

**NEW MEXICO STATE UNIVERSITY
BOARD OF REGENTS MEETING**

January 20, 2017

Regents Room, Educational Services

NMSU Main Campus

Las Cruces, New Mexico

1:00 pm

MEETING MINUTES

Approved by the Board of Regents on March 6, 2017

Regents of New Mexico State University

Debra Hicks, Chair

Mike Cheney, Vice Chair

Jerean Hutchinson, Sect./Treas.

Amanda López Askin, Member

Kari Mitchell, Member

Hobbs, New Mexico

Las Cruces, New Mexico

Las Cruces, New Mexico

Las Cruces, New Mexico

Las Cruces, New Mexico

Ex officio Members of the Board of Regents: The

Honorable Susana Martinez, Governor

Christopher Brown, Ph. D., Chair, Faculty Senate

Mr. Mathew Bose, President ASNMSU

Ms. Monica Dunivan, Chair, NMSU Employee
Council

Officers of the University:

Garrey Carruthers, Ph. D., ~~Chancellor & President~~, NMSU

Dan Howard, Ph. D, Executive Vice President & Provost, NMSU

*Verbatim minutes are available at www.panopto.nmsu.edu

AGENDA

1:00 PM

- 1. CALL TO ORDER**- Chair Debra Hicks (2 minutes)

All members of the Board of Regents are present. Chair Hicks called the meeting to order at 1:00 pm.

- 2. INTRODUCTIONS**

- a. Introduction of Press, Elected Officials, and Others by Justin Bannister, Vice President of Marketing and Communications (2 minutes)

Justin Bannister introduced Damien Willis and Josh Bachman from the Las Cruces Sun News.

- b. Introduction of Ms. Norma Noel, NMSU Controller, Senior Vice President for

Administration and Finance Angela Throneberry (2 minutes)
Ms. Norma Noel was introduced as the new NMSU Controller by Senior Vice President for Administration and Finance, Angela Throneberry.

3. **APPROVAL OF AGENDA**-Chair Debra Hicks (2 minutes)

Regent Hutchinson moved and Regent Askin seconded the approval of the agenda. Motion passed.

4. **PUBLIC COMMENT**-Justin Bannister, Interim Vice President for Marketing and Communications (15 minutes)

Four people signed in to make public comments. They are Sue Padilla, Allison Nordvall, Kaitlin Nelson and Robin Morris Walters. They spoke to the issue of the upcoming vote to discontinue the Equestrian Team as an NCAA sport at NMSU.

5. **APPROVAL OF THE MINUTES**-Chair Debra Hicks (2 minutes)

Minutes of December 9th, 2016

The minutes were adopted, however, Regent Mitchell requested an addition of information on the “alignment discussion.” Janet Green noted she would provide that.

1:25 PM

6. **ADOPTION AND PRESENTATIONS OF RESOLUTIONS**-Chair Debra Hicks (5 minutes)

Regents’ Chief of Staff, Janet Green read a resolution for each Regent whose term ended on December 31, 2016. Gifts were presented by Chair Hicks on behalf of the BOR for Regent Amanda Askin and Regent Mike Cheney. Regent Askin served for approximately 2 years as the student Regent. Regent Cheney served for approximately 6 years. They were thanked for their service to NMSU.

7. **REGENTS’ ABOVE AND BEYOND AWARD**-NMSU Chancellor Garrey Carruthers (5 minutes)

Jackie Booth, NMSU Women’s Golf Coach

Chancellor Garrey Carruthers read a narrative congratulating Coach Jackie Booth on her recent coaching award and many seasons of championships at NMSU.

1:35 PM

8. **RECURRING REPORTS** – Chair Debra Hicks (30 minutes)

a. Audit Committee Update-Debra Hicks/Angela Throneberry (no report)

No report for the Audit Committee.

b. ADI/Real Estate Report-Mr. Scott Eschenbrenner, President, Aggie

Development Inc., Tom Hutchinson, Real Estate Committee (5 minutes)

Regents Real Estate Committee Chair Tom Hutchinson mentioned seven items are on the consent agenda that had been reviewed by the committee in their last meeting. He noted that a detailed recommendation on the Public, Private Partnership for Housing is not ready at this time.

- c. Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) Update-Regent Kari Mitchell (5 minutes)

Senior Vice President for Finance and Administration Angela Throneberry presented the topics that were discussed at the last budget committee meeting to include a review of the annual calendar for agenda items, the navigators, Transforming NMSU for the 21st Century, and our CFI calculation. Regent Mitchell added the upcoming orientation of new RFSPBC members, the DASHBOARD, and the proposed joint meeting with the Regents' Student Success Committee.

