

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

Friday, May 13, 2016

Regents Room, Educational Services

NMSU Main Campus

Las Cruces, New Mexico

9:00 am

MINUTES

Regents of New Mexico State University

Debra Hicks, Chair

Mike Cheney, Vice Chair

Jerean Hutchinson, Secretary-Treasurer

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

Stuart Munson-Mcgee, Ph. D., Faculty Senate

Mr. Dustin Chavez, President ASNMSU

Ms. Monica Dunivan, Employee Council

Officers of the University:

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

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

*Verbatim video minutes are available at the Board of Regents website. Go to nmsu.edu/bor/ and select webcasts by date of the meeting.

AGENDA

9:00 AM

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

The meeting was called to order at 9:00 am. All Regents were present.

2. **INTRODUCTIONS**

- a. Introduction of Press, Elected Officials, and Others by NMSU Associate VP Maureen Howard (2 minutes)

Introduction of ASNMSU President Elect Matt Bose and ASNMSU Vice President by Bernadette Montoya, Ph.D., Vice President for Student Affairs and Enrollment Management

(5 minutes)

Two media representatives were introduced, Jason Groves and Damien Willis of the *Las Cruces Sun News*. Dr. Chris Brown was introduced as the incoming chair of the NMSU Faculty Senate.

NMSU General Counsel Liz Ellis introduced a new member of her staff, Scott Field. Vice President for Enrollment Management and Student Success Bernadette Montoya introduced the new ASNMSU President Matt Bose. Mat hails from Las Cruces and is a Government major. The ASNMSU Vice President was introduced, Kevin Prieto.

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

A motion was made by Regent Mike Cheney and seconded by Regent Jerean Hutchinson to amend the agenda by moving item 7 before item 6 to accommodate letting the students present to be acknowledged in resolutions get back to class. The agenda was also amended to move item 10.b.4 on Uncollectable Accounts and 10 b. 6 Capital outlay Update to the Action items section of the agenda. Motion passed.

4. **PUBLIC COMMENT**- NMSU Associate VP Maureen Howard (10 minutes)

Michael Milam, an NMSU alumnus, spoke to the issue of a budget item that has impacted the Greek community. The decision to not fund the Greek Advisor from student fees indicates decreased support. He also noted the discussion about not having Greek housing.

Rigo Castillo spoke on behalf of the Interfraternity Council. Lillian Diaz spoke on behalf of the Panhellenic Council. She wants to address the rumor that Greek is not boycotting Athletics. She wants to voice opposition to the budget decision to reduce support for Greek Affairs.

5. **APPROVAL OF THE MINUTES**-Chair Debra Hicks (3 minutes)

Minutes of April 4, 2016

Regent Jerean Hutchinson moved and Regent Kari Mitchell seconded approval of the minutes. Motion passed.

9:25 AM

6. **RECURRING REPORTS** – Chair Debra Hicks (presented after Resolutions)

a. Audit Committee Update-Brad Beasley, Chair (5 minutes)

Senior Vice President Angela Throneberry reported the Audit Committee received an update on the Annual Audit Report. The Committee was informed of the selection of KPMG for the FY 16 Audit.

b. Budget Committee Update-Chairman Adolpho Telles (5 minutes)

Regent Mitchell made a request to Chancellor Carruthers to reduce costs for facility demolition. Input was provided on the staff impact of the budget cuts. She stated that

the Regents' Budget Committee Charter would be reframed to include faculty and student representation.

Chairman Telles was unable to attend but gave Board of Regents Chair Debra Hicks a letter to be read reflecting his input and that of committee member Bob Danley on the budget. Chair Hicks read excerpts of the letter to the BOR and audience members.

c. Student Success Committee Report-Regent Mitchell and Regent Hutchinson (5 minutes)

Regent Jerean Hutchinson and Regent Kari Mitchell updated the BOR on the progress of the Student Success Committee subcommittees, "Graduate on Time" being led by Jed Fanning, "Get a Job" being led by Mike Rogers, and "Give back" being led by Joe Lujan. The group will visit with Deans and Department heads and have a forthcoming report. Regent Mitchell indicated we will survey students who have left NMSU.

