

**Minutes of the Regular Meeting of  
The Board of Regents of the University of New Mexico  
February 18, 2020  
Open Session - Ballroom C; Executive Session - Cherry Silver Room  
Student Union Building, Main Campus**

Members present

Douglas Brown, President; Sandra Begay, Secretary/Treasurer; Marron Lee; Robert Schwartz; Kim Sanchez Rael, Vice President (telephonically)

Members not present

Robert Doughty; Melissa Henry

Administration present

Garnett S. Stokes, President; James Holloway, Provost and EVP for Academic Affairs; Paul Roth, EVP and Chancellor for Health Sciences Center; Teresa Costantinidis, SVP for Finance and Administration; Loretta Martinez, Chief Legal Counsel; Francie Cordova, Interim Chief Compliance Officer, Director of OEO, ADA Coordinator; Richard Larson, Executive Vice Chancellor, HSC; Gabriel Lopez, VP Research; Eliseo 'Cheo' Torres, VP Student Affairs; Eddie Nunez, Athletic Director; Dan D. Garcia, VP Enrollment Management; Kate Becker, CEO, UNM Hospitals; Ava Lovell, Sr. Executive Officer for Finance & Administration, HSC; Dorothy Anderson, VP HR; Liz Metzger, University Controller; Connie Beimer, Interim VP Alumni Relations; Terry Babbitt, President's Chief of Staff

Advisors present

Alexis Tappan, President, Alumni Association; Finnie Coleman, Faculty Senate President; Ryan Gregg, Staff Council President; Adam Biederwolf, ASUNM President; Beverly Kloeppel, Retiree Association President

Presenters in attendance

Lisa Todd, Partner, Moss Adams; Mark McComb, Partner, KPMG; Victor Griego, Interim Director, Internal Audit; David Williams, Deputy Athletic Director; Ryan Berryman, Financial Operations Director, Athletics

Others in attendance

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

CALL TO ORDER, CONFIRMATION OF A QUORUM, AND ADOPTION OF THE AGENDA

Regent President Douglas M. Brown had laryngitis and asked Regent Sandra Begay to chair the meeting. Regent Begay called the meeting to order at 10:09 AM and confirmed a quorum with 4 members present: three members present in person and Regent Kim Sanchez Rael joined the meeting telephonically. Regent Marron Lee joined the meeting at 10:30 AM. The agenda was adopted.

APPROVAL OF MINUTES

**The motion to approve the minutes of the December 10, 2019 regular meeting passed unanimously (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Brown).**

**The motion to approve the minutes of the January 24, 2020 special meeting passed unanimously (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Brown).**

PUBLIC COMMENT (no comments)COMMENTS FROM REGENTS' ADVISORS (no comments)COMMENTS FROM REGENTS

Regent Begay gave a follow-up comment from last month's meeting regarding the issues she raised about enrollment and expressed appreciation to the enrollment team for following up on her niece and nephew's acceptance to UNM. Her niece will study Nursing and is on track to finish a year early, and her nephew is accepted into the Civil Engineering program. Regent Begay encouraged all those who have a passion for UNM to do their part to try to keep our best and brightest here!

PRESIDENT'S ADMINISTRATIVE REPORT

President Garnett S. Stokes opened her report with an update on UNM leadership transitions. There will be additional community forums for input regarding the EVP for Health Sciences search. The Dean of the School of Medicine (SOM) position will be separated from centralized HSC leadership, so there