- d. Student Success Committee, Co-Chairs Regent Kari Mitchell and Regent Jerean Hutchinson (5 minutes)

Regent Jerean Hutchinson presented the SSC report noting that Provost Dan Howard has joined the leadership team with Mike Rogers, Joe Lujan, and Jed Fanning. They are happy about the adoption of the "6 Pillars", working with the Faculty Senate on experiential learning, the collected recommendations for the joint meeting between the RFSPBC and the Student Success Committee.

- e. Report from the Higher Education Regents Coalition-Chair Debra Hicks

Chair Hicks gave the report about the new organization, which has By-laws established. All Boards of Regents in New Mexico can join, but UNM has not. The officers are Dan Patterson from Eastern New Mexico, Jerry Armijo from New Mexico Tech, and NMSU Board Chair Debra Hicks.

- f. Report from the Chair, Faculty Senate, Dr. Christopher Brown (5 minutes)

Faculty Senate Chair Christopher Brown gave an update on Faculty Senate business. He reported under new business that the Senate is looking at faculty credentials, the faculty member on record. Proposition 16/17-5.14 received a do pass recommendation. They are working on a new Regents' Policy 11.05 addressing Intellectual Property Management and an accompanying rule 5.94.20. There was lively discussion and it received a do pass recommendation. Under old business, item 16-16/17 is a review to modify the undergraduate catalog for military experience (service abroad of at least one month). It would allow three credits of Viewing a Wider World (VWW) to be

waived. He noted that the verbiage is consistent with study abroad considerations.

Proposition 20-16/17 is a name change from Women's Studies to Gender and Sexuality Studies. A lively discussion ensued and it received a do pass recommendation. Another item was Proposition 22-16/17 which is a memorial requesting the development of a 5 year plan to reestablish NMSU as a Carnegie R1 Research Institution. This is important working with Interim VPR Luis Vazquez to generate externally funded research.

Another group is working on Promotion and Tenure (P&T) and Performance Evaluations. This group has three Deans and four members of the Senate. This group has finished its work and will be sending it back to the Senate. There is a Task Force reviewing the policy on academic misconduct. Provost Howard has recommended input on changing to a centralized advising model as discussed by visiting expert Dr. Tim Renick from Georgia State. A task force has been formed. We are working with the Provost, Regent Mitchell and Regent Hutchinson on the early stages of experiential learning. We want this to proceed under "shared governance".

There is a draft on revisions to General Education from the statewide task force Chaired by Provost Howard.

On Outreach, I have visited both DACC and NMSU Alamogordo as an invited speaker. I told my children I will continue my "shared governance road show" talk. I want to acknowledge the leadership at both DACC (Dr. Scott) and NMSU Alamogordo (Dr. Van Winkle). I look forward to my other visits to our community college campuses, Carlsbad and Grants.

- g. Report from the President, Associated Students of NMSU, Mr. Mathew Bose (5 minutes)

ASNMSU President Matt Bose gave an update on the students' legislative program to include the recommendations for the NM Lottery Scholarship. There is a "gap year" proposal that would help with retention. They also are advocating for "back-loading" (*note: a student's junior or senior years would be paid at a higher percentage than the freshman or sophomore years*). Data is currently being worked on and they have collaborated with other universities.

- h. Report from the Chair, NMSU Employee Council, Ms. Monica Dunivan (5 minutes) Presented by Adam Cavotta, Vice Chair of the Employee Council

We have our own "peaceful transition of power" happening with Employee Council. Elections are underway until January 31st where we are seeking to fill some faculty and staff seats. Also, I will be assuming the role of chair. I look

forward to this opportunity and I am honored by the faith that my fellow Employee Council members have placed in me to carry on this work.

Although I anticipate a more formal recognition of her service will be forthcoming, I would like to thank Monica Dunivan for her service as chair and I would like to recognize that she will continue to serve as past chair. As past chair I know Monica will continue to help guide me as I take on this role and for this, I am most grateful.

Looking forward, we are beginning our Founders Day planning. For our theme, we will be honoring the agricultural and culinary tradition of New Mexico Chile and the tremendous contributions our great university has made to gain recognition for one our state's most recognizable and delicious commodities.

We are in the process of scheduling forums for Spring 2017. Forum topics include Vision 2020 and the budget. We will also be working with HR on a forum regarding Insurance. In addition, we anticipate that we will hold a forum on recruitment and retention and the role that NMSU employees can play in helping to make sure these very important activities are understood by staff so that everyone can play a part.

