

New Mexico Highlands University
Special Board of Regents Meeting
President's Conference Room
Rogers Administration Building
NMHU Main Campus
Las Vegas, NM 87701
September 12, 2013 at 1:00 p.m.

1. Call to Order -Chairman Sanchez
2. Roll Call
3. Approval of Agenda for September 12, 2013
4. Approval of Minutes of July 26,2013
5. 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 acquisition or disposal. Pursuant to provisions of NMSA 1978, §10-15-1(H)(2)(5)(7)&(8)
6. Approval of Collective Bargaining Agreement – Action Item
7. On-Call Construction Superintendent and Construction Management Contract(s) – Action Item
8. Construction Management Contract for Trolley Building Project – Action Item
9. Easement to City of Las Vegas for Water Line(s) at Golf Course – Action Item
10. Agreement with City of Las Vegas for Use of Golf Course Well – Action Item
11. Rodeo Facilities Lease with San Miguel County and Fair Board – Action Item
12. No Trespass Policy for University Properties – Action Item
13. President's Report
 - a. Fall Enrollment
 - i. Dual Credit
 - ii. Non-attendance
 - iii. Non-payment
 - b. FY14 Budget
 - c. HLC Ratios
 - d. Facilities Depreciation Policy – Action Item
 - e. Green House Demolition
 - f. Governor's Teacher Education Work Group
 - g. Gallery in Kennedy Hall
 - h. Drs. George and Sheryl Talbot Print and Study Room – Action Item
 - i. Hydrazine and Stable Isotopes Update
 - j. Vision, Goals, Organization
 - k. Other
14. Adjournment

**New Mexico Highlands University
Board of Regents Special Meeting
September 12, 2013**

The New Mexico Highlands University Board of Regents held a special meeting on September 12, 2013 in the President's Conference Room, Rogers Administration Building on the New Mexico Highlands University main campus in Las Vegas, New Mexico. Chairman Sanchez called the meeting to order at 1:06 p.m.

Attendance

Board Members Present: Mr. Leveo V. Sanchez, Mr. Jesus L. López, Mr. Frank Marchi, and Mr. Michael Martinez. Ms. Nancy R. Long participated in the meeting via conference call.

Administrative Personnel Present: Dr. James Fries, President and Dr. Gilbert Rivera, Vice President for Academic Affairs.

Others Present: Ms. April Kent, Faculty Senate Secretary; and Ms. Carolina Martínez, Executive Administrative Assistant; and numerous other individuals in the audience including; faculty, staff, and media.

Approval of the September 12, 2013 Meeting Agenda

President Fries requested adding an additional item for discussion during the executive session. He called on Mr. John F. Kennedy, NMHU legal counsel to define the appropriate language for the item. Mr. Kennedy stated that the item for discussion would be competitive sealed proposals for a construction superintendent and construction management services under the procurement code during the contract negotiation process. The item should be listed as #5 under executive session.

Regent López moved to approve the September 12, 2013 agenda as amended by President Fries and NMHU legal counsel. Regent Marchi seconded. Voting in favor were: Chairman Sanchez, Regent Long, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

Approval of the Minutes from July 26, 2013

Regent Martinez moved to approve the minutes from July 26, 2013 as presented. Regent Marchi seconded. Voting in favor of the motion were: Chairman Sanchez, Regent Long, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

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; (4) real estate acquisition or disposal; and (5) deliberation upon competitive sealed proposals received for the construction superintendent and construction management services. Pursuant to provisions of NMSA 1978, 10-15-1 (H)(2)(5)(7)(8)&(6). Regent López moved to enter into executive session for the sole purpose of discussing the items listed. Regent Marchi seconded. A roll call was taken and voting in favor

were: Chairman Sanchez, Regent Long, Regent López, Regent Marchi, and Regent Martinez. Motion carried and the Board went into executive session at 1:11 p.m.

Regent Long exited the meeting at 2:00 p.m.

