

**MINUTES OF THE MEETING OF
THE REGENTS OF THE UNIVERSITY OF NEW MEXICO**

March 13, 2006

The Regents of the University of New Mexico met on Monday, March 13, 2006, 1:00 pm in the Student Union, Ballroom B. A copy of the public notice is on file in the Office of the President.

Regents present:

James H. Koch, President
Jack L. Fortner, Vice President
Sandra Begay-Campbell, Secretary-Treasurer
John "Mel" Eaves
Raymond Sanchez
Don Chalmers
Rosalyn D. Nguyen

David Harris, Acting President

Vice Presidents present:

Dr. Paul Roth, Executive Vice President of Health Science Center
Reed Way Dasenbrock, Executive Vice President for Academic Affairs/Provost
Michael Carroll, Vice President for Advancement
Terry Yates, Vice President of Research and Development
Walter Newman (for Eliseo "Cheo" Torres, Vice President of Student Affairs)

Regents' Advisors present:

Christopher Smith, President, Faculty Senate
Sabra Basler, President, Staff Council
Buckner Creel, President, GPSA
Angela Vachio, President, UNM Alumni Association

Regents' Advisors unable to attend:

Robert Bovinette, Chair, UNM Foundation
Brittany Jaeger, President, ASUNM

Guests:

Robert Johnson, New Mexico Foundation for Open Government
Jim Dines, Attorney

Others in attendance:

Members of the administration, faculty, staff, students, the media and others.

Regent Jamie Koch presided and called the meeting to order at 1:00 pm.

ADOPTION OF AGENDA, Regent James Koch

Motion approved unanimously to adopt the agenda.

APPROVAL OF SUMMARIZED MINUTES OF THE BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Summarized Minutes of the February 14, 2006 Meeting and the March 3, 6 and 7, 2006 Special Meetings of the UNM Board of Regents.

ELECTION OF OFFICERS OF THE BOARD OF REGENTS

Motion approved unanimously to nominate and approve James H. Koch for President of the Board of Regents.

Motion approved unanimously to nominate and approve Jack Fortner as Vice President of the Board of Regents.

Motion approved unanimously to nominate and approve Sandra Begay-Campbell as Treasurer/Secretary of the Board of Regents.

APPROVAL OF ATHLETIC DIRECTOR CANDIDATE

- David Harris stated that pursuant to the Board of Regents Policy 3.3, covering the appointment and termination of key administrators, he recommends the appointment of Paul Krebbs to be the next Director of Athletics for the University of New Mexico. Paul Krebbs was supported by each group as the top choice.

Motion approved unanimously for approval of the appointment of Paul Krebbs to Athletic Director.

- Mr. Krebbs thanked Regent Koch, Acting President Harris, the rest of the Board of Regents and the Search Committee. He is honored and humbled that he has been chosen as the next Athletic Director. It is a great honor for him and his family.
- Mr. Krebbs introduced his family to the audience and then went into a press conference. David Harris introduced Mr. Krebbs to the press.

ADOPTION OF BOARD OF REGENTS 2006 MEETING SCHEDULE

Motion approved unanimously for approval of the Board of Regents 2006 Meeting Schedule.

UPDATE ON NEW MEXICO OPEN MEETINGS ACT, Robert Johnson, NM Foundation for Open Government (“FOG”)

- Robert Johnson commented that this is “Sunshine Week.” This is the week when news, first amendment organizations, librarians and other government watch-dog groups throughout the nation call for opening the window blinds of government and letting the light in.
- Mr. Johnson introduced his colleague, Jim Dines. Mr. Dines is one of the founders of FOG and a prominent attorney. Mr. Dines commented that with the obligation of being a Board of Regent comes a responsibility of complying with open records and open meetings.
- The philosophy that Mr. Dines believes is important to every government agency in the state of New Mexico is a presumption of openness. The statute for both of these acts creates that presumption. The case law of New Mexico creates that presumption. He only hopes that each of the Regents takes this to heart.
- When you think of closure for any type of records or meetings, ask yourselves “why not?” What he has found in litigating cases, is it’s not only the right thing to disclose the public’s business, but it can also be costly if you don’t. The agencies within New Mexico have paid his law firm alone hundreds of thousands of dollars for failing to disclose the public’s business.
- There were two presidential searches at the University; Mr. Dines was the trial lawyer on the first search and the University paid over \$20,000 in legal fees, the second search resulted in fees being paid equal or above this amount.
- Robert Johnson commented on the important points of the state’s Sunshine Laws. The Open Meetings Act and the Inspection of Public Records Act both state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employers who represent them. In the Open Meetings Act, the state’s policy forbids deciding on public business by vote in closed meetings. In the Inspection of Public Records Act, the policy states that providing public records is an essential function of a representative government and an integral part of the routine duties of public officers and employees.
- Each of the acts do have exceptions. Each open meeting must have an agenda. The agenda must be available to the public at least 24 hours before the meeting. A meeting means that the quorum gathers in one place at one time. A public body cannot conduct a “rolling quorum” to determine an action. There are ten exceptions that permit closed meetings. The exceptions that apply to the University are: limited personnel matters regarding individual employees (you cannot discuss general personnel policy), trial type proceeding to determine an employee’s legal rights, duties or privileges as required by law, bargaining strategy and union negotiations if there is a union in place, discussion of personal identifiable information regarding a student, purchases of more than \$2,500, competitive sealed bids to protect trade secrets, meetings with lawyer to preserve attorney-client privilege to discuss credible threat or pending litigation, purchase of property or water rights and long-range business plans of UNM Hospital.

