

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

November 14, 2006  
9:00 am, SUB Ballroom B

**ATTENDANCE:**

Regents present:

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

Acting President present:

David W. Harris

Vice Presidents present:

Reed Dasenbrock, Provost and Executive Vice President of Academic Affairs  
Dr. Robert Katz, attending for Paul Roth, Executive Vice President, HSC  
Eliseo "Cheo" Torres, Vice President of Student Affairs  
Michael Kingan, Interim Vice President of Advancement  
Carolyn Thompson, Interim Vice President of Human Resources

University Counsel present:

Patrick Apodaca, University Counsel

Regents' Advisors present:

Virginia Shipman, Faculty Senate  
David Groth, President, Staff Counsel  
Joseph Garcia, President, GPSA

Regents' Advisors Unable to Attend:

Brittany Jaeger, President ASUNM  
Roberto Ortega, President UNM Alumni Association  
Robert Boveinette, Chair UNM Foundation

Others in attendance:

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

Regent James Koch presided and called the meeting to order at 9:00 am.

**ADOPTION OF THE AGENDA AND CONFIRMATION OF QUORUM, Regent James Koch**

**Motion approved** unanimously to adopt today's agenda (1<sup>st</sup> Eaves 2<sup>nd</sup> Nguyen)

**APPROVAL OF SUMMARIZED MINUTES OF THE OCTOBER 10, 2006 UNM BOARD OF REGENTS MEETING**

**Motion approved** unanimously to approve the Summarized Minutes of the October 10, 2006 UNM Board of Regents meeting. (1<sup>st</sup> Eaves 2<sup>nd</sup> Fortner )

**PUBLIC COMMENT**

- Vera Norwood, Interim Dean, College of Arts and Sciences  
The September 29, 2006 panel discussion on the "Reliable Replacement Warhead Program and the Future of the U.S. Nuclear Weapons Complex" was an important public event which offered balanced viewpoints and served as a catalyst for continued discussion at UNM and among the community on these important and timely concerns. We have taken seriously the requests from members of the community for an opportunity to organize public symposia on campus in which they may express their views about these issues as well as pose questions about the extent of UNM's participation in weapons research. As was announced at the start of the RRW panel, UNM will follow-up on this initial forum with other opportunities for open, public engagement on these issues. We have recently initiated conversations with the peace community to plan follow up symposia. Many worthy ideas have surfaced, including a screening of the recent film "Why We Fight," followed by a discussion and a panel on the relevance of military/governmental funding to our teaching, scholarly and service agendas. Our goal is to encourage a broad dialogue, including members of the community and faculty who have questions and concerns about the role of universities in charting the course for U.S. peace and security agendas. The College of Arts and Sciences and the Provost's Office will provide resources for bringing in distinguished speakers (including faculty from other institutions) to participate in the planned events. We anticipate that we will have more to report on plans for symposia by the next meeting of the Board of Regents in December.
- Regent Koch: I asked the dean to prepare this so that you'll see what position the University is going to take. I've also got a copy of a resolution, which will be published in our minutes. Regarding the University's position on the nuclear issue, I'm going to wait until after we hear from the committee Dean Norwood has talked about. Those individuals who want to talk to her (Dean Norwood) can go outside to discuss it with her now and she can provide copies. After they complete their report, Dean Norwood will bring it back to the Regents in December. By that time, you all will have had an opportunity to participate and provide input. You should have a copy of that and then at that time in December we'd entertain having any presentations in regards to what this group develops. I just wanted to make sure you had a copy of that. I would like a motion to have this resolution that has been passed out added into the minutes.

**Motion approved** unanimously to include these documents into the minutes. (1<sup>st</sup> Begay-Campbell 2<sup>nd</sup> Fortner )

The following resolution, entered in its entirety, was submitted by Jeanne Pahls:

RESOLUTION  
UNIVERSITY OF NEW MEXICO BOARD OF REGENTS  
Tuesday, November 14, 2006

Because the University of New Mexico (UNM) has close relations with two of the nation's nuclear weapons research and design laboratories (run by the Department of Energy) and the world's largest arms manufacturer, Lockheed Martin, UNM stands at the center of an unfolding political and ecological crisis of unprecedented proportions.

UNM Regents have also formed a partnership in order to operate a research technology park and work in other capacities with weapons labs and war contractors. This has caused concern among our community.

UNM has embarked in the last decade on an aggressive new mission which has resulted in three dangerous new developments:

1. Assisting, as we have seen on September 29, in the promotion of an entirely new nuclear weapons arsenal called the Reliable Replacement Warhead (RRW),
2. Providing research for components of ground, air space and nuclear weapons systems required for the new arsenal of the United States.
3. A situation where free speech dissent against these policies by our students and community has been ignored and thus some people have been criminalized.

In this crisis it is necessary for the University of New Mexico to heed former President Eisenhower's warning of the dangers to our nation of the military-industrial-academic complex.

The United States of America is the chief proliferators of weapons of mass destruction. We have tested atomic weapons 1054 times (mostly on the land of indigenous peoples). We maintain an arsenal of almost 10,000 plutonium bombs and warheads. We spend roughly \$40 billion each year on nuclear weaponry. We stockpile a bulky national nuclear weapons complex infrastructure (spread across the continental U.S.), and we have threatened the offensive use of these weapons more than 40 times since 1946. We are the only nation to have ever used nuclear weapons in war: twice, against a non-nuclear nation.

This situation constitutes a crisis in which our collective wealth and technological prowess have been harnessed toward irrational destruction and imperial power. We are quickly entering a new and heightened time of emergency. The U.S. nuclear posture review, alongside

other military policy statements, has called for the production of a newer more “reliable” and “flexible” arsenal, a commitment to a first strike policy, and the targeting of both “rogue states” and non-state actors.

Put simply, key U.S. military and political leaders are talking about using nuclear weapons against nations like Iran and North Korea or against “terrorists” in remote and secured hideaways. Our nation is not contemplating the necessity of global nuclear disarmament as the Nuclear Nonproliferation Treaty requires us.

If we chose to do so, our nation could certainly take the lead toward nuclear abolition. Instead, leaders within our federal government are committing us to a hypocritical policy of nuclear proliferation and threatened use, ostensibly in order to prevent proliferation and the threat of use!

Nuclear weapons are primarily tools of violent coercion, used to subjugate and exploit other nations and peoples. They are not legitimate tools for defense of the American people, if they ever were. After 61 years of nuclear weapons we are less secure now than ever. It is time to stop promoting this false sense of security through weapons of mass destruction.

In response to this continued failure to abide by U.S. treaty commitments and willingness to threaten with and/or use nuclear weapons by our national leaders, the Board of Regents of the University of New Mexico wishes to disassociate itself from the symposium held on Sep. 29 at the university which promoted a new generation of nuclear weapons, called the Reliable Replacement Warhead (RRW).

Further, UNM will cease to work with or offer support to organizations which are invested in the business of war and weapons. We recognize that the University of New Mexico can play an important role in the demilitarization of our society and we look forward to taking up that task. We desire to embrace life-affirming research aimed at protecting humanity dignity and enhancing human and environmental security, now gravely threatened.