d. Report from the Chair, Faculty Senate, Dr. Stuart Munson-Mcgee (5 minutes)

The Faculty Senate Chair reported that Chris Brown was elected Chair and Rolf Sassenfeld, Vice Chair of the Faculty Senate. Dr. Stuart Munson-Mcgee, the outgoing Chair thanked the 66 people on the Faculty Senate and the Senate leadership Committee. He also thanked Chancellor Garrey Carruthers and Provost Dan Howard stating they were the most capable leaders in 25 years. He said they seek and then listen to advice. Regent Mitchell noted that NMSU was highly regarded at the Higher Education Department Meeting (HED). The Chancellor and Provost are leading and championing change.

Chair Debra Hicks thanked Dr. Munson-Mcgee for his service.

e. Report from the President, Associated Students of NMSU, Mr. Dustin Chavez (5 minutes)

Dustin Chavez is the out-going ASNMSU President. He spoke about his advocacy on student's affordability and getting students ready to vote. He said the staff is the backbone and that Chancellor Carruthers and Provost Howard are highly capable. The Board of Regents has been responsive and the interface with students is not just lip service. He thanked his ASNMSU Chief of Staff stating that "little things matter." He shared that Provost Howard had hired a professor "so passionate" that was one thing that kept him in school.

Regent Kari Mitchell commented that she appreciated Dustin's humility and honesty as he represented the student body. Regent López Askin commented that he was "leaving his mark in a big way" in his advocacy for the lottery scholarship. She noted that his hard work would pay off in a great future. Regent Jerean Hutchinson said "Ditto" and that Dustin was a strong leader.

- f. Report from the Chair, NMSU Employee Council, Ms. Monica Dunivan (5 minutes)

Employee Council Chair Monica Dunivan reported that the Council is getting the information out on the four Open Forums they have scheduled. They are on the Transforming NMSU into a 21st Century University, Health Insurance, NMSU Budget, and Survey Results. The fall Employee Appreciation Picnic will be on October 14th, 2016. She applauded the Chancellor for transparency and will continue to give input on university issues. Regent Mike Cheney commended the Chancellor and Provost for getting the word out to employees through the council forums.

- g. Ad Hoc Athletic Conference Review Committee-Committee Chair Mickey Clute

Athletic Conference Review Committee Chair Mickey Clute and Committee member Kevin Melendrez presented the financial analysis of NMSU pursuing an FCS league as opposed to an FBS league in the future. The recommendation has been to pursue an FBS (bowl eligible) league once NMSU has left the Sun Belt Conference for football.

7. **ADOPTION AND PRESENTATIONS OF RESOLUTIONS-** Chair Debra Hicks (20 minutes)

- a. ASNMSU President Dustin Chavez
- b. NMSU WAC Men's Tennis Champions
- c. NMSU WAC Women's Golf Team
- d. NMSU WAC Women's Tennis Champions
- e. NMSU WAC Regular Season Softball Champions

The ASNMSU President was presented with his departing resolution which noted many accolades for accomplishments during his term. The Western Athletic Conference (WAC) Teams were presented with congratulatory resolutions for their regular season and conference victories. They had photos taken with the Board of Regents, Chancellor and Provost.

8. **REGENTS' ABOVE AND BEYOND AWARD-**NMSU President Garrey Carruthers (5 minutes)

The Regents' Above and Beyond Award was presented to Dr. Tim Ketelaar, Associate Dean of the Honors College. He also served as Faculty Senate Chair and is a member of the Chancellor's Kitchen Cabinet.

9. **CONFIRMATION OF PRIOR EXECUTIVE SESSIONS-** Chair Debra Hicks (3 minutes)

Regents' Chief of Staff Janet Green read the roll call vote for all Regents who attended the executive session. All Regents voted in the affirmative that only subjects permitted by the Open meeting Act were discussed in the Executive Session held on May 13, 2016.

