

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

February 15, 2008

Board of Regents Meeting 9:00 a.m. – 11:30 a.m.

Student Union Ballroom C

1:00 p.m. – 3:00 p.m.

Board of Regents Executive Session Luncheon

11:30 a.m. -1:00 p.m.

Sandia Room

ATTENDANCE:

Regents present:

James H. Koch
Jack Fortner, Vice President
Carolyn Abeita, Secretary-Treasurer
John “Mel” Eaves
Don Chalmers
Dahlia Dorman, Student Regent

Regent unable to attend:

Raymond Sanchez

President present:

David J. Schmidly

Vice Presidents present:

David Harris, Executive Vice President, CFO, COO
Viola Florez, Interim Provost and Executive Vice President of Academic Affairs
Paul Roth, Executive Vice President, Health Sciences Center
Terry Babbitt, Vice President, Enrollment Management
Steve Beffort, Vice President, Institutional Support Services
Michael Kingan, Vice President of Advancement
Helen Gonzales, Assistant Vice President of Human Resources
Michael Kingan, Vice President of Institutional Advancement
Paul Krebs, Vice President of Athletics
Ava Lovell, Vice President and Comptroller
Eliseo Torres, Vice President, Student Affairs
Stephen McKernan, Vice President, Hospital Operations
Andrew Cullen, Associate Vice President, Institutional Planning

Vice Presidents unable to attend:

Jack McIver, Vice President, Research & Economic Development

Rita Martinez-Purson, Interim Vice President, Institutional Diversity

University Counsel present:

Patrick V. Apodaca, University Counsel

Regents' Advisors present:

Jacqueline Hood, Faculty Senate

Vanessa Shields, President, Staff Council

Ashley Fate, President, ASUNM

Judy Zanotti for Lillian Montoya-Rael, President, UNM Alumni Association

Thelma Domenici, President, UNM Foundation

Isle Gay, President, UNM Retiree Association

Joseph Garcia, President, GPSA

Others in attendance:

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

Regent Koch presided over the meeting and called the meeting to order at 9:00 a.m.

CONFIRMATION OF QUORUM and ADOPTION OF AGENDA, Regent Koch

Motion approved unanimously to adopt today's agenda (1st Eaves, 2nd Fortner).

APPROVAL OF SUMMARIZED MINUTES OF JANUARY 8, 2008 UNM BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Summarized Minutes of the January 8, 2008 UNM Board of Regents meeting (1st Eaves, 2nd Koch).

REGENTS' MERITORIOUS SERVICE AWARD

Comments by Regent Koch

Regents' Meritorious Service Award, Rocky Long, Head Football Coach will be rescheduled.

ADMINISTRATIVE REPORTS

President's Report, David J. Schmidly

- Welcome, referenced distribution of President's Report. Exceeded our 2007 United Way goal and would like to thank Paul Krebs and Vi Florez for their leadership.
- Significant gift to UNM from the Bank of America to benefit our science and math lab, \$250,000.

- Announced his new assignment, recently appointed to the NCAA Division I, Board of Directors. That appointment will begin in April, 2008.
- Introduction of and welcome to Dr. Marc Nigliazzo. We have recruited and he has accepted the position of VP of Rio Rancho operations and to also coordinate the activity of our branch campuses.
 - Comments by Dr. Marc Nigliazzo
- Brief report on outcome of legislative session
 - General Fund Appropriations Act, HB 2; description of funds to the University; tuition credit at 2% and lifted tuition cap; compensation set at 2% for all employees
 - SB 165 for research and public service projects
 - Total capital as a result of session is approximately \$73 million
- Ask for approval of Janet Webb to the Governing Board of Directors for the Harwood Museum in Taos. Based on the Board's Resolution, this is the recommendation.
 - Regent Eaves addresses concerns. He states that in her resume she says, "I am concerned about conflict of interest being a director on a client's board." Does this violate the Regents' policy on conflict of interest? Before voting, would need to know that her appointment complied with that policy. Taos is no longer merely an advisory board, given governing powers.
 - David Harris asked if it would be possible to have a provisional appointment subject to satisfying Regent Eaves' question.
 - Regent Eaves stated it's a simple matter and we could vote today if we could review a copy of the policy.
 - President Schmidly asked Patrick to obtain and review the policy.
 - Regent Chalmers stated he shares Regent Eaves' concern on this. .
 - Regent Koch stated that he doesn't think she can be confirmed.
 - President Schmidly asked if it is possible that she could agree that if appointed, if she accepted an appointment to the Board, she would agree to do no business with the Museum.
 - Regent Koch stated our conflict of interest statement is very clear.
 - President Schmidly stated that Patrick returns with the policy and perhaps we need to make a phone call to Ms. Webb and inform her that she could only be appointed under circumstances in which she would agree not to do any business with UNM in the future.
- Last item is to invite Vice President Terry Babbitt to give a summary of spring enrollment on the various campuses.
 - Terry Babbitt – Enrollment Management Report hand out presented, reviewed and discussed.
 - Regent Koch asked President Schmidly to report on his meeting with the North Golf Course Association. He stated that the Committee produced a report which they provided and he reviewed and shared with staff. Summarized questions were given to Committee and asked that they address those questions. They were invited to this board meeting but given the list of questions they stated they needed more time to address so they have requested that they come in front of the board in April and address those questions.

