



New Mexico Highlands University Board of Regents

Amended Notice & Agenda of Special Open Meeting June 15, 2023 at 12:00 p.m.

On this date and time, the New Mexico Highlands University Board of Regents will hold a special open meeting addressing the agenda items listed below. Copies of this notice and agenda may be obtained on the University's website at <https://www.nmhu.edu/board-of-regents/board-of-regents-announcements> no less than 72 hours before the meeting. The meeting will be held live at the **New Mexico Highlands University Rodgers Hall Building, Room RAB107, 803 National Ave., Las Vegas, New Mexico**, and livestream via **Zoom Platform**. Members of the public may access the livestream through the following link:

<https://nmhu.zoom.us/j/99373471046>

Meeting ID: 993 7347 1046

One tap mobile

+13462487799,,99373471046# US (Houston)

+16699006833,,99373471046# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 993 7347 1046

Find your local number: <https://nmhu.zoom.us/u/ac1SHcp0aW>

AGENDA

1. Call to Order – Chairman William Garcia
2. Roll Call
3. Compliance with Meeting Notice Requirements
4. Approval of the June 15, 2023 Agenda
5. Approval of the Minutes from June 02, 2023
6. Consent Agenda
 - A. Dean of Student Affairs Report
 - B. Provost/Vice President for Academic Affairs Report
 - C. Executive Vice President for Student and Donor Engagement Report

- D. Executive Vice President for Finance, Administration, and Government Relations Report
 - E. Vice President for Marketing and Communications Report
 - F. NMHU Foundation Report
 - G. Associated Students of New Mexico Highlands University (ASNMHU) Report
7. Staff Advisory Senate Report-Mr. Robert Anaya
 8. Faculty Senate Report-Dr. Rodney Rock
 9. Co-Athletic Directors Report-Mr. James Deisler, Ms. Shanna Halalilo, with Dean of Students, Dr. Kimberly Blea
 10. Executive Vice President of Finance, Administration, and Government Relations (VPFAGR)-Mr. Max Baca
 - A. FY23 Q3 Certification – **Action Item**
 - B. Disposal of University Property – **Action Item**
 - C. Master of Nursing Tuition and Fees – **Action Item**
 - D. Refinancing of Series 2009 & 2012 Bond Resolution-**Action Item**
 - E. NMHU Audit Findings Update
 - F. HR/Payroll Issue Update
 11. Provost/Vice President of Academic Affairs (VPAA) -Dr. Roxanne Gonzales
 - A. NMHU Residency Policy-**Action Item**
 - B. Removal of the Proposal Routing Form from the Faculty Association Collective Bargaining Agreement-**Action Item**
 - C. Research Policy Handbook-**Action Item**
 12. President's Report-Dr. Roxanne Gonzales
 - A. Campus Update
 - B. Use of Campus Facilities Policy-**Action Item**
 - C. President's Council on Diversity, Equity, and Inclusion Update-Dr. Rebecca Moore
 - D. Vacant Land RFP Review and Approval-**Action Item**
 - E. HLC Update-Dr. Keith Tucker
 - F. Other
 13. Executive Session– – (a) limited personnel matters related to President Sam Minner's evaluation and goals and to the dismissal, resignation, and/or investigation or consideration of complaints or charges against any individual or public employee pursuant to NMSA 1978, § 10-15- 1(H)(2); (b) bargaining strategy preliminary to collective bargaining pursuant to NMSA 1978, § 10-15-1(H)(5); and (c) threatened or pending litigation subject to the attorney-client privilege in which the university is or may become a participant pursuant to NMSA 1978, 10-15-1(H)(7)
 14. Public Action and Statements as Necessary on Executive Session Discussion

15. Board of Regents Report

- A. Higher Education Regents Coalition (HERC) Update-Mr. William Garcia
- B. Presidential Selection Committee-Informational
- C. Regents Comments-No Action Items

