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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

GERHILD KRAPF,)	No. CVCV 052002
)	
Plaintiff,)	
)	
vs.)	
)	DEPOSITION OF
BRUCE RASTETTER)	BRUCE RASTETTER
(individually),)	
KATIE MULHOLLAND)	
(individually),)	
MILT DAKOVICH)	
(individually),)	
LARRY MCKIBBEN)	
(individually),)	
MARY ANDRINGA)	
(individually),)	
and BOARD OF REGENTS)	
OF THE STATE OF IOWA,)	
)	
Defendants.)	

THE DEPOSITION OF BRUCE RASTETTER, taken before Dina L. Dulaney, Registered Professional Reporter, Certified Shorthand Reporter, commencing at approximately 9 a.m., September 7, 2017, at 700 Walnut Street, Suite 1600, Des Moines, Iowa.

Reported by: Dina L. Dulaney, CSR, RPR

A P P E A R A N C E S

1
2 Plaintiff by:

3 GARY DICKEY, JR.
4 Attorney at Law
5 301 East Walnut Street
6 Suite 1
7 Des Moines, Iowa 50309

8 Defendants Bruce Rastetter, Mary Andringa, Katie
9 Mulholland by:

10 RICHARD J. SAPP
11 Attorney at Law
12 700 Walnut Street
13 Suite 1600
14 Des Moines, Iowa 50309

15 Defendants Larry McKibben, Milt Dakovich and the
16 Board of Regents of the State of Iowa by:

17 MOLLY WEBER
18 Assistant Iowa Attorney General
19 1305 East Walnut Street
20 Des Moines, Iowa 50319

21 Also Present: Gerhild Krapf
22 Mary Andringa
23 Katie Mulholland
24 Dan Huitink
25

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BRUCE RASTETTER,

of lawful age, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. DICKEY:

Q. Let's begin by having you give us your first, middle and last name.

A. Bruce Lee Rastetter.

Q. Mr. Rastetter, have you ever given a deposition before?

A. Yes.

Q. Well, so you probably already know the ground rules, but I'm going to go over them anyway. You know then that we can't talk at the same time because the court reporter is taking down everything that we say; right?

A. Right.

Q. And we want to try to avoid any nonverbal communications, so if I ask you a question that calls for a yes-or-no answer, feel free to give me as much context as you need to, but we need to avoid any "uh-huhs" and "huh-uhs" and head nods. Does that make sense?

A. Yep.

1 Q. If at any point you need to take a break
2 or if you need to visit with counsel, that's
3 fine, we will go off the record. I would just
4 ask that if I have a question that is pending
5 that we get an answer before we take a break.
6 Does that make sense?

7 A. Okay.

8 Q. If I ask you a question you don't know
9 the answer to, just let me know you don't know.
10 If I ask you a question and you don't remember
11 something, tell me you don't remember. I would
12 rather have you do that than to guess and to
13 guess incorrectly. Fair enough?

14 A. Correct.

15 Q. And the reason I say that is if I ask
16 you a question today -- you understand you're
17 under oath; right?

18 A. Correct.

19 Q. So that if I ask you the same question
20 later at trial, I would expect that the answers
21 would be the same, and I want to avoid the
22 situation where we get to trial and you claim
23 you didn't understand a question that I asked
24 today. Does that make sense?

25 A. I will try.

1 Q. So if you don't understand a question,
2 let me know, otherwise I'm going to assume that
3 your answer is responsive, to the best of your
4 ability. Fair enough?

5 A. Fair enough.

6 Q. Okay. Let's go back to January of 2015.
7 The president of the University of Iowa
8 announces she is retiring -- or excuse me,
9 resigning. Were you the board of regents
10 president at that time?

11 A. Yes.

12 Q. Were you involved in the search process
13 to replace the University of Iowa president?

14 A. Yes.

15 Q. What was your involvement in that search
16 process?

17 A. In being on the committee.

18 Q. And when you refer to a committee, are
19 you referring to the 21 member search
20 committee?

21 A. Yes.

22 Q. Was there a formal name for that search
23 committee?

24 A. I don't remember. I think it was the
25 University of Iowa presidential search

1 committee, something to that effect.

2 Q. And that's -- that was a search
3 committee that included some regents, some
4 faculty members and maybe some other members of
5 the community?

6 A. Some students and the public.

7 Q. Was there a formal process that the
8 search committee developed to find a new
9 president for the University of Iowa?

10 A. Yes.

11 Q. Was that formal process set down in
12 writing anywhere?

13 A. I don't remember. I believe it was.

14 Q. Did the board of regents establish a
15 separate search committee?

16 A. No.

17 Q. Did it establish any other separate
18 search process other than the ones set out by
19 the University of Iowa presidential search
20 committee?

21 A. No.

22 Q. In other words, there wasn't a
23 subcommittee of the board of regents that was
24 tasked with that search process?

25 A. No.

1 Q. Was Parker Executive Search Firm brought
2 in to assist the University of Iowa
3 presidential search committee?

4 A. To lead the search.

5 Q. Do you remember approximately when they
6 were involved in the search process?

7 A. I don't.

8 Q. Did you know Bruce Harreld prior to
9 President Mason's resignation in January of
10 2015?

11 A. No.

12 Q. When did you first have any written or
13 verbal communication with Bruce Harreld or any
14 of his agents or representatives concerning the
15 University of Iowa president vacancy?

