

**Minutes of the Regular Meeting of the Board of Regents of the University of New Mexico
March 11, 2019
Student Union Building (SUB) – Main Campus
Executive Session – Cherry Silver Room
Open Session - Ballroom C**

Members present

Doug Brown; Sandra Begay; Rob Doughty; Melissa Henry; Marron Lee; Kim Sanchez Rael (telephonically); Robert Schwartz

Administration present

Garnett S. Stokes, President; Michael Richards, Vice Chancellor for Clinical Affairs, for Chancellor Roth; Craig White, Interim SVP for Finance and Administration; Rich Wood, Interim Provost and EVP for Academic Affairs; Loretta Martinez, Chief Legal Counsel; Ava Lovell, Executive Officer for Finance & Administration, HSC; Liz Metzger, University Controller; Lawrence Roybal, Interim VP for Equity and Inclusion; Francie Cordova, Director of OEO and Interim Chief Compliance Officer; Dorothy Anderson, VP HR; Eddie Nuñez, Athletics Director; Dana Allen, VP Alumni Relations; Terry Babbitt, President's Chief of Staff; Jamie Silva-Steele, President & CEO, Sandoval Regional Medical Center

Advisors present

Laurie Moye, Chair, UNM Foundation Board of Trustees; Rob Burford, Staff Council President; Steve Borbas, Retiree Association President; Pamela Pyle, Faculty Senate President

Presenters in attendance

Nicole Dopson, Director, Financial Operations; Kevin Gick, Associate University Counsel; Rod Harder, UNM Foundation, VP of Administration

Others in attendance

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

CALL TO ORDER, CONFIRMATION OF A QUORUM, ADOPTION OF THE AGENDA (Cherry Silver Room)

Regent President Rob Doughty called the meeting to order at 7:43 AM and confirmed a quorum. Six members were present in person; Regent Kim Sanchez Rael attended the meeting telephonically.

The motion to adopt the agenda passed with a unanimous vote (1st Begay; 2nd Brown).

Vote to Close the Meeting and Proceed in Executive Session

Regent Doughty asked for a motion to close the meeting and clarified he would take a roll call vote; Regent Sandra Begay motioned to close the meeting; Student Regent Melissa Henry seconded the motion; the following votes were taken: Regent Begay-yes; Regent Brown-yes; Regent Henry-yes; Regent Lee-yes; Regent Doughty-yes; Regent Schwartz-yes; Regent Sanchez Rael-yes. The motion to close the meeting passed. The meeting closed at 7:44 AM.

Executive Session Agenda

1. Discussion subject to attorney-client privilege pertaining to threatened or pending litigation as permitted by Section 10-15-1.H(7), NMSA (1978)

Vote to re-open the meeting and certification that only those matters described in the Closed Session Agenda were discussed in Closed Session, and if necessary, final action on matters discussed in Executive Session that are required to be taken in Open Session

Regent Lee motioned to re-open the meeting; Regent Schwartz seconded; all were in favor; the meeting re-opened at 8:48 AM; the doors to the Cherry Silver Room were opened. Regent Doughty certified that only those matters described in the closed session agenda were discussed, and there were no items upon which action was taken in open session.

●Members moved to SUB Ballroom C for continuation of Open Session; Regent Kim Sanchez Rael reconnected to the phone line in SUB Ballroom C.

APPROVAL OF MINUTES

The motion to approve the minutes of the February 12, 2019 regular meeting passed unanimously (1st Lee; 2nd Brown).

PUBLIC COMMENT (no comments)

REGENT ADVISORS COMMENTS (no comments)

COMMENTS FROM REGENTS

Regent Doughty commented this was the first regular meeting with all of the new board members; he welcomed the new Regents and added that each one brings unique talents that are going to be valuable to the University.

Regent Marron Lee echoed Regent Doughty's sentiments and welcomed all five new Regents.

Regent Sandra Begay commented on some of the editorials in the Journal and local papers regarding the regent selection process; she commended the committee that was part of the selection process and agreed it was rigorous. Regent Begay did not know until about half an hour before the press release that she had been selected. During confirmation by the Senate Rules Committee, the new Regents were questioned for about an hour and half, and during that time they were each asked if they had been contacted by the Governor or her staff prior to the process and each one answered, no. Each of the new Regents received unanimous approval by the Rules Committee and full Senate. Regent Begay said there are many complex issues that need to be addressed at the University and she is eager to serve her new role as a Regent.

