

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

May 28, 2008

**Board of Regents Executive Session Luncheon
12:00 noon - 1:00 p.m.
Cherry Silver Room**

**Board of Regents Meeting 1:00 p.m. – 4:00 p.m.
Student Union Ballroom C**

**Board of Regents Executive Session
Immediately following the meeting
Student Union Ballroom C**

ATTENDANCE:

Regents present:

James H. Koch
Jack Fortner, Vice President
John “Mel” Eaves
Dahlia Dorman, Student Regent
Raymond Sanchez
Don Chalmers

Regents unable to attend:

Carolyn Abeita, Secretary-Treasurer

President present:

David J. Schmidly

Vice Presidents present:

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

Vice Presidents unable to attend:

Jack McIver, Vice President, Research & Economic Development
Rita Martinez-Purson, Interim Vice President, Institutional Diversity

University Counsel present:

Sandy Liggett for Patrick V. Apodaca

Regents' Advisors present:

Jacqueline Hood, Faculty Senate
Loyola Chastain, President, Staff Council
Ashley Fate, President, ASUNM
Susan Deese-Roberts, President, UNM Retiree Association
Lillian Montoya-Rael, President, Alumni Association
Maria Probasco, President, Parent Association

Regents' Advisors unable to attend:

Thelma Domenici, President, UNM Foundation
Christopher Ramirez', President, GPSA

Others in attendance:

Jill Derby, AGB Facilitator
Ron Segel, Regents' Attorney, Sutin, Thayer & Browne, P.C.
Marty Esquibel, NM FOG Attorney
Matthew Hoyt, *Albuquerque Journal* Attorney
Leonard DeLayo, Executive Director FOG
Members of the administration, faculty, staff, the media and others.

Regent Koch presided over the meeting and called the meeting to order at 1:00 p.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 APRIL 30, 2008 UNM BOARD OF REGENTS MEETING

Motion approved unanimously to approve the Summarized Minutes of the April 30, 2008 UNM Board of Regents meeting (1st Fortner, 2nd Sanchez).

PRESIDENT'S EVALUATION COMMENTS

Regent Koch

- Evaluation of President Schmidly completed this morning

Jill Derby, AGB Facilitator

- Board of Regents at the University of New Mexico has been exemplary. A systematic approach to hiring a president.
- Presidential goals, see handout
- Progress on goals very impressive; applaud the progress that has been made

Motion approved unanimously to accept the evaluation of President Schmidly, (1st Chalmers, 2nd Eaves).

ADMINISTRATIVE REPORTS

President's Report, David J. Schmidly

- Comments on his first year at the University of New Mexico. Thank you to everyone. We have had a productive year and have achieved many of the things we set out to do when we began.
- UNM graduation, awarded 2,500 degrees.
- The University received a \$100,000 donation from the Chase Foundation in Artesia to support our Poison Center; and \$50,000 to support student enrollment
- Restructuring of UNM Foundation, introduced newly appointed president, John Stropp; remarks by Mr. Stropp.

PROPOSED POLICY REVISIONS (Inspection of Public Records)

Regent Koch

- Background of this matter
- Public comment will be heard

Presentations by Ron Segel, attorney for Board of Regents; Marty Esquibel attorney for Foundation of Open Government; Matthew Hoyt , attorney for the *Albuquerque Journal*; Leonard DeLayo, Executive Director of the Foundation for Open Government.

Presentations/Comments presented by Tim Lowrey, Jackie Hood, Loyola Chastain, Sandy Liggett, Nikki Cadalados, Ed DeSantis, Joy Griffin, Mike Carr, Marcus White and Amy Wohlert and Regents.

Motion approved (1st Eaves, 2nd Fortner).

Regents Koch, Fortner, Eaves, Sanchez, Dorman, aye, (5 total)

Regent Chalmers nay (1 total)

Regent Abeita, not present. (1 total)

After carefully considering everyone's comments today, and the letter from Dr. Timothy Lowrey, Chair, Academic Freedom and Tenure Committee, dated 5-19-08 (which was responded to by Regents' President Koch on 5-20-08),

Bear in mind that NMIPRA already applies to UNM. Compliance is not discretionary, and current policy that violates it is not enforceable.

