

New Mexico Highlands University Board of Regents Meeting
New Mexico Highlands University
May 11, 2007

The New Mexico Highlands University Board of Regents met in regular session on May 11, 2007 at the Margaret J. Kennedy Alumni Hall, New Mexico Highlands University, Las Vegas, New Mexico. Chairman Gonzales called the meeting to order at 10:10 a.m.

Attendance

Board Members Present: Mr. Javier M. Gonzales, Mr. Walter Adams, Mr. Robert Benavides, Ms. Sherry Salas, and Ms. Rosanna Vázquez

Administrative Personnel Present: Dr. James Fries, President; Ms. Judy Cordova, Vice President of Student Affairs; Dr. Gilbert Rivera, Interim Vice President for Academic Affairs; Mr. Domingo Sánchez III, Interim Vice President for Finance & Administration; Ms. Rachel King, Legal Counsel

Others Present: Dr. Orit Tamir, Faculty Senate; Mr. Jesse Lopez, Student Senate President; Ms. Carolina López, Board of Regents Administrative Assistant and numerous other individuals in the audience, including faculty, staff, students, community representatives, and media. The Board meeting was broadcast live via instructional television video to the NMHU Farmington, Santa Fe, and Rio Rancho Centers, and over the KEDP NMHU Radio Station

Approval of Agenda for Meeting of May 11, 2007

Regent Adams moved to approve the May 11, 2007 agenda. Regent Salas seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Approval of Minutes from March 16, 2007

Regent Adams moved to approve the March 16, 2007, minutes. Regent Salas seconded the motion. Voting in favor were: Regent Adams, Regent Benavides, and Regent Salas. Abstaining were: Regent Gonzales and Regent Vázquez. Motion passed.

Consent Calendar

Regent Benavides moved to approve consent calendar items A through I with the exclusion of Item G. Regent Adams seconded the motion. Motion passed unanimously.

Regent Adams asked if the demolition estimate included the demolition and hauling of materials. Mr. Lawrence Trujillo informed the Board that the demolition and hauling of materials was included in the estimate. Chairman Gonzales asked if the information was included in the Board Meeting packets. Mr. Trujillo informed the Board that the Buildings & Grounds Report provided some information on the Hi-Rise demolition but that the awarding of a vendor had not been completed. Vice President Sánchez informed the Board that paperwork had just been completed but was not in the packet. Vice President Sánchez stated that he wanted to identify who the award was going to and needed to negotiate a best price on the original as indicated on record as an estimate of \$552,659.37, the price was brought down to \$525,831 by the Recycling

Materials Company. Chairman Gonzales asked if documentation was available. Vice President Sánchez indicated that information on the company and the scope of work was available. Chairman Gonzales tabled Item G to be revisited after the Comments by the Regents section of the agenda when documentation could be provided.

Regent Vázquez asked if Item H had been approved and stated that documentation for Item H was not in her packet. Chairman Gonzales indicated yes. Vice President Sánchez reported that Item H was also an estimate and that a review and compilation of the scores had been completed on Monday, also that the situation was similar to that of Item G. Vice President Sánchez stated that he was asking for Board approval on the estimate as to move forward in asking the top two bidders to meet and get more questions answered before a bid is awarded. Regent Vázquez asked if the Board had approved an estimate of \$100,000 so that administration could move forward to negotiate pending an award. Ms. Rachel King informed the Board that under the procurement policy the Board of Regents is supposed to approve contracts over a set amount and if a bidder had not been selected ahead of time, the Board could decide to delegate to the President the authority to take on the role of the Board for this particular procurement. Chairman Gonzales asked that future items such as G and H include a written description and if a selection has not been made that the description include a request recommending that the President be granted authority to make a decision on the Board's behalf. Regent Vázquez asked for clarification that the Board was voting on an estimate that would allow administration to move forward and negotiate a contract. Vice President Sánchez confirmed Regent Vázquez' statement. Ms. King stated that the Board had to vote on the item in order to delegate decision making to the President.

Chairman Gonzales called for a motion to reconsider the consent calendar as approved. Regent Vázquez moved to approve the consent calendar as approved. Regent Benavides seconded. Motion passed unanimously.

Regent Vázquez moved to approve the consent calendar with the exceptions Items G and H. Regent Adams seconded. Motion passed unanimously.

Chairman Gonzales restated that item G was tabled and was to be presented after Item 21 Comments by the Regents and opened item H was opened for discussion.