10:00 AM

10. **CONSENT CALENDAR-** Chair Debra Hicks (20 minutes)

a. Policy-

b. Administrative-

1. Approval of Disposition/Deletion of Property.

University property being recommended for disposition/deletion. A list of missing items resulting from the annual inventory process will be included as informational only.

2. Approval of Temporary Investment Report for quarter ended 3/31/2016.

Report reflects weighted average yield of .83% for quarter ended 3/31/2016, compared to the average one-year Treasury Bill yield of .56%.

3. Approval of Budget Adjustment Requests (BAR) for Fiscal Year 2015-2016.

In order for the university to adhere to rules of the New Mexico Higher Education Department (HED) and meet State statutes, it is necessary for us to insure that our budgetary levels of expenditures equal or exceed the anticipated expenditures for the fiscal year. The attached BARs are for each NMSU campus unrestricted fund, and are for the purpose of adjusting the beginning fund balances which were estimated for the 2015-2016 Operating Budget submitted in May of last fiscal year, to equal the actual ending fund balances resulting from closing the books for FY2015 and to adjust revenue, expenditures and/or transfers, as applicable, for various programs for which information has changed or was unavailable at the time of the original budget preparation as detailed on the attached forms.

4. Approval to transfer current Uncollectible Accounts Receivable to Reserves for Inactive Accounts for fiscal year 2015-2016. (Moved to Action Items)

State law precludes the University from writing off uncollectible accounts. Accordingly, we request the accounts listed on the attached schedule be transferred to the Reserve for Inactive Accounts. The amount transferred is offset by recoveries from prior year transfers of \$905,581. Resulting in a net impact of \$2,481,128 to the reserve for inactive accounts. In addition, we assessed \$543,175 in deferred payment charges. The total uncollectible accounts transferred represent approximately 2.49% of the related tuition, housing and other fee income.

5. NMSU-Las Cruces: Campus-Wide Tunnel System Repairs Phase II.

Tunnel system remediation to repair/replace sections of the tunnel system that are severely deteriorated and in danger of imminent failure per Structural Integrity Study performed by Bohannon Huston Engineering in October 2013.

6. Approval of NMSU Capital Outlay 5 Year Plan. (Moved to Action Items)

The Capital Outlay Plan is updated each year and submitted to the Higher Education Department (HED) prior to June 1st in order to be included in the request by the NMSU System and HED to the legislature in the subsequent session. It is first presented to the NMSU Board of Regents for their review and approval.

7. Confirm Approval of Candidates for Degrees:

A request that the Regents of New Mexico State University confer upon the named candidates the degrees listed in the Spring 2016 Commencement Program, the 124th Commencement for the institution. This conferral is contingent upon the students satisfactorily completing the courses in which they are enrolled and meeting the requirements of the appropriate catalog. It is further contingent upon the assumption that the content of the thesis submitted by each student required to do so is original unless otherwise represented in the document.

Chair Hicks moved approval of the Consent Agenda. Motion passed.

10:20 AM

11. ACTION ITEMS- Chair Debra Hicks (45 minutes)

1. Approval of Operating Budgets for Fiscal Year 2016-2017:

Approval of the expenditure levels for the proposed operating budgets for all campuses is required for submission to the New Mexico Higher Education Department (HED). Senior Vice President Angela Throneberry, Administration and Finance (25 minutes)

Senior Vice President Angela Throneberry thanked her team. She is presenting the “Budget Authority” for a 622 million dollar proposed budget which is down about 30 million dollars.

Regent Mitchell asked what actually was being approved today noting that she understands about the Greek issue, marketing investment, are we approving uses. SVP Throneberry responded that they are approving the “expenditure level”. We haven’t submitted the line items for approval. SVP Throneberry explained the way to change significant items is through a Budget Adjustment request (BAR). This is typically done in December each year (e.g. to adjust the beginning fund balance). Regent Cheney stated that this is ongoing through the (Regents) committees.

Motion to approve this item was made by Regent Cheney and seconded by Regent Mitchell. Motion passed unanimously. Chair Hicks stated they are approving “blank check”.