16. Review of Board of Regents Standing Committees Assignments

17. Adjournment

New Mexico Highlands University
Board of Regents Special Meeting
June 15, 2023

The New Mexico Highlands University Board of Regents held an in-person special meeting on June 15, 2023. The meeting was held live at New Mexico Highlands University, 803 University Ave., Room 107, Las Vegas, New Mexico. The university made every effort to accommodate members of the public as stated in the June 12, 2023 meeting announcement and the June 14, 2023 amended meeting announcement. The meeting was livestreamed via Zoom Platform. Members of the public were able to access the livestream through the following link:

<https://nmhu.zoom.us/j/99373471046>

Meeting ID: 993 7347 1046

One tap mobile

+13462487799,,99373471046# US (Houston)

+16699006833,,99373471046# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 993 7347 1046

Find your local number: <https://nmhu.zoom.us/j/99373471046>

Call to Order – Chairman Garcia called the meeting to order at 12:00 p.m.

Roll Call - Board Members present: Mr. William Garcia, Mr. Robert Lucero (via zoom), Mr. Cody Rivera, and Ms. Danelle Smith. Board Members absent: Dr. Frank Sanchez

Administrative Personnel Present: Mr. Max Baca, Executive VP of Finance, Administration, and Government Relations; Dr. Roxanne Gonzales, Provost & VP of Academic Affairs, and Dr. Kimberly Blea, Dean of Students.

Others Present: Mr. Robert Anaya, Staff Advisory Senate Chair, Ms. Patricia Ives, University Legal Counsel, and Ms. Maria Sena, Senior Executive Administrative Assistant. Numerous faculty, staff, students, community members, and the general public participated in the meeting as it was streamed via ZOOM.

Compliance with Meeting Notice Requirements

Chairman William Garcia stated that in compliance with the meeting notice requirement, it was confirmed that the notice and agenda were posted timely in accordance with the Open Meetings Act.

Memo read, “In compliance with the Board of Regents Open Meetings Resolution, notice of the date, time, and place of the June 15, 2023 special meeting and agenda was posted in the Administration Building and on the University’s Board of Regents webpage.”

Approval of the June 15, 2023 Agenda

Regent Smith moved to approve the amended Board's meeting agenda for June 15, 2023 as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Approval of the Minutes from June 02, 2023

Regent Smith moved to approve the minutes from the June 02, 2023 Meeting as presented. Regent Lucero seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Consent Agenda (Attachment A)

Regent Smith moved to approve: A) Dean of Student Affairs Report; B) Provost/Vice President of Academic Affairs Report; C) Executive Vice President of Student and Donor Engagement Report; D) Executive Vice President of Finance, Administration, and Government Relations Report; E) Vice President for Marketing and Communications Report; F) NMHU Foundation Report; and G) Associated Students of New Mexico Highlands University (ASNMHU) Report on the Consent Agenda as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Staff Advisory Senate Report-Mr. Robert Anaya (Attachment B)

Mr. Robert Anaya informed the Board that the Staff Senate had been having discussions regarding paid leave that was provided by the University. The Senate conducted research relative to the number of days that are provided by the various institutions in the State of New Mexico. Mr. Anaya said that President Minner potentially would be amenable to increasing the amount of leave granted to staff.

Regent Smith asked for clarification on the current amount of leave days provided. Mr. Anaya stated that fifteen days are provided with additional days granted by the President. The Senate is asking that the Administration consider a fixed calendar.

Chairman Garcia referred this request to President Minner for his review and follow up recommendations. The President will review the proposal and determine how the proposal compares against Eastern and Western. He will also look at state government, courts, schools, etc. He will also check to ensure there are no collective bargaining issues.

Faculty Senate Report-Dr. Rodney Rock

Dr. Rodney Rock was not available to provide his report.

Chairman Garcia stated that he is in disagreement with some of the statements that were proposed as facts in the report specifically about the Regents and what their actions have been in the past regarding this issue. Chairman Garcia did not agree with all of the conclusions that were provided in the report and will be pursuing this further in a different forum.

Co-Athletic Directors Report-Mr. James Deisler, Ms. Shanna Halalilo, with Dean of Students, Dr. Kimberly Blea (Attachment C)

Chairman Garcia mentioned that the origin of this presentation came about from the Higher Education Department after the incidents that were reported in the newspaper at Eastern New Mexico University, University of New Mexico, and New Mexico State University. The issues were relative to harassment and hazing in the athletic departments.