will be a separate search for the new SOM Dean. The new HSC Executive Vice President will make the dean selection. President Stokes highlighted recent University successes: UNM is among seven U.S. institutions tied for having the fourth-highest number of Fulbright U.S. Scholars awardees. UNM is also recognized by Family Friendly New Mexico for having family-friendly policies that help employees succeed at work and at home - both UNM and UNM Hospitals were among only 29 organization to receive the highest level of recognition. Sandoval Regional Medical Center earned a Four-Star Rating from the Centers for Medicare & Medicaid Services (CMS), and SRMC's President and CEO, Jamie Silva-Steele, was recognized for championing success for the Sandoval County center and the Rio Rancho Campus. UNM Athletics has set a department record with a 3.37 cumulative GPA and five programs setting GPA program records. Men's tennis earning the highest for any men's team in school history with a 3.92. President Stokes highlighted some Branch Campus notables, including UNM-Gallup's six consecutive semesters of headcount increases, with a 14.15% increase in headcount since summer 2018. UNM-Los Alamos' new workforce certificate programs in Radiation Control Technology as well as the first Waste Operator program are moving forward. UNM-Taos and Centinel Bank are partnering to launch an inaugural internship-scholarship program. The Taos campus' Film and Digital Media Arts Program was selected to receive \$20K from the NM State Fil Office. President Stokes discussed recent happenings on campus, including campus forums to address the Albuquerque Gateway Center Site Proposal. The Center would be focused on housing and services for those experiencing homelessness. There is a proposal to use UNM-owned land south of the State Laboratory for the Center.

President Stokes discussed highlights from the Legislative Session and UNM's 2020 Legislative Priorities. This year was a 30-day session which are budget-focused. There were almost 900 bills introduced with UNM tracking over 200 of them. Among UNM's 2020 Legislative Priorities were the instruction and general (I&G) funding formula, Medical School I&G funding, compensation formula reform, compensation funding, I&G for population health, Cancer Center funding, GO Bonds, and research and public service projects (RPSPs). UNM Day at the Legislature was January 27 when Lobos from 52 departments participated. Legislators honored students and faculty on the House and Senate floors. Over 330 people, including students, faculty, staff, Regents, Legislators, the Governor, ABQ Mayor, and cabinet secretaries, attended the Alumni Legislator Reception at the end of the day. On February 4<sup>th</sup>, State leaders celebrated HSC Chancellor Paul Roth's extraordinary dedication and service to the State of New Mexico. Over his more than 40-year career in New Mexico, Dr. Roth has made a difference in the lives of countless New Mexicans.

President Stokes talked about University initiatives, including growth in research with portfolio diversity and renewed NIH funding. Integral to research are the University's Grand Challenges: Substance Use Disorder; Successful Aging; and Sustainable Water Resources. Each were selected and envisioned to help the state through research. Each of the Grand Challenges has a multi-disciplinary team and has been awarded seed funding internally for pilot projects. The substance use disorders and the sustainable water resources projects have both received extramural funding in the amounts of \$8.5 million and \$6.5 million, respectively, since the challenges were initiated.

President Stokes gave a brief enrollment update. One of the University's top priorities is growth in enrollment. With increased graduation rates, numbers of new students need to increase in order to stabilize enrollment. To date, the University is up 14% in applications and 10% in admit rates. Non-resident applications are up 56% and transfer applications are up 5%. There has been a slight decline to in-state applications. The big issue is the yield, and that is where much of the efforts will be. The VP for Enrollment Management, Dan Garcia, has been working hard on all fronts, in the areas of communication and marketing, financial aid, ease of application, and emphasis on UNM's quality and value of education, and he will give a fuller report to the Board at next month's meeting.

President Stokes talked about important recent happenings, including UNM's newly received Elective Community Engagement Classification from the Carnegie Foundation for the Advancement of Teaching. UNM is one among only 28 R1 universities and 359 institutions in the U.S. that hold this designation. President Stokes discussed the second, national Regional Discussion on Sexual Assault and Sexual Harassment at America's Colleges, Universities and Service Academies, that UNM co-hosted with the Navy earlier in the month on UNM's campus where over 230 people attended, representing 18 states and Canada, and 300 watched via livestream. Dr. Stokes highlighted UNM's celebration of Black History Month and the calendar of the many great events that will take place during

the month. Lastly, President Stokes touched on the important topic of Strategic Planning UNM 2040 and the next steps for the project. The goal will be to develop a long-term aspirational vision of UNM while also addressing shorter-term goals to move toward that vision, including securing the resource base necessary to achieve a long-term future, ensuring the University has a purposeful vision of diversity and inclusion, and creating a sense of excitement around a few big innovations. Immediate steps include developing charges and planning task forces and forming working groups and leadership for each task force.