Action \_\_\_\_\_ Date \_\_\_\_\_ Signed \_\_\_\_\_

[End submitted document]

**PUBLIC INPUT:**

Koch: I will not entertain public input at this time in dealing with this issue.

Jeanne Pahls: You are basically turning the issue over to the very person who helped to plan a criminal meeting in the first place and providing public forums where other groups can come and do informational forums does not make a war planning forum okay.

Koch: I've stated very clearly what we will do. This group will meet and you will make your presentations to them.

Pahls: You are turning it over to the very woman who planned something criminal. I'm sorry, but that is not okay, that is not an acceptable way to handle it. Sir, you are basically saying that the community cannot have any statement with the - -

Koch: That is not what we're saying. You need to read the statement very carefully.

Pahls: I would like a copy of it, if I could have it.

Koch: She will pass it out to you.

Pahls: And I think that you the Regents need to hear directly from the community and not through a filter of Ms. Norwood.

Koch: Let me make it perfectly clear. You have been to 2 meetings. We have given you a memo. I've said very clearly, after this group has met, in December you can come before the Regents to talk to us. But until this is finished, we are not going to do anything about it.

Pahls: And why is it that you all, who are... this is a public institution paid for by taxpayer money. Governor Richardson picked you. He is elected by taxpayers. Why is it that you all do not want to hear from the community directly about the weapons related stuff that is going on up here?

Koch: I've told you again, we will hear from the community after this group meets in December.

Pahls: Through Ms. Norwood?

Koch: You can come to that meeting at that time and make whatever response you feel appropriate.

Pahls: The community is here today, Mr. Koch. I'd like to point out that there are people walking around of the highest integrity and conscience. I'd like to point out that recent events in the past 2 weeks would validate our viewpoint. We were the people who were out saying that the war was wrong on September 12<sup>th</sup>. We knew what was going to happen. Donald Rumsfeld has gone down in flames. George Bush is going out. We saw it coming. We are

standing before you today. We know where this is going. We know what's going to happen. Why don't you guys listen to us?

Koch: As I've told you again, that's how we are going to handle it in December. Thank you.

Pahls: It's not acceptable, Mr. Koch.

Koch: Thank you for your comments. If you'd read the letter again, I've told you we will listen to you in December.

Pahls: Why won't you listen to us today? You may need to ask me to be removed. We have a right to be here and bring our concerns to you directly instead of through the filter of people who are planning, planning to resurrect the RRW. And no number of informational peace study forums is going to make that okay.

Koch: I thank you, very much.

Pahls: Feel free to ask me to be removed.

Koch: Would you please leave?

Pahls: I won't leave. This is not an acceptable situation. It is wrong.

Koch: Where is our guard? December is what I've said.

Pahls: Why not listen to us today? We got up early. We came out this morning. We are standing here in front of you.

Koch: I understand that you were here at the last Regents meeting.

Pahls: We were going to come at 1 pm, you made it at 9 am. We're here at 9 am you say come back in December. That is not okay. We have a right to bring our concerns to you. We are taxpayers and this place is paid for with taxpayer money and what is happening here at this University is wrong. And you should be ready to listen to that from the community without asking us to go through the filter of Ms. Norwood.

Koch: We will take a 10 minute recess.

Koch: We will take comment until 9:33 am. Again, introduce yourself, please.

Pahls: My name is Jeanne Pahls. We appreciate the chance to be able to speak to you today. We didn't get the chance to speak in front of you Mr. Koch before. What I would like to say is that the main issue for us is the weapons related stuff that is going on at UNM. There seems to be a certain amount of denial. Dean Cecchi said to the Lobo the day of the last Regents meeting that there is no weapons research going on at UNM but the flyer I put on everyone's chair lists weapons research that is funded by the Air Force the Army... We came here within

your own system today – we came here within your own public input as taxpayers. What we're looking for is some assurance that UNM is looking at the issue of weapons related stuff going on here. Being told that we couldn't speak at public input, and that we needed to go talk to Vera Norwood really sends a very loud message that we're not going to be heard and that is why I'm standing up here now. I must say that I think we feel very encouraged by the conversation we just had with Mr. (Regent) Sanchez. And we need some reassurance that we are not going to be sent to deal with Ms. Norwood who participated in the planning of the RRW meeting which validates the effort to resurrect the RRW which is a violation of the non-proliferation treaty.

Jack Fortner: Why don't you file criminal charges against her if she violates the law?

Pahls: We thought it would be kind of a little nicer come talk to you about the policies here at UNM. We could go ahead and file charges against her, if that is what you are encouraging.

Fortner: Well if she violated the law... If University employees violate the law, I would encourage you to file criminal charges.

Pahls: Is that your response to us about the weapons related research that's going on here that we should go and file charges against Ms. Norwood?

Fortner: Now if you thought that was my total response then I don't think you get the whole picture. Okay. I'm just asking you a question. But if you want another response, is your concern only about weapons related research or is it only about nuclear weapons research?

Pahls: All weapons related research.

Fortner: Well my response is that weapons related research has to happen somewhere and if it happens here at the University, I'm okay with it.

Pahls: Thank you for your response. What is your name?

Fortner: Jack Fortner.

Pahls: Okay, I find that to be an unacceptable response.

Koch: He's made a response. I wanted to give you your 10 minutes. And just to make it perfectly clear, I have no problem with public input, that I have no problem with you coming before us. I talked to Norwood and I would hope you would go to those meetings and make yourself known because the issue isn't going to end here as I'm sure we'll be discussing this in December. So let's keep your ten minutes. I'm going to take 2 minutes off that so you've got 2 more minutes.

Pahls: I'd like to let someone else speak.

- **Erich Kuerschner**: I'm from Taos. I spoke last time and thank you for giving me the opportunity again. One of the reasons I came down is I just didn't have a response. To me that's the problem is that we're seeing this as a free speech issue - or at least one person is as the rumor went around who did - where as long as we have one group over here advocating for nuclear weapons and over here we have another group advocating against nuclear weapons and everything is okay. A week or two ago, we had the right honorable Lord Henry Wolf speak at the UNM law school about standing up for justice and I think Mr. Fortner ought to speak to him and I think that he would understand why criminal charges have not yet been filed and it's not possible to file against Mrs. Norwood. But just so you know, in Germany, charges against Rumsfeld have been re-filed. And while Mr. Wolf did not address the 1996 decision of the International Court of Justice because he said he was not familiar enough with the nuclear issue to address that specifically, he did address the issue of the jurisdiction of the courts and said with a resounding "yes" that as long as the United States is the nuclear bully in a sense and says it's above the law and refuses to bind itself to the International Court of Justice, we will have violence and terror and war and by all means, that's the way to peace in the world is by having the United States not be a rogue and lawless nation. And that's the reason we can file and the International Court of Justice would I presume file charges against Ms. Norwood. The problem is that even though we have signed the UN Charter, we seem to ignore it. In fact, the very first UN Resolution is as you probably know, says two things: 1) Every country has the right to nuclear technology because we're not going to keep some states ignorant and we're going to allow people to develop and nuclear knowledge is the tip of the iceberg of technology so everyone has to have access to that, and 2) All those countries that now have nuclear weapons have to draw them down to zero. Russia has removed all their weapons from Europe. We have 5700 active warheads yet we continue to do this. To me this is a bigger issue than just the legality and morality of it. I'm an economist and I see the labs. If we don't face up to reality and continue playing these mind games of having a social welfare program out of our top scientists and putting them to useless... I mean somebody here explain to me what the marginal product of the 5,701st nuclear warhead is. I mean it's got to be zero if not mainly negative. We have an opportunity to channel this effort into something useful and productive and right now, I think the world will be behind us. I mean, New Mexico is dependant on this and especially Northern New Mexico and if we wait for a while, same thing will happen in 5 years as happened in the Iraq war. We all warned of what's going on and right now there's tremendous empathy to turn the labs into like a Manhattan Project for renewable energies or to verify other weapons programs or to get rid of waste or a hundred things they could be put to use to. In five years, people are going to probably say "Tough luck. You had the chance to convert that brain power to something useful. You didn't listen and that's just too bad. You wanted to bleed it for a temporary economic gain and now it's over. You're on your own." So I mean, let's wake up and smell the roses and let's not repeat the catastrophe that we had in the Iraq war by not having discourse. What's needed as Dr. Wolf said is for the two sides to find a venue. And I want to also put kudos to Mr. Sanchez and to Mr. Harris who I think see what's at stake here and the way to solve this problem and it's not by having free speech and people talking over here and applause it. It gets you