Regent López moved to come out of executive session into open session. Regent Marchi seconded. Regent López stated for the record that only those items specified under the executive session item were discussed and no action was taken. Regents present confirmed. A roll call was taken and voting in favor of coming out of executive session into regular session were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion carried unanimously and the meeting was called back to order at 3:20 p.m.

Approval of Collective Bargaining Agreement – Action Item

President Fries informed the Board that this is the year to negotiation the entire collective bargaining agreement between the university and the Faculty Association. He indicated that he feels the process was handled professionally by both teams. A number of significant changes to improve the functioning of the Agreement were made. The Agreement includes the 1% compensation package funded by the legislature.

The administration is requesting approval of the Collective Bargaining Agreement as presented.

Regent López moved to approve the Collective Bargaining Agreement (**Attachment A**). Regent Marchi seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

On-Call Construction Superintendent and Construction Management Contract(s) – Action Item

President Fries reported that the university issued an RPF for an on-call construction superintendent and construction management services. Four firms submitted proposals. All four firms were interviewed; two firms have worked internationally and two were limited to work in New Mexico. The selection committee is recommending that three of the firms be approved as on-call contractors for upcoming projects. The recommended firms are PBI Construction; Hill International; and Progressive Construction Management (PCM).

Approval of the three firms for potential on-call work does not constitute a contract for any specific projects at this stage.

Regent Marchi moved to approve the three On-Call Construction Superintendent and Construction Management Contract(s) as proposed by the selection committee. Regent Martinez seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

Construction Management Contract for Trolley Building Project – Action Item

President Fries reported that the university received both General Obligation (GO) Bond and Severance Tax Bond (STB) funding for the Trolley Building Project to create a new home for the Media Arts Program. Total available funding is \$8.3 million for the design and construction of the

facility. Based on interviews with the firms responding to the RFP for an on-call construction superintendent and construction management contract(s); all three recommended firms were invited to submit a bid for a construction management contract for the Trolley Building Project. Their proposals include how they would handle the project and an estimated fee for the process. Based on their proposals, the committee is recommending that PCM be considered for the Trolley Building Project and that the administration be authorized to enter into a contract with PCM subject to finalizing additional details and costs associated with the project.

Regent Marchi moved to approve a Construction Management Contract for the Trolley Building with PCM subject to the conditions outlined by President Fries. Regent Martinez seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

Easement to City of Las Vegas for Water Line(s) at Golf Course – Action Item
Agreement with City of Las Vegas for Use of Golf Course Well – Action Item

President Fries stated that the easement to the City of Las Vegas for water line(s) at the golf course was discussed and considered at prior Board meetings.

Additional information regarding the golf course wells was emailed (**Attachment B**) by Mr. Jay Lazarus, President and Senior Hydrologist of Glorieta Geoscience Inc. Mr. Lazarus confirmed that the university is currently authorized to draw 54.5 acre feet of water per year. The well is a 1,200 foot well with the majority of the water coming out of sand at about the 700-900 foot level. When the well was drilled, Glorieta Geoscience performed a 96-day continuous pumping test and determined that the draw down rate and recovery rate had not fully recovered a month after the test. During the same 96-day test the monitoring well, located approximately 1,110 feet from the functioning well, was also monitored. Levels at the monitoring well dropped 14 feet and it too did not recover quickly.

Mr. Lazarus and NMHU representatives met with City officials regarding their plans. It is anticipated that a lease agreement for the City's use of the NMHU golf course well during emergency drought conditions will be brought before the Board soon. Some of the aspects of the lease as originally drafted and some of the hopes, by both parties, for the well may not be practical.

A lease agreement for the use of the golf course well is not finalized. A modified version indicating where the City's equipment should be located is under reviewed. President Fries pointed out a possible location for the City's equipment on the map provided (**Attachment C**). President Fries indicated that the university owns a large triangular piece of property, where the train engine stands, and proposed that the City install their equipment in a 60ft. by 100ft. area on the gravel area toward Grand Avenue.

President Fries requested feedback from the Board on whether the location is acceptable as a basis to continue negotiations. If the proposed location is acceptable to the Board, the City will need to get a survey and a formal easement for the line from the well to the location of the equipment.