16 A. Sometime in March or April of that year.

17 Q. And was that written or verbal
18 communication?

19 A. Verbal communication.

20 Q. Was that with Mr. Harreld directly?

21 A. Yes.

22 Q. Tell me everything you remember about
23 that communication.

24 A. Just because of his background,
25 encouraging him to apply to be president.

1 Q. Did you call him or did he call you?

2 A. I called him.

3 Q. And how did you become aware of
4 Mr. Harreld as a potential candidate?

5 A. Just through his various activities and
6 education at Harvard.

7 Q. Had somebody recommended Mr. Harreld to
8 you.

9 A. Jerry Stead had recommended him.

10 Q. Who is Jerry Stead?

11 A. He is an Iowa alum and was on the search
12 committee.

13 Q. How do you spell Mr. Stead's last name?

14 A. S-t-e-a-d.

15 Q. Okay. And so it sounds like in March of
16 2015, you call Mr. Harreld. What if anything
17 do you remember from that conversation?

18 A. Just asked him about his background and
19 the classes he was teaching at Harvard on
20 leadership.

21 Q. Do you remember anything else about the
22 conversation?

23 A. I don't.

24 Q. Did you let him know you would like him
25 to be a candidate for the presidential vacancy?

1 A. I let him know I'd like him to consider
2 it.

3 Q. How long did that conversation last?

4 A. Just a few minutes.

5 Q. And how did that conversation end?

6 A. That he would think about it.

7 Q. Was there any agreement at the end of
8 that conversation for any follow-up?

9 A. Just that we would stay in
10 communication.

11 Q. And did you stay in communication with
12 Mr. Harreld?

13 A. Yes.

14 Q. When was the next time you had
15 communication with him?

16 A. I think it was later that month in
17 March, early April.

18 Q. And was that written or verbal
19 communication?

20 A. Verbal.

21 Q. Tell me everything you remember about
22 that.

23 A. Just a similar conversation to what I
24 just described.

25 Q. Do you remember anything else about that

1 conversation?

2 A. No.

3 Q. Did you visit with anybody from the
4 board of regents between the first call with
5 Mr. Harreld and the second call with
6 Mr. Harreld about his potential candidacy?

7 A. Not that I recall.

8 Q. Did you visit with anybody from the
9 University of Iowa presidential search
10 committee about his candidacy between those two
11 calls?

12 A. Dr. Robillard.

13 Q. And what was the nature of that
14 conversation?

15 A. Just would like -- that Bruce Harreld
16 was one of the candidates that I was
17 encouraging to apply as we were others.

18 Q. Was that a verbal communication?

19 A. Yes.

20 Q. Was that in person or a telephone call?

21 A. I believe it was on the telephone.

22 Q. Now, let's go back to your second
23 telephone call with Mr. Harreld. How did you
24 end that telephone call?

25 A. Just encouraging him to think about the

1 University of Iowa.

2 Q. And was there any agreement that you
3 would have any follow-up?

4 A. No, there was nothing set.

5 Q. Did you indicate that you would stay in
6 touch with him or that he would stay in touch
7 with you?

8 A. I think we just ended it that we would
9 both continue to think about this.

10 Q. When was the next time you had any
11 communication with him?

12 A. I believe it was the lunch meeting that
13 Dr. Robillard had at University Hospitals.

14 Q. And would that have taken place on or
15 about July 8th of 2015?

16 A. I believe that's the date.

17 Q. Was the circumstances around that that
18 Mr. Harreld had been visiting the University of
19 Iowa Hospital and Clinics as a guest lecturer?

20 A. Yes.

21 Q. So is it your testimony that between the
22 second call you had with Mr. Harreld in late
23 March, early April and the July 8th lunch
24 meeting with Dr. Robillard, you had no verbal
25 or written communication with Mr. Harreld?

1 A. No.

2 Q. So what verbal or written communication
3 did you have with Mr. Harreld between the
4 second phone call and the July 8th, 2015 lunch
5 meeting?

6 A. You know, I don't remember.

7 Q. So I just want to make sure I'm not
8 confused. Is it your testimony you had some
9 communication but you just don't remember?

10 MR. SAPP: Objection. That's
11 argumentative. Misleading.

12 A. I don't remember.

13 Q. (By Mr. Dickey) Okay. Let me ask it
14 this way. Yes or no, did you have
15 communications with Mr. Harreld after the March
16 or April second phone call and before the
17 July 8th, 2015 lunch with Dr. Robillard?

18 MR. SAPP: Objection. It's been asked and
19 answered. You can go ahead and answer again.

20 A. I remember the meetings I described to
21 you.

22 Q. (By Mr. Dickey) Okay. So you did not
23 have any communication with Mr. Harreld between
24 the second phone call and the lunch with
25 Dr. Robillard?

1 MR. SAPP: That's the fourth time you asked
2 it. I object that it's repetitive. You can answer
3 it again.

4 Q. (By Mr. Dickey) Would you like that read
5 back?

6 A. I believe I've answered that.

7 Q. Well, and so I'm -- as I understand it
8 from my notes here, I've gotten a couple of
9 different answers, so I'm just trying to
10 clarify.

11 MR. SAPP: I object to the
12 characterization. The record speaks for itself.

13 Q. (By Mr. Dickey) So yes or no, did you
14 have any contact with Bruce Harreld after your
15 second phone call and before the July 8th lunch
16 with Dr. Robillard?

