

Minutes of the Regular Meeting of
The Board of Regents of the University of New Mexico
May 16, 2024
9:00 AM Open Session-Student Union Building (SUB), Ballroom C
8:00AM Executive Session in Cherry Silver Room, SUB
Open Session livestreamed for public viewing

Members Present

Paula Tackett
Paul Blanchard
Kim Sanchez Rael, Chair
William H. Payne (virtually)
Victor Reyes
Jack L. Fortner, Vice Chair
Robert L. Schwartz, Secretary-Treasurer

Administration Present

Garnett S. Stokes, President; James Holloway, Provost and EVP for Academic Affairs; Teresa Costantinidis, EVP for Finance and Administration; Doug Ziedonis, EVP for Health Sciences and CEO of the Health System; Norma Allen, Controller; Rebecca Napier, VP Finance & Administration, HSC; Michael Richards, Senior VP for Clinical Affairs, HSC; Shawna Wolfe, VP, Institutional Support Services; Ellen Fisher, VP Research; Assata Zerai, VP Equity and Inclusion; Eric Scott, VP Student Affairs, Dan Garcia, VP Enrollment Management; Eddie Nunez, AD; Scot Sauder, Interim General Counsel; Francie Cordova, Chief Compliance Officer; Kevin Stevenson, VP HR; Terry Babbitt, President's Chief of Staff; Cinnamon Blair, Chief University Marketing and Communications Officer; deans and others

Advisors Present

Anthony Tomaziefski, ASUNM President; Michel Rivera Martinez, GPSA President; Grace Faustino, Staff Council President; Kris Elder, Faculty Senate, President

Presenters

Tabia Murray Allred, Executive Director, Institutional Support Services
Jason Strauss, President/CEO, Lobo Energy Inc.
Mike Holclaw, Chancellor, UNM-Los Alamos
Katherine McKinney, Modrall Sperlberg Law Firm

CONFIRMATION OF PRIOR SPECIAL MEETINGS IN EXECUTIVE SESSION

The Board of Regents met in closed session on March 06, 2024 from 12:00 pm to 2:30 PM on Main Campus in the Scholes Hall Roberts Room. The meeting was held in closed session under the following Open Meetings Act (NMSA 1978) exceptions: discussions subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1(H)(7), NMSA (1978); meetings of committees or boards of public hospitals where strategic and long- range business plans or trade secrets are discussed, as permitted by section 10-15- 1(H)(9), NMSA (1978); 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); discussions of limited personnel matters as defined in and permitted by Section 10-15-1(H)(2), NMSA (1978). Regents present in person were Kim Rael, Paula Tackett, Paul Blanchard, Victor Reyes, Rob Schwartz, Regent Bill Payne and Jack Fortner. Also present in person were President Stokes, Provost Holloway, EVP Ziedonis, EVP Costantinidis, and General Counsel. The matters discussed were limited to those specified in the notice and agenda for the meeting; there were no matters upon which official action was taken.

The Board of Regents met in closed session on May 01, 2024 from 10:00 am to 12:30 PM on Main Campus in the Scholes Hall Roberts Room. The meeting was held in closed session under the following Open Meetings Act (NMSA 1978) exceptions: discussion of draft Internal Audit reports and information subject to attorney-client privilege; audit work plans; and information security and privacy report, pursuant to RPM 1.2 and NMSA 1978, § 10-15-1(H)(7) (2013); discussion of limited personnel matters as defined in and permitted by NMSA1978, Section 10-15-1(H)(2); discussion, and where appropriate, determination of matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the University is or may become a participant, as permitted by NMSA 1978, §10-15-1H(7); discussion, and where appropriate, determine of

matters of long-range business plans and/or trade secrets of public hospitals, as permitted by NMSA 1978, § 10-15-1H(9); discussion, and where appropriate, determination of personally identifiable information about an individual student, as permitted by NMSA 1978, §10-15-1H(4); and discussion of bargaining strategy preliminary to collective bargaining negotiations between the University and a bargaining unit representing the employees of the University, as permitted by NMSA 1978, § 10-15-1H(5). Regents present in person were Kim Rael, Paula Tackett, Paul Blanchard, Victor Reyes, and Rob Schwartz; Regent Bill Payne attended virtually; Regent Jack Fortner was not able to attend the meeting. Also present in person were President Stokes, Provost Holloway, SVP Costantinidis, and General Counsel. The matters discussed were limited to those specified in the notice and agenda for the meeting; there were no matters upon which official action was taken.