President Stokes thanked the Board and asked if Regents had any questions.

Regent Rob Schwartz inquired why there is such an uptick in non-resident applicants and if the yield is also up in that group. President Stokes responded the uptick is possibly a reflection on UNM's efforts to recruit out-of-state students. On the whole this is seen as positive, one of the big challenges has been that neighboring states have been actively recruiting New Mexico students. Of concern is the drop in in-state applicants. Provost Holloway confirmed that both as a state and as an institution the presentation to out-of-state students is probably better. Other concrete steps have helped as well, such as making it easier to apply. The yield will not be known for some months. In-state applications are down a little bit, but the admission rate is actually the same or better. Regent Schwartz inquired if all the numbers are for undergraduate admissions, to which President Stokes affirmed.

Regent Brown congratulated on the wonderful news about the Community Engagement Classification from the Carnegie Foundation. This was in part very favorably influenced by President Stokes' grand challenges, and Regent Brown thanked President Stokes for her leadership on that.

Regent Marron Lee commented with regard to out-of-state recruitment, UNM has to look to the branding initiative and all of the promotional material that has gone out nationwide and to the colder states with pictures of warmer New Mexico! Enrollment is so key to this state, a 1% drop is a \$1 million decline in revenue. Regent Lee requested next month's enrollment report be presented to the full Board. Regent Lee also congratulated President Stokes on the Carnegie Community Engagement Classification, as that helps show from a third party's perspective that UNM is as good as it says it is.

Regent Sandra Begay commented with respect to a Safe and Respectful Campus that she, along with Student Regent Melissa Henry and Regent Brown, attended the recent Regional Discussion on Sexual Assault and Sexual Harassment Conference that was co-hosted with the Navy. Regent Begay was very impressed with the turnout at the conference and the collaboration with the Navy. There was a segment regarding leadership, and for the record, Regent Begay affirmed her support for any initiatives that are put forward, along with the OEO, as far as policy changes to improve the climate and ensure proactivity in prevention. Regent Begay thanked UNM administration for the invitation to attend.

The Regents thanked President Stokes for her report.

- Regent Kim Sanchez Rael disconnected from the meeting telephonically and was able to reconnect during Executive Session.

## **REGENT COMMITTEE REPORTS**

### **CONSENT DOCKET**

Regent Begay addressed the consent docket. No items were removed for discussion.

#### **Finance and Facilities Committee - Consent Items**

- a. Approval of 2<sup>nd</sup> Quarter Financial Actions Report and Certification through 12/31/19 and 2<sup>nd</sup> Quarter Informational Financial Report through 12/31/19
- b. Approval of 2<sup>nd</sup> Quarter Athletics' Enhanced Fiscal Oversight Program Report and Certification through 12/31/19 and 2<sup>nd</sup> Quarter Information on Athletics' Report by Sport through 12/31/19
- c. Approval of Requests for Project Construction:
  - i. Clark Hall #22: Reibsoner Wing Lab Waste System Replacement (Re-Approval)
  - ii. Johnson Center: Fire Alarm Upgrade

#### **Health Sciences Center Committee - Consent Items**

- d. Approval of Disposition of Assets

- e. Approval of Perfusion and ECMO Services and Supplies – CCS Perfusion Services \$2.5M/yr
- f. Repair, Renew, Replace New Hospital Tower and New Parking Structure – Project Commissioning Services \$1,662,000
- g. Approval of the 5<sup>th</sup> Amended and Restated Bylaws of the UNM Medical Group, Inc.
- h. Approval of Appointment of Karen Hawley, MD, to the UNM Medical Group, Inc., Board of Directors
- i. Acceptance of the FY 2018-19 External Audit for the UNM Medical Group, Inc.
- j. Approval of the 4<sup>th</sup> Amended and Restated Bylaws of SRMC, Inc.
- k. Acceptance of the FY 2018-19 External Audit for the SRMC, Inc.
- l. Approval to amend the current engagement letter with Huron Consulting - Sole Source Contract with projected contract cost of \$12,580,000