Chairman Gonzales asked Legal Counsel if a policy that required the Board to approve such contracts allow the flexibility for the Board to delegate the authority to the President to enter into a contract for the Board. Ms. King informed the Board that it was inherent that the Board can grant authority for the President to approve contracts. Chairman Gonzales reiterated that if the Board chooses to grant approval authority that it be understood that the authority was limited to the Architectural/Construction/Administrative Management Service Contract. Regent Vázquez asked what would happen if the contract amount exceeded the estimated amount. Vice President Sánchez stated that if the actual amount exceeded the \$100,000 estimate administration would ask for an amendment for the additional funding. Vice President Sánchez informed the Board that the requisition is a purchase order to allow Highlands to move forward into a contract with an individual. President Fries indicated that if the Board chose to delegate contractual approval authority to him, that they consider setting a maximum contractual amount.

Regent Vázquez moved to approve that the Architectural/Construction/Administrative Management Service Contract Boards approval authority be delegated to the President with a cap of the contract for \$100,000. Regent Adams seconded. Motion passed unanimously.

a) Quarterly Financial Reports (attachment a) – Action Item

Vice President Sanchez presented the Quarterly Financial Reports.

b) Severance Tax Bond Resolution - \$2,000,000 infrastructure improvements and expansion at New Mexico Highlands University in Las Vegas in San Miguel County [Chapter 42, Laws 2007] (attachment b) – Action Item

c) Southwest Trane – Lora Shields Science Building/Annex Heating/Cooling System Replacement \$1,224,921.74 (attachment c) – Action Item

d) Southwest Trane – Felix Martinez Building Renovations \$898,791.40 (attachment d) – Action Item

e) Cooperative Educational Services – Lora Shields Science Building/Annex Roof Repairs \$444,838.81 (attachment e) – Action Item

f) ABL Educational Enterprises, Inc. – FY 06-07 Meal Plan Charge \$190,000.00 (attachment f) – Action Item

g) Demolition \$552,659.37 (estimate) (attachment g) – Action Item

h) Architectural/Construction/Administrative Management Services \$100,000.00 (estimate) (attachment h) – Action Item

i) University Studies (attachment i)– Action Item

Academic Affairs Committee – Regent Rosanna Vázquez

Regent Vázquez stated that there were no further items to discuss. Interim Vice President Rivera provided a written report (attachment j).

Budget and Finance Committee – Regent Robert Benavides

Regent Benavides stated that there were no further items to discuss. Vice President Sanchez provided a written report (attachment k).

Buildings and Grounds Committee – Regent Walter Adams

Regent Adams stated that there were no further items to discuss. Vice President Sanchez provided a written report (attachment l).

Chairman Gonzales asked if Highlands was finding it difficult to hire a Golf Course Superintendent. Vice President Sánchez informed the Board that an ongoing search for a Golf Course Superintendent is being conducted and that Highlands had advertised for a second time.

Vice President Sánchez reported that several qualified people have applied, but that the issue in hiring someone was salary. Chairman Gonzales asked if an updated pro forma for the Golf Course had been completed. President Fries informed the Board that an update had not been done and that the Golf Course was a major investment and finding the right management personnel is critical. President Fries added that adequate water supply was another important issue. Regent Vázquez asked when the last pro forma was completed. Regent Adams informed the Board that preliminary estimates had been calculated and that the Buildings & Grounds Committee was waiting for a Golf Course Superintendent to be hired before formalized figures were calculated. Chairman Gonzales recommended that when the new Golf Course Pro comes online that the Buildings & Grounds Committee work with President Fries to develop an updated business plan that incorporated who Highlands is going to market the Golf Course, how Highlands is going to work with the community and City of Las Vegas to ensure that the course is something that the community could be proud of. Regent Vázquez asked how the Golf Course was watered. President Fries informed the Board that primary watering source for the Golf Course came from effluent water from the City of Las Vegas and from a well on the property, which produces non-potable water. Regent Adams informed the committee that community members requested a meeting to discuss the use of effluent water and that a community meeting would be scheduled to address their concerns. Regent Vázquez asked why the Golf Course well produced non-potable water. President Fries informed the Board that the water needed to be treated and that the water was safe for watering. Regent Adams reported that the Buildings & Grounds Committee had discussed the possibility of drilling the well deeper.

Chairman Gonzales asked about the University Master Plan effort for property future needs and usage. President Fries informed the Board that a new aerial photo needed to be taken and the Master Plan needed to be reviewed and that the process would be underway by the fall.

Regent Adams informed the Board that a location for the Message Board. The message board will be instrumental in promoting the university.

