



New Mexico Highlands University Board of Regents

Special Meeting Notice January 19, 2024 at 9:00 a.m.

January 16, 2024

The New Mexico Highlands University Board of Regents will hold a special open meeting on January 19, 2024, at 9:00 a.m. at the Santa Fe Higher Education Center in room 147, 1950 Siringo Road, Santa Fe, New Mexico 87505. The meeting will be livestreamed via Zoom. In compliance with the Open Meetings Act, the notice and agenda will be submitted to various media outlets, posted on the university's website at <https://www.nmhu.edu/board-of-regents/board-of-regents-announcements>, and in the Rodgers Administration Building no later than 72 hours prior to the meeting. The livestreamed meeting will be accessible through the following link: <https://nmhu.zoom.us/j/99373471046>

For accessibility services call 454-3269 at least 48 hours prior to the meeting to ensure that any needed equipment or special arrangements can be made available.



New Mexico Highlands University Board of Regents
Special Meeting Agenda
January 19, 2024 at 9:00 a.m.

1. Call to Order – Chairman William Garcia (9:00am)
2. Roll Call (9:00-9:05)
3. Compliance with Meeting Notice Requirements Statement (9:05-9:10)
4. Approval of the January 19, 2024 Special Meeting Agenda (9:10-9:15)
5. Matters of the Board (9:15-9:25)(10min)
 - A. Board of Regents Election of Officers – Action Item
 - B. Board of Regents Subcommittee Appointments
6. Approval of the Minutes from: (9:25-9:35)(10min)
 - November 3, 2023
 - December 5, 2023
 - December 6, 2023
 - December 7, 2023
 - December 8, 2023
 - December 9, 2023
 - December 16, 2023
 - December 18, 2023
 - December 22, 2023
7. Consent Agenda – Action Items (9:35-9:40)(5min)
 - A. Quarterly Report and Certification for FY24/Q2 – Ms. Stephanie Gonzales
 - B. Provost/Vice President for Academic Affairs Report – Dr. Roxanne Gonzales
 - C. Vice President for Finance & Administration Report – Ms. Stephanie Gonzales
 - D. Vice President for Student Affairs Report – Dr. Kimberly Blea
 - E. Executive Vice President for Student and Donor Engagement Report – Ms. Terri Law
 - F. Vice President for Marketing & Communications Report – Mr. David Lepre
8. Provost/Vice President of Academic Affairs – Dr. Roxanne Gonzales (9:40-9:45)(5min)
 - A. NMHU Inclement Weather Policy Change – Action Item
9. Faculty Senate Report – Dr. Lauren Fath (9:45-10:00)(15min)
10. Staff Advisory Senate Report – Mr. Robert Anaya (10:00-10:15)(15min)
11. Associated Students of NMHU Report – Mr. Kayl Rainer (10:15-10:30)(15min)

12. NMHU Foundation Report – Mr. Vince Marchi (10:30-10:45)(15min)
13. President’s Report – Dr. Sam Minner (10:45-12:10)(1hr 25min)
 - A. Legislative Priorities (10:45-11:00)(15min)
 - B. Update on Meetings/Communications with the City of Las Vegas, and San Miguel County Regarding MOU Extensions (11:00-11:15)(15min)
 - C. Funding Gap Study (11:15-11:45)(30min)
 - D. NM Higher Education Department Update/Discussion (11:45-12:00)(15min)
 - E. Other (12:00-12:10)(10min)

14. Public Comment * (12:10-12:25)(15min)

Executive Session – (a) limited personnel matters related to President Sam Minner’s evaluation and goals, pursuant to NMSA 1978, § 10-15-1(H)(2); (b) limited personnel matters related to the discussion of the hiring, promotion, dismissal, assignment, 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); (c) deliberations in connection with an administrative adjudicatory proceeding, pursuant to NMSA 1978, § 10-15-1(H)(2); (c) bargaining strategy preliminary to collective bargaining, pursuant to NMSA 1978, § 10-15-1(H)(5); (d) 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); and (e) for discussion of the purchase, acquisition or disposal of real property of the university, pursuant to NMSA 1978, § 10-15-1(H)((8) (12:20-3:25)(3hrs)