2:05 PM

9. CONSENT AGENDA (5 minutes)

The Consent Agenda is approved by a single motion. Any member of the Board of Regents or the Chancellor may remove an item from this Consent Agenda if separate discussion or comment is desired.

Item 9.b. 1 was moved to the Action Items. A motion was made by Regent Cheney and seconded by Regent Mitchell to approve the consent agenda with that amendment. Motion passed.

a. Policy

b. Administrative-

1. Approval of Disposition/Deletion of Property.

University property being recommended for disposition/deletion.
(Senior Vice President for Finance and Administration, Angela Throneberry)

2. NMSU-Alamogordo: Campus-Wide Roof Replacement and Repair.

This project involves the renovation and replacement of existing roof systems campus-wide. Buildings to include, but not limited to: Tays Center Building (292C), Henry Campbell Art Center Building (292S), Physical Plant Building (292T), and Professional Technical Education Building (292N), as funding allows.

3. NMSU-Las Cruces: Engineering Complex I Roofing.

This project will consist of the removal of approximately 13,100 sq. ft. of an existing spray polyurethane foam roof system and a new platform constructed for rooftop research equipment.

4. NMSU-Grants: Roads, Parking and Campus Improvements.

This project addresses campus roads, parking lots, and site drainage issues campus-wide. Improvements of parking lots include updated lighting, signage, sidewalk reconstruction and ADA compliance.

5. NMSU-DACC: Central Campus Classroom and Roof Renovation.

This project will re-roof the Technical Studies Building (DATS) #357, Learning Resource Building (DALC) #479, and the General Classroom Building (DACL) #480. Also included in this scope of work is interior work for flooring replacement in the three buildings, as funding allows.

6. NMSU-Carlsbad: Main Building New Fire Sprinkler System- Phase II.

This project focuses on adding a fire suppression system to increase the overall life safety of the main building.

7. NMSU-Las Cruces: Garcia Hall Renovations

8. Proposition 13-16/17 Proposal to create new Concentration in the Kinesiology BS Degree: Concentration in Physical Education

9. Naming a conference room in Gardiner Hall named in honor of Dr. and Mrs. George H. and Barbara Goedecke.

10. Naming a brew facility in Jett Hall named as the Seidel Brewing Laboratory.

11. Naming a wing in the Chemistry/Biochemistry building named in honor of Dr. John "Jack" Monagle.

12. Naming a wing in the Chemistry/Biochemistry building named in honor of Dr. Walter Lwowski

2:10 PM

10. ACTION ITEMS (60 minutes)

A motion was made to approve former consent item 9.b.1, Approval of Disposition/Deletion of Property. The motion was made by Regent Cheney and seconded by Regent Mitchell. Motion passed.

a. 1. Approval of Financial Report for Fiscal Year Ended June 30, 2016.

The Financial Report for fiscal year ended June 30, 2016, will be presented. KPMG, LLP audited the financial statements and issued an unmodified opinion. (Senior Vice President for Finance and Administration, Angela Throneberry) KPMG, LLP Managing Director Suzette Longfellow presented the results from the annual financial audit of NMSU. She cited two audit findings and there in an unmodified audit opinion. There were no prior year audit findings. She did point out some new reporting issues on page 9 of the audit document.

The annual financial audit report was approved by the Board. A motion was made by Regent Cheney and seconded by Regent Hutchinson. Motion passed.

2. NMSU-Las Cruces: Department of Art and University Art Gallery.

This project will design and construct a new building for the College of Arts and Sciences that will house programs currently in Dan Williams Hall. (Associate Vice President for Facilities and Services, Glen Haubold)

Vice President Andrea Tawney and NMSU Architect Heather Watenpaugh presented the Dan Williams Hall project. The home of the NMSU Art Department is being rebuilt with GO Bond monies and private donations. Regent Cheney asked Associate Vice President Glen Haubold to explain the Facilities Condition Index (FCI) and how this building fit into that rating.

Regent Mitchell inquired whether an additional million dollars was needed to finish the project. Chancellor Carruthers noted that in prior years we needed 1.5 million dollars to finish Domenici Hall. The money needed to finish this project is the “stuff” that outfits the inside of the building. Regent Mitchell asked about a contingency plan. A discussion ensued about problems with funding for the ASNMSU Center for the Arts. Regent Cheney pointed out that occurred was before Chancellor Carruthers’ time at the helm.