nowhere. Dr. Wolf says we've got to have that discourse and interchange. So when we write a letter and you say we can't speak, let us know before we have to drive down here and waste all this resource because from my perspective what you're trying to do is bleed me to death economically so I can't participate because you pay the other side to sell their viewpoint. And you just try to figure out a way to stick excessive cost on me. I mean, send me a little note saying okay, we've decided no speakers. We'll do this in December. However you want to do it. But anyway, I want to congratulate the two Regents – or the Regent and the President - who I feel have at least recognized the issue. And we've got to have discourse. And one last thing, I resent Norwood's letter about a balanced thing. I gave one of the Regents – he's not here... I don't see him – but the brochure of the actual agenda. There is nothing on that agenda that said what people would talk about. And they're all Sandia folks; even the one political scientist from Georgetown was on the Nuclear Safety Administration. So to purport to the public that this was a balanced viewpoint, other than an attempt to use the good name of the University of New Mexico to give legitimacy to a project that 80% of Americans don't want--I mean, they've been on record, we don't want nuclear weapons as a solution, and to insist on that, I think is just really grave. And as Dr. Lord Wolf said, what is needed, we get the best ideas and we'll have a marketplace. I'm an economist and planned economies don't work. When you have one person thinking that he knows it all, and he's going to be the decider/dictator for the rest of us, it fails. I mean, the way that you have progress is by the concept that none of us is as smart as all of us together. We have to develop some kind of marketplace for ideas so that we talk to each other. As Dr. Wolf said, that's the way to extract the best is when English lawyers talk to American lawyers, not that they both do their little thing in isolation but it's when we have real discourse so that when we say something, you respond. And as Dr/Mr. Harris rightly pointed out, it's better to have markets and be efficient and to not have everybody talk at once but to select an agent to speak for you. That's going in the right direction. We're starting to develop a market institution of response but to basically not respond. That's the problem. I mean, your point may very well be well taken in the December meeting and so on but I don't like it because I get a letter from Norwood that makes allegations for somebody that was there is preposterous. Look at it yourself. I challenge each of you to publicly take that agenda from that RWW meeting and support Norwood on that was a balance presentation. I mean, there's no economist. There's nobody talking about whether it increased or decreased security. No political scientist. No attorney. I mean, to me it's like having a presenter talk about a meth lab before somebody talks out: "Are meth labs good?" "Are meth labs legal?" I mean, for the University not to have some sense of the timeline or the way in which these discussions develop and a way to bring people together. I mean, that's the essence. Thank you very much for your time.

- **Regent Eaves:** I just wanted to say, my view of this whole matter, we spent an hour, 2 hours at our last meeting very patiently listening to a lot of the things that were said again this morning and I listened very carefully. There were no interruptions and I certainly honor everybody's right to express the way they feel in a public comment session. I think it's good that people want to come in here and share their views with us. I personally have taken it very seriously.

- I've asked the administration of the University to give me a list – I have a partial list now of what “so called” weapons research at UNM and in going through the list I find that the allegation that all items on this yellow list are weapons research just not accurate. But that's okay. You don't always have to be accurate when you make a public statement. I am going to look into it. I think it's an important issue. Nuclear proliferation in this world today is one of the most dangerous issues facing us. Some of the work we're doing here at the University is to better be able to detect weapons such as dirty bombs if they are attempted to be smuggled into this country. And I don't view that as weapons research; I view that as preventing damage to our nation and the people that are in this room. I think we need research. I think we need to control the proliferation of nuclear weapons. Those are important issues. The Regents don't have a lot to do with those issues but I certainly support the University playing a part in protecting our country against those who would do us harm. On the other hand, I've very happy to listen to anyone who wants to talk about it. My email address is well published. I'll be glad to meet people to talk about it. Unfortunately, we can't dominate these meetings with public demonstrations because we have other business to take care of. We were very generous at our last meeting – and I was glad to do that – but it took a huge amount of time. And I think that if you want to communicate with the Regents, it's a good idea to give us a Resolution, give us a list. I didn't receive these until this morning but I've sat here and read them while the meeting got underway. They are interesting and thought provoking and I think that's the kind of thing that ought to happen on the campus of an institution of higher learning. We may not all agree with each other. There was a statement a while ago about this meeting; it was the subject of an hour and a half to 2 hours of discuss at our last meeting and the allegation that it wasn't balanced. But public meetings on this campus don't have to be balanced. We have young Republicans and young Democrats. We have all sorts of groups on this campus that meet and exchange their ideas and that doesn't mean that you have to invite your adversaries to every meeting you have. The freedom of association is also important and it's not up to the Regents to tell people who attend meetings and who don't attend meetings, or what they can say or don't say anymore than I would try to tell any of you what you can tell us this morning or in the future. I think the free exchange of ideas is important. I think at the last meeting – I wasn't there – but I heard there was an attempt to prevent people from doing business and speaking and anyone who attempts to do that is totally out of line. These are important issues and I'm glad that you are raising them. I'm interested in hearing about them.
- Unidentified Man:** I would like a clarification of something. The Regents are making assumptions and even Mr. Eaves seems to have this attitude that you are giving us the privilege of speaking. You are employees of the public. This is not just about free speech. It's about issues that are of concern to the public. And I realize that you have other business to transact but if people are here and want to make the effort to impart their ideas to you, if it's not going to run three hours, you should give them the opportunity. I just want you to realize this is not just about feelings or free speech. It is in essence an action item. This resolution talks about renewable energy – which the governor has talked about - and the Apollo Project and so forth. These are things that

are actionable and I think that you should appoint subcommittees and that actually deal with these and not just listen to comments from the public.

