

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

**October 10, 2006 1:00 pm
Student Union Ballroom B**

ATTENDANCE:

Regents present:

Jack Fortner, Vice President
Sandra Begay-Campbell, Secretary-Treasurer
Raymond Sanchez
John “Mel” Eaves
Rosalyn Nguyen
Don Chalmers
James H. Koch participated in Executive Session only via conference phone

Acting President present:

David Harris

Vice Presidents present:

Paul Roth, Executive Vice President, HSC
Reed Dasenbrock, Provost and Executive Vice President of Academic Affairs
Terry Yates, Vice President for Research and Economic Development
Susan A. Carkeek, Vice President of Human Resources
Elisio “Cheo” Torres, Vice President of Student Affairs
Michael Kingan, Interim Vice President of Advancement

University Counsel present:

Patrick Apodaca

Regents’ Advisors present:

Virginia Shipman, Faculty Senate
David Groth, President, Staff Counsel
Joseph Garcia, President, GPSA
Brittany Jaeger, President ASUNM
Roberto Ortega, President, UNM Alumni Association
Thelma Domenici attended for Robert Bovinette, Chair, UNM Foundation

Others in attendance:

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

Regent Jack Fortner presided over the meeting in Regent Koch’s absence and called the meeting to order at 1:00 pm.

ADOPTION OF AGENDA AND CONFORMATION OF QUORUM, Regent Jack Fortner

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

APPROVAL OF SUMMARIZED MINUTES OF THE SEPTEMBER 12, 2006 UNM BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Summarized Minutes of the September 12, 2006 UNM Board of Regents meeting (1st Eaves, 2nd Begay-Campbell)

SPECIAL RECOGNITION – DONALD M. SALAZAR, FORMER REGENT, Presented by Regent Fortner, Regent Eaves and Acting President Harris to Mrs. Donald (Berget) Salazar

- Donald Salazar, former Regent, earned his law degree from the University of California at Berkeley in 1972. He was a law clerk for the New Mexico Supreme Court before he began his career specializing in administrative and regulatory law. He was active with the New Mexico Bar Association and the Hispanic Bar Association and was president of the 1st Judicial Bar Association. Salazar served on numerous civic and cultural organizations, including the Museum of New Mexico Foundation, Las Golondrinas, Santa Fe Economic Development, Inc., Santa Fe Chamber of Commerce, United Way and the First National Bank of Santa Fe Board of Directors.
- Regent Eaves expressed his admiration for Regent Donald Salazar.

PUBLIC COMMENT:

- Members of the public, faculty and students in attendance: Terry Riley, Jeanne Pahls, Phil Bock, Stan Serafin, John Geissman, John Pickering, Greg Mello, Erich Kuerscher, Astrid Webster, Erin Piterpaul, Charles R. Rowell, Lorna Clark, Janet Greenwald, Maria Santelli, Joe Garza, Antoinett Murphy, Michelle Touseon, Robb Chavez, Robert Donning, Charles Damon Catlett, John Mae.
- Terry Riley – I am a citizen of Albuquerque, veteran of the Viet Nam era, father of a veteran who has served in enduring freedom, we serve because we believe in the morals and basis of our country. I have a letter that I submitted to the Albuquerque Journal that by coincidence was published this morning; and it says that I take some responsibility for how the University of New Mexico Police acted, because I feel the University of New Mexico Police acted in very bad, unprofessional behavior in the arresting and the removal of Mr. Bob Anderson from an event that I think did not really belong on a University campus. It was a bias panel. It was presented, advertised as a panel of discussion and there were no opportunities in the agenda for discussion and when Mr. Anderson asked to get someone on the panel for an opposing view, people tried to silence him, he spoke up because as citizens we have a responsibility when we are being silenced to speak up. It may seem rude when someone speaks loudly in a meeting like this,

- but how rude is it when a University silences somebody who has something important to say about the future of the University and the future of our country. I am really angry and I am not thanking you for letting me be here and I am not apologizing for my voice. I am speaking as somebody who has worked hard to be a good American citizen. I would like this University, I have two sons that graduated from this University, I would like them to be able to be proud of their diplomas. I know that neither one of them are at all pleased with the fact that Mr. Anderson was taken and handled in the way he was handled. I think this is a terrible thing. I would ask that the Regents investigate this thoroughly and in the future, if there is going to be a pro-war, pro-nuclear, pro-violation of international treaty presentation, that somebody be allowed to speak and say excuse me, I think this is wrong. I am also a member of the Albuquerque Chapter of Veterans for Peace and we also agree that this is a travesty. We implore you to act responsibly and make sure this kind of treatment never happens again; and that Mr. Anderson's punishment of not being allowed to enter the UNM campus be corrected. He is a citizen and he is an activist for peace for the salvation of our country. Please respect him, we need people like him. Thank you very much.
- Jeanne Pahs – I noticed that one of the items on the agenda is the Presidential Search update and I guess I would like address these comments towards that. Several years ago, Louis Caldera became the president of this University, he was a former Secretary of the Army, and that influence is really being reflected in the things that are happening at this University now. Since he became President and I know he is not here anymore, I have been hearing about directed energy weapons being researched in the basement of Engineering. I have been hearing about electro magnetic pulse weapons. I live four blocks from this University. I have been hearing about classified clearances for faculty to do research. On what? I would like to know. I have been hearing about CIA recruiters, homeland security recruiters, I have been hearing about researching the building of nuclear power supply for space weapons. I believe the man who is doing that is Mohammad (last name sp?). I've been hearing about UNM's participation, and this pre-dates President Caldera, in research for Starfire. Lately I have been hearing about teachers who are afraid to speak-up about the kind of things that are happening here at UNM, because they are afraid they are going to lose their job; and I am talking about things about the military industrial complex that seem very unethical and immoral. I'm hearing about students now, in the past week a student was talking to me and he told me, he pulled out a sign that said "Educate for Peace Not War." That sounds like a very dangerous sign to me. He said he was practically knocked to the floor. He said there was someone who got between him and the security guards, and that person was my husband. And for that my husband got knocked to the ground. I have been looking at the cuts on his arm and the bruising on his chest for twelve days now. And I have got to say what kind of a neighbor is UNM. What kind of garbage is UNM bringing four blocks from my home? And when my husband comes to speak up for it, he gets knocked down and he comes home with cuts and bruises. I think he cares more about this University more than anyone in this room. He came back to this city 15 years ago because of this University. He went to school here; he taught here, he cares about