Regent Rob Schwartz thanked Regent Doughty and Regent Lee for welcoming the five new members and added he looks forward to working with them and his other colleagues on the board.

Regent Doug Brown said he was pleased to be here and particularly at this time. This is truly an inflection point where so much heavy lifting has already been done with regard to a new administration and new board members.

ELECTION OF OFFICERS

Regent Doughty opened up nominations for Board President and said that it was with great pleasure that he nominate Doug Brown as President. Regent Lee seconded the nomination. There being no other nominations, nominations were closed and Regent Doughty called for a vote on Doug Brown as President of the Board. The vote was unanimous in favor. Regent Doughty passed the gavel to Regent Brown.

Regent President Brown opened up nominations for Board Vice President and nominated Kim Sanchez Rael as Vice President. Regent Lee seconded the nomination. There being no other nominations, nominations were closed and Regent Brown called for a vote on Kim Sanchez Rael as Vice President of the Board. The vote was unanimous in favor.

Regent President Brown opened up nominations for Board Secretary Treasurer and nominated Sandra Begay as Secretary Treasurer. Student Regent Henry seconded the nomination. There being no other nominations, nominations were closed and Regent Brown called for a vote on Sandra Begay as Secretary Treasurer of the Board. The vote was unanimous in favor.

Regent President Brown announced chairs of Regents Subcommittees: Kim Sanchez Rael and Melissa Henry, Co-Chairs of Academic/Student Affairs and Research Committee; Sandra Begay, Chair of Finance and Facilities Committee; Rob Schwartz, Chair of Health Sciences Center Committee; and Doug Brown, Chair of Audit and Compliance Committee.

Regent President Doug Brown addressed Board of Regents Resolution Concerning Officer Elections Pursuant to Regent Policy 1.2, BORR 2019-1 [Attachment A].

The motion to accept the resolution regarding the annual election of officers passed unanimously (1st Brown; 2nd Begay).

ANNUAL DETERMINATION OF REASONABLE NOTICE OF MEETINGS

Regent Brown addressed Board of Regents Resolution Making Annual Determination of Reasonable Notice of Public Meetings, BORR 2019-2 [Attachment B].

The motion to accept the resolution regarding annual determination of reasonable notice of meetings passed unanimously (1st Brown; 2nd Begay).

APPROVAL OF NOMINATION AND RE-APPOINTMENT TO THE UNM LABOR MANAGEMENT RELATIONS BOARD

Dorothy Anderson introduced the item. Kevin Gick, Associate University Counsel, gave some background on the Labor Management Relations Board. The Labor Management Relations Board is authorized by the NM Public Employees Bargaining Act which authorizes the University of New Mexico to create its own local board to assume the duties of the state board. The Board of Regents must annually confirm the members of that local board. At this point, there is a reaffirmation of the Management Member, Charlotte Lamont, and a confirmation of the Labor nominee, Marianne Bowers.

Regent Brown addressed Board of Regents Resolution Appointing Labor Representative Pursuant to the Regents' 2006 Labor Management Relations Resolution and Re-Appointing Employer Representative, BORR 2019-3 [Attachment C].

The motion to accept the resolution regarding approval of the nomination and the re-appointment to UNM Labor Management Relations board passed unanimously (1st Brown; 2nd Begay).

THE PRESIDENT'S ADMINISTRATIVE REPORT

President Garnett S. Stokes opened her report with a welcome to the new regents on the board. She announced Victor Griego as the new Interim Director of Internal Audit. President Stokes spoke about several areas of research at UNM, including the recent Research Grand Challenges Out of the Box interactive event where the lead conveners from each of the three chosen grand challenges – Sustainable Water Resources, Successful Aging, and Substance Use Disorders – presented their goals and plans. More than 120 students, faculty, staff and community members attended the event. Also on the research front, President Stokes talked about Heather Edgar's work to convert a dataset of whole body decedent CT scans into a searchable database that will be funded by a \$702K grant from the National Institute of Justice and is the first of its kind in the nation. Dr. Edgar is Associate Professor of Anthropology and the Forensic Anthropologist at UNM's Office of the Medical Investigator (OMI). President Stokes also highlighted the research of Bryce Chackerian, Professor in the Department of Molecular Genetics and Microbiology, who is developing a vaccine that targets an enzyme which can cause elevated levels of LDL cholesterol and the NIH grant of \$518K for five years that Dr. Chackerian received in order to continue his work.