- Regent Koch said he met with them told them that they did a good job presenting what they wanted to do at the north golf course, it was very detailed. Stated we need to update our master plan.
- Regent Eaves stated his reaction to that report is different, had a negative reaction to it. I think we as a Board of Regents we have an obligation to our faculty, staff, students and to the community to preserve that real estate for future uses by the University. The neighborhood has no claim on ownership of that real estate, that is a public asset and it needs to be used for public purposes. Big mistake for the Board of Regents to basically give control of that property, eliminate any future legitimate use by the University of New Mexico of that property.
- President Schmidly Regent Eaves, I made the very point that you just made back to them that I felt like I could not speak for the Board but that I felt like what you just summarized would very likely be the position of the Board. Their response to me was, this is a negotiation, we want to address these questions and we want to continue to see if there is a way to resolve this in a win-win fashion. So that I believe is the reason why they did not come in front of the group today, was that they are looking into these questions. They are aware of the conclusion that you just presented or the statement that you just presented is a very likely outcome and they are still considering other options to recommend to us.
- Regent Eaves - President Schmidly, I have heard rumors and I'd just like to know what the facts are, that the members of that committee that were appointed by you who were appointed basically to represent the interest of the University, we excluded from sessions in which this report was drafted and I would like to know what the truth of that is.
- President Schmidly – The committee asked on several occasions, that committee asked to go into what was labeled “executive sessions” and they asked members of our team to not be part of those executive sessions.
- Andrew Cullen – I believe that there was a total of seven meetings scheduled and I want to say at least four of them we were not invited to come or at one point asked to leave.
- Regent Eaves – So the report that was given to the University was not a report that the full committee voted on. The University members of the committee did not vote on it, is that correct?
- President Schmidly – That is correct as I understand it.
- Regent Eaves – I just wanted to clarify that, thank you.
- Andrew Cullen – Excuse me, I believe that the way the board was set up was that we were advisory member, we were not voting members of that board.
- Regent Koch – Well let me just make one comment on that. I thought that we were appointing people from the University and the community.. I understand what they did, I understand how it became advisory but as far as I am concerned, they made their report. They will come before us in April and present their report and answer the questions but the committee is the committee of the Neighborhood Association and that report was put

together and signed by all the individuals that were from the Neighborhood Association. So it wasn't really what we anticipated we were going to get. We don't need to get into any more difficulty, thank you.

COMMENTS FROM REGENT ADVISORS

Jackie Hood, President, Faculty Senate

- Wanted to mention the latest campus tragedy at Northern Illinois University where several students were killed by a gunman. Asked for a moment of silence for the students lost.
- Received consultants report from the Provost and the President on the C130 and C140 policies. Considered the recommendations and decided to accept the recommendations and pass the policies.
- Commented on legislative session and their participation.

Vanessa Shields, President, Staff Council

- Commented on UNM Day for the legislative session and its success.