- this place. He didn't do anything that Jesus would not have done. In fact, Jesus would have been turning the tables over. My husband just stood there and told the truth and he came home with cuts and bruises because of that. What kind of neighbor is UNM? What kind of garbage are you bringing to our community?
- Phil Bock, Presidential Professor of Anthropology Emeritus - I will be brief. I understand that these remarks will appear in the minutes of the Regents meeting. I am deeply disturbed by the increasing militarization of parts of UNM, especially their participation in the extension of nuclear and other weapons into space. I believe these weapons violate treaty agreements intended to halt the proliferation of such devices. I know these activities are not new and I understand the attraction of the money they bring to the University. I have also heard the rationalizations that attempt to justify these programs. However, I believe that such work is contrary to the proper mission of the University. If they continue, I fear the letters UNM will soon be thought to stand for are Unlimited Nuclear Mission.
 - Stan Serafin – I am an educator here at one of the charter high schools in Albuquerque. I also attended UNM graduate school in the mid 70's. I have returned and find out there appears to be controversy concerning UNM's connection to nuclear weapon development and promoting balanced communications at such forums. Thus, I felt it imperative for me to attend and speak. I trust that UNM, an excellent center for higher learning, understands that dialogue and balanced exchange of ideas are at the very core of education. My word, this Bush administration refuses to talk or communicate with Iran, North Korea, Venezuela and other "rogue" countries and look where it's gotten us. The controversy about that recent nuclear forum only confirms that there must continually be balance in promotional and opposing viewpoints in any discussion, especially during an event of such significance. Secondly, the very fact that UNM is involved in the advancement of new nuclear technology is extremely troubling. What do I tell my students about the Nuclear Non-Proliferation Treaty that we may now be breaking? What do I tell my students about the fact that 90% of militarizing Space is being done by the United States? WE say we need to defend ourselves. Yet, for every action there is a reaction. Look at the mess in Iraq and how terrorists are growing by the numbers (by the way, the Bush administration refused to communicate with Saddam before invading); look at other nations now "nuking-up" in reaction to aggressive tactics on a global scale. Instead of a panel or forum on developing advanced nuclear weapons, why not promote much needed forums on environmental safeguards, alternative energy technology, mass transit and repairing our nation's infrastructure. I am not here to tell you what to do, but only to offer suggestions for truly beneficial alternatives. Can you imagine if instead of the \$300 billion for the war, we were able to use that to fortify our country, perhaps repair Katrina damage? I then can tell my students that there are many powerful agents working for positive change and growth for the United States and beyond, UNM being one of them. And isn't it the well being of our children that higher learning is actually all about in the first place? Thank you for your attention to this important concern.
 - John Geissman, Full Professor in Earth and Planetary Sciences, past President of the Faculty Senate, and currently Chair of the UNM Faculty Committee on

Governance – In late September all the members of the Regents received a Resolution that I am about to read concerning the Presidential Search and adopted by the UNM Faculty on September 19, 2006. I present this Resolution to you today because we, the Committee, felt it very important to have it as a part of the official UNM record of monthly meetings of the Board of Regents. The Resolution reads as follows:

Whereas, the Constitution of New Mexico and the Regents’ Policy Manual grant to the Board of Regents broadly defined powers and,

Whereas, the University of New Mexico hopes to select its next permanent President by August, 2007 and,

Whereas, the Regents’ Policy Manual indicates that the President of the University is selected and appointed by the Board of Regents, and,

Whereas, “The task of the college president, reduced to its essentials, is to define and articulate the mission of the institution, develop meaningful goals, and then recruit the talent, build the consensus, create the climate, and provide the resources to achieve them. All else is peripheral.” (Frank H.T. Rhodes, *The Creation of the Future*, 2001), and,

Whereas, successfully fulfilling these roles as president in an institution of higher education requires specific capacities gained through success in an academic career, and,

Whereas, principles of shared governance are well articulated by the American Association of University Professors in “Statement on Government of Colleges and Universities” and in UNM’s Faculty Handbook; therefore,

Resolved, that the UNM Faculty reaffirms the following MINIMUM qualifications for each of the designated candidates for the position of permanent President of the University of New Mexico, as presented to the UNM Regents on April 11, 2006 and amended on September 19, 2006:

Each Candidate must:

1. Have obtained an earned PhD or equivalent from an accredited institution.
2. Have earned at least the rank of Associate Professor at an academic institution, and be capable of being promoted to the rank of Full Professor.
3. Have significant upper-level administration experience at an institution of higher education.
4. Have a record of personal integrity and collaborative leadership.
5. Have a record of leadership in issues of diversity in higher education.

Further resolved, that the UNM Faculty will not accept ANY candidate who does not meet these qualifications for the position of permanent President of the University of New Mexico

In closing, the faculty wish you and the official Presidential Search Committee the very best of fortune in the search process. We are most excited about the opportunity to participate five outstanding candidates for the position. We very much look forward to an exceedingly well qualified President at the University of New Mexico next fall.

