

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

August 12, 2008

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

1:00 p.m. – 3:00 p.m.

Student Union Ballroom C

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
Raymond Sanchez
Don Chalmers
Dahlia Dorman, Student Regent

President present:

David J. Schmidly

Vice Presidents present:

David Harris, Executive Vice President, CFO, COO
Paul Roth, Executive Vice President, Health Sciences Center
Suzanne Trager-Ortega, Executive Vice President, Provost
Marc Nigliazzo, Vice President, Rio Rancho
Julia Fulghum, Interim Vice President, Research & Development
Walter Miller for Eliseo Torres, Vice President, Student Affairs
Josephine DeLeon, Vice President, Equity and Inclusion
Carmen Alvarez Brown, Vice President, Enrollment Management
Paul Krebs, Vice President, Athletics
Steve Beffort, Vice President, Institutional Support Services
Helen Gonzales, Assistant Vice President of Human Resources
Ava Lovell, Vice President and Comptroller
John Stropp, President, UNM Foundation
Stephen McKernan, Vice President, Hospital Operations

Vice Presidents unable to attend: NA

University Counsel present:

Patrick V. Apodaca, University Counsel

Regents' Advisors present:

Alex Riebli, Vice Chair, for Ashley Fate, ASUNM
Christopher Ramirez, President, GPSA,
Howard Snell, President, Faculty Senate
Loyola Chastain, President, Staff Counsel
Susan Deese-Roberts, President, Retiree Association
Maria Probasco, President, Parent Association
Judy Zanotti, President, Alumni Association
Thelma Domenici, Chair, UNM Foundation

Others in attendance:

Ron Segel, Esq.
Charles Peifer, Esq.
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 Koch, 2nd Abeita).

APPROVAL OF SUMMARIZED MINUTES OF MAY 28, 2008 UNM BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Minutes of the May 28, 2008 UNM Board of Regents meeting (1st Eaves, 2nd Sanchez).

One correction: Matt Byrnes changed to Matthew Hoyt per Regent Eaves

APPROVAL OF SUMMARIZED MINUTES OF JUNE 10, 2008 UNM BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Minutes of the June 10, 2008 UNM Board of Regents meeting (1st Eaves, 2nd Dorman).

ADMINISTRATIVE REPORTS

President's Report, David J. Schmidly

- Introduction of new administrative team members at UNM; Dr. Suzanne Trager-Ortega as Provost and Executive Vice President for Academic Affairs; Carmen Alvarez Brown, Vice President for Enrollment Management; Dr. Josephine De Leon, Vice President for Equity and Inclusion; and Dr. Julia Fulgham, Interim Vice President for Research.
- Announcement of Mid-Region Council of Governments Award
- Five faculty members promoted to the rank of UNM distinguished professor.
- UNM-Gallup ranked third in degrees awarded to Native Americans
- Student athletes set new G.P.A. record, 3.11 overall
- Foundation had a record breaking year, topping \$84M in annual giving
- President's Goals and Regents' Goals

Regent Koch

- Item #7, development of comprehensive compensation plan for faculty and staff, numerous staff classifications issue
- Suggests a comprehensive plan for faculty by discipline

President Schmidly

- Has looked at both issues and are part of this objective; difficult to do compensation plan for the staff without re-examining the classification issue
- Worked with faculty on compensation plans and it is important that they be done by discipline
- Requests approval of President's Goals and Regents' Goals, with the proviso that a second statement will be added as part of this objective that clarifies that we will include a classification study as well as a faculty compensation plan by discipline as part of this objective

Motion approved unanimously to approve President's Goals (1st Chalmers, 2nd Abeita).

INSPECTION OF PUBLIC RECORDS ACT POLICY REVISIONS

Regent Koch

- Asked Ron Segel, Esq. to present the differences between what is in place and the recommendations from the task force put together by President Schmidly; address meeting between Dr. Schmidly, Regent Koch the editor of the *Journal* and Chuck Peifer, Esq.

Ron Segel, Esq.