Chair Hicks asked about the plan for demolition of the current building. Associate VP Glen Haubold responded that the plan is at the Higher Education Department (HED) who has asked that the demolition be deferred. Regent Mitchell stated she doesn’t feel comfortable approving the project. Chancellor Carruthers responded, noting that we have the building funds in the GO Bond. The concern would be the ability to “outfit” the building. Regent Mitchell stated she is not opposed, but asked if we are ready to scale back if we don’t raise the money. Associate Vice President Haubold was asked to explain how the project “alternatives” work.

Regent Cheney moved and Regent Hutchinson seconded a motion to approve item 10.a.2. Motion passed.

3. Discontinuance of Equestrian as an Intercollegiate Sport program

Approval of the Administration’s recommendation to discontinue the operation of Equestrian as an intercollegiate sport program, effective July 1, 2017, subject to a one year extension if sufficient private funding (est. \$354,127 plus Grant & Aid for newly recruited athletes) is available by January 15, 2017.

(NMSU Athletic Director, Mario Moccia)

NMSU General Counsel Liz Ellis and Assistant Athletic Director Braun Cartwright presented the proposed elimination of Equestrian as an intercollegiate sport at NMSU due to budget reductions. Liz Ellis thanked the families for raising funds to date. She stated that the decision needs to be made at this meeting.

The tuition proposal that was submitted to NMSU showing that approximately \$150,000 could be created by having paid course support the program is deemed problematic. It potentially causes a problem for accreditation. NMSU has not dedicated tuition to a particular program and as an example, colleges do not get the tuition that they generate. In linearized tuition, the 3 credit course would not actually generate any additional dollars for students taking 15 to 18 hours. If the university were to accept the proposal including the \$100,000 donation, the program as it stands would be \$178,000 short. The coaches are leaving, there is no current contract for a coach or recruiting of students, money would need to be raised for scholarships, and NMSU staff has grave concerns. A meeting is planned for Chancellor Carruthers and other parties but a decision is needed today.

Regent Askin asked if NMSU has committed to honor the scholarships. Braun Cartwright stated yes and this complies with NCAA language.

Regent Mitchell asked why this program was selected (to cut). Braun Cartwright responded that the men's teams were not considered because we only have six of those, Equestrian as an NCAA sport was being removed from the NCAA in other conferences.

Regent Mitchell asked ASNMSU President Matt Bose to let everyone know how ASNMSU has helped the current environment. With the ASNMSU reductions, they could not cover the equestrian shortfall.

Regent Cheney made the motion to approve the elimination of the Equestrian program as an intercollegiate sport at NMSU. Regent Mitchell seconded the motion stating that this was the most difficult decision she has had in 4 years. She does this with a heavy heart. This is the first of many hard decisions that we will have to make.

Chair Hicks thanked Liz Ellis for her presentation. Faculty Senate Chair Chris Brown asked (for himself, not on behalf of the faculty senate) if Vice President Tawney can tell us about the fundraising. Vice President Tawney asked Terra Winter to give the update of a timeline and how much money had been raised. Terra Winter talked about working with Sue Padilla to look at their donor base. They did "Make a Statement" crowdfunding through the NMSU Foundation website. They had a \$32,000 match but were able to raise \$10,000 to \$12,000 on Giving Tuesday.

Chair Brown asked if it could become a club sport. Chancellor Carruthers deferred the question to Braun Cartwright. Braun responded that currently there are only 17 NCAA Equestrian teams in the Nation, but around 200 programs at the club level.

Chancellor Carruthers explained that when he came into the job, Equestrian was having difficulty as they had moved from 23 teams nationwide to 17. The NCAA made the announcement it would be dropped. It is not an emerging sport. A benefit with a club sport is that you have a lot more teams in your region. This might be financially beneficial. He submitted the Rodeo Club budget (as an example) to a potential donor.

Faculty Senate Chair Brown implored the central administration to fund these scholarships to keep this part of our cultural heritage. He stated he remembered when former President Martin tried to take Pistol Pete's guns away. Vice President Tawney noted that many people and donors had gone to significant lengths to raise the funds. Terra Winter announced that to date the fundraising had generated about \$75,000.

Chancellor Carruthers noted we got into this due to our financial situation. He agreed with Regent Mitchell that it is hard when you touch student programs. This time we have had two student programs impacted. Regent Cheney explained that there are "buckets" of money and some are restricted. Regent Mitchell noted that the team has done a great job. NMSU has cut 42 million dollars without touching student projects. ASNMSU President Bose welcomed the team to come and see how he can assist the team.

