasserman (Board CEO)

Wednesday, October 19, 2011

TIME	LOCATION	GROUP	NOTES
11:00 – 11:50 am	BW1, Room 135	Lesley Di Mare, President	
12:00 – 12:50pm provided	BW1, Room 135	Student Leadership Mikayla Morgan, Acting NSSA President & Secretary Nichole Caswell, Senator Rachel Cummings, Senator Jason Koroghli, Senator Bentley McDonald, Vice President/Clubs & Orgs Amanda Paio, Circle K International Jessica Cargill, Pre-Professional Club (Tentative)	Lunch will be
1:00 – 1:50pm Attendees	BW2, Room 120	Administration Leadership	Confirmed 21
2:00 – 2:50pm Attendees	BW2, Room 120	Faculty Leadership	Confirmed 7
3:00 – 3:50pm	BW1, Room 135	Foundation Board Jim Gibson –call 702-302-8289 John Gibson David Grant Van Heffner Dan Stewart	
4:00 – 4:50pm Attendees	BW2, Room 120	Open Forum NSC Students, Faculty, Staff	Confirmed 42

Notes: All meetings will be held at the NSC Downtown Henderson Campus

Parking will be reserved in front of the BWII building for the Chancellor and Regents

BW1 – Basic & Water I Building located at 303 S. Water Street, Henderson 89015

BW2 – Basic & Water II Building located at 311 S. Water Street, Henderson 89015

Appendix B

Bart J. Patterson

SUMMARY OF HIGHER EDUCATION EXPERIENCE

- Over ten years with the Nevada System of Higher Education, 2001-present
- Vice Chancellor of Administrative & Legal Affairs, oversee system-wide management and policy development for the NSHE legal, human resources and purchasing operations.
- Chancellor's Cabinet member and manage the Las Vegas System Office operations.
- NSHE representative in Clark County for the Asian Chamber of Commerce, Latin Chamber of Commerce, and Urban Chamber of Commerce.
- Human resource duties include providing direction to the NSHE Human Resources Advisory Committee (HRAC), serve as the primary point of contact between NSHE and the Nevada Department of Personnel, the Public Employee Benefit's Program and the Public Employees Retirement System, act as the primary oversight administrator for the NSHE Retirement Plan Alternative, serve as the NSHE Affirmative Action Officer, and oversee the human resource functions of the System.
- Purchasing duties include managing system contracts, develop purchasing and contract policies, act as the primary point of contact between NSHE and the State of Nevada Purchasing Division, and implementation of Chancellor and Board of Regents strategic purchasing initiatives.
- Legal duties include providing advice, issuing opinions, contract review and negotiation, training, litigation representation and oversight of all legal matters for the Board of Regents, the Chancellor, the System Office, and the eight Nevada System of Higher Education institutions. Areas of emphasis include employment, contracts, purchasing, real estate, federal and state compliance, student matters and intellectual property.
- Adjunct instructor at Nevada State College in public policy, and guest lecturer at UNLV and UNR in educational leadership.
- Previously served as the first General Counsel of CSN and NSC, and as an integral member of the president's cabinet for each institution. Required regular interaction with students, faculty and administration on policy and legal matters.

SYSTEM INITIATIVES: *Oversight and leadership on behalf of the Board of Regents and Chancellor on several system-wide initiatives, requiring regular interaction with presidents, vice-presidents, directors, faculty officers and student officers. Meet regularly with the Council of Faculty Senate Chairs to share ideas and solicit faculty input.*

- Lead on the Board's Efficiency & Effectiveness Initiative to examine how NSHE may better deliver business operations.
- Manage the Board's Supply Chain Inclusion Program
- Lead Chancellor's efforts to address concerns regarding the Public Employee Benefit's Program.
- Provide oversight for the Chancellor's Code Review Task Force
- Steering Committee for the second phase of the iNtegrate Project related to business and human resource software implementation.