- Regents' meeting of 5/28/08 charged with looking at drafts, consider comments from campus community, working group and attempt to harmonize comments with requirements of IPRA; consider point of view of Foundation for Open Government and *Albuquerque Journal*; consider Attorney General's Compliance Guide
- Productive and lengthy meeting with UNM and *Journal*
- Policies begin with the proposition that all documents, held, maintained, created by a public body are public documents if they relate to public business
- Some public documents are exempt from disclosure
- Provided an opt-out provision so that certain categories of information relating to employees would not be disclosed if employee becomes the subject of a request
- Provided clarification that the Custodian of Public Records will have the obligation to provide notice to an individual if there is a request that requests information of that individual
- Applications materials are public; as University practice the University will withhold disclosure of application materials until after the deadline for submission of applications has passed
- Recommendations made by task force, generally most were accepted and woven into the draft policies; declined to adopt a broad personal information category

President Schmidly

- Received and read 179 comments from faculty, staff and concerned individuals
- Duty to support the law as written and legally interpreted
- Wanted to be certain we had in place a process for logical thought, input and discussion about policies; appointed a working group
- My goal was for the University to comply with the law and at the same time protect our employee's privacy and our processes within the law
- Working group presented report and recommended policies
- Met with the Chair of the Board of Regents, lawyers, attorney for Foundation for Open Government and the Albuquerque Journal
- Revisions represent compromises; provides maximum protection to employees while keeping us in compliance with both the letter and the spirit of the law
- President of UNM Faculty Senate forwarded a resolution from the Faculty Senate Operations Committee recommending that the University adopt the working group policy as originally drafted, not modified; after much consideration, do not believe the policy presented by working group complies fully with IPRA and stands behind original recommendation to this Board
- Key provision in recommendation is opt-out provision for employees; brief demonstration provided

Howard Snell, President, Faculty Senate

- Appreciate President Schmidly's comments about our resolution; do feel that resolution stands; willing to work with what decisions the Board makes
- Curious how many times UNM itself has been sued for IPRA violations and total payout and costs dealing with those

Regent Koch

- To date, over \$400,000 in fines and legal on open records; have not won any cases

Loyola Chastain, President, Staff Council

- Thank you to the Board of Regents for postponing final vote to allow for an extended period for review and comment on policy changes
- Thank you to President Schmidly for creating and including us in task force
- Pleased by a number of provisions included in revised policies; some reservations as well

Susan Deese-Roberts, President, Retiree Association

- The Retiree Association would like to suggest clarification of retirees' information applicability to IPRA

Chuck Peifer, Esq.

- As a matter of law, there is no obligation under IPRA for a public body to keep any document, only to produce the materials that it has; so if the University were to have a document destruction policy of any kind it would not have a duty under the law to produce that which it no longer retains but that is a University policy question
- In regards to applications, always been an obligation to produce public records, not a result of any recent amendment to the act

Regent Abeita

- Date of birth information, is that specifically an item that is considered public information or is it personal information that could be included as part of the opt-out provision

Chuck Peifer, Esq.

- There is no specific mentioning of date of birth in the materials that are opt-out; some information is available to distinguish employees

Regent Eaves

- Review process has worked out well; not everyone will agree
- This particular statute is very clear
- Positive process; we are exercising our judgment

Comments in support by Regents Sanchez, Chalmers and Dorman

Motion approved unanimously to approve the IPRA Policy Revisions (the compromise which has been inserted in the books as attached to the letter from President Schmidly) (1st Eaves, 2nd Fortner).

BOARD OF REGENTS' POLICY MANUAL 1.7 REGENTS' ADVISORS

Regent Koch

- See list of Regent Advisors which has expanded in the last few years, now includes the UNM Parent Association.

Motion approved unanimously to adopt policy (1st Sanchez, 2nd Eaves).

BYLAW CHANGES TO UNM LOBO CLUB

David Sabolick, Executive Director, Lobo Club

- Recent thorough review of bylaws; presented recommended bylaw changes

Motion approved unanimously to accept changes to bylaws of Lobo Club (1st Eaves, 2nd Abeita).