17 A. I really don't remember.

18 Q. Were you invited by Bruce Harreld to
19 attend the July 8th lunch meeting?

20 A. I was invited by Dr. Robillard.

21 Q. Were you invited in your capacity as the
22 president of the board of regents?

23 A. I don't remember why he invited me but
24 he invited me.

25 Q. Do you know what the purpose of the

1 lunch meeting was?

2 A. Just to have lunch after he spoke and
3 did his lecture.

4 Q. Did you talk with Mr. Harreld about his
5 potential candidacy for the University of Iowa
6 presidency on July 8th?

7 A. I did not.

8 Q. Did you talk with him at all?

9 A. I was present at the lunch meeting with
10 him and the group that was there.

11 Q. Did you talk with him at all?

12 A. I assume at lunch we had conversations.

13 Q. Do you remember anything about the
14 conversations you had with him on July 8th?

15 A. I remember him talking about his lecture
16 on leadership.

17 Q. Do you remember anything else?

18 A. Not of significance.

19 Q. So other than you and Dr. Robillard and
20 Bruce Harreld, who attended the lunch meeting?

21 A. I believe Christina, who is from the law
22 school, and Sarah Gardial, who is the dean of
23 the business school.

24 Q. And were they members of the University
25 of Iowa presidential search committee?

1 A. Yes.

2 Q. Was there anybody else that sat with you
3 at lunch with Bruce Harreld on July 8th, 2015?

4 A. Not that I recall.

5 Q. When was the next time you had contact
6 with Bruce Harreld?

7 A. It was to I believe set up the meeting
8 in Ames.

9 Q. Was that a written or verbal
10 communication?

11 A. Verbal.

12 Q. When would that have taken place?

13 A. Sometime in July after the luncheon
14 meeting.

15 Q. Does he call you or do you call him?

16 A. I don't recall whether I called him or
17 he called me.

18 Q. But was it a telephone call or an
19 in-person?

20 A. It was a telephone call.

21 Q. And tell me everything you remember
22 about that telephone call.

23 A. He had an interest in gathering more
24 information.

25 Q. Do you remember anything else about that

1 phone call?

2 A. That he asked to meet with other board
3 members as a way to do that.

4 Q. Do you remember anything else?

5 A. No.

6 Q. Do you remember anything that you said
7 to Mr. Harreld?

8 A. Said that I would try to set up some of
9 those meetings so that he could gain more
10 information about Iowa and the university and
11 the regents.

12 Q. Did he ask you for your views on issues
13 concerning the University of Iowa?

14 A. He asked me about how the university is
15 doing, about state funding, about things like
16 that.

17 Q. Was that during a phone call in which he
18 requested meetings with the other regents?

19 A. Yes.

20 Q. Did you have those similar discussions
21 about those topics in any of your prior
22 telephone calls?

23 A. No.

24 Q. How long did your telephone call with
25 Mr. Harreld last when he requested a meeting

1 with the regents?

2 A. Just a few minutes.

3 Q. Did you set up a meeting with
4 Mr. Harreld to visit with him one on one in
5 person?

6 A. No.

7 Q. Did he request a visit with specific
8 members of the board of regents?

9 A. No.

10 Q. So let's then go to July 30th, 2015 when
11 there are meetings with members of the board of
12 regents and Bruce Harreld. Those are meetings
13 that you coordinated; correct?

14 A. Correct.

15 Q. And those are meetings that only took
16 place with -- well, I'll ask you. Who from the
17 board of regents met with Bruce Harreld on
18 July 30th, 2015?

19 A. Mary Andringa and Larry McKibben and
20 then separately Katie Mulholland and Milt
21 Dakovich.

22 Q. Did you invite each of those members of
23 the board of regents to the meetings on
24 July 30th, 2015?

25 A. I did.

1 Q. Did you invite any other members of the
2 board of regents to attend meetings on
3 July 30th, 2015?

4 A. I did not.

5 Q. So why did you invite those four and not
6 others?

7 A. I just picked those four.

8 Q. Was there any purpose in picking those
9 four?

10 A. No.

11 Q. Were they selected at random?

12 A. Yes.

13 Q. How did you select them at random?

14 A. Just selected them at random.

15 Q. Did you put all the names in a hat and
16 draw out four members or how did you arrive at
17 those names?

18 A. No, I just thought about the board and
19 selected those four.

20 Q. And so when you were thinking about the
21 board, what made you think about those four as
22 opposed to the other members?

23 A. I don't recall. There's no science
24 behind it.

25 Q. When you invited the four members of the

1 board of regents, was that a written invitation
2 or a verbal invitation?

3 A. Verbal.

4 Q. Was that invitation extended over the
5 phone or face to face?

6 A. From me over the phone.

7 Q. What was the purpose of the meeting
8 between Bruce Harreld and the four members of
9 the board of regents?

10 MR. SAPP: Object to the form of the
11 question as characterizing the meeting as a singular
12 meeting.

13 Q. (By Mr. Dickey) Do you understand the
14 question?

15 A. The separate meetings were set up for
16 Bruce Harreld to gather information about the
17 university and about the regents and about the
18 State of Iowa.

19 Q. Was there any other purpose?

20 A. No.

21 Q. Was it the purpose of the meeting to
22 recruit Mr. Harreld to become a candidate for
23 the president position?

24 A. My purpose of the meeting was for him to
25 gather the information so he could determine

1 whether he wanted to do that.