President Stokes talked about the recent Higher Learning Commission (HLC) site visit and thanked everyone who worked on the accreditation process. The site visit was an important part of the comprehensive evaluation, but not the final piece. The HLC peer reviewers will draft a report within the next four to six weeks. Dr. Stokes mentioned the recent visit to Farmington as part of the Academics Within Borders faculty outreach initiative which brought scholars and researchers from UNM and San Juan College together to explore research opportunities and ways to enhance a successful student transfer partnership. Dr. Stokes discussed the ongoing executive searches and also addressed Main Campus' Budget Recommendation Information Flow, which will culminate with the Budget Summit in April when the Regents will approve tuition and fees and compensation guidelines. Dr. Stokes discussed Main Campus and HSC FY20 budget challenges and assumptions, including various compensation scenarios.

REGENT COMMITTEE REPORTS**CONSENT DOCKET**

Regent Brown addressed the consent docket; no items were removed from the docket for discussion.

1. Health Sciences Center Committee (HSCC) Consent Items, Regent Marron Lee, Chair
 - a. Request for the Approval of Repair, Renew, Replace Capital Project – UH Main – Emergency Generator #2 (\$912,000.00)
2. Finance and Facilities Committee (F&F) Consent Items, Regent Marron Lee, Chair
 - a. Approval of Disposition of Surplus Property for Main Campus for February 2019
 - b. Approval of Request for Project Construction for Donut Mart Demolition
 - c. Approval of Request for Project Construction for KNME-TV Sandia Crest Transmission Tower Replacement
 - d. Approval of STC.UNM Board of Directors Reappointments
 - e. Approval of Real Property Acquisition on 1600 University Blvd., NE (UNM Eye Clinic)

The motion to approve the Items on the Consent Docket passed unanimously (1st Lee; 2nd Henry).

HEALTH SCIENCES CENTER COMMITTEE**Request Approval to Nominations for Appointments to the UNM Sandoval Regional Medical Center (SRMC) Board of Directors**

Jamie Silva-Steele presented the item. The appointees, Kim E. Hedrick and Dave P. Panana, were unable to attend the meeting. Ms. Hedrick will fill a county member position on the board. Mr. Panana will fill a community member position.

The motion to approve the appointment of Kim E. Hedrick to the SRMC Board of Directors passed with a unanimous vote in favor (1st Brown; 2nd Doughty).

The motion to approve the appointment of Dave P. Panana to the SRMC Board of Directors passed with a unanimous vote in favor (1st Doughty; 2nd Begay).

HSC Financial Update (information item)

Ava Lovell presented the item and referred to her report that was supplied in the eBook. The report is through January 31, seven months of the fiscal year. The bottom line for the HSC is a positive net margin of \$15 million, compared to \$10.5 million last year. This is comprised of the HSC academic enterprise net margin of \$10.9 million and the UNM Hospital net margin of \$4.134 million.

UNM Health System Report (information item)

Michael Richards presented the Health Systems Operations Report for January as compared to January of the prior year. The quality and safety measures are for the most part hospital-based and compare ourselves to other academic medical centers.

For quality and safety metrics, the one thing that is most important is that HSC continues to show improvement in the patient harm events. Regarding activity levels, total hospital stays are up 3%, which is actually a really big accomplishment given the physical plant constraint, and this is primarily due to a 5% reduction in length-of-stays. Dr. Richards discussed the classification of hospital stays and other elements of his 2-page summary of the report that was included in the eBook.

FINANCE AND FACILITIES COMMITTEE

Monthly Athletics' Report on Revenue, Expenditures, and Compliance (information item)

Eddie Nuñez discussed recent highlights in Lobo Athletics and also the overall continuing landscape change in college athletics. Nicole Dopson addressed Schedule B of the January 31 report that was included in the eBook.