COMMENTS FROM REGENTS' ADVISORS

Howard Snell, President, Faculty Senate

- Faculty Senate does not meet over summer, Operations Committee does remain active over the summer
- Materials presented, three resolutions
- Faculty Senate retreat coming up

Loyola Chastain, President, Staff Council

- June, Staff Appreciation Week
- Staff and faculty to receive free Albuquerque Ride bus passes
- Greg Johnston Memorial Concert to be held August 22nd

Christopher Ramirez, President, GPSA

- Working to move forward a child care campaign to address the waiting list, currently 604 families; ask the Board to consider part of the capital money being considered for legislative priorities is \$150,000 for planning for expansion of child care center
- Moving forward to meet with Dr. Fulghum and President regarding issues around research and fellowship funding
- Graduate students would like to be part of the compensation report
- Grateful for support by new vice presidents

Alex Reibel for Ashley Fate, Vice President, ASUNM

- Joint resolutions presented
- Retreat planning

Judy Zanotti, President, UNM Alumni Association

- Handout report distributed at meeting
- Alumni Letterman Hall of Fame Banquet, September 12th
- Homecoming, September 29 through October 9, "A Lobo's Life for Me"
- Lobos for Legislation Committee remains active
- Partnering with Parents Association
- Welcome Back Days

- Board of Directors meeting held in June, elected new board members and executive committee members
- Zia Awards to be handed out during Homecoming

Thelma Domenici, Chair, UNM Foundation

- Far exceeded goal in fundraising, over \$85M in private support
- Proud to have Mr. Stropp with Foundation, great progress
- Foundation has been incredibly busy

Susan Deese-Roberts, President, UNM Retiree Association

- Thanks to President Schmidly for recent reception held for retirees
- Preparing to affiliate with New Mexico Association of Educational Retirees
- Recognize support we have received from Government and Community Relations Office

Maria Probasco, President, UNM Parent Association

- Very active over the last few months; Board of Directors met, filled several positions
- Working to strengthen relationship with Alumni Association and Athletics Department
- Able recruit parents to open parent association clubs at three other cities; Farmington, Gallup and Santa Fe

COMMENTS FROM REGENTS

Ellen Wenzel, Board of Regents Office

- Brief update of Regents Office and establishment of one staff position, Special Assistant to the Board of Regents.
- Established January 17, 2005 by Regent Koch as President, and the UNM Regents.
- Purpose of the office is to support the Regents in their service to the University of New Mexico and to provide a clear contact point for internal and external constituencies
- Responsible for all Board of Regent meetings, calendars, formal records, correspondence, communication, appeals, etc.
- Developed Board Procedure Manual to institutionalize Office of the Regents.
- Developed Board Briefing Book to assist new Regents in assuming role as Regent.
- Board of Regents website maintains BOR calendars, committees, notices, agendas, minutes, also Regent bios.

Regent Koch

- Regents Books provided to personnel, Staff Council, Faculty Senate, and any Regent who would like a copy. Additional copies will incur a cost of \$60 for reproduction.

CONSENT AGENDA

Regent Eaves

- F&F Meeting, attended by telephone, Consent Agenda (Tab 15-23)
- Motion approved** unanimously to approve all items on Consent Agenda.
(Tabs 15, 16, 17, 18, 19, 20, 21, 22, 23) (1st Eaves, 2nd Sanchez).

REGENT COMMITTEE REPORTS

Academic/Student Affairs & Research Committee

Regent Sanchez

- Approval of Form D, Doctor of Physical Therapy (Tab 24)

Motion approved unanimously to approve Form D, Doctor of Physical Therapy
(1st Sanchez, 2nd Eaves).

- Approval of GPSA Constitutional Amendment & Student Referendum Spring 2008 Election (Tab 25)

Motion approved unanimously to approve GPSA Constitutional Amendment & Student Referendum (1st Sanchez, 2nd Abeita).

Audit Committee

Regent Sanchez

- Audit Committee met on June 9, 2008
- Approved four audits for publication

Motion approved unanimously to approve Audit Committee Report (1st Sanchez, 2nd Abeita).

Dr. Howard Snell, President, Faculty Senate

- Inadequate comparison list for staff compensation

Regent Sanchez

- Please note this is in the inquiry stage, will get another report back, we will give your suggestions and pursue and expand that

Finance & Facilities

Regent Eaves

- Use of Regents Endowment Fund FY2008/09 (Tab 27)

Andrew Cullen, Associate Vice President, Institutional Planning

- Requesting approval for use of the Regents Endowment Fund relative to Regents Policy 7.19 (spreadsheet for review)

Regent Eaves

- Primary cause is \$1M a year in scholarship funding

Motion approved unanimously to approve use of Regents Endowment Fund
(1st Eaves, 2nd Chalmers).