- A public body that violates the Open Meetings Act is subject to a misdemeanor lawsuit by the Attorney General or the local District Attorney or to a civil lawsuit by a private person or organization. Each member of the body could be fined \$500 for each violation.
- There are eight exceptions to the Inspection of Public Records Act. There are three that would affect the Regents: records of physical or mental examinations, letters of reference, trade secrets, attorney-client privilege information or strategic business plans of public hospitals, may withhold the identity of the applicant for president of a state university for 21 days. The Regents must identify five finalists. This exception only applies to the college president. Applications for all other public jobs are public record.

ADOPTION OF POLICY CONCERNING PUBLIC NOTICE OF REGENTS' MEETINGS, Scot Sauder, Interim University Counsel

- Scot Sauder advised that pursuant to the Open Meetings Act, the Regents are required each year to adopt what the Regents consider to be reasonable notice for their regular (10 days), special (3 days), and emergency meetings (24 hours). This is currently stated in Regents' Policy 1.3. Mr. Sauder advised the Regents that the notice time periods specified in Regents' Policy 1.3 are consistent with the recommendations set forth in New Mexico Attorney General Opinion No. 90-29 (Dec. 20, 1990).

Motion approved unanimously for adoption of Regents' Policy 1.3: Public Notice of Regents' Meetings.

PUBLIC INPUT

- Richie McKay, Men's Basketball Coach, commented that, having served on the search committee, he wanted to publicly applaud Regent Fortner, Regent Koch and Regent Sanchez for a process that was incredibly impressive in the way they upheld the integrity of the search. Congratulations on the hiring of Paul Krebbs.
- John Geissman, from Earth and Planetary Sciences stated that it was great to see all of the board last month and that he appreciated the opportunity to provide public input. Before he began, he extended a warm greeting to President Koch from his interesting buddy and dear next-door neighbor Bill Lord, who graduated from UNM 55 years ago.
- Professor Geissman had a comment and an announcement. First, it is his understanding that the February Regents meeting included an extensive discussion of issues related to graduate education at UNM. This is an extremely important subject and one that deserves considerable attention. Professor Geissman and his colleagues in Earth and Planetary Sciences, for example, feel very strongly that the quality of their Department is intimately linked to the quality of the MS and PhD students we can attract and adequately financially support during their residence. The competition for excellent, dedicated, productive graduate students across the U.S. is, as you can imagine, extremely

- keen. As you continue to delve into issues surrounding graduate education at UNM, he urges the Board to personally meet with graduate program coordinators in different departments, in different colleges, to obtain a direct, first hand appreciation of just how complex and diverse the many issues related to graduate education are.
- Second, as the Chair of the Committee on Governance, Professor Geissman, called the Board's attention to an opportunity for all UNM faculty to discuss matters related to the selection of UNM's next permanent president. The meeting will be held on Tuesday, March 21st, at 4:00 pm in Lobo A in the Student Union Building. Items to be discussed include the qualifications/criteria for all candidates for the position and the resolution recently passed by the Faculty Senate, which he and several of his colleagues introduced, calling for the Faculty to directly select their representatives to the official presidential search committee. He looks forward to presenting the results of this meeting to the Board at their April meeting. Professor Geissman thanked the board for their attention and he will see them at the UNM Budget Forum.