15. Public Action and Statements as Necessary on Executive Session Discussions (3:25-3:30)(5min)
16. Vice President of Finance & Administration – Ms. Stephanie Gonzales (3:30-3:35)(5min)
 - A. HR/Payroll Update (3:35-3:50)(15min)
 - B. Cash Flow Report (3:50-4:05)(15min)
17. Presidential Selection Committee Update – Chairman Garcia (4:05-4:15)(10min)
18. Approval/Ratification of New Mexico Highlands University Employment Agreement for President Neil Woolf – Action Item (4:15-4:25)(10min)
19. HLC Update – Dr. Keith Tucker & Ms. April Kent (4:25-4:35)(10min)
20. Regent’s Comments (4:35-4:45)(10min)
21. Adjournment – Action Item (4:45pm)

* **PUBLIC COMMENT PERIOD** – The agenda for each regular meeting of the Board of Regents shall include an opportunity for members of the public to address the Board on matters of public interest related to the University. Unless otherwise determined by the Chairman of the Board, this public comment period shall last no longer than fifteen (15) minutes and each person addressing the Board shall speak for no more than three (3) minutes. When deemed necessary, persons wishing to address the Board may be required to sign in so that the public comment period may be conducted in an orderly manner. Matters of individual concern, such as employee grievances or student appeals that do not involve a matter of public interest, are not appropriate topics for the public comment period. University policy provides administrative channels to pursue such matters. The Board of Regents may not act on any item raised during the public comment period, but may refer items to be placed on the agenda of a future meeting for action. (NMHU Board of Regents Policy Guide, pages 20-21).

New Mexico Highlands University
Board of Regents Special Meeting
January 19, 2024

The New Mexico Highlands University Board of Regents held a special meeting on January 19, 2024. The meeting was held at the Santa Fe Higher Education Center in room 147, 1950 Siringo Road, Santa Fe, New Mexico 87505. The university made every effort to accommodate members of the public as stated in the January 16, 2024, meeting announcement. The meeting was livestreamed via Zoom. Members of the public were able to access the livestream through the following link: <https://nmhu.zoom.us/j/99373471046>

Call to Order – Chairman Garcia called the meeting to order at 9:10 a.m.

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

Administrative Personnel Present: Dr. Sam Minner, President; Ms. Stephanie Gonzales, CPA/Vice President for Finance, Administration; Dr. Roxanne Gonzales, Provost/Vice President for Academic Affairs; Ms. Theresa Law, JD, CFRE/Executive Vice President for Student and Donor Engagement; Dr. Kimberly Blea, Vice President for Students Affairs; and Mr. David Lepre, Vice President for Marketing and Communications

Others Present: Dr. Brandon Kempner, Chief of Staff; Dr. Lauren Fath, Faculty Senate Chair; Mr. Robert Anaya, Staff Advisory Senate President; Mr. Kayl Rainer, ASNMHU President (via zoom); Mr. Vince Marchi, NMHU Foundation President; Ms. April Kent, HLC Liaison Officer; Ms. Patricia Ives, NMHU Legal Counsel; and Ms. Carolina Martínez, Senior Executive Administrative Assistant. Faculty members, staff, students, community members, and public participated in the meeting as it was streamed via Zoom.

Compliance with Meeting Notice Requirements

Chairman Garcia stated that in accordance with the Open Meetings Act, the notice and agenda with the meeting date, time, and place for the January 19, 2024, special meeting were posted timely and in compliance with the NMHU Board of Regents Open Meetings Act Resolution.

Approval of the January 19, 2024, Special Meeting Agenda

Regent Rivera moved to approve the January 19, 2024, special meeting agenda as presented. Regent Sanchez seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Matters of the Board

Board of Regents Election of Officers – Action Item

Regent Smith moved to elect Regent Garcia to serve as Chair of the Board. Regent Rivera seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Chairman Garcia moved to elect Regent Smith to serve as Vice-Chair of the Board. Regent Rivera seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Regent Smith moved to elect Regent Rivera to serve as Secretary/Treasurer of the Board. Regent Sanchez seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Chairman Garcia made it known that he would contact Regents individually to discuss subcommittee appointments.