- John Pickering's remarks were not picked up by the microphone for the tape.
- Greg Mello, Director of the Los Alamos Study Group – My remarks are directed toward the September 29th panel on the Reliable Replacement Warhead and the circumstances surrounding that. It was an odd situation where we had a panel of six people that did not even reflect the diversity of interests within the nuclear weapons community. I am an expert in this field. I work for many years and have been invited to speak at the European Parliament, spoken at the UN many times and I'm very familiar with the culture and the issues of the weapons labs. The views presented on the panel were basically amounted to a sales pitch; there was anything like an academic discussion going on. It didn't reflect the views of the vice-presidential level at Sandia National Laboratories retired Vice President Bob P(sp?). He is a major opponent of the Reliable Replacement Warhead. Every single person on the panel either worked for the Laboratories, the NMSA, or was on their national security advisory board. The panel was setup in such a way to minimize involvement of the audience: differing all questions to at least an hour and a half to two hours at the end. The panel becomes kind of a stage play, not really a discussion at all in the academic sense, but a play which is being put on by the proponents of a huge new nuclear weapons program so that they can take the photographs that they took to sell the concept to the Pentagon and other people who are not yet on-board with this program. It is potentially a hundred billion dollar project. The contractors who comprised all but one person on the panel, stand to make many tens of billions on this program, so of course they are very interested in selling it. The problems of the panel however, go back farther than that when the Office of Policy Security and Technology was created. I would like the documents which setup that office to be made available to the public, so that's a formal request. I would like to know if figuratively a gun is being held to the University's head that would make them organize something like this, which there are no good alternatives for reasoned discussion which creates a situation where incivility is the only creative response to something that is already very out of control. In the case of Bob Anderson, I think he was the least violent person in the room. The most violent being on the panel, the rest of us in the audience and then a person who was speaking very sincerely, saying very important things in defense of life. I would like there to be some consequences for the people who organized this type of thing, Any Ross, Mark Pesonie (sp?) and Vera Norwood. What happens to them? Do they just proceed in their careers after creating this type of fiasco? Is there some word that is given to them to say no this won't do.

We need to have a higher level of discourse here at the University. Finally, there is a temptation in New Mexico to say that the Labs are the center of everything. They bring money to the University. But, an excessive focus on the Labs has made New Mexico mediocre and will make this University mediocre. There was very little intellectual content on that panel. Three of the panelist agreed that there were very few facts presented. Looking to the Labs, which have a very strong ideological and institutional conflict of interest for an intellectual transfusion or for a financial transfusion, is a recipe for decline, not for advancement. This University and the state will do much better to develop their own independent resources.

- Erich Kuerscher – I am here today because of the Bob Anderson event. I came down in good faith because weapons and the appropriate use of weapons is something that has been with me since birth. I was born in Germany under Hitler, my father designed weapons for Hitler, by October of 1945 he was under contract with the United States Army and the United States Air Force and spent his entire life building weapons for this country trying to make it safe. I am just thankful that he has passed away and he didn't have to see the despicable and deplorable masquerade that passed for academic discourse. I came down in good faith hoping to be part of a solution to something that is important to all of us. You can leave a legacy behind as the ones who saw nuclear weapons is non-productive use that's keeping New Mexico poor. Creates the illusion of jobs, but at the expense of all the rest of us that have to work to support those millionaires who are not providing productive service. Your logo appears on this propaganda piece that passed and masqueraded as an academic discourse. You can be known as the ones who bring UNM back to academic excellence or you can be the ones that sometime in the future people go to Los Alamos and they say OK this is what we require American school children to see so we can see how depraved the United States got at a certain point in its time so we can be sure this doesn't happen again. I ask you to please take a look at the video or audio or whatever document of what happened there and inform yourselves. This is something that will impact the University of New Mexico in a tremendously negative way. Look into this and take appropriate action.
- Astrid Webster, two time graduate from UNM – I was at Friday's meeting and I felt like there was a blow to UNM free speech, to American free speech here that I find really difficult to accommodate and to wrap my mind around. My dad was a German rocket scientist. I have spent a lot of time learning about what nuclear weapons do to people. I also know that they are against the law. I have also been to environmental impact meetings around the state and know that people who work at Los Alamos who understand nuclear waste say we already have too much; we can't dispose of what we have. I know that the world court has reviewed nuclear weapons and they are not legal. I also know from my studies and from my life experience that if someone had something really nifty and it cost a lot of money everybody wants one. If you don't believe me just look at the proliferation of Hummers. The United States in 1970 signed a Nuclear Nonproliferation Treaty, I sat in the UN less than two years ago and listened to John Bolton say we are 100% behind this, now it's up to us to stop other countries

from having them. You know what? Los Alamos is talking about going from 20 pits to 80 pits a year. We already have 10,000 nuclear weapons deployed; we have another 13,000 in reserve. We don't need a single one of them. The horror of these things that we say we use to fight terrorism. They are terrorism. They are against the law. The panel discussion got rid of the one person who spoke up for the truth during the meeting. I asked them to put Greg Mello on the question and answer panel and that's when the ruckus started. Vera Norwood, Acting Dean of Arts & Sciences, said then they called the police, that is not at all true. Those police showed up in that hallway when Bob Anderson showed up. I suggest to you that that may have been a setup. Now I have put a lot of things in front of you, but I beg you, for the world's children and for the future of this incredible gorgeous planet, please help say no to these horrible things.