- **Janet Greenwald**: I am coordinator for Citizens for Alternatives to Radioactive Dumping. I wanted to let the Regents know that on December 5<sup>th</sup>, there will be a forum at the Convention Center concerning “Bombplex 2030,” a proposal by the DOE to increase the bomb-making ability of the United States to up to 200 plutonium pits per year and that Los Alamos is being considered for this project. During this hearing process, you will hear info about the fact that the bombs as they are now are reliable for 100 years and also info that new bombs the US proposes to make are smaller and more useful bombs.
- **Travis McKenzie, El Centro de la Raza**: My name is Travis McKenzie and I’m from El Centro de la Raza. I’m going to begin by saying that everybody that comes up here should be treated with respect and dignity and I think there are a lot of feelings and I feel them, there is a lot that you guys need to take care of but realize that we demand respect as people. As a student of this University, I feel obligated to speak for everybody here and say that we have a right to be up here and speak. I’m going to begin by thanking your for allowing me to speak. As I said, I work at El Centro de la Raza, an organization that does so much. In my internship, I mentor incoming freshman, we do community cultural events. It’s part of the Ethnic Centers. I would hope that you would look into it. It’s a really active organization on campus. I am going to comment on the 2007 State Legislative Priorities. In Section B, there are four sections that I would like to point out and say that as a student I would like to take an initiative in providing assistance and guidance in implementing and disseminating resources to this University. Before I comment on each section, I would like to say as a student at this University that our campus does not reflect who I am in regards to art, culture and in the overall presence and layout of the campus. I see a lack of change, a lack of community, a lack of activity and I see a great need for an uprising of culture, an uprising of our people, and I would like to say that this uprising is happening. The change is occurring, the community is being constructed and that is why I would like to offer my assistance and guidance in making sure that this campus is as vibrant and reflective of the student body as possible. I’m sure you guys have seen it but in the 2007 State Legislative Priorities, four sections I would like to highlight is the Chicano Hispano and Mexican Studies Program, to enable students to improve their Spanish language fluency and increase their knowledge of contemporary Hispanic cultures. I would like to encourage more opportunities for learning Spanish language, not just through classes but through activities offered on campus, offered to the community, offered in a variety of ways that aren’t happening now. The NM International Education Initiative to coordinate, consolidate and expand UNM’s efforts in fostering an international experience for NM students. I feel like our campus could be more reflective on the culture that is here as well as the international culture that chooses to come to this University. I look around the campus every day and don’t see a good reflection of that international experience for NM students. I feel that we could be doing more and there is a lot more that we could be implementing to create that international or cultural experience that we have in the state of NM. The Mentoring

Institute: to provide a centralized effort to recruit, develop and help implement certified/qualified members from all levels of UNM. I'd like to encourage that we develop a mentoring program that targets K-12 students more in depths and I would like to take an initiative and be a part of that. And also the MAPS (Multiple Academic Pathways for Students) to increase student engagement in achievement by making academic support services more accessible and available by giving more resources more opportunities to get this campus a little more vibrant and reflective of the student body. I have a number of issues and ideas and visions for this campus, dreams that I have that I would like to see come out but in regards to this meeting, I won't say my ideas but I would like to put my invitation out there that I would like to be a part of this. This is from the Legislative Priorities so this is obviously a priority by the New Mexico Legislator and I believe to be your guys (priority) as well. Thank you for allowing me to speak on issues. I'd also just like to stand up for people because the public comment – in the past couple weeks it seems to have been the same people, the same issues – but as a student at this University I feel that they should have the right to speak. And I think it's important that we hear them and I think it's also important too that they be treated with respect and dignity. And I think that when people start to get frustrated, I think that sometimes respect gets lost and I think it's important that that stays, especially when individuals such as you represent a lot and having a lot a responsibility I think it's important to hold that respect for everyone.

- **Regent Nguyen**: Mr. Chair, I have something to say. Thank you, Travis; I really appreciate your fresh perspective/new ideas to take to the Legislative Committee. You know, actually, to help you out with that, Joseph Garcia and Brittany Yeager, I don't know if you are aware but through GPSA and ASM they do have their own lobby committees and that's where students can really be proactive and get up there and talk to Legislators, have their own agenda. And having their own agenda doesn't mean that it's less effective than this general list that you have. I've seen a lot of things be very successful for when they wanted to decouple the Lottery Scholarships. The students played a huge part in that and that's the reason why it didn't end up getting decoupled. So I would say that if you work with Joseph and also Brittany, they each GPSA & ASM have their own lobby committee and they would really love your ideas. They are up and active. I know they have been meeting. You know the more effort the better. And the more student presence up in Santa Fe is awesome so definitely get with them and you can definitely take your initiatives and add them to the plan and they will work with you and show you the ropes of lobbying. I wish to see you up there during the 60 day session. Thank you very much.
- **Renee Delgado (Student Intern, Centro de la Raza)**: I am a junior. My major is Psychology and my minor is Family Studies. During the past week, many thoughts and emotions have haunted me. These thoughts and emotions have made me confused because many of my questions have gone unanswered. This all has to do with this University. I come to you today as a student but especially as a mother. This University has failed in the area of communication. This University has used both verbal and non-verbal communications to get its messages across. Verbal communication is words that are used to express a meaning. Non-verbal

communication is anything not using words, such as body language and actions to express a meaning. As the saying goes, actions speak louder than words. Effective communication is when verbal and nonverbal communication agrees and matches with one another. As a student, this University has emphasized free speech but yet UNM only allows this under certain conditions. It has banned Mr. Anderson from campus because he used his right of free speech peacefully. UNM states that its students and community have free speech but have contradicted its verbal emphasis of free speech by its actions of banning an individual for expressing this right. The verbal and nonverbal communication is not in agreement with one another and so this is ineffective communication. UNM also emphasizes that every student and community member has the basic right to safety and should be protected from harm. If this is true, why does UNM allow certain student organizations – such as certain fraternities – to inflict harm on others and allow them to get away with it by not properly punishing them? Such organizations have not emphasized proper respect for others. These organizations have used rape, hate crimes and discrimination to hurt others not to mention they have made it seem that it is okay to use excessive alcohol and other substances to have fun. How can UNM allow such activities to take place? UNM says that we all have the right to safety but allows organizations on campus to infringe on this basic right. This again is ineffective communication. So, on the record and books, these rights exist, but if I understand clearly, these have not been enforced effectively. In reality, there is discrimination here on campus and only certain individuals are allowed to free speech and safety. UNM needs to learn effective communication in order to learn how to communicate with the UNM student body and the community. Please help UNM gain a better reputation by saying what you mean and following through with it. If these are rights, these are only conditional. Then they should not be described as right but as privileges that only certain individuals can earn. UNM is a family and should emphasize safety and free speech. How can a major university in the middle of Albuquerque ignore its students and community? I stand up here today to ask you to learn to communicate with students like me and ask us questions and believe me, you will get answers. This should be a family friendly campus that allows free speech and safety for all its students and community. As the Declaration of Independence States, we all have the basic right to life, liberty and the pursuit of happiness. Where is the right to life? Where is the right to liberty? And more importantly, where is the happiness? I can only see these as privileges of a few. What about the rest of the UNM student body and community? Hopefully, one day we will all be able to walk with open minds, peacefully, without judging another based on what they look like but for who they are.