Chairman Garcia spoke with the Higher Education Secretary and assured her office that Highlands would take all the appropriate actions that would be necessary to avoid similar outcomes as experienced by these other institutions.

Dr. Kimberly Blea provided a PowerPoint presentation. She determined that the issues experienced by the other institutions fell under two specific areas:

- 1) Title IX. This policy prohibits any person from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Title IX specifically relates to sexual harassment and sex-based violence. Included is domestic violence, dating violence, sexual assault, stalking, inappropriate touching, and all of the areas that fall within sexual offense. In 2020, the Board did approve the Title IX Policy that is specific and consistent with the requirements set forth by the Department of Education.
- 2) Other applicable NMHU Policies which include the Student Code of Conduct, Employee Policies and Procedures and/or relevant Collective Bargaining Agreements, and Policy Statement Regarding the Prevention of and response to Sex Offenses, Domestic Violence, Dating Violence, and Stalking.

Dr. Blea discussed that anyone can report sex discrimination, including sexual harassment. At the University, mandatory reporters include the President, Provost, Dean of Students, Director of Human Resources, Chief of Campus Police, Director of Housing, Athletic Director, and any other executive administrators.

Dr. Blea spoke about Hazing and Reporting. Hazing is the planning, directing, or committing acts of hazing. Hazing is defined as any activity, which willfully, negligently, or recklessly endangers the mental or physical health of an individual(s) and/or subjects a person(s) to forced consumption of alcohol or drugs, ridicule, humiliation, embarrassment, or any unlawful activity for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in any group or organization.

She stated that mandatory reporter training is required annually for all employees. The University has an agreement with State University of New York Student Conduct Institute. They provide a number of services including an online training system. This year, the athletic coaches completed three hours of training.

Ms. Shanna Halalilo stated moving forward it was important to provide more meaningful training and education. The Director of Compliance and the Title IX Director select the training topics.

She spoke about the mandatory reporting training that is required for the entire athletic department. Each department has a SWA (senior woman administrator) representation for female athletes. The position is designated to allow female athletes to have someone to feel comfortable with to come forward and report different types of complaints.

Ms. Halalilo and Mr. Deisler work closely with the Title IX Director to ensure that all issues are addressed and not concealed.

Ms. Halalilo and Dr. Blea are moving forward by creating a student athletic handbook, which will be consistent with the other institutions. Handbook will have a section for anti-hazing.

Athletic Update

Academic:

Department GPA was 3.03 cumulative GPA with 20 students with a 4.0;
Over 50% with 3.0 GPA or higher; and
Football: 2.81 GPA
Softball record: 20 wins in 2023, previously 8 wins; and
Men's basketball: tied to make RMAC playoffs

Goals:

Academic: 3.0 department GPA;
Athletic: 2 teams competing at RMAC playoffs; and
Community: 10 hours community service per student athletic

**Executive Vice President of Finance, Administration, and Government Relations
(VPFAGR)-Mr. Max Baca**

FY23 Q3 Certification – Action Item (Attachment D)

Mr. Baca discussed the FY23Q2 Certification. All questions on certification were no.

Vice-Chairman Smith stated that if the answers to the questionnaire are no, would it be appropriate to have the Certifications on the consent agenda. Regent Lucero was in agreement with Vice Chairman Smith. Chairman Garcia agreed that if all questionnaire answers are “no”, this agenda item can be placed on the consent agenda moving forward.

Regent Smith moved to approve the FY23 Q3 Certification as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Disposal of University Property – Action Item (Attachment E)

Mr. Baca noted that during the last audit, the University received audit findings for the inventory and for not having systems updated. These items listed have already been disposed of but never taken off the book.

After a short discussion, it was agreed upon that this agenda item could also be placed on consent agenda. Vice-Chairman Smith said that the Finance Committee reviews this item ahead of time. If the committee noticed any discrepancies, it would request that it be pulled out of the consent agenda and placed as an agenda item for discussion by the entire Board.

It was also stated that any Regent wishing to pull any item out of the consent agenda, can do so for action separately.