- Erin Piterpaul's remarks were not picked up by the microphone for the tape.
- Charles Powell, President of Albuquerque Chapter of Veterans for Peace – VFP is a national peace and justice organization whose membership consist mainly of military veterans who have served in the armed forces in times of peace and times of war. But, we have concluded that weaponry, threats and violence is not the way to resolve disputes. I am outraged at the direction this country, my country is taking in regards to nuclear weapons. At a time when we are voicing extreme concern over North Korea and Iran and other weak nations developing nuclear bombs, we are preparing to update and improve our own arsenal. We even have the idea of producing new smaller usable nuclear bombs. A wiser strategy would be to set a good example and to begin to rid the world of these awful devices. I am also appalled at the part this institution has played and that the leadership of this institution wants to continue to play in helping our country move in the wrong direction by helping to create newer, more usable nuclear weapons. And lastly, I am appalled at the outrageous way a citizen was treated by this institution when he attempted to speak out on these important matters, as he clearly has a right to do. I appeal to this Board to use its influence and authority to address these important matters.
- Lorna Clark, member of Veterans for Peace, served in the Navy and worked at Los Alamos Labs for eleven years – These weapons that they are talking about with the RRW, they are immoral, they are illegal, and they are not necessary. We have way more nuclear weapons than the Non-Proliferation Treaty allows us to have, we should be getting rid of weapons, not replacing the warheads with fancy new modern warheads. This is gold-plated welfare to an entity such as Los Alamos Labs and Sandia Labs and the University of New Mexico, from which I am a graduate (I have three degrees from UNM). I can't say that I am a proud alumnus if this continues. There are so many things this money could be spent on. Los Alamos County is the wealthiest county in the nation, right next to it is Mora County, the poorest county in the nation. Does this make sense to you? All this money from the federal government is coming into the state and right next to the wealthiest county in the nation is the poorest county in the nation. It is because the products they are producing do not benefit anyone. It doesn't make us safer, there is no product that gets sold and re-sold; there are no people that get hired in support of selling and re-selling of these products. It is all big money contracts

- with companies out of state. It is just wrong. I hope when the selection committee for the president of UNM is talking to the potential candidates, maybe you will throw in a few questions about how they feel about this kind of thing. Maybe we can get someone who recognizes that UNM has a great potential to help pull, for instance, Mora County.
- Janet Greenwald, Co-Coordinator of Citizens for Alternatives to Radioactive Dumping – I attended UNM in the 1980's. My organization is almost 30 years old and it has always had an office within a couple of blocks from UNM. Many students have been in and out of the organization. Currently, there are three alumni on the steering committee from UNM. Few people realize that even if a nuclear bomb is not exploded that the whole path of the bomb is a path that leaves people suffering from cancer, many nerve defects and having children that are mal-formed. A community in Mora County has a cancer rate of 17%, that is 7% above the nation's average. This community is just beginning to investigate why their cancer rate is so high. There is no industry in Mora County. It is not far from Los Alamos. Hundreds of uranium miners and millers have applied for compensation, thousands of workers from Los Alamos and Rocky Flats have applied. The background count of radiation in the United States keeps climbing. As other cancers decline, thyroid cancer, which is the canary radiation connected cancer, climbs and climbs. Not only is making more nuclear bombs the wrong ethical choice, it is killing us here in New Mexico. A woman just came to me the other day because her husband died from a malignant brain tumor. He was a white collar worker at Sandia Labs. Four other men in his same building died of malignant brain cancers. I think as time goes on you are going to hear more and more about these consequences of hosting the nuclear industry in our state. You have an opportunity here to be part of the vanguard of people who explore both sides, the advantages and disadvantages, the morality and the immorality, and this is what we expect of UNM. This is what we expect of our University. When Bob Anderson felt he had to speak out, I think that the people he benefited most were the people here, the people at UNM because UNM is going down a path of destruction. I think that his wife is right. He is one of the few people that is willing to put his life on the line to stand in your way and say no, this is the wrong way.
 - Maria Santelli – In President Eisenhower's farewell address in 1961, he warned us about the implications of the military industrial complex, that we would see our economy interwoven with preparation for war. I think it is safe to add another letter to that acronym and say military industrial academic complex. What we see so much is universities being involved in the preparation for war, research for the preparation of war. The last statistic I saw was from the World Policy Institute that said UNM was the 16th top recipient of the Department of Defense contracts. The military brings money, that's clear, but is it for the greater good. We have our public funds supporting this military research. I watch as tuition goes up and up. The students are not benefiting from the military industrial academic complex being located at UNM. So our public funds support this research and then the research becomes the property of private corporations. Who then sell that research back with our tax dollars. Our public funds are co-opted a couple of times in a

- couple of different ways to support this military research. Is this really for the general welfare? Is this really for the greater good? We are robbed in that way and robbed of resources that could benefit the general welfare and be engaged in life affirming pursuits, life affirming research. When your product is a weapon, your market is war. We spent seven trillion dollars in the last 63 years on nuclear weapons research and development. Our national debt is \$8 trillion dollars. SO we are robbed of a peaceful future. Again, if your product is a weapon, your market is war, so it is in the interest of private companies and universities such as this one, that are disproportionally dependent on the weapons industry, to create instability and support instability around the world. It is not just the university in New Mexico; it is New Mexico as a whole. It has not benefited us. This is not important for the “haves” if the “have-nots” have not benefited, but that’s important to me. All of us do better when “all” of us do better. There was an article on the front page of the Albuquerque Journal a couple of Thanksgivings ago; I don’t think things appear above the fold by accident, it said “Nuclear Weapons Budget Swells.” There was also a big, color photo of a mother receiving a food bag from the food bank. More than 230,000 people visited food banks in New Mexico last year. We are number three in child, food and security in New Mexico; we continue to be at the bottom of the barrel in other social indicators: education attainment, personal violence and economic achievement. There is an Economist who used to be based in New Mexico, he is now in Colorado, and his name is William Wider. He wrote about the four “P’s” - plutonium, pigs, poker and prisons. When a small economy like New Mexico puts all its economic eggs in one of those baskets, of weapons development, industrialized farming, legalized gaming and the prison industrial complex, that tends to inhibit investment from other sectors. We clearly have that example here in New Mexico. A lot of the new investment we see coming into the state is based on the weapons industry. So I would like to urge UNM not to just begin divestments from military industrial academic complex, but eliminate it from the University. It will not only better support the health of the University, but the health of our state and the health of our global community in general. Just one word about Bob Anderson as well, I know that there are academics here that understand that power concedes nothing without a demand, I learn a lot of this from my undergraduate experience here at UNM. And some of the folks that were involved in the conflicts on September 29th, are people who actually shaped who I am today and why I am here speaking to you. I really applaud Bob and my heart goes out to him and his family for what he had to undergo and the inhumanity of the jail that he had to spend the night in on the west side. To borrow from Gandhi, first they ignore you, then they laugh at you, then they fight you, and then you win.
- Joe Garza – I am an alumnus of UNM; I got degrees in biology and chemistry. After I left, I found out more about where the University gets a lot of its funding and frankly, I was shocked and embarrassed. After I got my degree I went to medical school in Washington DC and I was there when 9/11 happened. Yes, it was a big mess, no doubt about it. When I pursued medical school, I could think of a lot of the other folks in this room, are occupied with preserving life, not death. When we went to war after 9/11, we didn’t have to use nuclear weapons;