2 Q. As of July 30th, 2015, were you or
3 anybody from the search committee actively
4 recruiting him to apply to be the president?

5 A. I was.

6 Q. Did you communicate the purpose of the
7 meetings to the other members of the board of
8 regents?

9 A. I communicated what he had an interest
10 in learning that I was aware of.

11 Q. So let's take these invitations one by
12 one. So you invite Mary Andringa over the
13 phone. What do you remember about that
14 conversation?

15 A. Just that I would like her to meet
16 someone we were encouraging to be a candidate
17 who had interest in learning more.

18 Q. Do you remember anything else about that
19 conversation?

20 A. No.

21 Q. How about Larry McKibben, what do you
22 remember about the conversation which you
23 invited him?

24 A. It would be the same.

25 Q. Would it be the same for Katie

1 Mulholland and Milt Dakovich?

2 A. Yes.

3 Q. Had you notified the Parker Executive
4 Search Firm or the 21 member search committee
5 that you wanted to recruit Mr. Harreld for the
6 University of Iowa presidential vacancy?

7 A. Parker was aware of that.

8 Q. Did you make it known to the 21 member
9 search committee?

10 A. The search committee was all instructed
11 to recruit candidates, so they knew everyone
12 was recruiting candidates.

13 Q. My question is, did you let them know
14 that you were recruiting Mr. Harreld?

15 MR. SAPP: Object. That's indefinite as
16 to time. It's vague. Subject to the objection,
17 you can answer.

18 A. I believe some of them were aware of it;
19 Christina, Sarah who were at the luncheon
20 meeting. Others were aware as they were
21 recruiting candidates, they were mentioning
22 candidates they were recruiting. We were
23 mentioning candidates that we were recruiting.

24 Q. (By Mr. Dickey) Was the meeting on
25 July 30th, 2015 open to the public?

1 MR. SAPP: Object to the term the meeting
2 as argumentative and misstatement of the record.
3 Subject to the objection, you can answer.

4 A. It was not a public meeting.

5 Q. (By Mr. Dickey) And I will clarify.
6 Were any of the two meetings on July 30th, 2015
7 open to the public?

8 A. No.

9 Q. Were any members of the 21 member search
10 committee invited to the July 30, 2015
11 meetings?

12 A. It was not a search committee meeting.

13 Q. Was anybody else, other than the four
14 regents, invited to either of the two meetings
15 on July 30, 2015?

16 A. No.

17 Q. Why not?

18 A. Because it was just information
19 gathering by Bruce Harreld.

20 Q. Why didn't you invite any faculty
21 members from the University of Iowa?

22 A. I don't know that there was a reason to
23 do that or not to do that. I don't -- there
24 was no decision made in that regard.

25 Q. Prior to the July 30th, 2015 meetings,

1 did Mr. Harreld tell you the topics he would
2 like to discuss?

3 A. No.

4 Q. Was an agenda prepared for either
5 meeting?

6 A. No.

7 Q. Where did the meetings take place?

8 A. At the Summit Group office in Ames.

9 Q. And is that the -- is that your business
10 office?

11 A. Yes.

12 Q. What was your position at the time with
13 Summit Agricultural Group?

14 A. CEO.

15 Q. Why was that location chosen for the two
16 meetings?

17 A. Because it was convenient.

18 Q. Convenient for who?

19 A. Convenient for those that were
20 participating.

21 Q. Why not the board of regents offices in
22 Urbandale?

23 A. Because it was not a board of regents
24 meeting.

25 Q. When you invited Mary Andringa, Larry

1 McKibben, Katie Mulholland and Milt Dakovich,
2 were you inviting them in their capacity as
3 members of the board of regents?

4 A. I was inviting them as their capacity of
5 regents and as Iowans.

6 Q. Had they not been on the board of
7 regents, would they have been invited to these
8 meetings?

9 MR. SAPP: Objection. Hypothetical.
10 Vague. Indefinite. Calls for speculation.

11 A. I don't know.

12 Q. (By Mr. Dickey) Did you set up any
13 meetings between Bruce Harreld and anybody else
14 on July 30th, 2015?

15 A. He also wanted to meet with Steve Leath,
16 president of Iowa State.

17 Q. Did that take place on July 30th, 2015?

18 A. I believe it did.

19 Q. Did you coordinate any meetings with
20 Bruce Harreld and anybody other than the
21 members of the board of regents and President
22 Leath on July 30th, 2015?

23 A. No.

24 Q. Do you know if Mr. Harreld had any other
25 meetings scheduled for July 30th, 2015, other

1 than the meetings with the board of regents --
2 multiple meetings with the board of regents and
3 Steve Leath?

4 MR. SAPP: Objection to characterization
5 referring to the meetings with the board of regents
6 as a misstatement of the record.

7 COURT REPORTER: I didn't get your answer.

8 A. Not that I'm aware of.

9 Q. (By Mr. Dickey) Did you meet with
10 Mr. Harreld on July 30th, 2015?

11 A. I picked him up at the airport and
12 dropped him off at the office.

13 Q. Was that the only time you saw him on
14 July 30th, 2015?

15 A. Yes.

16 Q. When was the next time you saw
17 Mr. Harreld?

18 A. I believe it was at the interview for
19 the search committee.

20 Q. Do you remember approximately when that
21 would have taken place?

22 A. It took place in Chicago, and I don't
23 have the date in front of me.

24 Q. That's several weeks, if not months
25 after July 30th, 2015?

1 MR. SAPP: Objection. Argumentative.
2 Characterization of the timetable.

3 A. Again, it was some time after that
4 July 30th meeting.

5 Q. (By Mr. Dickey) Can you give me an
6 approximate estimate of when that interview
7 would have taken place? Do you remember a
8 month?