Regents present reached a consensus that they would approve an easement to the City of Las Vegas for Water Line(s) subject to the following terms: a survey of the site; formal easement agreement, and the site is acceptable.

The Easement to City of Las Vegas for Water Line(s) and the Agreement with City of Las Vegas for Use of Golf Course Well(s) were discussed. No action was taken.

Rodeo Facilities Lease with San Miguel County and Fair Board – Action Item

President Fries reported that Highlands has had a rodeo team for eight years. The team is currently housed at the Zamora Arena facility which has been under lease.

Mr. Ed Manzanares, Athletic Director, had meetings with City and County officials regarding an alternative location for the rodeo team's use. The County has allowed Highlands to start using facilities at the Fair Grounds. The draft lease agreement with San Miguel County and the San Miguel/Mora County Fair Association would allow the university to use all of the facilities at the fairgrounds for nine months of the year. The facilities will also be used for the County Fair and some 4-H activities. The rodeo facilities lease rental agreement between the university and the County/Fair Association is for \$750/month. Long-term; there could be a multi-party arrangement with the City providing land; the County; Luna Community College providing the materials for the construction of an arena; and 4-H.

Chairman Sanchez asked how this lease agreement compared to the Zamora Arena lease in terms of cost. President Fries responded that this lease is significantly less expensive. Mr. Manzanares reported the lease was reviewed by the Fair Board and the County Manager. The County Manager will present it to the county commissioners. Rental of the Zamora Arena was \$3,500/month eight years ago; the university currently pays \$2,500/month. The rodeo team is housing their horses and the stock at the fair grounds and practicing at the city facility which is all on the same land. The rodeo team disbands during the summer semester, students take their horses home and the stock is returned to the owners.

Regent Marchi asked if there were additional costs above the rental fee. Mr. Manzanares replied that additional costs would be utilities. Highlands currently pays utilities at the Zamora Arena. President Fries added that maintenance responsibilities are more favorable with this new agreement.

President Fries noted that one down side of the fair ground lease agreement is that the arena is an outdoor arena.

Regent Martinez moved to approve the Rodeo Facilities Lease with the San Miguel County and Fair Board subject to the administration finalizing lease details (**Attachment D**). Regent Marchi seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

No Trespass Policy for University Properties – Action Item

President Fries informed the Board that Dr. Fidel Trujillo, Dean of Student Affairs, developed the No Trespass Policy for University Properties. Dr. Trujillo worked with NMHU legal counsel to finalize the language. President Fries reported that the need for such a policy does not arise often

but there have been occasions when the university has had to remove students or a community member who proved to be disruptive to the campus community. Under this policy, the Athletic Director, NMHU Chief of Police, and other university officials have the authority to remove an individual from athletic or other events on campus; this removal is short-term. Long-term campus removal can only be issued by the Vice President for Finance & Administration, the Dean of Students; or Center Directors. There is an appeal process that would allow a student to appeal through the Faculty Student Affairs Committee. It is the same appeal process as the disciplinary sanctions including suspension or expulsion from the university. The Faculty Student Affairs Committee conducts a hearing; determines their findings; and submits a recommendation to the President's Office where the President has the right to accept/reject/modify the recommendation from the Committee.

Chairman Sanchez asked if the policy applied to community members as well as students. President Fries responded that the policy covers both students and community members.

Regent López moved to approve the No Trespass Policy for University Properties (**Attachment E**) as presented. Regent Martinez seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

President's Report – Dr. James Fries, President

- President Fries recognized Mr. Ed Manzanares as an individual who has been a very significant part of the university for the last six years. This is Mr. Manzanares' last week at Highlands. He accepted the job of Assistant Athletic Director for Major Gifts at the University of New Mexico. The change is a great opportunity for Mr. Manzanares; it is very unusual for an individual working at a Division II school to move up to a Division I school. Mr. Manzanares is both a UNM and NMHU alum.