Regent Smith moved to approve the Disposal of University Property as presented. Regent Lucero seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Master of Nursing Tuition and Fees – Action Item (Attachment F)

Mr. Baca stated that the first class for the Master of Nursing began a few weeks ago. Research was conducted with Wiley to determine the cost for tuition and fees. Recommendation includes \$625 per credit hour for residents and non-residents. It is an online course for a specialized program.

Dr. Roxanne Gonzales informed the Board that it is not uncommon to see differential tuition for specialized programs especially graduate programs in the health fields.

Regent Smith moved to approve the Master of Nursing Tuition and Fees as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Refinancing of Series 2009 & 2012 Bond Resolution-Action Item (Attachment G)

Mr. Max Baca introduced Mr. Mark Venezuela, Managing Principal for Bosque Advisors, LLC. Mr. Venezuela provided an overview of the recommendations to Highlands to refinance its existing loans. Currently the University is paying off two loans to the New Mexico Finance Authority. The annual payments average about 2.1 million dollars. The benefits of refinancing the existing loans included a lower interest rate, which would save money for the University by possibly eliminating the need for the reserve funds thus releasing 2.3 million dollars in funds and lowering the annual loan payment or shortening the final maturity.

If the Board approves the resolution, Mr. Baca and Mr. Venezuela would have to appear before the Higher Education Department Capital Outlay Committee and the State Board of Finance in Santa Fe for approval.

Regent Lucero wanted assurance that if there was not a deal to be made where the University would not receive savings, the University will be able to back out. Attorney Patricia Ives stated that this type of information should be in the municipal advisor's contract.

Mr. Venezuela said, "What this resolution authorizes is delegation authority to the President or EVP Baca. Should this transaction occur, and they will sign off on it, it is good for 120 days. So, just talking through the process with you, we may not have the authority available to us. So, that means that we will have to bring the transaction back to this Board for their approval. You will ultimately have the final say on whether we go forward or not." "We will not take an action on this without your full awareness of it."

Regent Smith asked for an assurance from Mr. Venezuela that if the refinancing does not go through, Highlands would not be required to pay either his firm or bond council. Mr. Venezuela stated, "I can provide you that assurance".

Regent Lucero moved to adopt the Refinancing of Series 2009 & 2012 Bond Resolution as presented with the provision that it reflects Regent Sanchez is not present and includes the above conditions identified. Regent Smith seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

NMHU Audit Findings Update (Attachment H)

Chairman Garcia stated in previous meeting discussions occurred about the audit issues and the Board has asked for updates. Mr. Baca welcomed Ms. Stephanie Gonzales to assist with the update. He provided the Board a memo with details regarding each audit finding.

Student Accounts Receivable Finding

The student accounts receivable finding still needs work. However, Ms. Gonzales was able to correct the financial books. Mr. Baca stated that a large outstanding receivable is with the City of Las Vegas. He has scheduled a meeting with the City Manager to discuss and determine a resolution. Regent Smith raised the question of whether the statute of limitations has run on the amount owed by the City. She asked the Board Attorney Ives review this issue and provide an opinion to the Board.

Fixed Asset Finding

Mr. Baca said that the audit finding for fixed assets had been resolved. A report had been built and will run at the end of the fiscal year, close of business day. This report will provide the accuracy that is required for the auditors.

Human Resources Findings

Mr. Baca stated progress had been made in Human Resources. A third-party vendor was hired to process payroll. At the beginning of the fiscal year, a few payroll payments will be in the Banner system with the remainder payments in the Paycom system.

Ms. Gonzales stated that there was a lot of work still needed to be done in Human Resources and Payroll. Work will continue through August, and she is hopeful that progress would be made. She is confident that all the other audit finds would be resolved.

Chairman Garcia requested an update from HR/Payroll in the August meeting.

HR/Payroll Issue Update (Attachment I)

Mr. Joe Gieri, Ms. Mariama Whalen, and Ms. Roberta Vigil provided an HR/Payroll Update.

Ms. Vigil stated there are five to eight inquiries from faculty that are still unresolved. The department informed them that their inquiry has been received and they will need time to research the issue. Inquiries or concerns come into the Human Resources Department via email. Hundreds and hundreds of emails come in and staff has to sort these issues one by one. Moving forward, a better system is being developed to address issues in a more efficient manner.