9 MR. SAPP: You know -- go ahead and answer.
10 This is all public record, Gary. You've seen the
11 documents. The meetings are set out in black and
12 white as to when they occurred. Subject to the
13 objection, you can answer it one more time.

14 A. It occurred at the search committee
15 meeting in Chicago, whenever that search
16 committee met in Chicago.

17 Q. (By Mr. Dickey) When you picked
18 Mr. Harreld up and drove him to the Summit
19 Agricultural Group offices, did you visit with
20 him about his candidacy for the University of
21 Iowa president?

22 A. Encouraged him to think about it.

23 Q. Did you talk about anything else?

24 A. Not that I recall.

25

1 (Whereupon, Deposition
2 Exhibit No. 3 was marked for
3 identification by the reporter.)

4 Q. (By Mr. Dickey) Mr. Rastetter, I'm
5 handing you what is marked as Exhibit 3.
6 That's a document that was produced in
7 discovery in this case by the board of regents.
8 Would you take a look at that and let me know
9 if you recognize what that document is.

10 A. I believe it's a document that walks
11 through our meetings and agendas --

12 Q. Would this be --

13 A. -- according to the Iowa Code.

14 Q. Would this be an official policy
15 statement of the board of regents of the State
16 of Iowa?

17 A. I believe it's a statement -- a policy
18 of the board of Iowa -- board of regents. I
19 don't know if it's an official policy by
20 reading it.

21 Q. Have you seen this document before, the
22 information contained in it?

23 A. I've seen similar documents.

24 Q. I'll direct your attention to the first
25 page, paragraph C entitled agendas. Do you see

1 that?

2 A. Yes.

3 Q. Why don't you read the first sentence
4 silently and let me know when you're finished.

5 A. I've read it.

6 Q. Is that your understanding of what the
7 board of regents policy is for having matters
8 be brought before the board of regents?

9 MR. SAPP: Objection. It's vague.
10 Indefinite. Subject to the objection, you can
11 answer.

12 A. I understand that is one of the outlines
13 of what we do.

14 Q. (By Mr. Dickey) Did you consult with the
15 executive director of the board of regents
16 prior to setting up the meetings with the other
17 regents members on July 30th, 2015?

18 A. I did not.

19 Q. Why not?

20 A. Because it didn't seem necessary to me.

21 Q. If you take a look at page 2, at the top
22 paragraph D entitled conduct of meetings. Do
23 you see that?

24 A. Yes.

25 Q. Do you agree that the board of regents

1 is required to comply with Iowa Code
2 Section 21?

3 A. Yes.

4 Q. Would you go down to paragraph F, public
5 attendance at board meetings? Do you see that?

6 A. Yes.

7 Q. Take a look at that first subparagraph
8 little i and let me know after you've had a
9 chance to review that.

10 A. I've reviewed it.

11 Q. Is that your understanding of the board
12 of regents policy on public attendance of board
13 of regents meetings?

14 A. Yes.

15 Q. And if you take a look at the very
16 bottom of page 2, paragraph G entitled
17 presentations to the board, and if you'll see,
18 it continues on to the next page, page 3. If
19 you'll take a look at both subparagraphs and
20 let me know after you've had a chance to review
21 those.

22 A. I've reviewed those.

23 Q. Is that your understanding of the policy
24 of the board of regents of the State of Iowa?

25 A. Yes.

1 Q. Did Mr. Harreld make a request to you to
2 have a written or oral presentation to members
3 of the board of regents?

4 A. He did not.

5 Q. What was his specific request to you
6 that resulted in setting up the meetings on
7 July 30th, 2015?

8 A. He just wanted to learn more about the
9 university, the regents and the state.

10 Q. Did he request to meet with any members
11 of the board of regents?

12 A. None specifically.

13 Q. Did he make a request to meet with any
14 member of the board of regents?

15 A. We both discussed it may make sense for
16 him in his information gathering to meet with
17 additional regents.

18 Q. Why didn't you ask him to make a written
19 request to make a presentation to the board?

20 A. Because we were not having a formal
21 meeting.

22 Q. How did you decide on the number of
23 members of the board of regents to attend the
24 meetings on July 30th, 2015?

25 A. To specifically make sure we were in

1 compliance with the law.

2 Q. When you say the law, what law are
3 you --

4 A. The law on open meetings.

5 Q. Was there any other reason why you chose
6 only four members of the board of regents to
7 invite to the meetings on July 30th, 2015?

8 A. No.

9 Q. Were you aware of this policy as set
10 forth in paragraph G, subsection 2 at the time
11 you had invited the members of the board of
12 regents to meet with Mr. Harreld?

13 A. Yes.

14 Q. Did you suggest to Mr. Harreld to make a
15 request in writing to the executive director?

16 A. No.

17 Q. Why not?

18 A. Because we were not having an official
19 meeting.

20 Q. When you picked Mr. Harreld up and
21 dropped him off at the Summit Agricultural
22 offices on July 30th, 2015, did you stay at
23 those offices?

24 A. I did not.

25 Q. Why didn't you sit in on any of the

1 meetings between Mr. Harreld and members of the
2 board of regents?