Regent Eaves

- Use of Winrock Endowment Fund FY 2008/09 (Tab 28)

Andrew Cullen, Associate Vice President, Institutional Planning

- Similar, asking for your approval of this spending plan (spreadsheet for review)

Motion approved unanimously to approve use of Winrock Endowment Fund (1st Chalmers, 2nd Eaves).

Regent Eaves

- RPSP for Higher Education Department (Tab 29)
- Capital Outlay Submission to the Higher Education Department

Marc Saavedra, Director, Government Relations

- Item is to ask for passage of our legislative initiatives for the 2010 legislative session

Regent Eaves

- F&F Committee unanimously approved this Capital Outlay Submission and legislative priorities

Motion approved unanimously to approve RPSP for Higher Education Department and Capital Outlay Submission to Higher Education Department (1st Eaves, 2nd Sanchez).

Regent Eaves

- Memorandum of Understanding between the University and Lobo Development Corporation (Tab 30)
- Document was amended substantially prior to F&F Meeting, approved by F&F

Motion approved unanimously to approve MOU between University and Lobo Development Corporation (1st Eaves, 2nd Chalmers).

Regent Eaves

- Approval of Revisions to Policies on Settlement Authority

Patrick Apodaca, University Counsel

- Proposed revision to two Regents Policy that deal with settlement authority; Policy 7.8 and UBPPM 2010
- Intended to accomplish change in current policy that any financial settlements be approved by the President; settlements in excess of \$200,00 also have to go to the Board of Regents
- Proposal is to give Executive Vice Presidents to approval settlements of less than \$50,000 and the \$200,000 threshold for Regent approval remains as is

Motion approved unanimously to approve revisions to policies on settlement authority (1st Eaves, 2nd Chalmers).

Regent Eaves

- Approval of Consultant Selection for Mitchell Hall Modernization Project

Roger Lujan

- Recommendation to approve the selection of Hartman Majewski Design Group to design the modernization of Mitchell Hall
- 58 year old classroom building on campus and has not undergone major renovation in 20 years

- Project budget is \$9M, to be funded by FY 2007 UNM System Revenue Bonds

Motion approved unanimously to approve selection of consultant for Mitchell Hall Modernization Project (1st Eaves, 2nd Chalmers).

Regent Eaves

- Two information items
 - Monthly Financial Report presented by Ava Lovell (Tab 31)
 - Office of Capital Projects Monthly Project Status Report presented by Steve Beffort (Tab 32)
 - Future reports will include Lobo Energy and Lobo Development Report.
 - Currently there are 167 total projects at UNM.

Regent Eaves

- Questioned why the litigation with Maloy Construction would not be on our capital Project Report, never showed up
- Litigation reports need to be more frequent. They are quarterly at present.

President Schmidly

- We will talk about that and come to that at the next F&F meeting, some ideas about how to make sure the Regents are fully informed on the projects, not only that the University is managing but also Lobo Energy and Lobo Development

HSC – Health Sciences

Regent Fortner

- Approval of Permanent Appointment and Reappointments for Medical Staff (Tab 33); **June 6, 2008** Permanent Appointments – the applicants were submitted by Performance Oversight Committee, the Medical Executive Committee and Credential Committee to the Clinical Operations Board for permanent appointments; to the Health Sciences Committee and now to the Board of Regents starting with Dr. Michael Crabtree through Dr. David Williams

Motion approved unanimously to approve permanent appointments Dr. Crabtree through Dr. Williams (1st Fortner, 2nd Chalmers).

- **June 6, 2008** Reappointments starting with Dr. Niels Chapman to Dr. James Gibb

Motion approved unanimously to approve reappointments Dr. Chapman through Dr. Gibb (1st Fortner, 2nd Sanchez).

- **June 6, 2008** Reappointments continue with Dr. Michelle Harkins to Dr. Rueben Last

Motion approved unanimously to approve reappointments Dr. Harkins to Dr. Ruben Last (1st Fortner, 2nd Sanchez).

- Department of Surgery requests expansion of privileges for Dr. Libby Watch

Motion approved unanimously to approve expansion of privileges for Dr. Libby Watch (1st Fortner, 2nd Dorman).