Student Affairs Committee – Regent Sherry Salas

Regent Salas stated that there were no further items to discuss. Vice President Cordova provided a written report (attachment m).

Regent Salas said that the Graduate Student Association (GSA) proposal was under review and should ready to be presented as an action item at the next Board Meeting. Chairman Gonzales asked how many graduate students Highlands had. President Lopez informed the Board that there are approximately 800 graduate students enrolled at Highlands. Chairman Gonzales asked what the goal of the GSA would be. Regents Salas stated that the graduate student's issues such as researching and attending conferences are not associated with the ASNMHU. Regents Salas informed the Board that the ASNMHU had voted and approved that a GSA be formed. Chairman Gonzales asked if there was a core group of students who were ready to step into the leadership the GSA. President Lopez indicated that the development of a GSA had been in process for the past three years. President Lopez stated that the ASNMHU research schools that were comparable in size, the needs of the graduate students, financial aid for graduate students, and graduate assistantships. President Lopez informed the Board that the item had to be presented during four ASNMHU meetings and that it passed every time. President Lopez

pointed out that funding for the GSA would come from a division of the ASNMHU's funding and that Dr. Linda LaGrange would oversee the budget. President Lopez reported that a GSA had been formed as a club in the past; it was not successful.

Chairman Gonzales asked for President Lopez to present his last report to the Board.

Student Senate Report – Mr. Jesse Lopez

President Lopez presented and provided the ASNMHU report (attachment n). President Lopez reported that Club HU opened on May 1, 2007. Chairman Gonzales asked who would manage the club. President Lopez informed the Board that the Office of Campus Life would oversee Club HU.

President Lopez informed the Board that the ASNMHU elections had concluded and introduced Mr. Anthony Lopez as the new Treasurer.

President Lopez announced that the NMHU Museum had opened and that it was the first of its kind at NMHU.

President Lopez informed the Board that the ASNMHU voted and approved that Campus Police be allowed to carry weapons on campus pending proper training and upon approval by the Board of Regents. Chairman Gonzales pointed out that response time might be too long because it is rural. Regent Adams reported that Gary Gold, the new City of Las Vegas Chief of Police, attended that last Buildings & Grounds Committee Meeting and indicated that he would be willing to work with Highlands to better support Highlands and Las Vegas.

President Lopez thanked the Regents for allowing him to sit at the table and represent the student body. President Lopez commented on how much the university had progressed since he has been a student at Highlands and the he hopes that all Regents and Administrators serve their terms at Highlands and not leave half way. President Lopez stated that the ASNMHU's first assessment of President Fries was wrong and that if given the time President Fries will be on the right track to new heights and a new foundation of academia. President Lopez announced that he made decisions on what he knew and on what he felt was right and that he loved this institution.

Faculty Senate Report – Dr. Maureen Romine

Dr. Tamir presented and provided a written report (attachment o). Dr. Tamir informed the Board that Faculty Senate Elections were held on May 9, 2007 and that Dr. Maureen Romine was elected as Chair, Dr. Peter Linder was elected Vice Chair, Drs. April Kent and Meryll Kravitz were elected Executive Committee Members At-Large and that she was elected Faculty Senate Secretary. Chairman Gonzales congratulated the new Faculty Senate and extended the Board's hand in partnership between the Board and Faculty.

Persons Wishing to Address the Board

Executive Session – (1) Limited personnel matters related to the hiring, promotion, demotion, dismissal, assignment, resignation, or investigation or consideration of complaints or charges against an employee; (2) bargaining strategy preliminary to collective bargaining; (3) threatened

or pending litigation subject to the attorney-client privilege in which the University may become a participant; and (4) real estate disposal. Pursuant to provisions of NMSA 1978, §10-15-1(H)(2)(5)(7)&(8). Regent Vázquez moved to adjourn to executive session Regent Adams seconded the motion. A roll call was taken and voting in favor of the motion were: Regent Adams, yes; Regent Benavides, yes; and Regent Salas, yes. Motion carried unanimously and the Board went into executive session at 11:00 am.

Regent Benavides moved to come out of executive session into open session. Regent Salas seconded the motion. For the record, Chairman Gonzales reported that only those items cited in the motion were discussed in executive session and no action was taken. Regents present confirmed the statement. A roll call was taken and voting in favor of the motion were: Regent Gonzales, yes; Regent Adams, yes; Regent Benavides, yes; Regent Salas, yes; and Regent Vázquez, yes. Motion carried unanimously and the meeting was called back to order at 2:08 pm.