3 A. I didn't have an interest in doing that.

4 Q. Was there any other reason?

5 A. And I was -- and I had a busy schedule
6 that day.

7 Q. Any other reason?

8 A. No.

9 Q. Who decided that there should be
10 separate meetings between Mr. Harreld and
11 members of the board of regents on July 30th --

12 MR. SAPP: Objection to the use of the
13 term the board of regents as argumentative,
14 inaccurate and misleading. Subject to the
15 objection, you can answer.

16 MR. DICKEY: Let me finish my question.

17 Q. (By Mr. Dickey) Who decided --

18 MR. SAPP: It's already --

19 MR. DICKEY: Well, I hadn't finished my
20 question.

21 MR. SAPP: Are you going to cure the
22 problem?

23 MR. DICKEY: I'll re-ask the question and
24 you can -- when I'm finished, you can lodge your
25 objection.

1 MR. SAPP: I would ask you leave the
2 question as unargumentative as we all know there was
3 no meeting of the board of regents that day. So
4 subject to the objection, go ahead.

5 MR. DICKEY: Mr. Sapp, you've done a ton of
6 depositions. You make your objection. We reserve
7 them and you can do whatever you want with them, but
8 let me finish the question before you pose your
9 objection. Fair enough?

10 MR. SAPP: Ask your question again.

11 Q. (By Mr. Dickey) Who decided that there
12 should be separate meetings between members of
13 the board of regents and Mr. Harreld on
14 July 30th, 2015?

15 MR. SAPP: Same objection.

16 A. The informal meetings were set up by me.

17 Q. (By Mr. Dickey) Who decided that there
18 should be more than one meeting?

19 A. I believe I did.

20 Q. Why did you decide to have more than one
21 meeting?

22 A. To give them a chance to have a normal
23 conversation and to make sure that we're in
24 compliance with the open meetings laws.

25 Q. Any other reason?

1 A. Not that I recall.

2 Q. Did you have any written communication
3 with Mr. Harreld concerning the meetings on
4 July 30th, 2015 in the week leading up to it --
5 to them?

6 A. Not that I recall.

7 MR. DICKEY: Go ahead and mark this as
8 Exhibit 4.

9 (Whereupon, Deposition
10 Exhibit No. 4 was marked for
11 identification by the reporter.)

12 Q. (By Mr. Dickey) I'm going to hand you
13 what's been marked as Exhibit 4. Please take a
14 look at that and let me know after you've had a
15 chance to review that.

16 A. Okay, I've reviewed that.

17 Q. Have you seen this communication before?

18 A. I didn't recall it but I am looking at
19 it now.

20 Q. And it looks like
21 brastetter@summitag.com. Is that your e-mail
22 address?

23 A. Yes.

24 Q. And would you agree that on July 29,
25 2015 at 8:28 a.m., Mr. Harreld sent to you his

1 resume via e-mail?

2 A. Yes.

3 Q. Do you remember any other e-mails that
4 he would have sent to you prior to July 30th,
5 2015?

6 A. I don't.

7 Q. Do you have a board of regents e-mail
8 account?

9 A. I don't today.

10 Q. July 29th of 2015, did you have a board
11 of regents e-mail account?

12 A. I believe I did.

13 Q. Was it the brastetter@summitag.com?

14 A. No.

15 Q. Do you recall what it was?

16 A. I don't recall exactly what it was.

17 Q. Did you provide Mr. Harreld with your
18 summitag e-mail account?

19 A. Evidently somehow he got that. I don't
20 know that I provided it but he had it.

21 Q. And do you know why he would have sent
22 it to you on your private e-mail account?

23 A. I don't.

24 Q. It looks like approximately 24 minutes
25 later, you forward it to Mary Andringa. Do you

1 see that at the top?

2 A. I see that.

3 Q. Do you know if you forwarded that to her
4 at her official board of regents account --
5 e-mail account?

6 A. I don't.

7 Q. Would you agree that if you were
8 e-mailing Ms. Andringa about matters concerning
9 the board of regents, you should use her
10 regents e-mail account?

11 A. No.

12 Q. Did the board of regents in July of 2015
13 have a policy with respect to the use of e-mail
14 for official board of regents matters?

15 A. No.

16 Q. Was it your practice in July of 2015 to
17 use your summitag.com e-mail account for
18 official board of regents matters?

19 A. I did not view this as an official board
20 of regents matter.

21 Q. But was it your practice in July of 2015
22 to use your summitag e-mail account for board
23 of regents matters?

24 A. I think the practice was to use either.

25 Q. Did you forward communications that you

1 would have made on your summitag.com e-mail
2 account to the board of regents executive
3 director when it involved regents matters?

4 MR. SAPP: Objection. Argumentative as to
5 the nature of the matters. Subject to the
6 objection, you can answer.

7 A. I don't recall. I think we would use
8 both e-mails, the regents and the private
9 e-mails.

10 Q. (By Mr. Dickey) Did the board of regents
11 have a records retention policy for e-mails
12 that involved board of regents matters?

13 A. The board of regents doesn't require
14 saving of the e-mails.

15 Q. In the course of this litigation, I had
16 requested any e-mail communication between you
17 and other members of the board of regents and
18 Mr. Harreld. Did you search your summitag.com
19 e-mail account for any e-mails that might fall
20 within the scope of those requests?