Approval of the Minutes from:

- November 3, 2023
- December 5, 2023
- December 6, 2023
- December 7, 2023
- December 8, 2023
- December 9, 2023
- December 16, 2023
- December 18, 2023
- December 22, 2023

Regent Smith moved to approve the minutes from the November 3, 2023, December 5, 2023, December 6, 2023, December 7, 2023, December 8, 2023, December 9, 2023, December 16, 2023, December 18, 2023, and December 22, 2023, as presented. Regent Sanchez seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Consent Calendar – Action Items

- A. Quarterly Report and Certification for FY24/Q2 – Ms. Stephanie Gonzales (Attachment A)**
- B. Provost/Vice President for Academic Affairs Report – Dr. Roxanne Gonzales (Attachment B)**
- C. Vice President for Finance & Administration Report – Ms. Stephanie Gonzales (Attachment C)**
- D. Vice President for Student Affairs Report – Dr. Kimberly Blea (Attachment D)**
- E. Executive Vice President for Student and Donor Engagement Report – Ms. Terri Law (Attachment E)**
- F. Vice President for Marketing & Communications Report – Mr. David Lepre (Attachment F)**

Regent Lucero moved to approve the Consent Calendar as provided. Regent Smith seconded. A roll call vote was taken, voting in favor were: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Provost/Vice President of Academic Affairs – Dr. Roxanne Gonzales

NMHU Inclement Weather Policy Change – Action Item

Regent Smith moved to approve the NMHU Inclement Weather Policy Change as presented. Regent Rivera seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Faculty Senate Report – Dr. Lauren Fath

Dr. Fath stated that the Faculty Senate extends a warm welcome to incoming NMHU President Dr. Neil Woolf. The Faculty Senate Executive Committee will reach out to schedule meetings with him.

Dr. Fath reported that the Faculty Senate understands the pool was decommissioned and that repairs will be costly however, they voted to keep the pool operational. A lengthy discussion regarding the pool's repair costs, condition, student's request to convert it to an outdoor recreation center, and usage was held.

A discussion regarding the Legislative Leadership Fellows ask at the legislature for money to convert the pool was also held.

Faculty Senate also voted to express their concern regarding the November 3, 2023, reforestation board agenda item. The concern was that Provost Gonzales called on Dr. Joshua Sloan, Associate Vice President of Academic Affairs: Forestry and the Reforestation Center to present the Reforestation Update. They felt he presented on academic programs involving the Forestry Department. The Faculty Senate asked why Provost Gonzales called upon Dr. Sloan to present the Reforestation Update; why Dr. Sloan presented on the Department of Forestry; and why only one academic department was presented. They requested a response from Provost Gonzales and the Board of Regents.

Dr. Fath recognized the superlative job the faculty and staff are doing to ensure a smooth first week of school for the students.

Further discussion regarding the pool lifeguards, a possible agreement with the City of Las Vegas for the use of their pool, costs for repurposing the building, community asset, shortage of certified pool operators and lifeguard, the pool being built in the 1960's, and testing/assessments by external experts was held.

Dr. Blea reported that that ASNMHU discussed the pool closure during their meeting; all but one student senator agreed the to close the pool and repurpose the building to a recreational center. Dr. Blea stated that it would cost approximately \$2.5M to repair and/or repurpose the pool.

Mr. Robert Anaya, Staff Advisory Senate President, informed the Board that the SAS appreciated the pool presentation made by Dr. Blea and Mr. Joseph Dominguez, Director of Student Life and Campus Recreation/Interim Director of Housing, during their meeting. He noted that several New Mexico Senators requested that NMHU keep the pool operational.

Regent Sanchez reported that he had conversations with NM Senators and Representatives regarding their concerns about the pool's closure. He enquired if the Legislative Leadership Fellow's legislative ask for funding to repurpose the pool was properly vetted.

Regent Smith asked the Board afford Provost Gonzales the opportunity to answer the questions the Faculty Senate raised.

Chairman Garcia, Regents Smith, and Provost Gonzales requested an email from the Faculty Senate outlining the claimed inaccuracies so that they could be addressed. Chairman Garcia noted that the concerns would be addressed however, it would not be addressed today. Regent Lucero agreed that an email identifying inaccuracies and reasons of for the inaccuracies would be beneficial.

Staff Advisory Senate Report – Mr. Robert Anaya

Mr. Anaya reported that the SAS met on January 18, 2024. He thanked President Minner for regularly participating in the SAS meetings. He made it known that Paycom continues to cause a high level of anxiety and frustration for staff.