we made a big mess of things using conventional weapons. We don't need nuclear weapons. I just wanted to mention some words about practicality. One of the thoughts that I have is the budgets and the research that LANL and Sandia Labs conduct is futile. The nuclear budget which is in the billions is really a waste of money. If the United States could funnel more of that money into more production segments of the budget like universal healthcare, education or alternate energy sources - that would be a much better use of our national income. I just want to point out that with our non-renewable energy sources that the United State utilizes, that actually got us into a lot of the messes we are encountering now in the Middle East. Also, I would like to make a statement about North Korea, as of a couple of days ago; they became a member of the nuclear club. Like President Bush says, this is a terrible thing, but actually I believe that the North Koreans pursued these nuclear weapons as a means of defense from being invaded by the United States. I think that they know that if they used those weapons against South Korea, Japan or the United States, their country would be vaporized. What I would say to North Korea and Iran is do what we say, not what we do.

- Antoinett Murphy – I am a student here and this is my third year. As a student here, I came here because UNM is very diverse. But, in my years here I have found out that I have been categorized into one community which I am very dissatisfied with. My issue at hand is dealing with Sigma Ka issue. We, as a Student Service Center, dealing with African Americans, Native Americans and El Centro De La Raza came together as a concern about this fraternity. If I was not involved in so many things dealing with the University, I would probably go by Mr. Harris' word that everything would be OK or that this situation would be dealt with. But, because I have no trust in that, and have experience from distrusting the University, I picked up my Daily Lobo and saw that a comment was said by Mr. Harris, "I was told I was going to meet with African-American student groups and certainly not people who have no association with the University." I thought that was uncalled for. With the African-American student groups that were present, every student is a group regardless of what they are categorized under. I am a part of several groups but I am also a student here and needed to know what was going on. The people who have no association – our community makes up this University whether they are going to school here or not. Everyone has an involvement here at UNM and that's my personal feelings about that. I am very dissatisfied by this comment. I was enraged on how ... I was approached on how I was dealt with this concern. It was uncalled for that we weren't dealt with professionally and it was not an ambush it was a group of African-Americans, Latinos, Hispanics, Native Americans coming together dealing with the situation that occurred a year ago with their reinstatement. But, because we were not heard when coming to you personally, we are now coming together as an entity. We have our Student Service Centers together, which is Mesa Vista Hall. Those three "minority" groups are the only groups that are together. I just wanted to let you know of my dissatisfaction with you.
- Michelle Touson – I am a graduate student here at the University of New Mexico. I am also the President of the Black Graduate and Professional Students

Association. I am not speaking to you as a black student; I am speaking to you as a student. I don't speak for the students; I speak with the students, speaking about Sigma Chi. Mr. Harris, I am going to piggyback on what Antoinett said, you said you were ambushed. We gave you more respect than you gave us sir. You came and you referred to us as "you people." What do "you people" want. All we wanted you to do is listen. We extended invitations to Mr. Chalmers and Mr. Sanchez through you; I don't know if they got those invitations, but they were extended to you because you are active members in Sigma Chi. We want to know how you are going to protect us. We want to know that you are hearing our voice. We want to know why a group can have a rape happen in their Greek house and they keep their house. We want to know why someone can be assaulted or verbally abused in a hazing incident, and they keep their house. I would like to know why my ASUNM President has not spoken about this, hasn't come forward and said what is going on and listen to the student body. I would like to know why since most of ASUNM Senate is Greek, why hasn't anyone come out and taken a stand on this? This is not a black, white, American Indian Chicano issue; this is a University of New Mexico issue. Students still feel the pain from that incident that happened in 2000: women, men, gay, lesbian, black, white, Chicano, Native American. I told Mr. Harris yesterday that since I have been at this University I have heard this is a tri-cultural state. He said no, they use multi-cultural now. Well, I don't know if you have been walking on this campus, but I would always hear tri-cultural. In that tri-cultural, that doesn't include black people. We don't get included. I am a minority within a minority, so I have to scream at the top of my lungs to be heard. But, right now I want to make sure that you know that yes this University is diverse, but you can go a long way to making it more diverse. When you look at your publications that you put out, quit putting one black person, one Chicano and one American Indian on the front, happy Negro, happy Indian, happy Mexican, we're the good ones. If we are diverse, show that diversity, if we are truly diverse, show that diversity. I ask that the community out here when they are talking about the Board of Regents, I don't see any African-Americans on this Board. My tuition, my green dollars come to pay for all of this. I don't see any African-Americans represented on this Board. I suggest that you bring Mr. Ed Louis back, put him on the Board. You all need to go and listen to the students. I don't see you out and about, walking around, talking to the students that you supposedly represent. I don't believe any of you have been in the cultural centers. Come on down, we don't bite. We bring some cookies and punch. If you want to know what's going on with the students, you got to get out of this little room and come and talk to us. Thank you very much.