21 A. I did.

22 Q. Did you find any that would have been
23 responsive that had not been produced?

24 A. I did not.

25 Q. Did you also search your official board

1 of regents e-mail account for responsive
2 documents to my discovery requests?

3 A. I did.

4 Q. Did you find any that would not have
5 already been produced?

6 A. I did not.

7 Q. Is this the only e-mail that you can
8 recall between you and Mr. Harreld that took
9 place prior to July 30th, 2015?

10 A. I do not recall.

11 Q. Did you e-mail with Mr. Harreld on
12 either the summitag.com e-mail account or your
13 official regents account any time between
14 July 30th, 2015 and his interview in Chicago?

15 A. I don't recall that I did.

16 Q. Was it your understanding that the
17 meeting between members of the board of
18 regents -- excuse me, the meetings between the
19 members of the board of regents and Mr. Harreld
20 that you coordinated on July 30th, 2015 did not
21 involve board of regents matters?

22 A. What my perspective is that it did not
23 involve official board of regents matters.

24 Q. So why then did you need to have
25 separate meetings to bring them into compliance

1 with the open meetings law?

2 A. To make sure that we were in compliance
3 if there should ever be a question on that.

4 MR. DICKEY: Let's mark this as Exhibit 5.

5 (Whereupon, Deposition

6 Exhibit No. 5 was marked for

7 identification by the reporter.)

8 Q. (By Mr. Dickey) In front of you is
9 Exhibit 5. Take a look at that silently and
10 let me know when you've had a chance to review
11 it sufficiently.

12 A. I've reviewed it.

13 Q. This appears to be a statement sent out
14 on September 24th, 2015 from the board of
15 regents. Have you seen this before?

16 A. Yes.

17 Q. And it's entitled statement from Iowa
18 board of regents president Bruce Rastetter on
19 University of Iowa presidential search process.
20 Was this a statement that was prepared by you?

21 A. It was approved by me.

22 Q. Was this sent as part of official
23 business of the board of regents?

24 A. It was.

25 Q. Why was this sent?

1 A. Because there were questions surrounding
2 the search process and meetings held around
3 that.

4 Q. Who was it sent to?

5 A. It was sent to the media.

6 Q. Is all of the information in this
7 statement accurate, to the best of your
8 knowledge?

9 A. Yes.

10 Q. If you take a look at the second
11 paragraph, it states that on July 30th, 2015
12 several meetings were held in Ames with Bruce
13 Harreld as part of the recruiting process for
14 the position of president at the University of
15 Iowa.

16 Did you consider to be the recruiting
17 process for the position of the president at
18 the University of Iowa matters within the scope
19 of the board of regents' authority?

20 A. Yes.

21 Q. If you take a look at the third
22 paragraph, the second to last sentence says, "I
23 did not attend any of these gatherings but did
24 help coordinate."

25 What all did you do to help

1 coordinate the gatherings?

2 A. I had conversations with the
3 participants, picked Bruce Harreld up at the
4 airport, dropped him off at the office and
5 left.

6 Q. Did you do anything else to coordinate
7 the gatherings?

8 A. I believe myself and my office
9 coordinated with the individuals that attended.

10 Q. When you said you had conversations with
11 the members, was that the invitations that
12 we've already talked about today?

13 A. Yes, and the verbal conversations I had
14 about the meeting that took place.

15 Q. If you take a look at the fourth
16 paragraph, the first sentence says. "The
17 purpose of these meetings which were at
18 Mr. Harreld's request was for him to become
19 more informed about the expectations of the --
20 expectations the board had for the next
21 president of the University of Iowa."

22 Was that the purpose of the meetings?

23 A. The purpose of the meetings was to have
24 him gather information about the board, about
25 the regents and about the state.

1 Q. And the expectations the board had for
2 the next president of the University of Iowa,
3 would you agree that those are matters that
4 fall within the board's policy-making duties?

5 MR. SAPP: I'm going to object. That's
6 vague and indefinite. Subject to the objection, you
7 can answer.

8 A. The expectations of the individuals of
9 the board are just that, of what they
10 individually think.

11 Q. (By Mr. Dickey) Well, so then why then
12 did you not state in this statement that the
13 purpose of the meetings was so that he could
14 become more informed about the expectations of
15 the individual board members at the gatherings?

16 A. Because evidently I didn't state that.

17 Q. Had the board of regents set out its
18 expectations for the next president of the
19 University of Iowa as of July 30th, 2015?

20 A. The search committee had an official
21 statement on that.

22 Q. So why didn't you set up a meeting with
23 members of the search committee with
24 Mr. Harreld?

25 A. Because he was not a candidate at that

1 time.

2 Q. Why didn't you set up a gathering or a
3 meeting with Mr. Harreld and the other four
4 members of the board of regents so that he
5 could learn about their expectations?

6 A. Didn't think it was necessary.

7 Q. Why not?

8 A. Because I believed that he could
9 accomplish what he wanted to on information
10 gathering with the meetings that I set up.

11 Q. Any other reason?

12 A. Not that I can recall.

13 Q. Did you ever visit with Mr. Harreld
14 about your expectations for the next president
15 of the University of Iowa?

16 A. Gave him my view of the regents and the
17 University of Iowa, yes.

18 Q. When did that take place?

19 A. During the conversations we had.

20 Q. And when you say conversations, would
21 that be the two telephone calls, the July 8
22 lunch and the trip between the airport and
23 Summit Agricultural offices?