**The motion to approve the items on the consent docket passed with a unanimous vote in favor (1<sup>st</sup> Lee; 2<sup>nd</sup> Schwartz).**

#### AD HOC GOVERNANCE COMMITTEE

##### Update on the work of the Committee:

Regent Rob Schwartz, Chair of the Committee, stated the Committee was established to look into some structural issues for the Regents. The Committee has met a couple of times and three task forces have been created to work on issues the Committee was asked to consider: a Financial Task Force; an Affiliated Entities Task Force; and a Structural Issues and Formal Processes Task Force. The Financial Task Force will address budget issues, also at the difference between compensation and reimbursement with regard to Regents, with a special look at the Student Regent, because the burden on the Student Regent is a substantial financial burden. With the help of University Counsel's Office, it will consider practices and norms around the country with regard to financial issues related to the University as a whole, as well as financial issues related to the Regents. The Affiliated Entities Task Force will address the relationship between those 20 or so entities that are related to the University, but not formally a part of the institution. One task will be to better define the relationship between the governing boards of those entities and the Regents, and another task will be looking at the application of state laws, as well as University policy, to those entities. The last task force will address such areas as titles of members, names of committees, and structure of committees on the Board of Regents. Other areas of consideration will be the accessibility of Board meetings to the community and orientation of new members.

#### AUDIT AND COMPLIANCE COMMITTEE

##### Presentation of the FY19 University Consolidated Financial Statements External Audit Report (information item)

Lisa Todd of Moss Adams, and Mark McComb of KPMG, presented the item and referred to slides that were provided in the eBook. Moss Adams is responsible for UNM Main Campus and Branches financial statement audit, Single Audit of Federal Expenditures – entity-wide for all non-clinical component units and departments. KPMG is responsible for UNM Clinical Operations [UNM Hospital, UNM Behavioral Operations, UNM Medical Group, and SRMC]. For the Federal Grant Compliance Audit, audits of federal grants performed in accordance with single audit guidelines, the major programs tested were: Research and Development – various CFDA; Medicaid Cluster – CFDA 93.778; and Higher Education Institutional Aid - CFDA84.031. Ms. Todd discussed the auditor opinions and reports, all received an 'Unmodified Opinion', meaning there were no findings. Ms. Todd discussed prior year audit findings, two of which have been resolved and two that were modified and repeated. The auditors discussed testwork that was performed and the testing approach. Regarding the NM State Audit Rule Testwork, no deficiencies were noted in the samples selected for testwork.

Ms. Todd thanked UNM's finance teams, the component units and Controller's Office for their diligence, effort and seriousness, and added that it shows in the reports. This is the result of a significant amount of effort and diligence on the part of UNM.

Regent Begay inquired if the tests required by the state are known ahead of time and if all of the higher education institutions are informed of them. Ms. Todd confirmed that every higher education entity as well as state and local government agencies are subject to the same procedures, and they are identical from institution to institution.

Regent Begay thanked the auditors and UNM constituents for their hard work.

The final audit report is posted online at, <https://fsd.unm.edu/resources/audrep19.pdf>

University-Wide Risk Assessment Report (information item)

Victor Griego, Interim Director for the Internal Audit Department, presented the information on behalf of the Risk Assessment Team. The University-Wide Risk Assessment will be a joint, collaborative effort among the University's colleges, departments, branches, programs and operations areas for developing the work plans. The basic purpose is to identify operational, financial, and compliance risks to the University at the institution level and at the department or program level. Each unit will receive a risk assessment questionnaire in April, and the work plan development will include discussion with University officials and leadership, as well as the development of heat maps. Individual work plans will be presented to the Audit and Compliance Committee for feedback and approval. The goal is to have the work plans developed and approved as early as possible in upcoming fiscal year 2020-2021.