Regent Sandra Begay said she appreciated the feedback she received from the Lobo Club - a student athlete made a personal phone call to express thanks for her financial support.

Regent Brown commented with respect to the macro view of athletics: nationwide, college athletic programs are in trouble. According to NCAA studies, 85% lose money. Sports are being cut everywhere; Temple and UMass cut seven sports. Attendance at games is declining, especially student attendance. A critical factor is the influence of the way TV revenues are distributed, or not distributed. UNM's athletic budget is \$32 million; LSU's budget is \$135 million; at Texas and Texas A&M, it's \$250 million. The Power Five conferences negotiate directly with the TV networks, and this is a terrible disparity. UNM needs to get a better share and that would go a long way to a sustainable athletic program. When Utah left the MWC to go to the PAC 12 in 2010, that year it was reported its TV revenues went from \$800K to \$22 million.

UNM Regents' Advisor Report by the UNM Foundation: Changing Worlds 2020: The Campaign for UNM (information item)

Laurie Moyer, Chair of the UNM Foundation Board, presented an overview. The Changing Worlds Campaign for UNM goes through 2020. To date, the Foundation has raised \$1,082,456,930 in gifts of support for student success and opportunity, faculty support, research, campus programs, and capital projects and facilities. Ms. Moyer discussed the summary of the fundraising report that was provided in the eBook and Rod Harder presented some of the details including the 3 endowments that are controlled by the Regents: the Woodward Endowment, the Winrock Endowment, and the Regents Endowment. The Regents Endowment also has a sub-endowment (so to speak), called the, Mesa Del Sol Endowment. The endowment is the result of the sale of some property worth about \$8 million back in 2005/6 and there has continued to be accounting for that separately, although it is included in the totals for the Regents Endowment. Those 3 endowments total about \$103 million; 2 of them are quasi-endowments. The Woodward is a true endowment. The quasi-endowment means the principal as well as the earnings on the endowment may be expended by the Board of Regents at its discretion.

Regent Begay commended the Foundation for managing the funds and made note of remembrance of the Mesa Del Sol land agreement. Looking at the reports, one can see the history in the market and how the overall market environment has a drastic effect on all of UNM's investments. She expressed appreciation for the challenge of managing those monies through market fluctuations.

PUBLIC COMMENT

Tony Stratj spoke in favor of reinstating the sports that were cut earlier in the year.

Following are those who spoke in support of reinstating Lobo Men's Soccer: Anthony Munoz, UNM Student and Lobo Men's Soccer Goalkeeper; Tom Parker, parent of a Lobo Men's Soccer player; Steve Kraemer, former Lobo Men's Soccer player; Greg Williams, parent of a Lobo Men's Soccer player.

George Brooks, former UNM Ski coach, spoke about the Ski Team record, its academics and honors, and the value of the student athletes.

Pamela Pyle, spoke in support of administration's decisions regarding UNM Athletics.

Following are those who spoke in support of the faculty petition to unionize and requested the Regents let faculty proceed with a vote: Julia Scherba de Valenzuela, Associate Professor in the Department of Special Education; Jesse Costantino, Assistant Professor in the Department of English Language and Literature; Manel Martinez Ramon, Professor, Electrical Computer Engineering and King Felipe VI Endowed Chair; William Brown, Temporary Faculty, Department of Mathematics & Statistics; David Correia, Associate Professor and Department Chair, American Studies Department; Jennifer Nez Denetdale, Associate Professor of American Studies; Deborah McFarlane, Professor and Regents Lecturer, Political Science; John Zimmerman, Associate Professor, Arts and Sciences, Gallup Campus; Osbiorn Pearson, Associate Professor, Anthropology Department; Ilia Rodriguez, Associate Professor, Department of Communication and Journalism; Patrick Manning, Associate Professor in the Department of Art.

ADVISORS' COMMENTS

Pamela Pyle, Faculty Senate President, said she appreciated very much hearing her colleagues' comments supporting a faculty union; it is good to hear their concerns. Ms. Pyle said she was glad to hear Regent Begay's comments about the transparency of the Regent selection process and commented about the status of Senator Steinborn's bill SJR6 titled, College Regent Nominating Committees. Ms. Pyle spoke about the Academics Within Borders initiative and the recent collaborative meeting in Farmington at San Juan College where the following disciplines were represented: Business, Engineering, Biology, Math, Chemistry, Native American Studies, Music and Cinematic Arts.