Regent Cheney wants to recognize the team, there are a lot of intelligent people around the table. We have a lot of tension, but we want to move this great university. Chancellor Carruthers quipped that the dynamic tension may be akin to a “barroom brawl.” He shared a conversation he had recently with an NMSU faculty member who says, “We shall sail this ship together, through the stormy sea.”

2. Approval of Proposed Revision to Regents Policy 1.05.96 – Community College Faculty Council.

This proposed revision adjusts the composition of the membership of this advisory council to the Executive Vice President and Provost to more appropriately align with the number of Faculty Senators from the Community Colleges.

General Counsel Liz Ellis presented the policy revision. A motion to approve was made by Regent Cheney and seconded by Regent Jerean Hutchinson. Motion passed.

3. Approval of Proposed New Regents Policy 2.00 – Risk Management, Safety and Security. This proposed new Regents Policy authorizes administration to promulgate the rules and procedures to provide for the safety and security of the university community. The proposal will replace current policies 2.53 (Police) and 2.60 (Environmental Health and Safety), which remain in effect in the Administrative Rules and Procedures.

General Counsel Liz Ellis presented the new policy. Regent Mitchell asked if under the policy Risk management would be a broader scope. Counsel Ellis responded that we have had discussions about having more universal Risk Management and Compliance at NMSU.

A motion to approve was made by Regent Cheney and seconded by Regent Mitchell. Motion passed.

4. Approval of Proposed New Regents Policy 5.00 – Faculty and Academic Administration. This proposed new Regents Policy authorizes administration to promulgate the rules and procedures relating to employment of faculty and academic administrators holding faculty rank. This policy will replace the Human Resources type policies currently housed in Chapter 5 of the Regents Policy Manual, which remain in effect in the Administrative Rules and Procedures.

General Counsel Liz Ellis presented the new policy. Regent Mitchell asked about how a faculty member gets tenure. Counsel Ellis explained the general terms of the tenure process at NMSU.

A motion to approve was made by Regent Cheney and seconded by Regent Jerean Hutchinson. Motion passed.

5. Approval of Proposed Revised Regents Policy 2.90.20 – Student Educational Records – FERPA Compliance. This proposed revision removes the detailed procedural material, which remains in effect in the Administrative Rules and Procedures, leaving intact the Board’s directives relating to compliance with the federal Family and Educational Rights and Privacy Act of 1974.

General Counsel Liz Ellis presented the new policy. Chair Hicks asked if when we list the act, FERPA, if the name changes will the policy have to change. Counsel Ellis responded, yes. Regent Mitchell asked what can be done so that people, parents, can see student records. What happened to the “opt out”? Counsel Ellis responded that at NMSU it is now allowable to have proxy access. Regent Mitchell asked if we know how many students have granted

proxy access. Provost Howard responded that the proxy access is highlighted during student orientation.

A motion to approve was made by Regent Cheney and seconded by Regent Mitchell. Motion passed.

6. Approval of Proposed New Regents Policy 2.90 – Information Data and Security. This proposed new Regents Policy directs administration to establish rules, processes and safeguards to secure and protect confidential data; it will replace current policies 2.90.10 – Records Integrity and Retention and 2.90.30 – Protection of Non Public, Personal Information, which remain in effect in the Administrative Rules and Procedures.

General Counsel Liz Ellis presents the new policy. Regent López Askin moved and Regent Hutchinson seconded the motion to approve. Motion passed.

7. Approval of Proposed new Regents Policy 9.80 – Art, Archives and Other Collections. This proposed new Regents Policy authorizes administration to promulgate rules and procedures governing the acquisition, maintenance, inventory and disposition of the university's fine art, other collections and archives. Adoption of this policy will replace current Policy 2.03 - Art Archives and Other Cultural Collections, which remains in effect in the Administrative Rules and Procedures. This policy reserves authority to the Board of Regents for the 1. Acquisition of collections or pieces in collections over and above the budgeted amount for purchase, restoration, preservation and display; 2. De-accession of items of significant value; and 3. Acquisition of items subject to restrictive conditions for display or limitations on deaccession beyond a period of five years. (Liz Ellis, NMSU General Counsel, 30 minutes)

General Counsel Liz Ellis presents the new policy. Regent Mitchell moved and Regent Hutchinson seconded the motion to approve. Motion passed.