- **July, 2008** meeting, similar steps taken under permanent appointment beginning with Dr. Leslie Carroll to Dr. James Fanning

Motion approved unanimously to approve permanent appointments Dr. Carroll to Dr. Fanning (1st Fortner, 2nd Abeita).

- **July, 2008** Reappointments beginning with Dr. Leslie Garson through Dr. Anne Wallace

Motion approved unanimously to approve reappointments Dr. Garson to Dr. Wallace (1st Fortner, 2nd Chalmers).

- **August 8, 2008** Approval of Permanent Appointment beginning with Dr. Hilary Ford to Satyan Shah

Motion approved unanimously to approve permanent appointments for Dr. Ford to Dr. Shah (1st Fortner, 2nd Abeita).

- **August 8, 2008** Approval of Reappointment beginning with Dr. Margaret Charsley to Dr. Ismael Zamilpa

Motion approved unanimously to approve reappointments for Dr. Charsley to Dr. Zamilpa (1st Fortner, 2nd Abeita).

Regent Fortner

- Governance Recommendation for the UNMH Clinical Operations Board (Tab 34)

Dr. Paul Roth

- Last Regents meeting we had proposed some changes in Regents policy as it relates to the Clinical Operations Board, outlined in Tab 34

Motion approved unanimously to approve Governance Recommendations for the UNMH Clinical Operations Board (1st Fortner, 2nd Sanchez).

Information Items- Dashboard Report
Steve McKernan, CEO

- Dashboard Report, Tab 35

PUBLIC COMMENT

None

Motion approved unanimously to adjourn at 11:16 am. to Executive Session (1st Fortner, 2nd Abeita).

Motion approved unanimously to re-open meeting at 11:19 a.m. to address Governance Recommendation for the UNMH Clinical Operations Board (1st Sanchez, 2nd Chalmers).

GOVERNANCE RECOMMENDATION FOR THE UNMH CLINICAL OPERATIONS BOARD – RE-ADDRESSED (Tab 34)

Regent Eaves

- Asked Board of Regents to look carefully at this item
- History between Board of Regents and Clinical Operations Board
- Amendment to delegation is an enormous change in the relationship of the Regents to the Clinical Operations Board
- Would like the Board of Regents to be more informed regarding changes
- Has not gone before any committee, should be reviewed

Dr. Paul Roth

- Has been consulting with Regent Koch from the beginning, Regent Fortner after he received proposed changes
- Last Regents' meeting proposed changes were distributed in the form of a notice so the Regents would have time to review
- Addressed research and education issues

Regent Koch and Regent Sanchez

- Agree to further review

President Schmidly

- Brought to the entire Board at the last meeting, not discussed, with the idea that it would be discussed today
- This is about clarifying what is now the Hospital Board of Trustee as having only responsibility for clinical operations and not for research and education which was still under this board and its committees
- In the spirit of getting the language very clear and this board very comfortable with it, there is no reason why it can't be brought back through the committee

Motion approved unanimously to reconsider the action and that it be referred to committee prior to BOR meeting 9/9/08, (1st Fortner, 2nd Sanchez).

Motion approved unanimously to adjourn at 11:25 am. to Executive Session (1st Sanchez, 2nd Eaves).

Executive Session was held from 11:30 a.m. – 1:00 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. Discussion and determination, where appropriate, of potential purchase, acquisition or disposal of real property pursuant to Section 10-15-1H(8),NMSA (1978).
- D. Vote to re-open meeting

Motion approved unanimously to reopen the meeting at 1:35 p.m. (1st Koch, 2nd Sanchez).

- E. Certification that only those matters described in Agenda Item XIII were discussed in Executive Session and if necessary, ratification of actions, if any, taken in Executive Session. (1st Koch, 2nd Sanchez).

Motion approved unanimously to decline to accept the appeal to the Board of Regents filed by a former employee dated July 7, 2008 (1st Eaves, 2nd Dorman).

Motion approved unanimously to adjourn the meeting at 1:37 p.m. (1st Fortner, 2nd Dorman).

ADJOURNMENT

Regent James H. Koch
President

Regent Carolyn J. Abeita
Secretary Treasurer

Attachments:

1. Administrative Report (Tab 3)
2. President's FY09 Key Indicators & Milestone Activities
2008/09 12 Adelante Objectives Theme: Communicate
3. Alumni Association Report 8/12/08 (Tab 11)

File: Regent Minutes 8-12-08