ADMINISTRATIVE REPORT, David Harris, Acting President

- The third annual Budget Summit will be held on March 31, 2006 at 1:00 pm in the Student Union Building, Ballroom B. Materials regarding the Budget Summit are available on the web. This Wednesday, the Alumni Association will be hosting the annual Congressional Reception in Washington. In terms of advancement, Wells Fargo Bank has recently surpassed one million dollars in contributions to the University over the past 25 years to a variety of programs. Also, recently, Woody Farber, Director of the New Mexico Student Loan organization presented David Harris with \$4,000 of financial aid for students and promised to deliver another \$15,000 this summer.
- Regent Sandra Begay-Campbell was recently recognized in a new book recognizing engineers entitled, *Changing Our World, True Stories of Women Engineers*. She is included in the section, "Women of Power."
- Susan Carkeek has interviews scheduled next week for the position of University Counsel.
- Carlos Romero prepared a booklet regarding the legislative update. It illustrates where the University ended up in the legislative effort with respect to institutional priorities. Carlos Romero reviewed the section "Session in Review" regarding funding and noted that the details are in the back of the booklet. There will be a 3% increase in tuition credit, 4.5% compensation increase and UNM will receive \$6.5 million for building renewal and replacement via the formula. The number one priority of securing funds for the Health Sciences Center, adding up all the initiatives that got funded, including recurring and non-recurring, are \$37,566,100. On priority two, UNM got \$1,396,700 for the combined Bachelor of Arts & Medical Doctor degree program. For Capital Projects, the total being funded is \$63,700,000. Received 0 in direct appropriations for the nursing program, but there is \$3,500,000 allocated to the Higher Education Department. The following priorities received 0 funding: Native American and Chicano

Studies, Improved Library Funding, Cooperative Pharmacy Program, Center for Radio Isotopes and the Research Revolving Fund. Priority ten, the Information Technology Infrastructure, received \$2,000,000 for National Lambda Rail. Priority eleven, Research and Public Service Projects, received \$100,000 for the ARTS Lab, \$410,000 for the COE Family Development Program, \$168,00 for the Medical Investigator and \$80,000 for the Southwest Indian Law Clinic.

APPROVAL OF PROVOST CANDIDATE, David Harris, Acting President

- David Harris recommended approval to the Board of Regents of Dr. Reed Dasenbrock to be appointed to the position of Executive Vice President for Academic Affairs and Provost.
- Dr. Jane Slaughter stated that the committee consisted of 13 people appointed in September. The announcement was made public in late September and advertised nationally in different venues. In the next two months, there were between 75-80 applicants. 45 of the applicants were bonafide. The committee members read all the fairly large and extensive files carefully. By Winter Break, they had identified a short list of seven people. By early February, the finalists were asked to come on to campus. Three candidates were brought in for campus interviews. There were large populations in attendance at the open forums with student, staff and faculty. There were 180 written responses about the candidates. The overwhelming majority of the search committee recommended that Dr. Dasenbrock be offered the position.

Motion approved unanimously for approval of Dr. Reed Dasenbrock to the position of Executive Vice President for Academic Affairs and Provost.

- Dr. Dasenbrock thanked everyone for the confidence they have expressed in him and the honor they have given him and he will do his best to live up to that. He stated that the number one problem is that most people who enter UNM, do not graduate from UNM. The graduation rate is lower than UNM's peers. We need to increase the success rate so that every student has the best possible chance to receive the best education. We need to look at how we are teaching, the physical design of the classrooms, how classes link up to each other, how Student Affairs works, how Financial Aid works, and how the Bursar's Office works. This includes graduate students, as well as, undergraduate students. Presumably next fall, they will start a national search for a Dean of Arts & Sciences.
- David Harris stated that he has streamlined the President's Office to better facilitate the role he is currently playing. The Vice President for Research and Economic Development will report to the Provost/Executive Vice President for Academic Affairs and the Chief Information Officer and the Office of Government Affairs will report to the Executive Vice President for Administration. The President Office today will include Internal Audit, University Counsel, American Indian Affairs, and the Vice President for Advancement. He also gave Susan Carkeek the title of Vice President, which is equivalent to that of Vice President of Advancement or Vice President for Research. It is nice to have

a woman in the higher ranks of the University. Carlos Romero has achieved the position of Associate Vice President, Government and Community Relations.

APPROVAL OF PROPOSED LABOR MANAGEMENT RESOLUTION, Susan Carkeek, Vice President of Human Resources

- Jack Fortner stated that there are still some things that need to be changed. He stated his intention to ask the Board of Regents to table consideration of the proposed Labor Management Resolution until the next regular meeting of the Board of Regents.