Associated Students of New Mexico Highlands University Report – Mr. Kayl Rainer

Mr. Rainer informed the Board that the ASNMHU met during break to approve funding for students attending conferences and he thanked ASNMHU Senators for participating in meetings during break. He reported that the ASNMHU is actively recruiting senators. The ASNMHU plans to purchase caps and gowns for students, starting a senate scholarship, and hosting at least three campus events. He thanked Mr. Reynaldo Maestas and Ms. Lyla Maestas, ASNMHU Advisors, and VP Blea for their continued support and assistance.

Regents acknowledged the good job Mr. Rainer is doing representing NMHU students.

The Board recessed at 10:15 a.m. and reconvened at 10:30 a.m.

NMHU Foundation Report – Mr. Vince Marchi

Mr. Marchi summarized his written report (**Attachment H**). He pointed out that the Foundation works to build philanthropy to support the students, faculty, and staff.

VP Law informed the Board that the annual Love & War Chocolate Fundraiser is scheduled for February 8, 2024, and that the Giving Tuesday Campaign generated just under \$200k this year.

President's Report – Dr. Sam Minner

Legislative Priorities (Attachment J)

President Minner informed the Board that the university is working with lobbyists to try to increase the university's funding. He called on VP Lepre to present.

VP Lepre reported that the legislature has an estimated \$32.5M for higher education institutions. NMHU's capital outlay/deferred maintenance to update the residential facilities request is \$4M.

Dr. Blea added that the Housing Facilities Task Force prioritized deferred maintenance funding for the Arrott House and Gregg House. This year's annual \$500K deferred maintenance funding will be used to renovate Connor C-Wing.

VP Lepre stated that the Legislative Finance Committee's compensation recommendation is 4% across the board.

Update on Meetings/Communications with the City of Las Vegas, and the San Miguel County Regarding MOU Extensions

President Minner recalled that the university entered into a three-year MOU with the City of Las Vegas and San Miguel County, which is expiring. He and Regent Rivera reached out to both entities to schedule a planning meeting regarding the possibility of another MOU.

Funding Gap Study

Chairman Garcia requested a funding gap study to determine the university's budget. There is an expectation that universities do not increase tuition because students are receiving the Governor's Opportunity Scholarship. He pointed out that the scholarship benefits students but does not cover all student costs leaving the university at a disadvantage.

President Minner called on VPFA Gonzales to present. VPFA Gonzales provided an in-depth review of the FY24 budget submission to the New Mexico Higher Education Department. She informed the Board that the university is projecting a negative fund balance for Instruction & General Expenses for FY24. VPFA Gonzales confirmed with NMHED that unspent Research Programs and Sponsored Projects (RPSPs) funds could be redirected to unrestricted and I&G at the end of the fiscal year.

A discussion regarding state mandated compensation increased, fringe benefits, and vacant positions was held. Regent Lucero cautioned using unfilled positions funds as a budgetary control. He pointed out that it was a Higher Learning Commission audit finding.

NM Higher Education Department Update/Discussion

President Minner announced the following: New Mexico State University is searching for a new president; New Mexico Technical Institute appointed a new president; the Council of University Presidents continues to be led by Dr. Joe Shepard, President of Western New Mexico University, and Dr. Garnett Stokes, President of the University of New Mexico, serving as vice-chair.

President Minner reported that the NMHED visited the campus in November 2023. They toured the campus including the residence halls. After their visit they made the following recommendations: revise pages 1-39 of the 2022-23 Catalog for clarity of process and procedures listed in the front pages of the catalog; provide a training for the Board of Regents encompassing fiduciary duties and legal responsibilities.

Chairman Garcia announced that he would lead and develop a presidential transition plan. He will work with Dr. Brandon Kempner, Chief of Staff, to schedule meetings with university constituents and community entities.

President-Other

- The Doctor of Nursing Practice (DNP) was approved at the state level. The proposal will now go before our regional accreditor, this will require a site visit.
- The university continues working on a Reforestation Center, funding was divided between agencies.
- Renovations on Sininger Hall are still slowed due to the discovery of human remains.

Public Comment

No one came forward.

Executive Session – (a) limited personnel matters related to President Sam Minner’s evaluation and goals, pursuant to NMSA 1978, § 10-15-1(H)(2); (b) limited personnel matters related to the discussion of the hiring, promotion, dismissal, assignment, 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); (c) deliberations in connection with an administrative adjudicatory proceeding, pursuant to NMSA 1978, § 10-15-1(H)(2); (c) bargaining strategy preliminary to collective bargaining, pursuant to NMSA 1978, § 10-15-1(H)(5); (d) 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); and (e) for discussion of the purchase, acquisition or disposal of real property of the university, pursuant to NMSA 1978, § 10-15-1(H)(8). 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 Sanchez, Regent Smith, and Chairman Garcia. Motion carried. The Board entered into executive session at 12:05 p.m.