CALL TO ORDER AND CONFIRMATION OF A QUORUM

Regent Chair Kim Sanchez Rael called the meeting to order at 8:04 am in the Cherry Silver Room in the Student Union Building and confirmed a quorum with 4 members present in person (Sanchez Rael, Schwartz, Blanchard and Tackett) and one virtually (Regent Payne); Regents Reyes joined in person at 8:08 am and Regent Fortner joined in person at 8:18 am.

VOTE TO ADOPT THE AGENDA

- **The motion to adopt the agenda passed unanimously with five regents present and voting (1st Schwartz; 2nd Blanchard).**

VOTE TO CLOSE THE MEETING AND PROCEED IN EXECUTIVE SESSION

- **The motion to close the meeting and proceed in executive session passed unanimously with five regents present and voting (1st Blanchard; 2nd Schwartz; roll call vote – all members voted yes)**

The meeting closed at 8:05 AM. *[The doors to the Cherry Silver Room were closed.]*

Executive Session agenda:

- Discussions of limited personnel matters as defined in and permitted by Section 10-15-1.H(2), NMSA (1978)
- Discussions 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

The motion to re-open the meeting passed unanimously with seven regents present and voting (1st Fortner; 2nd Blanchard; roll call vote – all members voted yes)

The meeting re-opened at 9:04 AM.

[The Regents proceeded to SUB Ballroom C]

CONVENE OPEN SESSION AND CERTIFICATION OF CLOSED SESSION

Regent Rael convened open session at 9:12 AM in Ballroom C and certified that the Board's closed session discussions were limited only to items on the executive session agenda. She noted that all regents were present, with Regent Payne attending virtually.

Regent Rael affirmed UNM's Land Acknowledgement Statement by reading it aloud:

Land Acknowledgement Statement of the University of New Mexico

Founded in 1889, The University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico - Pueblo, Navajo, and Apache - since time immemorial, have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.

APPROVAL OF MINUTES

- **The motion to approve the minutes of the March 11, 2024 Election of Officers meeting and the March 21, 2024 regular meeting passed unanimously (1st Fortner; 2nd Blanchard).**

PUBLIC COMMENT RELATED TO AGENDA

Ernesto Longa, School of Law professor, spoke about the FY24 BAR and UNM's failure to provide appropriate faculty salary increases. He also expressed alignment with the residents' union.

Charlene Bencomo, Bold Futures NM Executive Director, Danica Terrones, Doula, and Heather Smith, Bold Futures NM Community Engagement Director spoke in support of the proposed Reproductive Health Center in Dona Ana County.

ADVISORS COMMENTS RELATED TO AGENDA ITEMS

There were no advisor comments. Regent Rael noted that it was Staff Council president Grace Faustino's final meeting as an advisor. She thanked Grace for her thoughtful comments and advocacy throughout her time as Staff Council president.

PRESIDENT'S ADMINISTRATIVE REPORT

President Stokes first thanked everyone for a remarkable, joyful commencement ceremony on the previous Saturday.

President Stokes spoke about recent events on campus, particularly noting that UNM has a long tradition of supporting the rights of its students to actively engage in their First Amendment rights. UNM has policies that protect the Constitutional rights to free speech and to peaceably assemble. She noted that the institution has worked hard to balance its deference to free speech with its responsibilities to protect its students, faculty, staff and infrastructure from harm.

President Stokes acknowledged that over the past seven months, we have witnessed immeasurable human suffering at the root of this national, and international, movement. Everyone in leadership at UNM recognizes the unfolding tragedy. Leadership has met over the last few weeks with various groups and community members with varying viewpoints. Student leaders with the UNM Divestment Coalition submitted a formal request asking the regents to adopt a resolution that calls for a ceasefire in Gaza, disclosure of UNM investment portfolios and the divestment for any investments tied to Israel. Although the institution is asked to take a position on various matters, it is not the role of a public university to express institutional opinions on intricate social, and geopolitical matters. She stated:

However, violence and resulting human suffering are antithetical to our values and our role in our communities. Furthermore, I think universities and critical thought flourish in times of peace. Universities serve as vital platforms for constructive dialogue, critical thinking and the cultivation of leaders equipped to navigate and address these multifaceted issues. We stand for peace in this and all global conflicts and cherish foremost our place as the place where the future can be envisioned and understood. In response to our community, our students who requested disclosure and divestment in emails and letters, and public comment, during in-person meetings, we're grateful for the ways in which you have engaged. UNM has committed to publicly disclosing the results of our research and our investment portfolio.