### **ADMINISTRATIVE REPORT, David Harris, Acting President**

- I would like to report on a few significant events over the last month.
- Regent Don Chalmers was recognized as one of New Mexico's distinguished public servants by receiving the NM Distinguished Public Service Award and I would want to say congratulations to Don.
- Carolyn Thompson has been appointed Interim Vice President for Human Resources, replacing Susan Carkeek. Carolyn has extensive experience in strategic planning,

change management, process improvement and re-engineering. Please join me in welcoming Carolyn.

- Bill Atkins notified me that he will be retiring on January 31<sup>st</sup> as UNM's Chief Information Officer. I am currently in the process of interviewing individuals to serve as Interim CIO.
- The State of NM Division of Vocational Rehabilitation has named our HR Department Employer of the Year based on the services UNM provides to disabled employees. Of course, these are very important kudos.
- We have launched a program to serve parents of prospective and current students. The UNM Parent Relations Office opened October 2<sup>nd</sup> as a component of Enrollment Management in the Division of Student Affairs.
- Student Regent Interviews are currently ongoing. GSPA and ASUNM offered many qualified applicants, many of which are currently in the process of being interviewed. This group will be narrowed down soon to a short list for approval by the Regents for final recommendation to the Governor.
- Bond Issue B was approved by the voters last week. This was a \$118 million G.O. bond issue. UNM is going to receive \$7 million dollars for our Math and Science Building, which was initially funded through our Institutional Bond, \$3.5 million for the College of Education and \$4 million for Health Science Center Education Building. And then there are also some projects that were approved for our branches. Susan McKenzie worked very hard on this, was our coordinator and I certainly want to thank Susan for her effort. And that will conclude my report.

### **COMMENTS FROM REGENTS ADVISORS**

#### Virginia Shipman, Faculty Senate

- Referring to the Audit Report, I want to again thank the Regents for giving us the opportunity to respond and review something that obviously affects all Faculty members. As a next step, we made a recommendation to form a task force, which was accepted by the Regents. I have the names of participants, a corner stone group to generate ideas but who will be joined at various times by others. The point is to discuss what we mean by professional activities and what we mean by "inside" and "outside" and where those lines are. I therefore recommend the following people (in no particular order) for this task force: 1) Laurie Schotzberg, Anderson Schools of Management; 2) Bruce Williams, School of Medicine; 3) Dean Norwood, Dept. of Arts & Sciences; 4) Tim Ross, School of Engineering; 5) Breda Bova, Office of the President; 6) Daniel Ortega, School of Law; 7) Don Chalmers, Regent; 8) Richard Holder, Deputy Provost; 9) Christine Chavez, Internal Audit (Advisor to Committee/Task Force); 10) Virginia Shipman (Chairman). The task force hopes meet before the semester ends and to have a report by the end of the year.

#### David Groth, President, Staff Council:

- No report this month.

#### Joseph Garcia, President GPSA:

- GPSA has passed a letter of support for the reappointment of Sandra Begay-Campbell and I have submitted a copy to the Regents. Also, we made the decision for the recommendation to Acting President Harris on the student regent selection, which I believe the Presidents office is conducting interviews this week. At this past GPSA meeting, we passed three resolutions,
  - 1) Being resolved by the GPSA Council that the UNM Provost should establish a Family Friendly Campus Task Force to assess the needs of and make recommendations regarding student-parent, faculty-parent and staff-parent issues. I've provided copies to those present here.
  - 2) The second passed resolution: It is resolved by the Council of the GPSA for the University of New Mexico should establish a breast feeding support program and establish lactation stations around campus to create more access to different populations to UNM. I also had scheduled Ussa Knudsen to come here today to provide a more personal experience of being a lactating mother on this campus without the resources to be able to perform that responsibility for her child. She will be here for the December meeting instead because today she had to teach class. She is the person who spearheaded the resolution in GPSA.
  - 3) The final GPSA resolution was passed in support of the Mesa Vista Redevelopment Resolution. Finally, I would like to recognize Regent Sanchez, VP of Student Affairs Cheo Torres, and Provost Reed Dasenbrock for attending the HRT Hispano Round Table, 10 Point Agenda Meeting. I would like to recognize them and applaud them for taking the initiative to reach out to the community.

#### Comments from Regents

- There were no Consent Agenda Items to be moved to the Full Board Agenda.

#### Consent Agenda

**Motion approved** unanimously to approve all items on the Consent Agenda. (1<sup>st</sup> Eaves 2<sup>nd</sup> Sanchez)

#### Request for revision to Capital Project Approval UNM Hospital OSIS 3.0T MRI Upgrade

- Last month, this item was presented as information. It should have been presented as an action item for Regents approval. We had bid this project out after we had received the new specs for the MRI. There were substantial changes that had to be made. The original budget was \$327,000. The renovation will actually cost \$721,000 to complete and that has to do with new air conditioning, new HVAC, new concrete flooring due to the weight of the new MRI and new shielding that are all related to a 3½ tetra unit.

**Motion approved** unanimously to grant an adjustment to this budget. (1<sup>st</sup> Begay-Campbell 2<sup>nd</sup> Fortner )

#### Request for Revision to Capital Project Approval UNM Hospital Endovascular Suite Renovation

- Last month, this item was presented as information. It should have been presented as an action item for Regents approval. This is a renovation in the hospital to install an Endovascular Suite in one of our operating rooms. The original budget was \$372,000. We actually bid this project twice. The low bidder was \$845,000 due to the complicated nature of retrofitting an old operating room with this new modern technology.

**Motion approved** unanimously to grant an adjustment to this budget. (1<sup>st</sup> Begay-Campbell 2<sup>nd</sup> Fortner )

**ACADEMIC/STUDENT AFFAIRS & RESEARCH COMMITTEE, Regent Rosalyn Nguyen**

- During the last Academic/Student Affairs meeting, we approved the posthumous Ph.D. HPER degree for Cynthia Young. Gloria Napper-Owen, associate professor in the department of Physical Performance and Development, presented on Cynthia Young's academic time spent at the University. She passed away of a brain aneurism in May one course shy of beginning her dissertation work. In addition to being an outstanding doctoral student, she was a full-time faculty member at Adams State College and regularly commuted here to take classes. She was very well respected with the Staff, Faculty and Students in her program at UNM and was awarded Educator of the Year by the Colorado Association for Health, Physical Education, Recreation and Dance in 2003. This posthumous degree would benefit her family, friends, peers and the program as a whole to serve as closure for all the time and effort she devoted to UNM before her death. And also, the Faculty Senate gave its support for this agenda item. If there is anyone from the department of Physical Performance and Development who would like to speak, please do so at this time.
- I'm Gloria Napper Owen. I was Cindy's program advisor and I have a prepared comment. Cindy Young was an exemplary graduate student in the classroom as well as an outstanding professional role model for her colleagues to emulate. As was already stated, she was one course shy of finishing her program of studies and was going to begin her doctoral dissertation. Cynthia was passionate about her role as a learner and she was never one to sit quietly in the classroom. She remarked often outside of class that she loved the dialogue that occurred in her graduate classes. She'd come into my office fired up and she'd say; "You just can't imagine how much this means to me to be able to dialogue like this!" I've got a card sitting on one of my shelves in my office from Cynthia, where after doing a little bit of work with her on directed studies, she said; "Thank you for everything that you've done to help me make this possible." In her last course with me, PEP 516, Seminar in Physical Education, Cindy gave a poster presentation at the College of Education Graduate Student Colloquium on ways that she educated her future teachers about crisis intervention in their classrooms. She believed that teacher educators should not leave to chance whether or not future teachers could deal with crisis that might happen in their rooms. Her poster presentation summarized practical ways for future teachers to effectively handle crises without putting themselves in harms way. By helping her