Mr. Gieri met with the departments to develop a strategic plan with separate sections. What was identified included the audit issues and working with internal and external entities/consultants to help resolve any issues.

Ms. Vigil provided an update on operations. She stated some concerns include staff level skill set, historical processes, and migration to Paycom. The department has been working with consultants to process backlog and different requests. They have made a very concerted effort to start establishing relationships with key stakeholders including the business office.

The department is working on stability, cross training, developing systems, and process improvement. Attention areas include staff changes, institutional knowledge in the department, knowledge base, resources, succession planning, and support and availability.

Provost/Vice President of Academic Affairs (VPAA) -Dr. Roxanne Gonzales NMHU Residency Policy-Action Item

Dr. Roxanne Gonzales introduced Dr. Henrietta Romero. Dr. Romero indicated that this policy is an expansion of the minimum amount of information that exists in the catalogue and how to establish New Mexico Residency for tuition purposes. The policy follows the New Mexico State Administrative code that is distributed by the New Mexico Higher Education Department.

Regent Lucero moved to approve the Residency Policy as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Removal of the Proposal Routing Form from the Faculty Association Collective Bargaining Agreement-Action Item

Dr. Roxanne Gonzales welcomed Dr. Ian Williamson. Regent Smith said that she was not able to read the entire handbook. The handbook is technical and contains a lot of detail. It was agreed by the Regents to allow more time to review and read these documents.

Regent Smith moved to table the Removal of the Proposal Routing Form from the Faculty Association Collective Bargaining Agreement as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

Research Policy Handbook-Action Item

Regent Smith moved to table the Research Policy Handbook as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

President's Report-Dr. Roxanne Gonzales (Attachment J) Campus Update

Dr. Roxanne Gonzales discussed enrollment numbers for the summer. Increase of eighteen percent for undergraduate students and flat for graduate students. Overall, summer enrollment is up eight percent.

Mr. Benito Pacheco discussed fall enrollment numbers. Unofficial numbers include 923 undergraduate students and 702 graduate students for 1,625 enrolled students for the fall semester. This is an eleven percent increase and the first full academic year increase in twelve years.

Mr. Ricardo Martinez discussed the enrollment funnel. Currently there are 7,153 active applications with 2,671 total admitted students. Admission rate is 51%.

Dr. Gonzales informed the Board that Highlands had been selected as one of the New Mexico institutions for the Complete College America Intermediaries for Scale Institutional Transformation initiative in conjunction with Luna Community College. This initiative will consist of two or three projects that serve students equitably, but one must address basic insecurity needs.

She indicated a new Dean for the Facundo Valdez School of Social Work had been hired. Dr. Cesar Arbaca begins his position on July 1. He brings amazing skill sets and is a commissioner on various accrediting bodies for social work.

She highlighted the work that the faculty had been doing since 2019 with new degree programs. These new programs are bringing in 317 new students. Programs are asynchronous and synchronous. Graduate programs are in criminology and cultural resources management. The new Master's in Nursing had seventeen students enroll.

Dr. Brandon Kempner provided highlights for the nursing program. Because program is asynchronous and online, there was doubt about where students would be located. All of the students enrolled are coming from rural areas in New Mexico.

Dr. Gonzales said that New Mexico Highlands University was going to have a major impact in three areas, nursing, education, and forestry.

Dr. Mary Earick provided highlights for the School of Education. The third annual Problems of Practice (PoP) summit was held focusing on problems of practice for educators statewide. Thirty-one school districts participated. This will also lead to better outcomes for the Yazzie Martinez case.

Dr. Kimberly Blea reported that the Basic Needs College Survey Spring 23 was completed. Findings included:

Fifty-four percent of participants had food insecurities in the last 30 days.

Sixty-four percent of participants had housing insecure in the last 12 months.

Twenty-seven percent of participants were homeless in the last 12 months.

Sixty-nine percent of participants stated they had some form of insecurity in basic needs.

Dr. Blea said the University has an agreement with Uwill to provide mental health services via a virtual platform for the Centers and online students exclusively. Main campus student have access to the student health clinic.

She also informed the Board that starting the fall semester, students will have access to free laundry service for residents that live on campus.