President Stokes noted the deadline for disclosure is August 2024.

President Stokes also explained the timeline of events at the Duck Pond related to dismantling the encampment, including detailing policies prohibiting camping on campus and sleeping on campus between 10 pm and 8 am. She detailed discussions with participants at the encampments and all accommodations to allow for voluntary dismantling of the encampment before police dismantled what remained. She thanked all those dedicated to ensuring safety on campus and noted that the administration is involved in continuing discussions with student groups and others.

REGENTS' COMMENTS

There were no regent comments.

VOTE TO APPROVE THE FY25 CAPITAL PLANNING REQUESTS

Shawna Wolfe, VP for Institutional Support Services requested approval for FY25 Capital Planning requests, noting that a complete presentation had taken place at the Committee of the Whole on May 01, 2024.

- **The motion to approve the FY25 Capital Planning requests passed unanimously (1st Reyes; 2nd Schwartz).**

VOTE TO APPROVE FY25 OPERATING BUDGET FOR HEALTH & HEALTH SCIENCES, MAIN AND BRANCH CAMPUSES

Jeremy Hamlin, Director, University Budget Operations, OPBA, Rebecca Napier, VP for Finance & Administration, Health & Health Sciences, and Joseph Wrobel, Chief Budget & Facilities Officer, Health & Health Sciences, presented additional information on the FY25 Operating Budget request, noting that a complete presentation had taken place at the Committee of the Whole on May 01, 2024.

Regent Schwartz asked if the two identified priorities of the establishment of a Substance Use Disorders Center and the increase of capacity for healthcare education programs were reflected in the budget. VP Napier noted that expansion requires accreditation approval and a process that necessitates a longer timeline and would not be reflected in this budget, but in subsequent budgets. However, expenses related to analysis and facilities planning have been built into the budget.

Regent Reyes requested more information about the state funds that went to the Timely Care contract. Mr. Hamlin deferred to Provost Holloway, who responded that Timely Care became a priority two years prior and at that time, one-time funds were used. Funds provided by the State for Student Support seemed to be an appropriate ongoing source of funding for student mental health support (including Timely Care). Another use of student support funds went to COSAP, a drug-use prevention program, with studies showing estimates of 10-1 return on funds invested. The provost noted the remaining student support funds will go toward advising.

- **The motion to approve the FY25 Operating Budget for Health & Health Sciences, Main and Branch Campuses passed unanimously (1st Fortner; 2nd Schwartz).**

INFORMATION ITEM: ACADMEIC YEAR 2024-25 BOARD OF REGENTS MEETING DATES

Regent Rael noted that the FY25 regent meeting dates were included on the agenda as an information item and would be entered into the record.

COMMITTEE REPORTS

CONSENT DOCKET

1. 2024 External Financial Statement Audit Contract
2. Reappointment of UNMH BOT Member – Mrs. Monica Zamora
3. UNM Hospital Board of Trustees Member Nomination - Kim Hedrick
4. Mil Levy Update - UNM Hospital Bernalillo County Memorandum of Understanding
5. Health & Health Sciences FY24 Budget Adjustment Request (BAR)
6. Appointment of Shirley Abraham, MD as the holder of the 'T. John Gribble Endowed Chair for Hematology Oncology'
7. Change to GPSA – Constitution Bill No. SP24-001 Fee Adjustment
8. Change to ASUNM – Constitution Bill No. 21S
9. Resolution of Alignment Issues between Regents Policy Manual and Faculty Handbook – RMP 5/5 and 5/6 and FHB C130 and C140 C-9
10. Construction Project Approvals/Re-Approvals (all items below \$2 Million): C-10
 - a) Area 4 Roof Replacements and Repairs
 - b) Parking Lot Improvements
 - c) Parish Library Space Upgrade for Relocations
 - d) Football Field Replacement at the Indoor Practice Facility
 - e) Information Technologies Building (#153) Restroom Renovation Re- Approval
 - f) Dane Smith Hall - Atrium Smoke Control Upgrade
 - g) Bandelier Hall East - Office Renovations
 - h) Pete and Nancy Domenici Hall - Fire Alarm Upgrade
 - i) Family Practice Center - Fire Protection Upgrade Phase 2
 - j) Biomedical Research Facility - Labs 131-140 Airflow Safety Modifications
 - k) Johnson Center - Basement Restrooms Renovation
 - l) Hibben Center - Compact Storage Collections Shelving
 - m) UNM Gallup - Lions Hall Demolition