Joseph Garcia, President, GPSA

- Congratulate all persons receiving honorary degrees.
- Wanted to make Regents aware of several resolutions the GPSA has passed over the several months.
 - Two resolutions regarding the need for adequate child care on this campus. Comments and concerns by Regents expressed.
 - Resolution regarding application fee waiver.
 - Passed resolution regarding hate violence.

Ashley Fate, President, ASUNM

- Undergraduates also present for "UNM Day" at the capital, overall success.
- Recent had senate retreat, established which ad hocs they would like to take on; first is recycling awareness.

Lillian Montoya-Rael, President, UNM Alumni Association

- No report, not present. Judy Zanotti attended, but needed to leave prior to report.

Thelma Domenici, Chair, UNM Foundation

- Update on \$80 million goal, we are at \$58,787,000 which is over 73% of our goal.

- Annual retreat coming up February 28 and 29, 2008 and we are looking forward to that.
- Personal comment on legislative session, very impressed with the spirit this year and participation.

Ilse Gay, President, UNM Retiree Association

- About 75 people toured Albuquerque Museum.
- Retirees are going to the March 8th women's basketball game with the spotlight on UNMRA.
- Membership has gone over the 500 mark goal.

COMMENTS FROM REGENTS

None

ACADEMIC FREEDOM AND TENURE COMMITTEE PRESENTATION

Jackie Hood, President, Faculty Senate

- AV presentation and review of handout (included in BOR Book)

Dr. Tim Lowrey, Chair, Academic Freedom and Tenure Committee

- AV presentation and review of handout (included in BOR Book)

Regent Koch – Thank you to both Jackie Hood and Tim Lowrey for their time and effort involved in putting this together, it is very helpful. Regent Koch asked that these handouts be included in future Regent Briefing Books.

FACULTY EXTRA COMPENSATION TASK FORCE REPORT

Dr. Virginia Shipman, Chair, Task Force

- Faculty Compensation Task Force Report was presented by Dr. Shipman. Much discussion following as well as a question and answer segment.
- *The full text of which is an addendum to these minutes.*
- Regent Koch stated that the Regents have had this report for a number of weeks and had the opportunity to review and there are a number of questions. No action needed by Regents, discussion purposes only.
- President Schmidly will review and bring recommendations to Regents at 4/30/08 Board of Regents meeting.

ACADEMIC/STUDENT AFFAIRS & RESEARCH COMMITTEE, Regent Carolyn Abeita for Regent Raymond Sanchez, Chair

- Candidates for Honorary Degrees; Eugenie Scott, Jaune Quick-to-See Smith and Vicente T. Ximenes. All approved by the Academic and Student Affairs for receipt of honorary degrees

Motion approved unanimously for acceptance (1st Koch, 2nd Fortner).

- Regent Koch commented regarding the Honorary Degrees. Would like President Schmidly to present to the Regents how other universities handle their Honorary Degrees. Would like the overall Honorary Degree program to be looked at and make recommendations for potential changes.
- President Schmidly will continue looking at it, put together a task force together and present recommendations to Student & Academic Affairs Committee.

CONSENT AGENDA, Regent Eaves

- Finance and Facilities Committee met on February 7, 2008
 - Approval of the disposition of surplus property list dated 1/23/08
 - Approval of the UNMH Qualink, Inc.
 - Approval of Real Property Acquisition of 1001 Martin Luther King, Jr. Blvd., N.E.
 - Purchase of the Film & Digital Media Building at Mesa del Sol
 - Approved the presentation of the Monthly Consolidated Financial Reporting ending 12/31/07 and Approval of the Fiscal Watch Report.

Motion approved unanimously for ratification of those recommended approvals as just listed (1st Eaves, 2nd Koch).

ADVANCEMENT COMMITTEE, Don Chalmers, Chair

- No report.

DEVELOPMENT, Don Chalmers, Chair

- No report.

AUDIT COMMITTEE, Raymond Sanchez, Chair

- No report.

FINANCE & FACILITIES REPORT, Mel Eaves, Chair

- Mesa del Sol Building Investments, David Harris (Tab 18)
 - Opportunity to acquire 5% equity participation in projects at Mesa del Sol, invest in three facilities being constructed

Motion approved unanimously for ratification of the approval by the Finance & Facilities of this item (1st Eaves, 2nd Chalmers).