Dr. Gonzales provided a brief update in Athletics. A search is underway for a new baseball coach and the NMHU Athletic H Club will be holding its 5th Annual Golf Tournament at Buffalo Thunder on June 24th.

Use of Campus Facilities Policy-Action Item

Ms. Linda Anderle introduced the new Community Liaison/Campus Facilities Coordinator, Ms. Shawna Wangseng.

Ms. Anderle requested the approval of the updated Use of Campus Facilities Policy. Changes included updating contact information, updating cancellation fees, and deleting text concerning the COVID-19 guidelines.

Regent Smith moved to approve the Use of Campus Facilities Policy as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

President's Council on Diversity, Equity, and Inclusion (PCDEI) Update-Dr. Rebecca Moore, Dr. Eric Romero, and Mr. Robert Anaya (Attachment K)

Dr. Rebecca Moore, Mr. Robert Anaya, and Dr. Eric Romero provided a brief presentation. Work conducted by the PCDEI follows the strategic plan that was developed by the Council. The first objective is to embrace our mission as a Hispanic serving institution and emerging Native American serving institution to increase diversity of NMHU faculty, staff, and administrators to better reflect the demographics of New Mexico and the students.

Dr. Moore said that a website is now established and will demonstrate the infrastructure, programing and speakers on campus, and book series for the Council. Future goals included establishing an office of inclusive excellence on campus, recognizing the need for PCDEI representation in search and hiring committees, and recognizing the amount of work that has been developed and celebrated throughout the university, satellites, and campus communities.

Chairman Garcia asked how the University could improve on the problems outlined in the Yazzie Martinez case. Dr. Moore stated she serves as the dual credit specialist on campus. She understands the pipeline

from the high schools into the University. She is also part of the planning and design team for the indigenous knowledge program by collaborating with School of Education.

The PCDEI is also involved with a variety of projects including identifying curriculum development that recognizes local culture and uses it as an asset to recognize that people are coming in with levels of knowledge and wisdom that could be included into curriculum projects.

Regent Lucero asked that the University be conscious about including representatives from the Council in the new Presidential selection process. He also urged the Administration to consider funding a postdoc fellowship to recruit future faculty members. Candidates would not be able to apply on their own. The department must apply on their behalf and have a mentorship plan on how they would move these individuals from postdoc into tenure track.

Vacant Land RFP Review and Approval-Action Item

Mr. Max Baca introduced Mr. Aaron Flure to discuss the draft for proposal. Mr. Flure stated that the vacant land RFP had three phases. He asked for comments.

Regent Smith felt that the RFP should be for phase one only. Once that was completed, then an RFP for phase two should be requested. Once that was completed, then an RFP for phase three should be prepared.

She stated that she had concerns with what was included in the RFP. First, it states that in phase one, title reports should be obtained. She felt that not only title reports but also owner's policies should be obtained for each piece of vacant land. It should also reflect that any current title policies, which are in the possession of Highlands, would be provided to the contractor. If a title policy is not available for any NMHU property, one has to be ordered as part of the work in phase one. After phase one, every vacant property that is owned by Highlands would either have a title policy or have a commitment for a title policy that would tell the status of title.

Second, the RFP stated identifying and providing all existing surveys to each tract. She felt that all surveys in the possession of Highlands should be provided to the contractor and analysis needed to be undertaken to determine whether we need to do surveys on any of the vacant properties.

Third, she felt that the addition of Las Vegas and San Miguel County should be added to section on research, demographics, housing, market, residential retirement.

Fourth, she felt that an adding language to include: consideration of all other existing residential subdivisions with available lots for sale within the target area and their impact on possible sales of NMHU residential properties and an analysis of current residential building costs to determine the ultimate cost ranges of residential development for various sized homes.

Fifth, under infrastructure and services, she felt that this needs to include sewer and natural gas services and their current availability particularly as to the golf course. Infrastructure needs to be reviewed to determine the existing infrastructure capacity.

Regent Smith has spoken with the City Utilities Director about the golf course concept of 200 residential lots. She said the director was shocked and questioned the capacity of the sewer lines in particular. She was unsure if the lines along Mills Avenue could handle this level of additional development.