Rob Burford, Staff Council President, looks forward to working with the new regents, and Staff Council will extend invitations to attend a Staff Council meeting.

Steve Borbas, Retiree Association President, welcomed the new regents. Members of the association have spent time in Santa Fe talking with legislators about cost of living allowance and other aspects of pension and health benefits for all retirees. Senate Bill 14 and House Bill 360 seem to be going through without any concerns. Retirees fought hard with the ERB and continue to communicate with members of the ERB board. A recent survey among retirees showed that many would like to come back to UNM in various roles such as mentoring, administration, or contributing their time in other areas. Dr. Borbas also mentioned the association is also interested to establish scholarships.

Regent Begay inquired if the Retiree Association is working with the Foundation in the area of setting up an endowment for scholarships. Dr. Borbas acknowledged the effort will be made toward such dialogues.

CLOSING COMMENTS FROM REGENTS

Regent Rob Schwartz thanked everyone who commented about athletics and the faculty union petition. He acknowledged that those who spoke about the union had left the ballroom and were outside the door. There were commonalities in the messages among the people talking about the union and those talking about athletics, those being, 1) a love of the University, they really care about the University and want to do what is best for it, and 2) a real frustration about not being heard by the University and by those who actually have authority to make policy at the University. These messages came through strongly while listening to both groups, and this is something the Regents ought to be concerned about. President Stokes is concerned about it too. Regent Schwartz talked about the importance of addressing issues like these in a thoughtful and deliberate way, including education about the issues and talking about them in a good, civil, thoughtful, high-level way. If one were to focus on athletics, the national landscape for athletics is changing. Times are different; the economics are different, and things are going to be changing over the next few years as well. On athletics issues, soccer is an example of a decision of the past, but there will be other decisions to be made in the future. Regent Schwartz said that maybe this is the time to start a good, community-wide discussion on athletics and where athletics fit in generally with regard to UNM's vision, mission and values. What should the role of athletics be in this university? Assuming the unlikelihood to revisit decisions that are already made, it is the hope that the Regents will be able to help the President to put together a really good university-wide discussion where everyone will be heard about these issues and to at least set the foundation for the decisions that will be made in the future. A discussion on the union ought to happen as well, and it looks like that discussion may happen sooner than the discussion on athletics.

Regents Sandra Begay commented regarding the unionization proposal and per the petition, the administration has a date and a legal right to respond and acknowledged faculty has legal rights. Regent Begay outlined the faculty has a team of lawyers that is working the issues on their behalf, and which they should, and then there has to be a response from the University-side. The Regents' role is more the policy role -- Regent Begay stressed she will say that over and over again regarding Regents' role. The Board focuses on the policy and administration, the President of the University and her team of staff, faculty, etc. carry that out.

Regent Doug Brown spoke regarding faculty comments in support of the union and clarified he is committed to a fair process. Of course, the Regents have to have guidance in this process and will look to President Stokes and the administration in the roll-out of the education campaign. There is a lot to it, a lot of classifications of different employees; it affects faculty governance and other things. The Regents are certainly not dug-in to any kind of negative aspects of this. The Regents have guidance and faculty have guidance as well.

President Stokes agreed and said she understood the desire to move as quickly as possible but also the necessity to have the kind of thoughtful dialogue that is going to be beneficial to the entire community. This has to be looked at to figure out all of the issues that need to be resolved. Dr. Stokes reiterated it is important to try to balance the need for speed with a thoughtful review of it all.

Regent Sanchez Rael spoke about her commitment, and the board's, to take into account the facts and new information that comes before the board that may or may not have been available in the past on any of the issues. Regent Sanchez Rael echoed her colleagues' commitment to transparency and to listen to the constituents and stakeholders of the University on all of these matters. Regent Sanchez Rael added she looks forward to working with the board.