President Fries commented that when Mr. Manzanares was hired, the NMHU Athletic Department had only one team with any real competitiveness within the Rocky Mountain Athletic Conference. Currently all of Highlands' teams are competitive in every sport.

President Fries, on behalf of the university and Board of Regents, presented Mr. Manzanares with an award in appreciation of his dedication, service, and leadership of NMHU Athletics.

Mr. Manzanares thanked President Fries and the Board for supporting him in his role as Athletic Director at NMHU.

Regent López commented that Mr. Manzanares is a wonderful person and one of the best things to have happened to Highlands in the recent past.

- President Fries indicated that he was pleased with the sustained rain received the past few days even though there have been a variety of water issues around campus. Some of the buildings on campus have had basement leaks; roof leaks, water in elevator pits; and HVAC problems. Facilities staff is working hard to repair the problems as they occur.

A. Fall Enrollment

President Fries reported the Highlands, like most universities across the country, has seen a decline in student enrollment. Highlands had a 53 student decline for the fall semester, which is a 1.4% head count decline and/or a 1.7% credit hour decline.

At the main campus, the head count is down 145 students which is a 6% decline. Enrollment at the centers offset the majority of the main campus decline.

The university is down 86 new freshmen. This decline could be partially due to the new ACT exam requirement which was approved by the Board during the May 4, 2012 meeting portion of the Board Retreat. A minimum exam score was not established but taking the exam is now a requirement. Statistics show that students who took the ACT exam were more committed to college than those who didn't take the exam and have demonstrated better retention rates.

Non-Attendance

Last semester 35 students ended the semester with a 0.00 gpa. It is assumed that these students did not attend class regularly.

Faculty members were asked to notify the administration at the end of the second week about students who had not shown up in class. 30 faculty members turned in names of students who had not attended classes. 62 names were submitted; of those students, 11 were identified as not attending multiple classes. Staff in Academic Support and Student Support Services made numerous calls to contact these students to find out why they hadn't attended class. They conveyed the message that class attendance is expected and important to their academic success.

Non-Payment

- Each semester students are administratively dis-enrolled for non-payment and/or failure to make payment arrangements. This semester 172 students were dis-enrolled for non-payment. Students had one week to make payment arrangements in order to be re-enrolled. Approximately 90 students were re-enrolled.
- The New Mexico Higher Education Department continues to report that there is not enough funding for spring 2014 lottery scholarships.
- Possible new requirements for the lottery scholarship include: students taking 15 credit hours instead of 12 per semester; raising the gpa requirement from 2.5 to 2.75; and funding 7 instead of 8 semesters.

B. FY14 Budget

- President Fries reported that enrollment numbers impact the university's FY14 budget. For example; a decrease in enrollment of 1.5% for the year would reduce tuition and fees \$11.3 million targeted revenue by \$170,000. In terms of fees, the decrease would impact some of the student activities accounts.

- The university overcommitted on financial aid and will need to shift monies during the year to cover it.
- Closeout costs associated with the new student union building will need to be factored into budget projections.
- The funding formula for FY15 is still being modified. Four-year universities are developing a plan that would be equitable between the research universities, comprehensive universities, and the two-year schools.

C. HLC Ratios

President Fries reported that the Higher Learning Commission (HLC), the primary accrediting body for the university, has a series of financial ratios they regularly monitor. If a university's number falls between 0 – 1 you are said to be in the zone. As the university has been reporting financials, Highlands was found to be the zone. The HLC is requesting a significant amount of financial information.

Highlands is actively looking at the data submitted; and it is likely that the university's ratio will improve. One example of a data reporting change is the 25 year depreciation period for facilities; after discussions with our auditor it was determined that the university should use a 40-50 year depreciation cycle.

President Fries thanked Mr. Max Baca and Ms. Eileen Bentley for their in-depth analysis of the data reporting.

D. Facilities Depreciation Policy – Action Item

President Fries informed the Board that the university's auditor recommended Highlands change the depreciation policy for facilities from 25 years to 40-50 years.

The administration is requesting the university's 25 year depreciation policy be changed to a 50 year depreciation policy.