8. Approval of an Addendum to a Ground Lease in order to grant to ADI, the right to act as the agent of NMSU in regards to the sale of the Property, regarding two (2) tracts of land ("Property") situated North of University Avenue on Wisconsin Avenue to the West of Triviz Drive, and which are more particularly described and shown within the Lease and on Exhibit "A" and further grants to ADI the right to advertise, publicize, or otherwise field purchase offers concerning the Property, in the form or fashion deemed appropriate by ADI. (Scott Eschenbrenner, President of Aggie Development, Inc.)

Aggie Development Inc., (ADI) President Scott Eschenbrenner presented. ADI will act as agent, do advertising and take offers to the Regents Real Estate Committee, then come before the Board of Regents. Regent Cheney added that we won't sell land that impugns our mission. A motion to approve was made by Regent Cheney and seconded by Regent Jerean Hutchinson. Motion passed.

(Two items moved from the Consent Agenda).

9. Approval to transfer current Uncollectible Accounts Receivable to Reserves for Inactive Accounts for fiscal year 2015-2016. (Moved to from Consent)

State law precludes the University from writing off uncollectible accounts. Accordingly, we request the accounts listed on the attached schedule be transferred to the Reserve for Inactive Accounts. The amount transferred is offset by recoveries from prior year transfers of \$905,581. Resulting in a net impact of \$2,481,128 to the reserve for inactive accounts. In addition, we assessed \$543,175 in deferred payment charges. The total uncollectible accounts transferred represent approximately 2.49% of the related tuition, housing and other fee income.

Regent Mitchell stated that she doesn't need a financial report. She is more interested in what we are doing about the issue. SVP Throneberry stated that we have a process that we go to address delinquent accounts. 2.49% off all charges covers all student accounts. We have seen a slight improvement from last year. The account is collected in house for approximately 6-8 months and then it moves to a collection agency. Recoveries have improved 5%. SVP Throneberry noted that a student's diploma is withheld if they have an outstanding debt.

10. Approval of NMSU Capital Outlay 5 Year Plan. (Moved from Consent Agenda)

The Capital Outlay Plan is updated each year and submitted to the Higher Education Department (HED) prior to June 1st in order to be included in the request by the NMSU System and HED to the legislature in the subsequent session. It is first presented to the NMSU Board of Regents for their review and approval.

Associate Vice President for Facilities and Services Glen Haubold stated that Dan Williams Hall and Regents Row are slated for demolition in 2017. He discussed the need for a guidance principle for a 10 year plan space study. A motion for approval of the 5 year Capital Outlay Plan was made by Regent Cheney and seconded by Regent Mitchell. Motion passed.

11:15 AM

INFORMATIONAL PRESENTATIONS-

12. a. Informational Items (Policy) Informational Report Summarizing Revisions in the Administrative Rules and Procedures.

Revised Rule 4.30.30 (Process to Determine Ineligibility for Rehire Status)
Revised Rule 2.90.20 (Access to Student Educational Records-FERPA Compliance)
General Counsel Liz Ellis reviewed these rules and procedures. No action is necessary.

12. b. NEW MEXICO STATE UNIVERSITY CHANCELLOR & PRESIDENT'S REPORT, Chancellor Garrey Carruthers (15 minutes)

Chancellor Carruthers presented a slide show describing why NMSU is his “happy place”.

12. c. NEW MEXICO STATE UNIVERSITY EXECUTIVE VICE PRESIDENT & PROVOST, Dan Howard, Ph.D. (15 minutes)

Provost Howard presented information on the eight Meta Majors established at NMSU and the status of the degree plans moving from 128 to 120 credit hours.

12. d. Discussion on 2016 Strategic Planning Retreat-Chair Deb Hicks

11:45 AM

Next Meeting is June 28th, Las Cruces TBD

13. ADJOURNMENT-Chair Debra Hicks

Chair Debra Hicks adjourned the meeting.