students develop strategies to diffuse to crises, she hoped that she might better prepare them to meet the unexpected crises that might actually happen. She was contemplating how this might be part of her dissertation research. I found her ideas to be so important to the safety of teachers in the classroom that I borrowed her ideas and implemented them into my Senior Seminar. And my students found the role play activities that we did to be very helpful because most of them were student teachers at the time. We've already heard that she received the Colorado Educator of the Year Award by Kayford. In addition to that, because Cindy was so helpful in getting her students to do professional development through the State Association Conventions, Kayford established a scholarship for future students to be able to attend the convention. Cindy regularly supervised her students in their field experiences in the San Luis Valley area schools so she had first hand knowledge of the context her students would find themselves during field experience and future employment. Her concern was that her students could succeed in the teaching profession and make an impact on the health and well being of children rather than becoming a teacher washout statistic. As Cindy's program advisor, I probably learned more from her than she learned from me. I considered her to be my professional colleague not my doctoral advisee. I am a better teacher/educator to my undergraduate students because of what she taught me in the classroom. She touched the lives of all of us who spent evenings and summer days with her in Johnson Center. We wish to honor and celebrate her passion for learning, her commitment to pursuing a doctoral degree despite the many logistical obstacles that faced her. She would oftentimes leave here at 9 pm in the evening, be home to Alamos by 1 am in the morning and then teach an 8 am class. We also wish to celebrate and honor her desire to actively apply the knowledge she drew from her doctoral courses to transform her undergraduate students into highly qualified teachers who would one day teach physical education in classrooms. Thank you.

**Motion approved** unanimously to grant the posthumous degree to Cynthia Young. (1<sup>st</sup> Sanchez 2<sup>nd</sup> Eaves)

- The organizational structure for UNM West. The land that Rio Rancho purchased, the interim structure of the campus needed to be determined. The Regents have written the Provost to defer that discussion to another time.
- Information item from Randy Boeglin, Melanie Baise and Kathy Guimmond on how to ban individuals from campus. Basically, the policy and process that was originated by the Board of Regents in 1996 set up basic parameters as well as a visitor code of conduct. It provides for a fair allowance of freedom expression of dissent up to the point that they do not disrupt the academic setting. Currently there are 94 persons on the list, 11 who have been banned indefinitely. These typically included people who were on the campus and were involved in violence or possessed weapons. In this situation, hearings are scheduled as soon as possible, no later than one week of the request received.
- Since these banning policies have not been reviewed since 1996, Regent Sanchez asked for a formal review by a Provost working with the University Counsel Office to ensure that no one is deprived of due process.

- Report on special programs by Mr. Tim Gutierrez, Associate VP for College Enrichment and Outreach Programs. There are three main factors: The first part of the outreach program is designed to get students into UNM from high schools. Second, to maintain student enrollment at UNM. Third, to work with Title V, with three components, which are initiatives funded by the Federal Government to help minority students succeed at UNM. Several of the programs are college prep, some start in elementary school, some in high school and they go all the way up through graduate level and there are 11 outreach and higher educational track programs that help rural communities in the state. There are also lots of mentoring opportunities, workshops, college orientations, campus visits and lots of educational programs that help first generation students, at risk students, low income students and migrant workers to be successful.
- Management Dashboard report on undergraduate student profile and student success by Peter White and Terry Babbitt. Just to highlight several figures: Main campus undergraduate headcount enrollment for 2006 is at 18,199, a decrease of only 2.23%, which is common for a campus this size with various factors because of natural fluctuation. The figure for first time, full time freshman by ethnicity the total undergraduate enrollment profile is 50.4% in 2006. It is the most diverse class to date. It is also reported as one of the highest percentages of minority enrollment in the country, something that UNM should be proud of. Second fall retention rate for first time, full time freshman: the last count from 2005 was 76.5, which is the target. We were actually at 74.4, which is a small gap which indicates the office is doing well in terms of recruiting and retention.

## **REGENT COMMITTEE REPORTS**

### **Audit Committee, Regent Raymond Sanchez**

- The reports are that we met on October 18<sup>th</sup>, which have not been reported on. We reviewed the status of Internal Audit recommendations. You have the report that summarizes it. We reviewed the Internal Audit Department report. We asked President Harris to work on the FY '07 budget needs. Apparently there is a need for more auditors to review everything that we've got to do and President Harris has agreed that he is going to address that. We approved the FY '06 external Financial Audit. We approved one audit for publication that was the 2006-02 Department of Family and Community Medicine, Center for Community Partnerships Audit of Payroll Processes. We approved the amended FY '07 Audit Work ***Finding***. We approved a resolution to ***furnish*** consideration of approval of Anderson Schools of Management Audit and Faculty Compensation to November 10<sup>th</sup>. We then met again on November 10<sup>th</sup> and took the following action: We approved one audit for publication. We approved the Anderson Schools of Management Audit of Faculty Compensation. The report was redacted for publication because it contained information that could compromise individual's rights. We approved the Faculty Senate Operations Committee response to the Anderson School's of Management and that was provided to us by Virginia, who gave us an explanation of that. At this time, I would ask Christine to provide us a brief review of the Anderson Audit that was performed.

Christine Chavez, Internal Auditor - Letter of Finding

- President Harris requested the audit of Anderson Schools of Management Faculty Compensation. The objective of the audit was to determine if Anderson Schools of Management processes for outside and extra compensation comply with University Policy, if Faculty Compensation and related course load comply with University Policy, and if that policy is consistently applied. The period of the audit was fall 2005 and spring of 2006. Overall results indicate that the Faculty Contracts and Services Office appear to have an adequate process for monitoring contracts. Monitoring of course load also appears adequate. However, there were a number of instances of non-compliance. Significant concerns relate to the payment of one faculty member which is inconsistent with Federal Regulation OMB A-21. This faculty member was paid through a special administrative component rather than extra compensation. The faculty member conducted research and there were no apparent administrative duties. A faculty member was also paid for teaching non-credit courses through the ASM Foundation through a special administrative component. Again, there were no administrative duties. Both of these instances were approved by a prior provost and a prior dean. There are no policies that identify the requirements for paying a special administrative component and no other faculty member was paid in this manner. We also found what contributed to this situation is that Anderson Schools did not collect and submit the outside employment for the fall of 2005. That has since been corrected. Faculty Contracts understood the SACs (Special Administrative Components) were legitimate and did not have any information to determine otherwise. And outside employment payment requests are submitted after the 9 month contract period.
- We recommend that Faculty Contracts send reminder notices to the schools to submit their reports at the end of each semester; that Faculty Contracts develop a standard Outside Employment Request Form that includes a certification from the Faculty member as to their outside employment; and that Faculty Contracts work with the University Counsel to change the language in the contracts to make it clear that Faculty are aware of policies that pertain to their employment. We also found that the University and the ASM Foundation have been conducting business for over 10 years with an unsigned draft memorandum of understanding. We recommend that the Provost work with the Dean, the Foundation and University Counsel to develop an agreement that makes good business sense for both parties and that this agreement is fully executed. We found that University Policy for 39 days of outside and extra compensation is more stringent or consistent with 88% of our peer universities. The National Association of College and University Attorneys (NACUA) have developed recommendations to strengthen and clarify outside employment policies. We recommend that the University consider these policies for university-wide improvement and that they also consider a conflict of interest policy. The Provost, the Dean and the Health Sciences Center responded to our report and they agreed with all of our findings. The Provost and the Executive Vice President for Health Sciences Center will review the outside and extra compensation policy to determine what changes are necessary. The Vice President for Research and Economic Development will work with the funding agency to determine if repayment is necessary. Faculty