- Charles Damon Catlett - Dr. Harris I met you yesterday, and actually I haven't had a chance to read this article yet. I am the person that is mentioned here as having no association with this University. I take exception to that for the simple fact that this University is a public University; you are here, Dr. Harris, to represent the state, and its education at its highest level. You are not here to dictate to us who we are and what our concerns are meant to be. I have a concern about Sigma Chi because I have a child and I was here in the year 2000 when that incident happened, but what concerns me deeper than that particular incident, is

- the fact that you have the umbrage to think that is was one simple incident and Sigma Chi was not thrown off this campus because of that incident, it was thrown off this campus because of an incident that happened at a hotel. Now lets get the facts and the records straight, yesterday at that meeting, you did not really listen to what we had to say and the reason I repeated four times my question was because I want this University to uphold its commitment to diversity. Diversity is not a code word for let us plaster a lot of different looks on the same cover, let us actually act in a way that exemplifies humanity. Let this state be a great state as it is possible for it to be. I came here not because Dr. Harris told me, but actually because another member here told me. I would have preferred if you had the magnanimity to tell me about this meeting to be able to speak before the Regents about the concern of Sigma Chi. This isn't a trivial message or a trivial matter, Sigma Chi has a national record, over a number of years, of having issues of misogyny, of rape, of racism and homophobia. If that's the kind of campus you want, then that's the kind of campus you can continue to have. I speak to each one of you Regents, because it is you that make the decision about what kind of quality of life the students that come to this University will have. It is not up to Dr. Harris, it is up to each one of you and you have to show leadership, not to follow and be meek about it, but you have to step forward and say this is not OK in a state that is as diverse as New Mexico and that is as poor as New Mexico. I would like to conclude by saying I encourage each one of you to check the record of Sigma Chi, I have vowed that I will do whatever is on my power to keep them from this campus until they have demonstrated on other campuses that they have indeed changed their record. The record speaks for itself. Each and every one of us that is a public figure has a public record that no one has to guess about.
- Robb Chavez – I am a citizen of Albuquerque. I think there are two problems that are recurring in all the comments made by the various speakers prior to me. One problem is mismanagement of this Student Union Building in the way the incident occurred on September 29th involving the arrest of Bob Anderson, who by the way is a 63 year old long time activist, veteran of Viet Nam and was thrown violently to the ground by three campus police men who were at least half his age. No one along the chain of command here in the Student Union Building from the director on down wants to take credit or blame for this incident happening. The director says he was out of town, he probably was. Professor Andrew Ross, whose agency, the Office of Policy, Security and Technology, that was sponsoring the forum, says he didn't call the police in, Dr. Vera Norwood claims she was all for free speech, even though she was pulling at Bob Anderson before he was arrested to try to get him out of the room. There was quite a bit of incompetence in the way the incident was handled. The larger problem is that this entire University is becoming a subsidiary of the war profiteers that are bleeding this country dry. Governor Richardson called for diplomacy in the North Korea situation and to deal with a madman. I first thought he was talking about the President, but then I realized he was talking about the leader of North Korea. The Boards of this University have rubber-stamped the turning of this University into a collaborator with the growth towards mass genocide. What was happening on that Friday was that Bob Anderson and quite a few people in the audience, who were not allowed

to hold up protest signs, were objecting to the use of this University to illegally abrogate the Nuclear Non-Proliferation Treaty, which is the policy of this administration. What I and everyone else in this audience have brought to you is unfinished business that needs to be taken care of. I hope that all of you will consider restoring to yourselves your humanity and go beyond the money and the politics.

- Robert Dunning's remarks were not picked up by the microphone for the tape.
- John Mae – I want to thank the Regents very warmly for this opportunity. I speak as a member of Veterans for Peace and also a friend of UNM. My late wife and I chose Albuquerque to retire 15 years ago. I retired from Penn State University, the University Press where I was very involved in issues of academic freedom and free speech. When I was in the Pacific on VJ day, my outfit landed near Hiroshima. I have very strong impressions of nuclear holocaust. My other big concern, I have always been a supporter of UNM for the last 15 years and have audited about 12 very fine courses here. I feel strongly that when a public university sponsors a symposium on illegal weaponry, it should provide an opportunity for people to speak in opposition. To forcibly remove a citizen who attempted to speak, I think is outrageous. I hope the Trustees will agree.
- Regent Eaves – One of the most stimulating parts of being a Regent is listening to different ideas. I want to thank everyone who has spoken today. The Public Comment session at the Board of Regents is the Regents way of assuring a free exchange of ideas at this University and that's the essence of an institution of higher learning like the University of New Mexico. I wasn't at the program on Reliable Replacement Warhead program and the Future of the U.S Nuclear Weapons Complex, didn't even know it was taking place. I don't know who was allowed to speak and who wasn't, but I would point out that today everyone was allowed to speak. Your opinions are obviously contrary to what happened on that day. We have listened to you with great interest. You've been allowed to hold signs up, there were fists in the air; whatever you want to do is fine because that is what this University stands for. There were about 15 of you that spoke today. No one tried to control your comment; no one interrupted you; that's the essence of free speech. We sat and listened and tried to understand what people are trying to communicate without interruption. We respected you, respect your ideas, you are welcomed to come back at any time. I take serious issue with anyone who would try to control the expression of ideas on this campus and this Board of Regents stands for free speech and free expression of ideas. I want to thank you for your participation.