Be it resolved that Proposed Policy Revisions,

2.17 Public Access to University Records

6.7 Disclosure of Information about Candidates for Employment

6.8 Disclosure of Information About Employees (as amended)

7.2 Internal Auditing (as amended)

of the Regents' Policy Manual be and are hereby amended as shown by the redlined versions in today's meeting agenda.

Further resolved, with regard to other UNM policies and procedures, including the UNM Faculty Handbook, there will be a period between today and the date of the August Regents' Meeting, August 12, 2008, during which faculty and staff and any other interested person or their attorneys may submit written comments to the Regents' Office, (Ellen Wenzel) concerning the proposed amendments that have been made available including;

2300 (UBPM) Inspection of Public Records

3210 Recruitment and Hiring

3710 Personnel Information Disclosure Policy

C70 (Faculty Handbook) Confidentiality of Faculty Records

Counsel for the Regents will respond to each of these comments in writing. The Regents and the President will consider these comments and any further amendments to UNM Policies and procedures the Regents deem necessary to comply with New Mexico IPRA will be an action item for approval at the 8-12-08 Regents' meeting.

The comment period of about 76 days will allow the Regents and the President to further consider adoption of policies and procedures to ensure that the University complies fully with IPRA so that public records pertaining to the University will be available for public inspection to the fullest extent permitted by law.

That will also give the UNM AFT Committee and the UNM Faculty Senate time to engage in procedures they have referred to today.

Motion not approved - made by Regent Fortner

Regents Fortner, Koch aye (2 total)

Regents Eaves, Sanchez, Chalmers, Dorman nay (4)

Regent Abeita (not present) (1)

Move to approve the following Proposed Policy Revisions as listed:

2300 Inspection of Public Records

3210 Recruitment and Hiring

3710 Personnel Information Disclosure Policy

and table C70, Confidentiality of Faculty Records.

Five minute recess.

Back in session.

ARTICLES OF INCORPORATION OF THE NEW MEXICO COMPUTING APPLICATION CENTER, INC.

Sandy Liggett

- Documents delivered to Board pertaining to this item yesterday
- This is to approve the creation of the New Mexico Computing Application Center, Inc.
- A Research Park Act company that is created under the New Mexico University Research Consortium. That entity was created and approved by this Board of Regents in 2006. That is a consortium between New Mexico State, UNM and New Mexico Tech and they have created two other Research Park Act corporations beneath them, this would be the third.
- This corporation is being proposed to be created by the Governor to help carry out a very high profile, high computing operation and to make it available to the New Mexico public and corporate world. UNM will be a participant in this corporation.
- There are no financial commitments made here by UNM or the other universities.

- This is to establish it as a corporation so that the articles can be filed and so that exemption can be filed for under 501(c)(3).

Motion approved unanimously to approve the Articles of Incorporation and Bylaws of the New Mexico Computing Application Center, Inc. (1st Fortner, 2nd Sanchez)

APPROVAL OF HARWOOD FOUNDATION APPOINTMENTS

Sandy Liggett

- Regents, I know you remember that the Harwood Museum Governing Board has a unique relationship with UNM and has been structured very uniquely by the Board of Regents. One of the requirements for the Harwood Governing Board is that their members serving on their Board are approved, recommended to this Board and hopefully approved by this Board. We are at the end of the first year term for the members serving on the Harwood Board and there are three members whose terms expire at the end of this year. This memorandum is from the Chair of the Harwood Governing Board and she is recommending that two additional members be added (Phyllis Nottingham and Daniel Montoya) to the Board and that David Harris' term be extended.

Motion approved unanimously to approve Harwood Foundation appointments Phyllis Nottingham and Daniel Montoya (1st Chalmers, 2nd Fortner).

CONSENT AGENDA

Regent Eaves

- F&F meeting, consent agenda approved, Items A through G.

Motion approved unanimously to approve Consent Agenda (1st Eaves, 2nd Koch).

REGENT COMMITTEE REPORTS

Academic/Student Affairs Committee

No report.