Contracts agreed to implement all of our operational recommendations. The Provost, the Dean and University Counsel will work with the Foundation to develop and implement a fully executed Memorandum of Understanding.

### **COMMENTS/DISCUSSION**

- Regent Fortner – To clarify, a faculty member can teach only one course per year?
- Provost Dasenbrock – One course per semester with extensive Administrative duties.
- Regent Fortner - Is the same policy is in effect now as when the Anderson issue (of 120 hours performed outside University work in one semester) occurred?
- Dean Crespy – Was asked questions relating to the Audit findings of non-compliance by certain faculty members with outside employment/extra compensation policies. University Counsel Patrick Apodaca said that response to such questions appears to involve confidential personnel information and he recommended that responsive information be provided in Executive Session.
- Provost Dasenbrock – There were 2 parts to that situation. First, a teaching post was approved through the Anderson Foundation through a SAC. Second, there was a payment from a grant through a SAC, both approved by the previous Provost and the previous Dean. When we looked at it, we thought it was not in accord with high level University Policy to do something like that and under current policies it would not be approved but it had been approved some time ago. We need some new policies on some of the issues but it is clear that those approvals were not in accord with current policies.
- Regent Fortner – Would this same policy apply to law school faculty?
- Provost Dasenbrock – Yes. All Academic Affairs Faculty are 9 month contracts and the same policies apply here. Special Administrative Components (SACs) are used for Chairs and Deans and they were used in this case in a way that, while perhaps not explicitly ruled out by the policy, seemed not in accord with the intent of the policies in place at the time.
- Regent Chalmers – It seems evident that a policy has not been in place to address special cases. It seems evident that there needs to be a policy that clearly shows a commitment of Faculty to the University. It seems that we need a policy that we can all agree on and that we can enforce and that has not been the case apparently for some time and gives rise to different treatment among faculty but I think we're on the road to straightening that out.
- Regent Fortner – My concern was that the Faculty Handbook states “allegiance to the university first” and with that much outside hours/days...
- Regent Chalmers – It would be like a professor taking a month off from Law School to have a month jury trial.
- Regent Fortner – On the other hand, they thought they were following procedure and had approval to do so under the prior Dean and Provost. Somewhere along the line we lost sight of the policy so this is a great time to review and come up with something we can enforce today.
- Regent Chalmers - Faculty generally teach 78 days but that does not include preparation and research done on behalf of the University.
- Regent Fortner – The Policy states that Faculty can devote no more than one day a week to outside employment and that includes Saturday and Sunday. It would be

unrealistic to expect the prior policy to fit campus-wide. The income and care by the physicians is a huge contribution to the operation of the Health Sciences Center so obviously trying to put limitation to treatment of patients would not benefit the University. We may need several different policies to fit the school involved – be it Medical School, Engineering School, Anderson School, etc.

- Regent Chalmers - This is a very complicated thing. Seniority might also be a contributing factor. If a professor has been teaching the same class for many years, they may deserve a bit more leeway to taking on hours outside University duties.
- Regent Fortner - Also some of the pro bono work taken on by professors in the law school – like Jim Ellis who took a case to the Supreme Court and prevailed – that is equally as important as publishing a scholarly article as far as benefiting students in the classroom. I'm confident that Virginia's task force will look at all those issues because this is not a simple issue.
- Virginia Shipman– To clarify for Regent Fortner, in calculating “days away from the University,” it is the adding together the payment from those on the outside for profession work combined with extra compensation received from the University per se, those times added together to make 39 days is the limit according to the existing policy. So we can expect a challenging and exciting discussion because all 40 days might have been for the University. What does one mean when one says your primarily responsibility is to the University? And what is doing University work? And that is what we're going to talk about.

**Motion approved** unanimously to accept the audit outcome. (1<sup>st</sup> Sanchez 2<sup>nd</sup> Begay-Campbell )

#### **ADVANCEMENT COMMITTEE, Regent Don Chalmers**

- Meeting held October 12<sup>th</sup>. We got the beginnings of reports outlining the impact of the University on our community. The first report was back from 2003, but it still provides an idea how the University impacts our community.
- We received more up to date information on how we spend money. Excluding payroll, the total expenditures on main campus, (excluding the hospital) were \$634 million dollars; of that total, \$324 million was spent in state, \$305 million out of state and about \$4.5 million foreign.
- University Hospital's total expenditure was \$260 million dollars; in state \$106 million and out of state \$153 million.
- The University does local outreach to actively recruit local businesses - especially small and minority businesses - to encourage them to conduct business with the University. The committee felt it a good start but wants to further determine how difficult it is for small businesses to do business with the University.
- In addition, we had some reports regarding the University's relationship with the United Way. Breda Bova and Josh Cavanaugh are co-chairs. This University is very much a part of our community and the University's effort and involvement has made the United Way of Central New Mexico the #1 United Way in America for the past 2 years on growth. This University is the fifth largest United Way campaign. The

United Way also allows donors to designate gifts, so the University has received well over a half a millions dollars contributed by people who donated and designated UNM as the recipient. We are a good partner. The Faculty and Staff have donated heavily. We also have a lot of United Way programs located on campus. The complete report is available.