Regent Schwartz requested clarification on what the risk assessment will encompass. Mr. Griego responded the process will address any risk to the University, be it operational, compliance, and financial risk, and what could result in legal liability to the University. There was discussion about the different types of risk and the ultimate goal to ensure the University has appropriate coverage.

Regent Begay recommended appropriate marketing to alert constituents that the survey is coming and to stress the importance of participation from all areas of the institution.

FINANCE AND FACILITIES COMMITTEE

Approval of the Multi-Media rights Contract for Athletics

Regent Begay, Chair of the Committee, clarified that a draft of the contract was presented in committee and the final version was recently made available to the full Board. Eddie Nunez introduced the item; David Williams and Ryan Berryman were also present to answer questions. This process began almost two years ago. The prior agreement that UNM had was a good agreement for its time. Multi-media rights models have changed; guaranteed contracts are not as they used to be. As previously presented to the Board, five national leaders bid on the RFP, and through the process, OUTFRONT Media Sports, Inc. was selected. UNM has been working with OUTFRONT for about six months. Mr. Williams talked about some of the details of the contract. Section 3 outlines the Scope of Services and Section 4 outlines the term of the 10-year contract, with the ability to extend it by 2 years. Section 5 outlines the Financial Terms, including a one-time capital investment of \$650K paid by OUTFRONT to UNM over three years for investment in assets and programs that will enhance revenues. Also, OUTFRONT will pay UNM a one-time program investment of \$750K that UNM will pay back at \$75K per year over 10 years. Since year one of the contract was known to be a challenge due to OUTFRONT taking over well past the selling season, the upfront capital investment will help UNM to make up for any revenue shortfall in year-one. Section 5.3 outlines the Net Revenue Share of the deal - the contract is essentially a profit share model. At the beginning of every year, the athletic administration will work with OUTFRONT's general manager to develop a yearly annual operating expense budget. In a given year, after the operating expenses are covered by revenues, the remaining revenues will be split between UNM and OUTFRONT, 85% & 15%, respectively. Under Section 5.4, there is a protection clause that guarantees funds to UNM in case of a down year. Section 6 discusses the operating expenses, and Appendix C outlines where the year-one operating expenses begin. The contract term starts on July 1, 2019, and each agreement year is from July 1 through June 30 of the following year.

Regent Begay inquired if a 10-year window for this type of contract is typical. Mr. Williams responded that a 10-year contract is typical, with 7-8 years as minimums and up to 15-years as a maximum.

Regent Schwartz inquired what the changes were from the draft contract that was seen in committee to the final version. Mr. Williams responded there were three changes. The first was in section 12.0, regarding Material Impairment to Rights, The wording was changed to address risks to not only UNM's ability to sell corporate sponsorships, but also to OUTFRONT's ability in the case of material adverse publicity. The second change was a small change under Appendix C, regarding data privacy in order to utilize wording that UNM's IT department was comfortable with. The third change regarded the operating budget template budget under Appendix C, changing Other Fulfillment from \$100K to \$120K, and changing Production from \$400K to \$410K. Regent Schwartz asked for clarification on what Other

Fulfillment and Production were. Mr. Williams responded that Production is the amount it takes to produce, for example a game. Other production costs may be radio clearance fees. Other Fulfillment would be other things that are provided to a sponsor, for example a static sign or an advertisement at a particular game.

Regent Schwartz asked with regard to net revenues, and the first year challenges as previously mentioned, what the estimates were for net revenue in the second and third years. Mr. Williams said that was a difficult question to answer and he would have a much better sense at the end of the year. For year-one, the revenues are expected to be somewhere around \$3 million, which includes the first year, one-time program investment by OUTFRONT. AD Nunez added that once multi-year contracts are in place, future-year revenue estimates will be more accurate.