Regent López moved to approve the 50 year Facilities Depreciation Policy (**Attachment F**) as presented. Regent Marchi seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

E. Green House Demolition

President Fries reported that the university has clearance to demolish the "green house". The contractor plans to begin the demolition next week.

F. Governor's Teacher Education Workshop Group

President Fries reported that he, Chairman Sanchez, and Regent Marchi attended two meetings with Governor Susana Martinez and the secretaries of the Public Education Department (PED) and the Higher Education Department (PED) to discuss ways to improve education in New Mexico. The focus of the effort is on the Schools of Education and the existing requirements for students graduating from the programs. However, they are also

concerned with the licensure requirements for teachers; as established by the Public Education Department which regulates teacher licensure. The School of Education at Highlands requirements are near or exceed most of the requirements PED and HED are proposing.

G. Gallery in Kennedy Hall

President Fries stated that discussion regarding hanging art at Kennedy Hall was held at prior Board meetings. President Fries stated that there is no proposal to name the gallery after anyone but there is a request to hang a plaque at Kennedy to recognize Dr. Robert Bell for his very generous donations of art that now comprise a permanent art collection.

H. Drs. George and Sheryl Talbot Print and Study Room – Action Item

President Fries reported that the Talbots are major art donors and plan to make yearly donations to help support and maintain the art collection. The Talbots requested that the back room located inside Kennedy Hall be named in recognition of their art and monetary contributions.

Regent López stated that he did not see a problem with naming the room after the Talbots or with the artwork hanging in the main room of Kennedy on the condition that the building does not become exclusively used by the Foundation or Alumni Association Offices or any group. Regent López reiterated that the university and community must continue to be allowed to use the building.

Regent Martinez moved to approve the naming of the back room in Kennedy Hall the Drs. George and Sheryl Talbot Print Study Room (**Attachment G**) as presented. Regent Marchi seconded. Voting in favor of the motion were: Chairman Sanchez, Regent López, Regent Marchi, and Regent Martinez. Motion passed unanimously.

I. Hydrazine and Stable Isotopes Update

President Fries reported that a new plant growth compound patent was developed by Dr. Rudy Martinez, David Glass, and their colleagues at Los Alamos National Labs. It is to be commercialized with LANL.

The hydrazine patent is beginning to generate revenue and some orders for stable isotope compounds have been received.

J. Vision and Goals

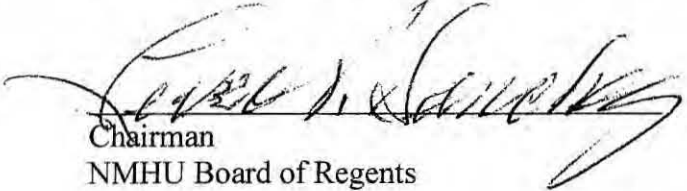
President Fries reported that he is working with a number of people on a set of goals, vision, and organizational structure. The university needs to be structured in terms of academics, enrollment management, finance & administration, and institutional advancement. He will be establishing a number of task forces that have specific charges to look at various elements for review.

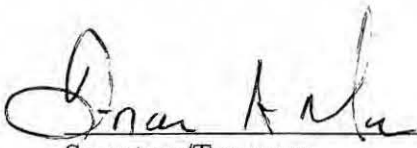
K. Other

- The Cowgirl Way Luncheon was held yesterday. The guest speaker was Ms. Cindy Charlton, a motivational speaker, who did a phenomenal job. The event was well attended by NMHU's female athletes.
- Amtrak is examining their status with the line from Raton, NM through Las Vegas, NM.
- The Oil and Gas Management Articulation Agreement with the San Juan College was signed.
- Two NMHU computer science students were recognized by the Sandia National Laboratory for their work on a 3-D robotics vision system.
- The university's travel reimbursement policy is under review.

Adjournment

Regent López moved to adjourn. Regent Marchi seconded. Motion carried and the meeting adjourned at 5:04 p.m.


Chairman
NMHU Board of Regents


Secretary/Treasurer
NMHU Board of Regents