Regent Brown commented regarding the athletic issue and thanked those who gave thoughtful comments. They are obviously the ones who are bearing the worst of the brunt of this difficult decision, including the students, the faculty, the parents and supporters. Regent Brown spoke in support for the sport of soccer, the terrific grades by the soccer and the ski team, and about the successes in the field. Regent Brown spoke about assessing the athletics issues. UNM started out with 22 sports, more than other schools with 10 times the budget that UNM has. Regent Brown spoke about his support for college athletics and Lobo Athletics and the value of athletics in forming character and teaching life lessons and teamwork. That also leads to the reason Title IX is important; it contributes to leadership abilities and that's why women need to have equal access to those kinds of opportunities also. The role of Regents is to look at the process. Was it fair? Well, several months were spent deliberating, outside consultants were called in, the athletic director formulated a recommendation which was forwarded by the President of the University and it came to a 7-0 vote by the Regents. There was an alleged procedural flaw in the way they did it, so the next month they voted on it again, 7-0. At this point, there is need to look at all of UNM's priorities, particularly academic priorities which have to take the forefront. The process should always take into consideration the shared governance aspects of our decisions too. At this point, we are going to commit to looking strategically at athletics, with doing a 360 view, look at ways to enhance the revenue side, as well as increasing efficiencies. Despite the budget and the control problems in athletics, the product on the field has been terrific. UNM is one of the leaders in the MWC in almost every sport and Lobo athletes' GPA's are right at the top, and he commended director Nuñez and UNM's coaches for doing a great job with our young men and women.


Regent Begay stated for the record that the Regents inquired about the miscalculation that was referred to and the athletic director supplied detail and explanations, and that the information that was conveyed to the board previously is still valid and unchanged. Regent Begay urged those who wrote and commented about miscalculations to make sure they have their facts correct.

ADJOURN

There being no further business, Regent Brown asked for a motion to adjourn; Regent Lee motioned; Regent Henry seconded; motion passed unanimously; the meeting adjourned at 11:58 AM.

Approved:

Attest:



Douglas M. Brown, President



Sandra K. Begay, Secretary/Treasurer



ATTACHMENT A
Attachment to the minutes of the
March 11, 2019 BOR

Resolution Concerning Officer Elections Pursuant to Regent Policy 1.2

WHEREAS, The Board of Regents is required by statute and Regent Policy 1.2 to meet in Albuquerque on the second Monday in March of each year to elect a board president and secretary-treasurer, and at its option, also elects a vice president; and

WHEREAS, nominations from the floor for such positions are appropriate.

THEREFORE, be it resolved that nominations from the floor will be taken for board officer positions at the March 11, 2019 Board of Regents meeting.



Resolution Making Annual Determination of Reasonable Notice of Public Meetings

WHEREAS, the Board of Regents is required by section 10-15-1(D) of the New Mexico Public Meetings Act to determine annually in a public meeting what notice is reasonable for a public meeting of the Board.

THEREFORE, be it resolved that the Regents affirm Regent Policy 1.3 (attached) concerning public notice of Regents' meetings; and

BE IT FURTHER RESOLVED that the Regents hereby determine that such policy provides reasonable notice of public meetings held by the Board.

Resolution Appointing Labor Representative Pursuant to the Regents' 2006 Labor Management Relations Resolution and Re-Appointing Employer Representative and Neutral

WHEREAS, the Board of Regents is required by its May 2006 Labor Management Relations Resolution (LMRR) to appoint three members to UNM's local labor board; and

WHEREAS, the three members must consist of one member recommended by UNM/employer, one member recommended by the individuals representing Labor, and a third neutral member recommended by the other two appointees; and

WHEREAS, Section 7 of the LMRR signifies that Board members shall serve for a period of one (1) year with terms commencing in the month of September and with vacancies being filled in the same manner with the exception that such appointments shall only be made for the remainder of the unexpired term; and

WHEREAS, there is a vacancy in the Labor representative member with the resignation of Joseph Allotta; and

WHEREAS, Marianne Bowers, Esq. has been nominated to be the Labor representative by the existing unions; and

WHEREAS, the Board of Regents has not re-appointed the existing member, Charlotte Lamont, Esq. as Management representative, since 2012.

THEREFORE, be it resolved that Marianne Bowers is appointed as the Labor Representative for the remainder of the term until September 2019; and

BE IT FURTHER RESOLVED that Charlotte Lamont is reappointed to her respective Board seat until September 2019.