24 A. Yes.

25 Q. Would there have been any other occasion

1 which you would have shared your view of the
2 board of regents and the University of Iowa
3 with Mr. Harreld?

4 A. Just if there were any other
5 conversations, I don't recall on the phone.

6 Q. Did you set up any meetings between
7 other potential candidates and individual
8 members of the board of regents?

9 A. No. I had other meetings with
10 Dr. Robillard and candidates.

11 Q. Why did you not set up similar meetings
12 with -- let me rephrase that. Why did you not
13 set up other meetings similar to the one that
14 occurred on July 30th, 2015 with other
15 potential candidates?

16 A. Those candidates did not request it.

17 Q. So did Bruce Harreld request to meet
18 with individual members of the board of
19 regents?

20 A. He requested to meet with some of the
21 individual members of the board of regents.

22 Q. Did he say why he wasn't requesting to
23 meet with all of them?

24 A. No.

25 Q. Did you ask him?

1 A. He didn't specify the number. He just
2 requested to meet with some.

3 Q. When you invited the individual members
4 of the board of regents to the meetings on
5 July 30th, 2015, did you tell them they would
6 be meeting with other members, other regents?

7 A. I told them who the meetings would be
8 with.

9 Q. So for example, did you tell Larry
10 McKibben that he would be meeting Bruce Harreld
11 together with Mary Andringa?

12 A. I believe I did.

13 Q. And vice versa, did you tell Mary
14 Andringa that she would be meeting with Bruce
15 Harreld and Larry McKibben?

16 A. I believe our office coordinated that.

17 Q. Did you tell the individual members of
18 the board of regents the purpose of the meeting
19 when you invited them?

20 A. Yes.

21 Q. Did you give the individual members of
22 the board of regents the option of attending
23 meetings at different times of the day on
24 July 30th, 2015?

25 A. I believe they chose the times. I gave

1 them options.

2 Q. In other words, had three of the members
3 wanted to meet together, was that an option?

4 A. I believe I specifically said that there
5 would be -- two of them meet with him at each
6 given time.

7 Q. Did you talk to any member of the board
8 of regents staff about the meeting between the
9 time you invited the individual members of the
10 board of regents and the time that it took
11 place on July 30th, 2015?

12 A. I don't recall that I did.

13 Q. Did you talk with any person that was in
14 attendance at either meeting on July 30th, 2015
15 about what was discussed in either meeting?

16 A. I did not.

17 Q. Did you ever visit with Mr. Harreld
18 about what was discussed in either of the
19 meetings on July 30th, 2015?

20 A. I did not specifically ask him.

21 Q. And I want to be clear. Did he ever
22 tell you what was discussed in either meeting
23 on July 30th, 2015?

24 A. No, not that I recall.

25 Q. Why was it necessary for Mr. Harreld to

1 meet with the individual members of the board
2 of regents in person on July 30th, 2015?

3 MR. SAPP: Object to the question as
4 argumentative. Subject to the objection, you can
5 answer.

6 A. I don't know. I didn't ask him that.

7 Q. (By Mr. Dickey) Would it have been
8 possible for them to visit by phone?

9 A. I assume it would have been possible to
10 visit by phone.

11 Q. Was it his request for an in-person
12 meeting?

13 A. Yes.

14 Q. Did you prepare any written materials
15 for either Mr. Harreld or any of the individual
16 members of the board of regents for either
17 meeting on July 30th, 2015?

18 A. I don't recall that I did.

19 Q. Do you know if any public notice was
20 published more than 24 hours in advance of
21 either meeting on July 30th, 2015?

22 A. No, because it was not an official board
23 of regents meeting.

24 Q. Do you know if any minutes of the
25 meetings -- either meeting on July 30th, 2015

1 were taken?

2 A. Not that I'm aware of.

3 Q. What materials did you review in
4 preparation for your deposition testimony
5 today?

6 A. I believe I reviewed the last one you
7 gave me.

8 MR. SAPP: For the record he's referring to
9 Exhibit 5, the public statement. Go ahead, sorry.

10 A. And the pleadings.

11 Q. (By Mr. Dickey) Anything else?

12 A. Not that I recall.

13 Q. Did you review your answers to
14 interrogatories?

15 A. I believe I did.

16 Q. Apart from your attorney, your spouse or
17 physician, have you talked with anybody about
18 your deposition today?

19 A. I talked with the people that are in the
20 room.

21 Q. Apart from your attorney, your spouse or
22 physician, have you talked with anybody about
23 this litigation?

24 A. I have not.

25 MR. DICKEY: Why don't we go off the

1 record.

2 (Brief recess was taken.)

3 MR. DICKEY: That's all the questions I
4 have.

5 MR. SAPP: I have no questions.

6 MS. WEBER: No questions.

7 (Deposition concluded at 10:15 a.m.)

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C E R T I F I C A T E

I, DINA L. DULANEY, Registered Professional Reporter, Certified Shorthand Reporter within the State of Iowa, hereby certify that the within-named witness was first duly sworn to testify the truth, and that the deposition by said witness was given in response to the questions propounded, as herein set forth, was first taken in machine shorthand by me and afterwards reduced to writing under my direction and supervision, and is a true and correct record of the testimony given by the witness.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or relative or employee of such attorneys or counsel, or financially interested in the action.

WITNESS my hand at Des Moines, Iowa, this 15th day of September, 2017.

DINA L. DULANEY, RPR

Registered Professional Reporter

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