#### **DEVELOPMENT COMMITTEE, Regent Don Chalmers**

- A Development Committee Meeting was held on November 1<sup>st</sup>. We went over our performance of last year. Revenue of \$48 million dollars actually received versus a goal of receiving \$47 million and change, 102.2% of the goal was reached.
- This year's goal was announced by Michael Kingan to be \$61 million dollars. We have already received some gifts in anticipation of a major campaign and you can see the up tick. To go from a record \$48 million dollars to go up to a new goal of \$61 million, that is a significant increase in what we expect in fiscal year 2006/07.
- We have draft three of the University Needs Assessment. It has resulted in a preliminary working goal (unofficially) of \$500 million for a potential Capital Campaign. Our Needs Assessment started out at \$700 million and the thinking now is to bring that back down to a more realistic \$500 million dollars. But frankly, if a donation has nothing to do with the Needs Assessment, we will put it into the campaign. Donors' priorities might be different from our Needs Assessment but we will take the money and put it into the campaign.
- We have an early draft of the Case Statement. This is a step in the preparation of developing a major Capital Campaign. The Provost and Dr. Roth are looking at it. This will be the next document that the Development Committee will look at as we act as a Campaign Committee also.
- We had a significant discussion on how to finance the Capital Campaign. Generally, 17% of the total amount raised would go toward developing and running the campaign, but 17% would be the total amount spent and we are already spending a significant amount of that money already in the regular course of business in the budgets of each of the colleges as we go about our normal fundraising. If you take the working number of \$500 million – and right now we are on pace for \$50 million a year – the incremental growth in our giving would be about \$50 million dollars in a year and if you take about 17% of that money, that's about what we are going to have to find for the Capital Campaign. That brings it down to a more manageable number but that is not to minimize the task at hand. There are a lot of ways to fund that 17% (including taking it out of the \$500 million), whether it be gifts from donors or if the University Colleges will end up putting part of their budget to it, but nothing has been decided yet and no recommendation has been reached. Simply, if we can't find out how to pay for it, we can't have a Capital Campaign. We will most likely not please everyone as to how we finally fund the campaign.
- Software packages will also take time to implement and can be costly so we probably need to get started on a software assessment to present to the Regents shortly.

#### **HEALTH SCIENCES COMMITTEE, Regent Jack Fortner**

- No comments because the Medical Staff Appointments and the Faculty Practice Association went through the Consent Agenda.

### **FINANCE AND FACILITIES COMMITTEE, Regent John “Mel” Eaves**

- Most of the items for the Finance and Facilities Committee were on the Consent Agenda.
- The property at the north-east corner of Main Campus, where there are a lot of private residences, has been controversial. This all began in 1930 when UNM had a hard time recruiting faculty member so they began leasing land at \$1 a year for people associated with the University to occupy those homes. Since then, many of the residents have nothing to do with the University and as those homes come up for sale, the University has an option to purchase them. We don't really have the money available to buy all those homes. Each time a purchase takes place those people benefit from a \$1 a year lease on University property. Back in 1998, the Board of Regents inexplicably extended all those leases way beyond our lifetime (to 2080) for no consideration. David Harris has come up with a mechanism for the University to negotiate some sort of reasonable lease income from the purchasers of those properties.
- Student Housing report from a committee that Provost Dasenbrock and Vice President Beffort are undertaking the effort to evaluate student housing. This is a major strategic initiative for the University. They did provide an overview of their conclusions and recommendations, but this study is continuing. 402 beds here at the University are six years old. The majority of 2,167 beds are 38 to 50 years old and this impacts recruitment and retention. This is an on-going project and we will meet again in December to discuss this issue. We do not have a solution yet, but the solution will be tied directly to our parking problem on campus. I think we are going to have to consider underground parking and parking structures which will run up the cost of parking. It is the intention of David Harris and the Administration to move as quickly as possible on additional housing: not only new housing, but renovation of existing housing. The performance of students who live on campus is higher and the retention rate is higher and graduation rates are higher. It is also a major issue when recruiting new students.
- Monthly financial report for the two months ending August 31<sup>st</sup>. Ava Lovell reported that right now our tuition is running about 3 % behind our budget, which is due to lack of enrollment and the summer tuition discount. However, right now, our entire I&G operations are showing a favorability of \$53 million revenue over expenses. Our operations for research are a little less than break even. Our clinical operations are showing a favorability of about \$800,000 for the first two months. Our public service operations are just about \$500,000 in the hole. Independent operations will break even. Student aid operations will catch up with more revenue coming in over the year, but then we will pay out scholarships for the Spring Semester. Student activities are better than break even right now. Our auxiliaries and athletics overall are showing a favorability. Sponsored programs will break even by year end. Bottom line is we are about \$53 million favorable.

- The University lost about \$1 million on the discounted summer tuition. The enrollment declined was 3 or 4 %, but since we dropped tuition at the same time, the total negative impact was \$1 million.
- Annual report to the Regents on the status of the University fund balances; those current fund balances total about \$52.2 million. Curt Porter reported that \$52 million is about 11% of total current funds in the institution. The condition on this campus has changed dramatically, six years ago that total, in those eight areas that add up to total current funds, we had \$10 million. Almost 30 % of the total is represented by endowed expenditure accounts in financial aid. Those used to be reported as restricted funds and they have been moved over to unrestricted funds. 22% is sitting in indirect cost recovery funds that are the seed money for future research. The large growth and internal services balances during this year, up from \$1.1 million to \$6.7 million, there are accounts and internal services, such as risk management premiums and retiree health care benefits premiums, and the required transfer of those payments to entities in the state had not been made at June 30<sup>th</sup> and they show up large growth and balances. \$4 million in public services, there are over 450 indexes in our accounts that make up that balance, they range from things like KNME TV to Continuing Ed and hundreds of accounts setup throughout colleges to put on a conferences or training courses. The student social and cultural development balances is not very large, \$1.6 million, and that also represents student fee money for student organizations. We will continue to analyze these balances throughout the University.
- Purchase of the Elks Club property, the price is \$2.15 million, the market value is significantly more than that, and we have already approved it. This goes before the New Mexico State Higher Education Department on November 16<sup>th</sup> for approval and the State Board of Finance on December 19<sup>th</sup>. We are going ahead and implementing the resolution authorizing that purchase. The funds to purchase this property, we need to consider that in the context of some other projects the University has on the table. We received about \$9 million coming from Mesa Del Sol, and approximately \$30 million in the Winrock endowment that represents the proceeds of sale of Winrock Center. We also have UNM West and the expectations are very high and how we are going to fund the initial buildings. We also have the social security building with a purchase price of \$7 million. If you look at the entire budget for the renovation and outfitting of that building to make it usable by High Tech High and by Clinical Enterprises from HSC, the total budget goes up to \$27 million. The University may have an opportunity to become involved in the Gibson Hospital. These are four major projects and we have a finite source of money that is available. We have to really think about prioritizing these opportunities as to what is best for the future growth of the University.
- Sale of the long term broad band lease to an outside company by KNME. The price went from \$1.5 million up to \$3.5 million. They came in with a package of about \$5 million. We approved the expenditure of that money.

**Motion approved** unanimously to close the meeting into Executive Session, @ 11:36 a.m.(11:30 am – 1:00 pm.) (1<sup>st</sup> Koch 2<sup>nd</sup> Fortner )

**EXECUTIVE SESSION:**

Discussion and determination, where appropriate, of approval of FY06 External Financial Audit pursuant to exception at Section 10-15-1 H NMSA and Section 12-6-5 NMSA, (1978).

Discussion of limited personnel matters pursuant to Section 10-15-1 H (2) NMSA.(1978)

Discussion of matters subject to attorney-client privilege pertaining to threatened or pending litigation pursuant to Section 10-15-1 H (7) NMSA.(1978)

**Motion approved unanimously to re-open meeting into Open Session @ 1:14 a.m.**

**Motion approved unanimously for approval of FY06 External Financial Audit presented by the University's External Auditors, Moss Adams LLP.**

Regent Koch certified that the matters discussed in Executive Session were limited to those described above and the Board unanimously approved such certification.

Adjournment @ 1:15 a.m.

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Regent James H. Koch, President

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Regent Sandra Begay-Campbell, Secretary, Treasurer