Motion approved unanimously to table consideration of the proposed Labor Management Resolution until the next regular meeting of the Board of Regents.

COMMENTS FROM REGENTS ADVISORS

Christopher Smith, President, Faculty Senate

- They are currently looking at the Budget Summit and how the request for input from the faculty will come forth in the budget process. Many of the faculty colleagues are off for Spring Break.
- There was a Resolution passed in Faculty Senate at the February Meeting. Committee on Government's Chairman, Professor John Geissman of Earth and Planetary Sciences, presented a Resolution on the method for choosing faculty representation on the president's search committee. After some discussion and amendments, the Resolution was passed with 25 votes for and 6 votes against. The amended Resolution was passed as follows: "Whereas the University of New Mexico on occasion must initiate open searches for president, provost and vice president of health sciences, be it resolved that the UNM faculty should have the responsibility of selecting their own representatives on the search committees through a process to be enacted by the Operations Committee of the Faculty Senate."

Sabra Basler, President, Staff Council

- Sabra Basler thanked the Regents and the administration for keeping the Staff Council involved in the legislative process this year. They are also involved in the upcoming Budget Summit.
- Sabra Basler also complemented HR because they have begun to implement a concept of a Service Academy that their Career Development Committee started. This Career Development Academy was envisioned being something like the Management Academy or maybe a future proposal for a Faculty Leadership Academy. Right now, it will just be working with HR and Continuing Education and people will use their tuition remission to take classes.

Buckner Creel, President, GPSA

- Buckner Creel congratulated Dr. Reed Dasenbrock on his position of Provost/Executive Vice President of Academic Affairs.

- He is concerned about the cost of education at UNM. His main concern is the double-digit increase in tuition over the past couple of years. He hopes that the University will not raise tuition and fees beyond what is absolutely necessary.
- For the upcoming Budget Summit, his main concern is the shortfall in benefits for the graduate assistantships.

Angie Vachio, President, UNM Alumni Association

- About a year ago, the Alumni Association developed a strategic plan. This report is in a different format and highlights the goals of the strategic plan. Every month Angie Vachio will report on the progress of the attainment of these goals within the strategic plan. The first goal was to strengthen the collaboration with campus constituents to meet the needs of UNM. They co-sponsored, with the Office of Recruitment Services, the Scholars Reception, which means going across ten cities in the state of New Mexico and meet with the top 10% of each high school.
- The University's founding on February 28, 1889, which is Lobo Day, will be celebrated by the across-the-nation chapters.
- They will be sponsoring the Washington DC reception and honoring the New Mexico delegation.
- They are also trying to engage students in ways that develop lifetime ties to UNM. This month they sponsored Seniors Days; it was a huge success. UNM needs programs to keep students engaged in campus life.
- Angie Vachio wants to partner with civil engagement, using alumni and students, and have the University reach out to the public.
- They will participate in the Budget Summit and are looking for an additional 2.5 positions for the Alumni Association.

COMMENTS FROM REGENTS

- Rosalyn Nguyen commented on a new idea she had regarding the growing film industry in New Mexico. It is up \$6 million in the past three years. She met with the director of Film and Media Industries last week. She will be working with the Provost on expanding the curriculum in the different colleges.
- Sandra Begay-Campbell commented that the Native American Strategic Planning Team had a progress meeting. It was decided that they would like to hold another summit in January or February 2007.
- Sandra Begay-Campbell congratulated the Provost and the new Athletic Director.

ACADEMIC/STUDENT AFFAIRS COMMITTEE, Raymond Sanchez, Chair

- The Resolution on Review Days has been put off until the next meeting.
- There was a discussion on scholarship enhancements. UNM will more than double the amount of transfer scholarships. The Regents scholarship has been

enhanced and 20 new presidential scholarship awards have been added. There was a 35% increase in qualified applicants.