APPROVAL OF AMENDMENTS TO REGENTS' POLICY MANUAL SECTION 1.2, Patrick Apodaca, University Counsel

- What you have are the specific language changes to section 1.2 of the Regents Manual. At the last Regents meeting, Regent Eaves proposed amendments to this section to accomplish two things: one was to strengthen the consent agenda provisions and the other related amendment was to provide that standing committees will be subject and operate under the Open Meetings Act. Regent

Eaves proposed specific language changes as part of his amendment which were approved unanimously by the Board. The changes follow the intent of Regent Eaves' motion.

- Regent Eaves - the section on all-standing committees will abide by the New Mexico Open Meetings Act has been taken out and I don't remember making that motion cause I don't agree with that.
- Patrick Apodaca – As I understood the language and your motion at the last meeting, there was...
- Regent Eaves – I apologize, what you just said triggered my memory and the discretion of the chair is the reason that language is being taken out. Disregard what I said.

Motion approved unanimously to approve the amendments to Regents Policy. Section 1.2 (1st Eaves, 2nd Fortner).

REVISION TO REGENTS' POLICY MANUAL REGARDING APPROVAL OF CONSTRUCTION CONTRACTS, SECTIONS 7.4 AND 7.12, Patrick Apodaca, University Counsel

- Regent Eaves had asked that we take a look at the construction policy and the present requirements of Regent's approval of construction contracts. I am in the process of doing that along with Purchasing and will at the next meeting have some recommended changes to the policy or options to select from.

ADMINISTRATIVE REPORT, David Harris, Acting President

- Last week was Homecoming Week, we had a number of festivities and activities and I want to take my hat off to Roberto and the staff of Alumni Affairs. Every event was well attended and was produced in a very professional manner.

COMMENTS FROM REGENTS ADVISORS

Virginia Shipman, Faculty Senate

- My colleague Professor Geissman actually said the things I was going to say. One of our most pressing concerns at the Faculty Senate is the excitement of who will be our next President of this University. We wanted to point out, in the Committee of Governance Meeting of the faculty; that was the resolution that we voted for. I wanted to also mention that prior to that time the Faculty Senate also met and reviewed the qualifications we saw as minimum qualifications and listening to the important comments that we had in our public arena that we just heard and how important it is that we do keep being responsive, as I believe this University does try to be, but we always need to do much more is in terms of being responsive to the needs of our community, of our society and of our student and faculty, staff on this campus. It becomes extremely important that we have the kind of person to be a leader that can deal with the diversity and the complexity of the issues we have. In those minimum qualifications, as part of that,

is to be able to fulfill these particular responsibilities as a president of an institution of higher education, it does require the specific capacities gained through success in an academic career.

David Groth, President, Staff Council

- Two big things going on. We just finished up with the Homecoming and the Staff Picnic. Everyone had a great time with the signing from the athletes that came to join us. The other big thing is the nominations for the Gerald May award are open now. This is our award to recognize some of the top staff. We are hoping this year for four awards.

Joseph Garcia, President, GPSA

- We had a retreat this past weekend. It was a good meeting. We voted to continue with the student Regent selection-process followed in past years. In addition to that, we voted to write a letter on behalf of the GPSA Council in support of the re-appointment of Sandra Begay-Campbell as Regent. I also met with NMSU graduate president, as well as the graduate president of New Mexico Tech, and we are forming a legislative coalition. We are trying to promote a family friendly initiative that involves a few items that are a work in progress. I am trying to create stronger relationships between graduate students and the community to get a stronger voice of the community at the University. We also spoke about a graduate symposium in the spring.

Brittany Jaeger, President, ASUNM

- We just finished Homecoming Week and it was just wonderful, we had so much fun this week. I am just glad it is over because it was a lot of work. The student government is working on the student government reporting act. We have never had a formal reporting process. It will be called the ASUNM Fact Book. The purpose of it will be in accordance with its constitution, the ASUNM student government has been established to protect and defend the rights of the students, mindful of this charge, it is essential that this government provide an accurate account of its efforts for reasons of public information and posterity. Therefore, this act shall provide for the establishment of an annual report and official history of the student government. The title of this document shall be the ASUNM Fact Book. This will be the first time such a fact book will be published. Prior to November 16th, each of you on the Board will be receiving an invitation to the student legislative reception. We are going to invite all legislators from the state of New Mexico to join us to showcase what students do on this campus. Our interviews for the student Regent will be on October 20th. An exciting event happened here for students on September 21st, with collaboration with Athletics, it was announced that student tickets for basketball games will be free for this coming season.

Roberto Ortega, President, UNM Alumni Association

- I noticed that one of the minimum qualifications was that the candidate for president should be a PhD at least. I'm wondering if that would exclude JD's from applying and being considered. Would it exclude MD's?
- Virginia Shipman responded to Roberto's question by saying that it says the equivalent of or a terminal degree in their area.
- We did just have a very successful Homecoming Week which included the UNM faculty, staff alumni luncheon. We had about 300 in attendance. We gave out t-shirts. On every fourth Friday, faculty and staff are encouraged to wear these red t-shirts and there will be various prizes provided at the Alumni Association at Hodgkin Hall. The first one of these days will be Friday, October 27th and the next one after that will be December 1st. In addition, we hosted the Alumni Letterman meeting and social on October 6th, with about 175 people in attendance, including 60 from the Wrestling Program Reunion. We hosted the Alumni Southwest Fiesta tailgater. We had a good crowd and support for the Lobos. In terms of our legislative work, we are planning a couple of things, the Lobos for Legislation program is sponsoring a Women's Legislative Luncheon on Monday, November 20th. Our Legislative Appreciation Reception is scheduled for Monday, January 29th. The result of the chili sales in Washington DC brought in \$3,000 of scholarship money. In Las Vegas, they also brought a check for \$3,000 to the Alumni Association for an endowed scholarship. The Alumni Lettermen hosted a golf tournament back in August and the proceeds, \$23,000, were added to the UNM scholarship endowment for golfers who are taking a fifth year to graduate.
- One of our other goals is to communicate effectively with our diverse alumni group, so the electronic networking tool was launched on October 4th, which is targeted to young alums. Alumni Center is proceeding with further planning and we have contracted with architect Greg Harmon. Our Civil Engagement Pilot Program is off and running. There are two events scheduled: day-long meeting in Espanola on October 12th and the next one will be in Gallup on November 3rd.