- n) Castetter Hall - Animal Care Facility Upgrade
11. New Mexico Higher Education Department, Institutional Finance Division, 3rd Quarter Financial Actions Report and Certification through March 31, 2024
 12. FY24 Budget Adjustment Request (BAR) for Main and Branch Campuses
 13. 114 Alexander Street, Taos Lease
 14. Board Appointments to UNM Rainforest Innovations Board of Directors
 15. Three-year Appointment of a Non-Positional Director on the Lobo Development Corporation Board of Directors C-15

*Docket Note: Number(s) 1 moved from Audit & Compliance Committee; 2-5 moved from Health Sciences Center Committee; 6-9 from Student Success, Teaching and Research [SSTAR] Committee; and Numbers 10-15 moved from Finance & Facilities [F&F] Committee.

- **The motion to approve all items listed on the consent docket passed unanimously with a vote of 7-0 (1st Blanchard; 2nd Reyes)**

AUDIT AND COMPLIANCE COMMITTEE

Regent Fortner, Chair of the Committee, requested that Victor Griego, Director of Internal Audit, report on the committee meetings on May 01, 2024 and May 02, 2024 in Executive and Open sessions respectively. Mr. Griego noted that the Open Session included approval of FY24 External Financial Statement Audit Contract and the FY24 External Financial Statement Audit Entrance Meeting. The Executive Session included Presentation and approval of Audit of The Office of Medical Investigation Operations (OMI), an Update on OMI EthicsPoint cases, a presentation and approval of UNM Health Audits Disaster Recovery Assessment, an IT Risk Assessment and status of corrective action plan for Payment Card Industry (PCI) Audit Recommendation.

STUDENT SUCCESS, TEACHING AND RESEARCH

Regent Tackett, Chair of the Committee, requested that Chris Elder, Faculty Senate President, present the request for approval of Spring 2024 degree candidates.

VOTE TO APPROVE THE 2024 SPRING DEGREE CANDIDATES

- **The motion to approve the 2024 Spring Degree Candidates passed unanimously with a vote of 7-0 (1st Blanchard, 2nd Fortner)**

HEALTH & HEALTH SCIENCES CENTER

Regent Schwartz, Chair of the Committee, requested approval for the Center for Reproductive Health, Dona Ana Clinic Real Property Acquisition.

VOTE TO APPROVE THE CENTER FOR REPRODUCTIVE HEALTH, DONA ANA CLINIC REAL PROPERTY ACQUISITION

- **The motion to approve the Center for Reproductive Health, Dona Ana Clinic Real Property Acquisition passed with a 6-1 vote (no - Fortner) (1st Schwartz; 2nd Reyes)**

FINANCE AND FACILITIES COMMITTEE (F&F)

Regent Payne, Chair of the Committee, introduced three action items and invited presenters for each item.

VOTE TO APPROVE OR RE-APPROVE PROJECT CONSTRUCTION (all items above \$2M): CENTER FOR COLLABORATIVE ARTS & TECHNOLOGY (Tabia Allred Murray, presenter)

There was discussion about the building design and the lack of consistency with Regents Policy Manual 2.10, and the work of the Architectural Review committee.