Regent Lee clarified that OUTFRONT has committed to ticket sales of \$283,000 and that is a guarantee. Mr. Williams added that the number is based on the current number of corporate sponsors, and so the number can grow as corporate sponsors grow. Regent Lee thanked the athletic department because she had requested to see the contract beforehand. Regent Lee addressed some of the questions she had put forward regarding areas specifically outlined in the contract: 1) regarding different types of seats on planes - Mr. Williams clarified that one seat-type would be for radio talent, and this would cut operational expenses for which UNM is partly responsible. Another type of seat would be for a stewardship of gifts, an example being to foster renewal of the sponsorship of a corporate sponsor; 2) regarding honoring the long-term corporate sponsorships that are already in place - Mr. Williams clarified Pepsi's sponsorship is the only listed because Pepsi's original deal is directly with the University. Dreamstyle's contract is with Learfield, initially, and so any contract that was originally with Learfield will be re-papered to OUTFRONT. Regent Lee acknowledged Larry Chavez' generosity and support to the University, and clarified she was concerned when Dreamstyle was not listed. It was clarified there is no anticipation of changes to the Dreamstyle contract; 3) regarding less roadblocks to the development of other partners to enhance Lobo athletics, eg. public private partnerships - AD Nunez responded this area will likely have more potential, and there was discussion about enhanced Lobo merchandise at the ABQ airport kiosks; 4) regarding profitability of the suites in Craft Corner - Mr. Williams responded that OUTFRONT sees potential for corporate sponsorship there and so the suites will go into OUTFRONT's inventory; 5) regarding the inclusion in the contract of a Confidentiality Agreement - Mr. Williams responded this is more about keeping OUTFRONT's trade secrets regarding its agreements and contracts confidential; and 6) regarding staff, how to ensure that any OUTFRONT staff members working within the University's organization adhere to the same standards that UNM employees are required to adhere to - Mr. Williams responded that, contractually, that can be a difficult thing to ensure, but Section 12 covers UNM a little bit to that end. Mr. Berryman added that under Section 18, UNM reserves the right to be involved in the interview and decision making process of the Dedicated Staff that OUTFRONT may hire, to work solely on the UNM relationship for the purpose of protecting the name, goodwill and reputation of UNM.

**The motion to approve the Multi-Media Rights Contract for Athletics passed with a unanimous vote in favor with 4 Members present and voting (1<sup>st</sup> Begay; 2<sup>nd</sup> Brown).**

**VOTE TO ADJOURN THE BOARD OF REGENTS MEETING IN ORDER TO CONDUCT THE MEETINGS OF THE MEMBER**

The motion to adjourn the Board of Regents passed unanimously (1<sup>st</sup> Lee; 2<sup>nd</sup> Schwartz). The meeting adjourned at 11:55 AM.

**MEETING OF THE MEMBER – UNM Medical Group, Inc. (UNMMG)**

Regent Schwartz convened the UNMMG Meeting of the Member at 11:55 AM.

Regent Schwartz motioned to accept the external audit and annual report; Regent Lee seconded; the motion passed unanimously.

There being no further business, Regent Schwartz motioned to adjourn the UNMMG Meeting of the Member; Regent Lee seconded; the motion passed. The meeting adjourned at 11:55 AM.

MEETING OF THE MEMBER – Sandoval Regional Medical Center, Inc. (SRMC)

Regent Schwartz convened the SRMC Meeting of the Member at 11:56 AM.

Regent Schwartz motioned to accept the external audit and annual report; Regent Lee seconded; the motion passed unanimously.

There being no further business, Regent Schwartz motioned to adjourn the UNMMG Meeting of the Member; Regent Lee seconded; motion passed. The meeting adjourned at 11:56 AM.

VOTE TO RECONVENE BOARD OF REGENTS

The vote to reconvene the Board of Regents passed unanimously (1<sup>st</sup> Lee; 2<sup>nd</sup> Brown). The Board of Regents reconvened at 11:56 AM.

ADVISORS' REPORTS

Adam Biederwolf, ASUNM President, reported on recent ASUNM activities, including approval of a proposed ASUNM fee increase that will help continue support of over 460 student organizations and 8 student service agencies. The fee increase will provide an estimated \$138K, for total projected funding of \$776K for FY20-21 year. Members of ASUNM continue to seek input from students on the proposed fee increase, and so far received input from 459 students and from 30 organizations.