Chair Debra Hicks called the question and for a voice vote. Motion passed.

4. NMSU Housing Public, Private Partnership P-3 Proposal

Approve withdrawal from negotiations with EdR regarding the proposal for acquisition, refinancing and redevelopment of NMSU campus housing by a private entity, consistent with the recommendation of the Regents Real Estate Committee.
In the alternative: If the Board elects to move forward with EdR proposal, then the Board is asked to authorize Chancellor to execute a Pre-Closing Agreement with EdR, consistent with terms outlined in written materials provided.
(Scott Eschenbrenner, Special Assistant to the NMSU President)

NMSU General Counsel Liz Ellis stated that in vetting the EdR housing partnership proposal, we are a "fork in the road." Regent Mitchell stated we need to improve our housing and that this doesn't change our view. Chair Hicks stated that we have asked Senior Vice President Throneberry to bring forward ideas and information. Liz Ellis stated that we need to applaud EdR for their valiant effort and Chair Hicks encouraged her to let EdR know that. Chancellor Carruthers noted that this project has consumed a great amount of staff time, but we have come to the right decision.

ASNMSU President Bose asked if the idea of self-development could be explained. Liz Ellis explained that we asked for a comprehensive plan (to develop and manage housing) and we received a proposal to build one new dormitory, but that plan did not address our south campus. We would have to adopt 37 million dollars over a period of 42 years.

ASNMSU President Bose asked about a timeline. Senior Vice President Throneberry explained that a new facility, suite style, and modest modifications to other housing would be a more expansive approach, and long term. She would look at coming back to the Board of Regents for refinancing of some debt in February or March (2017) and the bonds could be sold in July. The housing renovations could then start immediately. ASNMSU President Bose asked if the mandatory requirement to live on campus has been changed. SVP Throneberry replied it is still in place. Garcia Hall is being updated and there has been a tremendous amount of work on the First Year Resident Experience (FYRE).

Regent Cheney moved and Regent Mitchell seconded the action of withdrawing from negotiations with EdR to have a public private partnership (P3) housing agreement at NMSU. Motion passed.

3:10 PM

11. INFORMATION ITEMS-

Board of Regents Annual Meeting, Monday, March 6, 2017

Chair Hicks noted the Annual Meeting as listed and a meeting in February.

12. NEW MEXICO STATE UNIVERSITY CHANCELLOR & PRESIDENT'S REPORT, Chancellor Garrey Carruthers (5 minutes)

Chancellor Carruthers gave a brief legislative report. NMSU is held in high regard. He attended a legislative luncheon with New Mexico Amigos and heard many good things about NMSU.

The Legislature has passed a solvency bill of 69 million which swept many funds. Higher education has given 7.3% in FY17. The Senate Bill has a clause that if the reserves don't meet projections, the Governor could cut an additional percentage.

The Legislative Finance Committee (LFC) version cuts higher education .3%. The Executive (DFA) version cuts higher education 1.1% for FY 18. There is word out that they desire to pass the budget in the first 30 days.

Chancellor Carruthers thanked Janet Green for her work with the Board of Regents. She will be moving over to the Chancellor's Office and working on the Team 6 (Transforming) project.

Members of the BOR and Faculty Senate Chair thanked Janet for her work.

3:15 PM

13. NEW MEXICO STATE UNIVERSITY PROVOST & EXECUTIVE VICE PRESIDENT'S REPORT, Provost Dan Howard (no report)

No report was given as Provost Howard is away from campus on annual leave.

14. CONFIRMATION OF PRIOR EXECUTIVE SESSIONS- Chair Debra Hicks

Regents confirmed by roll call vote that at their executive session on January 20th that only items on the published agenda were discussed.

15. OTHER

16. “GUNS UP”- Good News for NMSU!-Chair Debra Hicks

A salute to men’s basketball coach Paul Weir and the Aggies was made as well as an invitation to the upcoming “Pack the Pan Am” event. Also announced was Las Cruces native Elena Davidson has received an internship with Google.

Regent Hutchinson noted Kevin Johnson, an aggie alumnus who is now the CEO of Starbucks. She and Regent Askin also thanked Janet. Regent Mitchell joked that she was a “tough customer”, but Janet helped me grow.

Regent Mitchell thanked Regent Askin and said, “Maybe she can come back on a committee.” Regent Mitchell gave a shout out to Natalie Kellner who will step up for the Chief of Staff.

3:25 PM

17. ADJOURNMENT-Chair Debra Hicks

Regent Mitchell moved and Regent Hutchinson seconded a motion to adjourn.