Advancement Committee

No report.

Development Committee

No report.

Audit Committee

No report.

Finance & Facilities Committee

Regent Eaves

- Contract for UNM Center for Micro engineered Materials (CMEM).

Motion approved unanimously to approve contract for UNM Center for Micro engineered Materials (CMEM) (1st Eaves, 2nd Fortner).

Health Sciences

Regent Fortner

- Permanent appointments for medical staff, starting with Lance Wilson and ending with Susan Miller

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Eaves).

- Permanent reappointments for medical staff, starting with Janet Brierly and ending with Richard Hoffman

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Dorman)

- Permanent reappointments for medical staff, starting with Charlotte Jutila and ending with Steve Jenkusky

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Eaves)

- Expansion of Privileges for Dr. Peggy Beeley to include EKG interpretations, thoracentesis, paracentesis
- Department of Orthopedics requested expansion privileges for Dr. Robert Quinn

Motion approved unanimously to approve expansion privileges as stated for medical staff (1st Fortner, 2nd Eaves)

- May 2, 2008 permanent reappointments for medical staff, starting with Bruce Dorman and ending with Victor Davis

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Koch)

- Permanent reappointments for medical staff, starting with Christopher Arndt and ending with Robert Schenck

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Eaves)

- Permanent reappointments for medical staff, starting with Erika Hernandez and ending with Solon Hughes

Motion approved unanimously to approve permanent appointments and reappointments for medical staff (1st Fortner, 2nd Eaves)

- Expansion of Privileges, Department of OB/GYN for Kathleen Kennedy

Motion approved unanimously to approve expansion privileges as stated for medical staff (1st Fortner, 2nd Dorman)

- **UNMH Dashboard Report and UNMH CEO Report (Tab 16)**

Steve McKernan

- Consistently up, rate of growth is accelerating
- Biggest issue is finding enough nurses
- ER is up 50% over prior year
- Discharges were up 17% for the month of April over the prior year
- Operations up 15%
- Deliveries up 11%; So business at the hospital is booming right now.
- Activity Report - we will be seeking changes to Regents' Policy 2.13.1, 2, 3 and 4 in the delegation of authority to the hospital board. (See cover memo)

- **Governance Recommendations for the UNMH Clinical Operations Board**
Information item added to agenda to be included as an action item at the 8/12/08 BOR meeting. Documents were distributed, brief address by Dr. Paul Roth.

PUBLIC COMMENT

No additional public comment.

ADJOURNMENT Motion approved to adjourn into Executive Session at 4:30 p.m.
(1st Fortner, 2nd Eaves)

- A. Discussion and determination where appropriate of personally identifiable information about a student pursuant to Section 10-15-1.H(4), 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 meeting @ 4:35 p.m. (1st Fortner, 2nd Eaves)
Motion approved unanimously to deny appeal of student (1st Fortner, 2nd Eaves)
- D. Certification that only those matters described in Agenda Item XI. Were discussed in Executive Session.
Motion approved unanimously to adjourn the meeting @ 4:35 p.m. (1st Fortner 2nd Eaves).

Regent James H. Koch
President

Regent Carolyn J. Abeita
Secretary Treasurer

Attachments:

- 1. President's Evaluation (III.)
 - a. Summary Report of Progress on Regent's Goal Elements
 - b. Key Dashboard Indicators of Progress Toward Presidential Work Plan 2007/2008 Review
- 2. President's Administrative Report (tab 3)
- 3. Proposed Policy Revisions were included in the binder
 - 2.17 Public Access to University Records*
 - 6.7 Disclosure of Information about Candidates for Employment*
 - 6.8 Disclosure of Information About Employees*
 - 7.2 Internal Auditing*
 - 2300 (UBMP) Inspection of Public Records*
 - 3210 Recruitment and Hiring*
 - 3710 Personnel Information Disclosure Policy*
 - C70 (Faculty Handbook) Confidentiality of Faculty Records*
- 4. NM Computing Application Center-Articles of Incorporation & Bylaws
- 5. Governance Recommendations for UNMH Clinical Operations Board