Sixth, under outcomes and results, she had suggested that Highlands conduct an inventory of title and title commitments for all NMHU vacant properties. She felt that a utilities evaluation be added because it was

not just the physical site, it is about the utilities themselves and at what level the use of such utilities could be increased. She also requested that funding sources outside of NMHU direct funding be identified.

Seventh, under marketing and land economics, provide a definition of “absorption schedule”.

Eighth, under ‘identify potential project financing and funding sources’, add particularly sources of funding outside of direct funding by NMHU.

Ninth, add a list of properties associated with the RFP. Bidders can’t make a decision about what they are bidding on without a list of properties.

Regent Smith believed that analyzing what vacant properties NMHU owns, determining the condition of those properties, and determining the infrastructure of those properties should be phase one.

Chairman Garcia stated the reason for this RFP is to develop a master plan for the use of the golf course and other pieces of vacant property owned by the University. He said what Highlands would be asking is for someone to come in and do a feasibility study on whether or not it is appropriate for Highlands to build homes on the golf course. If so, how many, where, etc. The study would be a roadmap to determine the feasibility of Highlands moving forward and developing these properties. He felt that Highlands could not just do step one then wait another six months to do step two. The value of the study is to do it all at once to identify the major conclusion about whether it is feasible or not.

Regent Rivera understood from the previous meeting that it would be a three-phase process. Once phase one was completed and approved, the University would move on to phase two and then on to phase three. He had a concern with water feasibility. The Gallinas River is on the top ten list of the most endangered rivers in the country. Last year Las Vegas only had eighteen days of water left. Students were upset and unsure of what would happen. His other concern was regarding the different phases. What if a contractor bid on phase three, but what if phase one was not approved. He also expressed concern about who would have the final say on moving from one phase to another.

Regent Rivera asked if the whole purpose of the development of the golf course was just to fund the golf course. Chairman Garcia said that it was to use the land on the golf course productively to provide homes in an appropriate mix and to provide Highlands the ability to afford the subsidy that is being provided by the City and County. Regent Rivera then asked if the development generated funds, would the money only be used to fund the golf course. Chairman Garcia said no. All net proceeds go to Highlands University. The proceeds could be spent anywhere and would be added to the fund balance. He said that Highlands could no longer continue to support the golf course and they approached the City and County to help share the costs. The University needs to prove that the golf course can operate efficiently.

Chairman Garcia went on to say that, the original conversations with the consultant indicated that commercial properties could be developed on the perimeter of the course and those commercial properties would be in the form of leases. Funds from the leases would go into supporting and eliminating the deficit. He said the development of the interior land would provide an overall future benefit of as much as three million dollars. These are ideas of what could be done with the golf course property. A feasibility study would be needed to determine if it was all possible.

Regent Rivera said he would like to survey the faculty that do not live on campus to see if they would move to campus if housing were available. The survey could also provide a sense of why faculty are not moving into the community.

Chairman Garcia stated that the study would address these questions. All three phases are needed in order to provide the University a feasibility study. He felt that they were not separate bids. Highlands would like a master view or roadmap of the whole property to answer all these questions.

He said water might kill any development in this community, but part of this study would determine the impact on water usage.

Mr. Aaron Flure brought to the attention of the Board that on the RFP it states that at any time during the scope of work being completed, it was determined that the feasibility of the project is not attainable, or was in the best interest of NMHU to not proceed, we reserved the right not to move forward.

Regent Lucero agreed with the concerns that were raised by Regents Smith and Regent Rivera. However, he also agreed with Chairman Garcia that many of the questions raised would be answered through the course of the work through the RFP.

Regent Smith moved to table the Vacant Land RFP as presented. Chairman Garcia asked that the Regents provide their concerns and language changes to Mr. Flure so he can incorporate them into the RFP. Mr. Flure will come before the board at the next meeting with two RFP options 1) One comprehensive RFP with the three phases included; and 2) Three RFPs with each phase separated for functionality. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried.

HLC Update-Dr. Keith Tucker (Attachment L)

Dr. Keith Tucker provided a short update. He said HLC is misunderstood as to what their purpose. It is an accreditation body. Highlands sets policy and procedures. They come in and check to ensure those policies and procedures are followed.