Thelma Domenici for Robert Bovinette, Chair, UNM Foundation

- Since July of this year, the fund-raising here at the University has reached \$9.1 million dollars in private donations. We have been trying to increase our relationships with the fund-raising staff. The Chair of our Development Committee sent us a questionnaire and each board member selected an area or a school or a department they wanted to get more information about, meet the staff and spend time there so they could be more supportive of the fundraising staff. We have more than \$23 million dollars in outstanding gifts discussions with perspective donors. Our fall board meeting and reception for the board of directors is going to be held next week on October 19th.

PRESIDENTIAL SEARCH UPDATE, Raymond Sanchez, Chair

- We had our organizational meeting. We appointed an Advisory Search Committee composed of 23 great New Mexicans. It is a large Search Committee. We have nine faculty members on this Search Committee. We have one staff member. We have two students. We are pleased with the recommendations you

gave us. On Monday, the 2nd everyone was introduced. We had a good discussion relative to the charge to the Advisory Committee. The change to the position announcement was the status of our University relating to our designation as a Very High Research University (VHRU) and we put in more information of what that means. We also put in a change to the size of the metropolitan area and the addition of photography ranked second.

Motion approved unanimously to approve the Charge to the Search Committee (1st Eaves, 2nd Fortner)

Motion approved unanimously to approve the Position Announcement (1st Begay-Campbell, 2nd Fortner)

ACADEMIC/STUDENT AFFAIRS COMMITTEE, Regent Raymond Sanchez

- No report

ADVANCEMENT COMMITTEE, Don Chalmers, Chair

- No report

DEVELOPMENT COMMITTEE, Don Chalmers, Chair

- No report

HEALTH SCIENCES COMMITTEE, Jack Fortner, Chair

Motion approved unanimously to approve the appointment of Dr. Fred Hashimoto to Clinical Operations Board. (1st Fortner, 2nd Begay-Campbell)

FINANCE AND FACILITIES COMMITTEE, John “Mel” Eaves, Chair.

- We originally approved \$53 million for the Cancer Research and Treatment Center. There is an additional \$22 million that will be required to finish the building. We already have the \$53 million in hand; there is an additional \$15 million for the Cancer Education Center and the Cancer Administration and Faculty Office Building and \$7 million for utility infrastructure, telecommunications and information services. There is a project timeline in your books. The Bid Documents Released will be on January 3, 2007 and the Bid Opening will be February 13, 2007. The Construction Award will be on March 13, 2007 and the Groundbreaking on March 27, 2006. We passed the original approval of this building on June 12, 2006. The Regents have already approved the additional \$22 million dollars. We have not approved the actual project as to how that money is going to be spent.
- Russell Dilts, Administrator of the Cancer Center – The remaining \$15 million dollars is really depended upon a combination of philanthropy and federal funding

and with the Legislature. So we really don't know and can't answer the question about a definitive timeline yet. We have been told that there are some other sources of funding available. We also have some very large donors we are working with in the \$8- \$10 million dollar range.

Motion approved unanimously to approve the Bid Package for Cancer Research and Treatment Center. (1st Eaves, 2nd Sanchez)

- Our procedure is for the Regents to approve a project. We really don't have a formal procedure for the project to come back to us for approval of the contract. On this particular project because of the new qualification based bid requirements that the Regents adopted a year ago (the reason we adopted the qualification based bid requirements was because of the SUB, the contractor was not qualified, did not have the financial wherewithal to finish the building, did not do a good job with the building which resulted in serious arbitration). We wanted the staff at the University to consider something besides lowest bid in awarding a project, namely: qualifications, financial background, other construction schedules and the over all ability to perform the contract. The Engineering Center, when the bids came in, the Committee, decide to award the project to Bradbury Stamm Construction, even though they were no the low bidder. I thought it prudent to report to the Regents that we were awarding the contract to the bidder that was not the low bidder, because we can expect criticism. The rationale for awarding it to other than the low bidder is set forth in the three paragraphs under Rationale in the document in your books.
- Patrick Apodaca – The Procurement Code does not allow, during the negotiation process, the disclosure of the contents of competing bidder's proposals.
- Joe Braley - You don't need to give the amount, just give the spread. 1.37 % was the spread high to low, including all of the alternates. We are talking several hundred thousand, a few hundred thousand. That represented about 40% of the total criteria, so the ultimate weight of that was just over ½ of 1%.

Motion approved unanimously to approve the Centennial Engineering Center Bid Award. (1st Eaves, 2nd Begay-Campbell)

Adjournment at 3pm into Executive Session in the Cherry Silver Room

EXECUTIVE SESSION:

Regent Koch participated in Executive Session via conference phone.

Discussion and determination, where appropriate, of matters subject to the attorney-client privilege regarding pending or threatened litigation in which the University is or may become a participant pursuant to Section 10-15-1.H (7), NMSA.

Discussion and determination, where appropriate, of strategic and long-range business plans of public hospital pursuant to Section 10-15-1.H, NMSA.

Certification that only those matters described above were discussed in Executive Session. If necessary, ratification of actions, if any, taken in Executive Session regarding matters subject to the attorney-client privilege.

Regent James H. Koch, President

Regent Sandra Begay-Campbell, Secretary,
Treasurer