Regent Begay inquired about homeless students on campus and the wish to better understand the issue. Mr. Biederwolf responded he is aware of the issue and added the LoboRESPECT Advocacy Center would be a good source of information.

Ryan Gregg, Staff Council President, responded to Regent Begay's query and said there are different types of homelessness, and from experience working with students, the majority of student homelessness is of the transitional-type rather than chronic homelessness. In Mr. Gregg's report, he also talked about how Staff Council has worked with multiple constituents on campus, including VP HR Dorothy Anderson, Chancellor Roth, and students, to set up funding for several graduate internships so that students can get valuable on the job experience.

Finnie Coleman, Faculty Senate President, spoke about how Faculty Senate serves faculty who are both inside and outside the bargaining unit; about recent work with union leadership; about recent activity moderating forums addressing the proposed Gateway Homeless Shelter; and about UNM's activities celebrating Black History Month, including upcoming Langston Hughes concerts on campus.

Vote to Close the Meeting and Proceed in Executive Session

Regent Begay asked for a motion to close the meeting and clarified she would take a roll call vote; Regent Lee motioned; Regent Schwartz seconded; the following votes were taken: Regent Lee-yes; Regent Brown-yes; Regent Begay-yes; Regent Lee-yes; Regent Schwartz-yes vote; motion passed. The meeting closed at 12:18 PM; members proceeded to the Cherry Silver Room on 3<sup>rd</sup> level of the SUB to address the following:

Executive Session Agenda

- A. Discussions of bargaining strategy preliminary to collective bargaining and collective bargaining between a policymaking body and an employee bargaining unit, as permitted by Section 10-15-1.H(5), NMSA (1978)
- B. Discussions subject to attorney-client privilege pertaining to threatened or pending litigation as permitted by Section 10-15-1(7), NMSA (1978)
- C. Discussion of "limited personnel matters" as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) ---- regarding: employee appeal(s)
- D. Discussion of personally identifiable information about a student, as permitted by Section 10-15-1.H(4), NMSA (1978), as amended

- Regent Sanchez Rael rejoined the meeting, telephonically, during Executive Session.

VOTE TO RE-OPEN THE MEETING AND CERTIFICATION

The meeting re-opened at 2:13 PM; the doors to the Cherry Silver Room were opened. Regent President Brown certified that only those matters described in the closed session agenda were discussed; the following actions were taken in open session:

The motion to exercise discretion not to hear the appeal of an employee, dated February 3, 2020, passed with a vote of 4-0-0; Regents Brown, Begay, Lee, Rael, voting for; Regent Schwartz recused himself from the discussion and did not vote (1<sup>st</sup> Brown; 2<sup>nd</sup> Lee).

The motion to exercise discretion not to hear the appeal of an employee, dated December 16, 2019, passed with a vote of 4-1-0; Regents Brown, Begay, Lee, Rael, voting for; Regent Schwartz voting opposed (1<sup>st</sup> Brown; 2<sup>nd</sup> Begay).

The motion to exercise discretion not to hear the appeals of a student, dated October 8, 2019 and January 3, 2020, passed with a vote of 5-0-0; Regents Brown, Begay, Lee, Rael, and Schwartz voting (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Lee).

The motion to exercise discretion not to hear the appeal of a student, dated November 15, 2019, passed with a vote of 4-1-0; Regents Brown, Begay, Lee, Rael, voting for; Regent Schwartz voting opposed (1<sup>st</sup> Brown; 2<sup>nd</sup> Lee).

ADJOURN

There being no further business, Regent Brown asked for a motion to adjourn; Regent Begay motioned; Regent Lee seconded; motion passed unanimously; the meeting adjourned at 2:14 PM.

Approved:

Attest:



Douglas M. Brown, President



Sandra K. Begay, Secretary/Treasurer