VICE CHANCELLOR
ADMINISTRATIVE & LEGAL AFFAIRS
NEVADA SYSTEM OF HIGHER EDUCATION
SEPTEMBER 2009 TO PRESENT

CHIEF COUNSEL
NEVADA SYSTEM OF HIGHER EDUCATION
AUGUST 2006 TO AUGUST 2009

DEPUTY CHIEF COUNSEL
NEVADA SYSTEM OF HIGHER EDUCATION
JANUARY 2006 TO JULY 2006

GENERAL COUNSEL
COLLEGE OF SOUTHERN NEVADA AND NEVADA STATE COLLEGE
OCTOBER 2004 TO DECEMBER 2005

ASSISTANT GENERAL COUNSEL
NEVADA SYSTEM OF HIGHER EDUCATION
MARCH 2001 TO OCTOBER 2004

PRIVATE EMPLOYMENT

Representation of individual, corporate and governmental clients in primarily complex commercial litigation matters, including employment litigation, real estate and zoning, contract disputes, business tort litigation, student matters (for Arizona State University), securities and financial transactions, construction disputes, malpractice defense, health care matters and intellectual property issues. Administrative responsibilities included supervision of employees and other shared management responsibilities.

JOHN H. COTTON & ASSOCIATES
Of Counsel
May 1999 to March 2001

Las Vegas, Nevada and Scottsdale, Arizona

DAUGHTON HAWKINS BROCKELMAN GUINAN & PATTERSON
(SUBSEQUENTLY LAW OFFICES OF BART PATTERSON, P.C.)
Partner/Owner
July 1992 to April 1999

Phoenix, Arizona

BRYAN CAVE LLP
Associate Attorney
January 1990 to June 1992

Phoenix, Arizona

HAWLEY TROXELL ENNIS & HAWLEY LLP
Associate Attorney
September 1988 to December 1989

Boise, Idaho

EVANS, KITCHEL & JENCKES
Associate Attorney
May 1987 to August 1988

Phoenix, Arizona

EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW
J.D. (with honors)

Durham, North Carolina

- Reynolds Scholar
- Dean's Advisory Council
- Forum for Legal Alternatives

- Internship with Utah Legislature
- Phi Kappa Phi National Honors Society
- Utah Intercollegiate Assembly Lieutenant Governor
- Debate Team President

PROFESSIONAL AFFILIATIONS & COMMUNITY ACTIVITIES

Arizona Bar Association

Idaho Bar Association

Nevada Bar Association

Member, National Association of College and University Attorneys (NACUA) since 2001

- Member, Web Page Legal Resources Committee (2008-11)
- Member, Legal Education Committee (2006-08)
- Member, Working Group on CLE Workshop Topic Rotation (2007-08)
- Member, Fall CLE Planning Group (2006-07)
- Member and Sub-chair, Task Force on Publications (2003-04)

Member, Deans Advancement Council, College of Humanities and Social Sciences, Utah State University (2008 to present)

Board Member, Friends of Nevada Wilderness

Vice President, Rancho Nevada Community Association

Volunteer Judge for UNLV Boyd School of Law Moot Court Competitions

PROFESSIONAL ARTICLES AND CONFERENCE PRESENTATIONS

Speaker, "Technology Contracting - Dealing with Best and Worst Practices"

Law and Electrons: Computers, Copyright, Telecommunications, Privacy and Security on Campus
(November 8, 2007)

Conference Paper, "Lessons Learned: Challenges in Negotiating an ERP Software Contract"

Law and Electrons: Computers, Copyright, Telecommunications, Privacy and Security on Campus,
(November 2007)

Conference Paper, "Faculty Rights and Distance Education Courseware: Coming to Terms with Intellectual Property Policies"

Law and Electrons: Computers, Copyright, Telecommunications, Privacy and Security on Campus
(November 2007)

Moderator (Substitute), "Ombuds & Other Alternatives to Preventing, Managing & Resolving Disputes"
NACUA Annual Conference (June 25, 2008)