- Contract approval for UNM Center for Development & Disability, Bruce Cherrin (Tab 19)
 - Bruce Cherrin, Opportunity to acquire 5% equity participation in projects at Mesa del Sol, invest in three facilities being constructed
 - Comments by Regent Chalmers – UNM has an opportunity for prominence in the field of Autism
 - Comments by Dr. Paul Roth – UNM can be identified as a national resource in this area

Motion approved unanimously for approval of this item (1st Eaves, 2nd Koch).

- Capital Project Status Report (Tab 20)
 - Every other month, then quarterly

HSC - HEALTH SCIENCES, Jack Fortner, Chair

- Approval of appointment for Medical Staff (Tab 21)
 - Cone, Caline MD
 - Feddersen, Richard MD
 - Blenner, Stephanie L MD
 - Del Fabbro, Anilla MD

Motion approved unanimously approved for permanent appointments to the Medical Staff, (1st Koch, 2nd Eaves).

- Approval of reappointment (Tab 21)
 - Casey, Kenneth R MD
 - Leverance, Rod MD
 - Wagner, Phillip L MD
 - Turner, Paul MD
 - Moriarta, Marcia L, PsyD
 - Phillips, Branley MD

Motion approved unanimously approved for reappointments to the Medical Staff, (1st Fortner, 2nd Abeita).

- Approval of expansion of privileges reappointment (Tab 21)
 - Michele Moro, MD

Motion approved unanimously approved for reappointments to the Medical Staff, (1st Fortner, 2nd Dorman).

Information Items:

- UNMH Dashboard Report, Steve McKernan (Tab 22)
- UNMH CEO Report (Tab 23)

Regent Fortner – Requested President Schmidly on behalf of the Regents and himself, send a letter of sympathy and condolences to the University of Northern Illinois.

President Schmidly – Planning on doing that, just like they did to Virginia Tech

ADMINISTRATIVE REPORTS (Continued)

David Harris – Reported that he spoke with Debra McLean; Interim Director of the Harwood Museum, explained perceived conflict. Individual in question works for non-profit organization that supplies a significant amount of service to the Harwood Museum. Recommends the best solution is that we need to work through the situation and bring back another name in March.

PUBLIC COMMENT

- John Geissman (statement read on his behalf)
 - Wishes to thank the Board of Regents for standing up for science and supporting the name of Dr. Eugene Scott for the Honorary Degree and please accept his apologies, he had to teach

Motion approved unanimously to adjourn to Executive Session at 12:35 p.m. (1st Koch, 2nd Fortner).

Executive Session was held from 12:35 p.m. – 2:09 p.m. in the Sandia Room.

- A. Discussion and determination, where appropriate, of limited personnel matters pursuant to Section 10-15-1 H (2), NMSA (1978).
- B. Discussion and determination, where appropriate, of matters subject to attorney-client privilege pertaining to threatened or pending litigation pursuant to Section 10-15-1 H (7) NMSA (1978).
- C. Vote to re-open the meeting
- D. Certification that only those matters described in Agenda items A & B were discussed n Executive Session and if necessary, ratification of actions, if any, taken in Executive Session.

Motion approved unanimously to reopen the meeting at 2:09 p.m. (1st Abeita, 2nd Koch).

Motion approved unanimously approved to accept the Resolution declining to consider the appeal of a former faculty member submitted to the Board dated December 20, 2007 (1st Chalmers, 2nd Abeita)

Motion approved unanimously to accept the staff recommendation that awards Lovelace Health Plan and Presbyterian Health Plan the contract for medical benefits for FY09. (1st Eaves, 2nd Abeita).

Motion approved unanimously to adjourn the meeting at 2:35 p.m. (1st Abeita, 2nd Dorman).

ADJOURNMENT

Regent James H. Koch
President

Regent Carolyn J. Abeita
Secretary Treasurer

Attachments:

All relevant items were included in the Board of Regent Book except the following

1. Presidents Report (Tab 4)
2. Enrollment Management Report (Terry Babbitt) (Tab 6)
3. Faculty Extra Compensation Task Force Report Discussion(Tabs 10 & 11)
Addendum includes full text of discussion

BOR Minutes 2-15-08