- **The motion to approve the Center for Collaborative Arts & Technology passed with a 6-0-1 vote (abstained- Schwartz) (1st Reyes; 2nd Payne)**

VOTE TO APPROVE LEI AMENDED MSA & SOUTH CAMPUS ESCO FINANCING (Jason Strauss and Katherine McKinney, presenters)

- **The motion to approve the LEI Amended MSA and South Campus ESCO Financing passed unanimously with a 7-0 vote (1st Fortner; 2nd Tackett)**

APPROVAL OF UNM LOS ALAMOS COUNTY BOND ELECTION (Mike Holtzclaw and Katherine McKinney, presenters)

- **The motion to approve the UNM Los Alamos County Bond Election passed unanimously with a 7-0 vote (1st Fortner; 2nd Blanchard)**

ADVISORS COMMENTS NOT RELATED TO AGENDA

Chair Rael welcomed two new advisors – ASUNM president Anthony Tomaziefski and GPSA president Michel Rivera Martinez.

Grace Faustino, Staff Council President, recognized and thanked all the staff who maintain and support the University and the Staff Council members. She urged administrators and supervisors to support staff participation in Council activities. She reflected on the past year's events on campus and across the world. She emphasized the importance of shared governance, creating a safe workplace for all, providing living wages, and allowing staff to manage their mental health. She highlighted the Staff Councils accomplishments throughout the year. She encouraged the board and administration to provide staff training on AI as an enhancement to their work. She introduced Ivan Olay, as the next Staff Council President.

Cris Elder, Faculty Senate President, referenced her statement at the Student Success Teaching and Research Committee meeting, reiterating that the safety of the campus community remained a top priority. She expressed that UNM has compromised that safety historically across administrations by responding to protests with the use of force. She expressed the desire of some faculty to continue the discussions about identifying a process and policy in relation to such responses moving forward.

Anthony Tomaziefski introduced himself as the new president of ASUNM. He updated the board on ongoing and upcoming initiatives, including LoboLift, grand mall string lights, Zimmerman sleep pods, and an outdoor amphitheater.

Michel Rivera Martinez introduced himself and thanked the board for their approval of the GPSA fee increase, which will help fund general scholarships, as well as other student support initiatives. He expressed that he is looking forward to advising the board on student concerns.

PUBLIC COMMENT NOT RELATED TO AGENDA

Chair Rael explained regent comment, by policy, can be limited in volume, and that there would be 1 hour total of public comment. She invited elected officials who signed up to comment to speak first.

Eleanor Chavez, State Representative - House District 26, spoke in favor of disclosure of investments and divestment from entities involved with Israel.

Jennifer Tucker, faculty, urged the administration and the board to create meaningful spaces for productive dialogue and participation.

Andre Montoya-Bathelemy physician, Rakin Faruk, student, Farah Al Qawasmi, student, Daniela Montoya-Barthelemy, community member, Camilla Allison, alumna, Reverend Sarah Trevis Townes, community member, Les Field, professor, Iris Keltz, alumni, an unidentified community member, and an unidentified upcoming medical student all spoke against the use of police force in response to the Duck Pond protest and called for open communication with the Board, as well as divestment from entities involved with Israel.

Alex Fisher, graduate student, Shoshana Adler Jaffe, staff member, and Leonardo Arreola, student, spoke against the call for divestment from Israel.

Sara Kopic, staff, Savannah Gallegos, student, Victoria Lovato-Montoya, student, and Briann (no last name stated), student, spoke about ongoing antisemitism on campus and urged the administration to deescalate the campus climate.

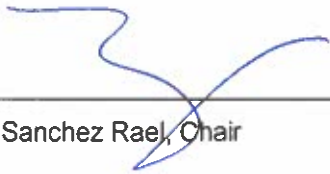
Victoria Lovato-Montoya, student, urged the administration to drop charges against arrested protestors and allow students to speak freely.

ADJOURN

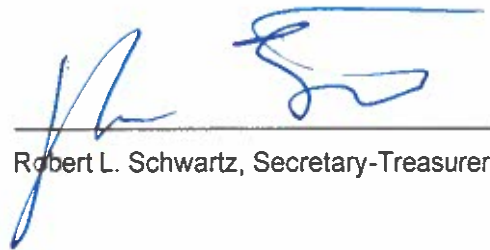
There being no further business, Regent Fortner motioned to adjourn the meeting, Regent Blanchard seconded; all were in favor; the meeting adjourned at 11:28 PM.

Approved:

Attest:



Kim Sanchez Rael, Chair



Robert L. Schwartz, Secretary-Treasurer

Minutes originated and finalized by Emily Morelli