- The University has attained and will continue to grow in the area attaining minority-majority status. Provost Dasenbrock reviewed the long-term demographic trends of the University. The freshman enrollment, the population of the senior high school class and the state's overall population are almost perfectly balanced. There is a Hispanic population of 41-44%, Anglo population about the same, Native American of 12% in terms of high school graduation rates. This reflects a remarkable change in UNM's enrollment. Over the past ten years, Hispanics and Native Americans in the freshman class have more than doubled. In 2004, the freshman class was made up of a majority of underrepresented minority groups. This was the first time in the history of UNM. UNM is the only major research University in the country for which this is true. Hispanic student population at the undergraduate level has increased 50% over the past 10 years and 65% for Native Americans. UNM undergraduate enrollment is majority-minority. For graduate and professional students, Hispanic and Native American enrollment has risen sharply over the past ten years. The graduation rates need to be improved. The population emerging from the high schools is going to change drastically over the next 15 years, 43% high school Hispanic graduates is going to grow to 57% Hispanic graduates. Anglo population is going to go from 42% to about 27% and Native Americans are an eighth of the state's graduates.
- There is a call for a "hate crime" policy on campus. An Associate Vice President of Student Affairs for Diversity will be hired and this person will have minority faculty hiring as one of their concerns. The finalist for this position will be announced next week. There is a call for a Native American Faculty Association.
- The Task Force Reports are done, but work has just begun. We will need to track progress on these issues, in particular to see how referred issues are progressing. Some of these issues are resource-dependent and will need to be kept in mind as priorities for state legislature, federal priorities, and for the capital campaign.
- Raymond Sanchez commented that we need to look at how the faculty and staff reflect the diversity of its constituents. Minority students (undergraduates and graduates) have commented that they have difficulty in connecting with the faculty.

Motion approved unanimously for approval of accepting the Task Force Reports.

- Jamie Koch asked that the Academic/Student Affairs Committee address the "hate crime" issue and work on establishing a policy. Raymond Sanchez said he will work with University Counsel on the policy.

- Mel Eaves stated that they need to be careful on how they design the presidential search. They just had a successful Athletics Director search. They defined the parameters of the search. to address diversity issues. They need to be very careful when they design the search parameters to be aware of this.

ADVANCEMENT COMMITTEE, Don Chalmers, Chair

- The first meeting of the Advancement Committee will be March 23, 2006.
- Mike Carroll stated that on March 9, 2006 the Committee on Naming Facilities, Spaces, Endowments and Programs met to consider a proposal from the Law School. The proposal is to name a collection of documents and its associated reading room “Governor Bruce King Archives and Reading Room.” An April 6, 2006 event is planned. The School of Law was the beneficiary of a \$274,000 special appropriation from the State Legislature for this purpose. More than \$40,000 in private donations had also been pledged.

Motion approved unanimously for approval to accept this recommendation.

DEVELOPMENT COMMITTEE, Don Chalmers, Chair

- Meeting was held on February 28, 2006.
- They received reports from the Foundation on where they stand on fund raising.
- 68% of the goal has been met at this time. They want to have a larger comprehensive campaign, which entails a needs assessment. Currently, the second draft represents about \$638 million dollars in identified needs. In early fall, they will have a needs assessment and a case statement with 1/7 campaign start date. They will be hiring two people.

FINANCE FACILITES COMMITTEE, John “Mel” Eaves, Chair

- The Finance and Facilities Meeting was not held in March 2006.

HEALTH SCIENCES COMMITTEE, Jack Fortner, Chair

Motion approved unanimously for approval of Permanent Appointments to UNMH Medical Staff.

Motion approved unanimously for approval of Reappointments to UNMH Medical Staff.

Motion approved unanimously for approval of Novation Procurement of Cardiovascular Image Management System.

Motion approved unanimously for approval of Sole Source Procurement of Digital Single Plane Cardiovascular System.

Motion approved unanimously for approval of Phillips Medical Systems Single Plane Endovascular Suite.

Motion approved unanimously for approval of Jerry Geist to the Clinical Operations Board for a term of three years, from April 1, 2006 to March 31, 2009.

Motion approved unanimously to go into Executive Session.

Adjournment at 3:30 p.m.

Upon a motion and a second, the members of the Regents voted unanimously to re-open the meeting at 3:48 p.m. Regent Fortner stated for the record, without objection, that only those matters described in the agenda (i.e., matters covered by the attorney-client privilege pertaining to pending or threatened litigation in which the University is or may become a participant) were discussed in Executive Session.

Upon a motion and a second, the members of the Regents voted unanimously to authorize the Office of University Counsel to take such steps as may be necessary including, without limitation, the commencement and prosecution to conclusion of litigation, to cause the owners and operators of GEEKUNM a/k/a GEEK University of New Mexico to cease and desist from infringing upon the University's rights under the Federal Lanham Act and New Mexico Trademark law by using the mark and trade name, "UNM," or the mark and trade name, "University of New Mexico," or otherwise engaging in unfair or deceptive trade practice by using such names.

James H. Koch, President

Sandra Begay-Campbell,
Secretary/Treasurer