Regent Lucero moved to return to open session and stated, for the record, that only those items specified under the executive session motion were discussed and the Board took no action. Regents present confirmed. Regent Rivera seconded the motion. A roll call was vote was taken. Voting in favor of returning to open session were; Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried and the Board returned to open session at 3:07 p.m.

Regent Rivera stated, for the record, that he recused himself from deliberation of an appeal due to a conflict of interest.

Public Action and Statements as Necessary on Executive Session Discussion

As discussed in executive session, Regent Smith moved to direct NMHU legal counsel to prepare an Order regarding the procedure to be followed for the appeal in NMHU Faculty & Staff Association vs. NMHU & NMHU Management Relations Board, in Cause Number D-412-CV-2018-00130 under Section 23.2.3 d of the Faculty Collective Bargaining Agreement and that this Order should be prepared in cooperation with Regents Lucero and Smith. The Board authorizes its counsel to provide this Order to the Parties. Regent Sanchez seconded. Voting in favor: Regent Lucero, Regent Sanchez, Regent Smith, and Chairman Garcia. Abstaining: Regent Rivera. Motion carried.

Approval/Ratification of New Mexico Highlands University Employment Agreement for President Neil Woolf – Action Item

Regent Smith moved to approve and adopt the Employment Agreement entered into by NMHU and Dr. Neil Woolf, which was fully executed on January 9, 2024. Regent Sanchez seconded. Voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

Vice President of Finance & Administration (VPFA) – Ms. Stephanie Gonzales

HR/Payroll Update

VPFA Gonzales summarized the written report and PowerPoint Paycom interface she provided in advance of the meeting (**Attachment K**) and (**Attachment L**).

VPFA Gonzales pointed out the following:

- The first Paycom payroll date was January 5, 2024.
- HR staff continue working to resolve issues since the implementation. One issue was that student workers were terminated due to incorrect start/end dates.
- HR is tracking concerns and closing out tickets timelier.

Cash Flow Report

VPFA Gonzales summarized her presentation (**Attachment M**).

Presidential Selection Committee Update – Chairman Garcia

Chairman Garcia informed the Board that he sent thank you letters out to the Presidential Search Committee members thanking them for their hard work during the search process. He thanked Dr. Kempner for an amazing job organizing and managing the search.

HLC Update – Ms. April Kent

Ms. April Kent, HLC Liaison Officer, provided a PowerPoint presentation (**Attachment N**).

President Minner reported that when he started his position in 2015, the university was on HLC probation. In an effort to correct the HLC's limited data assessment concern, he moved the Institutional Research Department to report the President's Office. He successfully worked to get the university's probationary status designation removed.

A lengthy discussion regarding outcomes assessments data, curricular outcomes, co-curricular learning outcomes, and how COVID effected reporting was held.

Ms. Kent informed the Board that the next comprehensive accreditation visit will be in 2027-2028.

Dr. Fath asked that the HLC Report be provided to faculty and university community as previously requested.

Regent Lucero was concerned that the faculty submitted an IPRA request and had not received the HLC report. He stated that he requested the document and had not seen it in its entirety. He

requested that Ms. Pat Ives, NMHU Legal Counsel, review the report to determine whether it is a public record and how it could be redacted. He asked the Board to direct President Minner to provide the HLC Report to legal counsel for review to determine whether it is a public record subject to disclosure under IPRA and if so, determine appropriate redactions in order to provide the report to requesters as soon as possible.

Chairman Garcia announced that the Board would be implementing a new Board meeting reporting process. Requiring the university to provide reports and documents to the Board a minimum of one week prior to each meeting. All reports and presentations should be summarized highlighting major points.

Regent's Comments

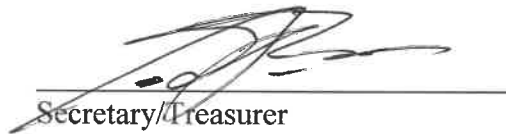
No further comments were made.

Adjournment

The meeting adjourned at 4:04 p.m.



Chairman
NMHU Board of Regents



Secretary/Treasurer
NMHU Board of Regents