He provided a list of current trends. Trends included student mental health, diversity, equity, inclusion, changing landscape of credentials, finance, teaching and learning, transfer roadblocks, and leadership.

Dr. Tucker would like to provide a refresher course at the next board meeting.

He stated that Highlands is in good standing with HLC. The University is waiting on a report that would be received by the end of the month. This report will be made public.

Executive Session— (a) limited personnel matters related to President Sam Minner's evaluation and goals and to the dismissal, resignation, and/or investigation or consideration of complaints or charges against any individual or public employee pursuant to NMSA 1978, § 10-15- 1(H)(2); (b) bargaining strategy preliminary to collective bargaining pursuant to NMSA 1978, § 10-15-1(H)(5); and (c) threatened or pending litigation subject to the attorney- client privilege in which the university is or may become a participant pursuant to NMSA 1978, 10-15-1(H)(7)

Regent Lucero moved to enter into executive session for the sole purpose of discussing the items listed. Regent Smith seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried. The Board entered into executive session at 4:59 p.m.

Regent Lucero moved to return to open session and stated for the record that only those items specified under the executive session were discussed and the Board took no action. Regents present confirmed. Regent Smith seconded the motion. A roll call was taken, voting in favor of returning to open session were

Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Motion carried and the Board returned to open session at 5:31 p.m.

Public Action and Statements as Necessary on Executive Session Discussion

No actions or statements were made.

Board of Regents Report

Higher Education Regents Coalition (HERC) Update-Mr. William Garcia

Chairman Garcia stated he is currently the only member of HERC. An additional member is needed and he would like to visit with the Regents to determine if anyone would commit to joining the coalition.

He said that HERC has agreed as Regents to vote to establish a part time person to represent their interest and to collaborate better with the Council of University Presidents.

The HERC dues increased to \$8,000 per year.

Presidential Selection Committee-Informational

Chairman Garcia stated he had provided a confidential memo to the board of regents listing the nominees to the Presidential Selection Committee. He asked for and received feedback on the list, from the Regents, which resulted in the final iteration. He will be contacting each of these members to confirm participation. If someone declines, he will coordinate with the other Regents to select a replacement.

Committee members include:

- 1) Dr. Brandon Kempner, Chair
- 2) Dr. Rebecca Moore, Faculty & PCDEI
- 3) Mr. Robert Anaya, Staff Senate
- 4) Mr. Kayl Rainer, Student Senate
- 5) Dr. Kimberly Blea, Administration
- 6) Ms. Jeannae Leger, Alumni Board
- 7) Mr. Sylvester Perez, H Club
- 8) Mr. Jay Moore, Community Member
- 9) Dr. Barbara Perea-Casey, City Councilor
- 10) Mr. Paul Cassidy, Foundation Board
- 11) Dr. Rodney Rock, Faculty Senate
- 12) Ms. Shana Halalilo, Athletic Department
- 13) Dr. Lauren Fath, Faculty

The contract with RH Perry is being finalized. Once the contract is signed, RH Perry will create a preliminary portfolio of the institution in order to market to all prospective presidential candidates, help develop a job description, and determine what is expected of the President. A presidential search webpage is being created to provide transparency and to place communications regarding the search and timelines.

The Board will need to meet to determine how to interface with the selection committee as it pertains to the charge and other issues.

Regents Comments-No Action Items

Cancelled due to lack of time.

Review of Board of Regents Standing Committee Assignments

Cancelled due to lack of time.

Pending Items

Review and follow up recommendations for Staff Senate leave request
HR/Payroll in the August meeting
Removal of the Proposal Routing Form from the Faculty Association Collective Bargaining Agreement-
Action Item for August Board meeting
Research Policy Handbook-Action Item for August Board meeting
Vacant Land RFP (1-RFP with all three phases and 1-three RFPs with each phase separated)
HLC Board training
Regents Comments
Review of Board of Regents Standing Committee Assignments
Special Board meeting for Presidential Search Update

Adjournment

With no further business, the meeting adjourned at 5:42 p.m.



Chairman
NMHU Board of Regents



Secretary
NMHU Board of Regents