President's Report – Dr. James Fries, President

a) FY08 Tuition, Fees, Room and Board Rates (attachment p) – Action Item

President Fries presented the FY08 Tuition, Fees, Room & Board Rates. President Fries proposed a 5% tuition increase undergraduate and graduate students on the main campus with no tuition increase for center students and no student fee increases. President Fries proposed a 10% increase in meal plans and a 5% increase on board rates. Regent Adams asked what the dollar amount of the increase would be. President Fries reported that the tuition increase would be \$3.83/credit hour with a flat rate after 12 credit hours.

Regent Vázquez moved to approve the FY08 Tuition, Fees, and Room and Board Rates as presented. Regent Adams seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent, Regent Salas, and Regent Vázquez. Motion passed unanimously.

b) FY08 Staff Salaries – Action Item

President Fries presented the FY08 Staff Salaries. President Fries proposed a 5% salary increase across the board for staff members only. President Fries indicated that the staff salary increases would be effective July 1, 2007, but the university policy states that the staff receive their increase on their anniversary date of hire.

Regent Vázquez moved to approve the FY Staff Salaries as presented. Regent Adams seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

c) FY08 Operating Budget (attachment q) – Action Item

President Fries presented the FY08 Tuition, Operating Budget. President Fries reported that the FY08 Operating Budget was submitted to the Higher Education Department on May 1, 2007, subject to approval by the Board of Regents.

Regent Adams moved to approve the FY08 Operating Budget as presented. Regent Vázquez seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

d) Other

President Fries announced that the main campus Commencement was scheduled for May 12, 2007, and that Commencement ceremonies at the Farmington and Rio Rancho Centers had already taken place. President Fries informed the Board that 201 students graduated at the Rio Rancho Center and that approximately students 800 graduated from the main campus and centers, more than Eastern and Western New Mexico Universities combined. Chairman Gonzalez congratulated all graduates for their accomplishment. President Fries invited everyone to attend the Bar-B-Q at Perkins Stadium following the Commencement rehearsal. Chairman Gonzales asked if the sound system at Wilson Complex was ready for Commencement. Regent Adams informed the Board that the sound system concerns were discussed at the Buildings & Grounds Meeting. President Fries indicated that the sound system at Wilson had been a concern of his for some time and that he had the system checked by a professional who informed him that the system was a good system but that adjustments to the dials had to be made. Regent Adams asked if someone would be in place to make necessary adjustments during Commencement. President Fries indicated yes. Chairman Gonzales informed the Board that this year's keynote speaker would be the Honorable Lieutenant Governor Diane Denish.

Chairman Gonzales requested that information on an Academic Retreat be brought to the Board at the next meeting.

Recommendations for Emeritus Status (attachment r) – Action Item

President Fries informed the Board that two professors were recommended for Emeritus status, Dr. Alice Menzor and Dr. Nicholas Sanchez, both from the School of Education.

Regent Adams moved to approve Dr. Alice Menzor and Dr. Nicholas Sanchez for Emeritus status. Regent Benavides seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Recommendations for Faculty Promotions (attachment s) – Action Item

President Fries recommended that Dr. David Sammeth, Dr. Orit Tamir, and Dr. Regina Brief-Elgins be promoted from Associate Professor to Full Professor.

Regent Adams moved to approve the promotion of Dr. David Sammeth, Dr. Orit Tamir, and Dr. Regina Brief-Elgins from Associate Professor for Full Professor as presented by President Fries. Regent Salas seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Recommendations for Sabbatical Leave (attachment t) – Action Item

President Fries informed the Board that the university had not offered Sabbatical Leave for the past six to seven years and that he was committed to offering Sabbatical Leave because it is important for an overall development program. President Fries stated that through an application process three faculty members were selected for Sabbatical Leave, they are Dr. Dick Greene, Dr. Abbas Manafy, and Dr. Curtis Sollohub.

Regent Adams moved to approve to Dr. Dick Greene, Dr. Abbas Manafy, and Dr. Curtis Sollohub for Sabbatical Leave as presented by President Fries. Regent Vázquez seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Recommendation for Tenure (attachment u)– Action Item

President Fries stated that based on a review a tenure dossier he was recommending that Dr. Dennis Francois be awarded Tenure retro-active to February 22, 2005, stating that he had met tenure requirements at listed in the Faculty Handbook.

Regent Vázquez moved to approve Dr. Dennis Francois be awarded Tenure as recommended by President Fries. Regent Salas seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Faculty Handbook Changes (attachment v)– Action Item

President Fries informed the committee that the proposed changes are a result of a series of meetings he has held with the Faculty Senate and Officers Bargaining Team of the Faculty Association. President Fries stated that the changes address the concerns that led to Highlands' censorship by the American Association of University Professors (AAUP). President Fries further stated that the recommended changes would meet AAUP's recommendations.

Regent Adams moved to approve the Faculty Handbook Changes as presented. Regent Salas seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Changes to the Dismissal of Tenured Faculty Policy (attachment w)– Action Item

President Fries informed the Board that Faculty Senate unanimously endorsed the proposed changes to the Dismissal of Tenure Faculty Policy and that these changes combined with changes in the Faculty Handbook Policy will result in Highlands being removed from censorship by the AAUP. President Fries announced that the AAUP would meet on June 8-9, 2007 for their annual meeting.

Regent Adams moved to approve the Changes to the Dismissal of Tenured Faculty Policy as presented. Regent Vázquez seconded the motion. Voting in favor were: Regent Gonzales, Regent Adams, Regent Benavides, Regent Salas, and Regent Vázquez. Motion passed unanimously.

Comments by the Regents

Chairman Gonzales presented President Lopez with an award on behalf of the university for his service to Highlands as the ASNMHU President stating that his work at Highlands will long be remembered through the HU Club, Museum, and Spirit Club. Regent Adams commented that President Lopez has always been a voice and a leader for the students and wished him well. Regent Salas stated that she worked with President Lopez when she was a member of the ASNMHU and thanked him for being a great leader. Regent Vázquez thanked President Lopez for his work at Highlands especially for the Flagship of Diversity. Regent Benavides stated that President Lopez was an excellent presenter and that his work at Highlands proved it. President Fries indicated that he had worked with a lot of student leaders and that President Lopez was an exceptional leader. President Fries thanked President Lopez for expressing his opinions, organizing President Fries Day, and for having the articulation and passion to make things happen at Highlands. President Fries stated that he could not have been more proud of Highlands' students then for the Flagship of Diversity project and he wished President Lopez every success. Vice President Cordova announced that she had started drafting a list to honor President Lopez and all that he had been involved in and that she came up with 23 accomplishments and that he would leave Highlands a better campus because he was here. Vice President Sánchez stated that he did not know President Lopez long but that the number of items he accomplished as President amazed him and wished him good luck in the future. Vice President Rivera pointed out that he had worked at NMHU in 1964 as a student, completed his Bachelor's and Master's Degrees and went on to get his doctorate, he returned as an instructor in Mathematics then became an administrator stating that he had worked with a lot of Students Senate Presidents and none of them had accomplished as much as President Lopez. Chairman Gonzales commented that he was sure that President Lopez would go on to do great things.

Chairman Gonzales reported that he had been appointed to Chair the Campus Safety Taskforce by the Honorable Governor Bill Richardson. Chairman Gonzales recommended that President Fries set up a taskforce to set up a safety plan, ensure that our security officers are certified and suggested that the President wait until the Campus Safety Taskforce makes their recommendations to the Governor before standardizing safety procedures at Highlands.

Chairman Gonzales thanked Vice President Rivera as job well done serving as Interim Vice President for Academic Affairs.

Chairman Gonzales thanked Vice President Sánchez who has done an extraordinary job with the finances at Highlands and wished him luck.

Chairman Gonzales congratulated Regent Salas who will be graduating tomorrow.

Regent Adams congratulated the Highlands Baseball Team and Women's Track Team; both have done a great job representing Highlands. Regent Adams thanked Vice President Sánchez for doing a great job at Highlands, congratulated all of the Highlands graduates, and wished everyone a happy and safe Mother's Day.

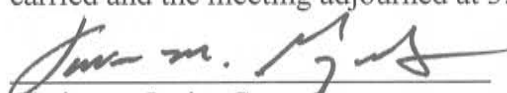
President Fries thanked Vice President Rivera for returning to Highlands and doing a terrific job. President Fries thanked Vice President Sánchez for a job well done. President Fries also thanked Ms. Dolores Gonzalez for a job well done.

Chairman Gonzales reported that the staff had submitted a memorandum justifying item 5G the action requires Board approval to process the purchase order to Recycle Materials Company in the amount of \$552,659.37.

Regent Vazquez moved to approve the purchase order for Recycle Materials for \$552,659.37. Regent Adams seconded the motion. Motion passed unanimously.

Adjournment

Regent Adams moved to adjourn the meeting. Regent Salas seconded the motion. Motion carried and the meeting adjourned at 3:28 pm.



Chairman Javier Gonzales
NMHU Board of Regents



Secretary/Treasurer Rosanna Vázquez
NMHU Board of Regents