New Mexico Highlands University  
Board of Regents Meeting  
Margaret J. Kennedy Alumni Hall  
905 University Avenue  
Las Vegas, New Mexico 87701  
April 26, 2019 at 9:00 a.m.

**AMENDED**

1. Call to Order – Chairman Leveo Sanchez

2. Roll Call

3. Approval of Agenda for April 26, 2019

4. Approval of the Minutes from February 14, 2019 and April 4, 2019

5. Board of Regents Report
   A. Board Retreat Planning

6. President’s Report – Dr. Sam Minner
   A. Ratification of the New Collective Bargaining Agreement for Nonexempt Employees Effective May 17, 2019 (the 1st full pay period, April 29-May 10, 2019, following Board approval) – Action Item
   B. Five-Year Capital Plan and NMHED Annual Submittal – Action Item
   C. 2018 $4M- GOB Infrastructure Upgrades 1) Fire Safety 2) Parking Lot & Reconstruction 3) Infrastructure Upgrades at Champ Tyrone, Wilson Complex, Victoria de Sanchez  4) Asset Protection – Action Item
   D. Rodgers Hall - $1M Appropriation for Bid Lots, NMGRT, FF&E, Roofing, Stucco and Contingency – Action Item
   E. Open Meetings Act Resolution – Action Item
   F. 2019 Legislative Fellowship Experience Presentation
   G. President’s Update
   H. Council of University Presidents (CUP) Update
   I. Golf Course – Action Item
   J. Other

7. Persons Wishing to Address the Board

8. ASNMHU Report

9. Faculty Senate Report – Dr. David Sammeth

10. Staff Advisory Senate – Ms. Adele Ludi

11. Higher Learning Commission Update – Dr. Lee Allard

12. Comprehensive Discussion: Transform Education New Mexico – Dr. Patricia Latham
13. Executive Session — (a) limited personnel matters related to hiring, promotion, demotion, dismissal, assignment, resignation, of or investigation or consideration of complaints or charges against any individual or public employee pursuant to NMSA 1978, § 10-15-1(H)(2); (b) bargaining strategy preliminary to collective bargaining and pursuant to NMSA 1978, § 10-15-1(H)(5); and (c) discussion on pending litigation regarding MAKWA pursuant to NMSA 1978, § 10-15-1(H)(7).

14. Public Action as Necessary on Closed Session Discussion related to MAKWA — Action Item

15. Academic Affairs — Dr. Roxanne Gonzales
   A. Contingent Faculty Handbook (Tabled April 4, 2019) — Action Item
   B. Academic Affairs Report
   C. Other

16. Strategic Enrollment Management Report — Dr. Edward Martinez
   A. Review enrollment goal of 4,500 students by 2022
   B. Factors that impact enrollment and which factors can we do something about?
      • Number of potential students
      • Programs (for growth)
      • Online programs (which?)
      • Student support
      • Recruitment/Retention
      • Athletics
      • Marketing
      • Center
      • Implementation Plan

17. Finance & Administration Report — Mr. Max Baca
   A. FY19 Unrestricted and Restricted Final BARs — Action Item
   B. FY20 Operating Budget — Action Item
   C. NMHU Personnel Policy-Code of Conduct — Action Item
   D. FY19/Q3 Quarterly Report and Certification — Action Item
   E. 2009A Bond Refinancing — Action Item
   F. Disposition of University Property — Action Item
   G. VPFA Report - Informational

18. Foundation and Advancement Report — Dr. Terri Law

19. Student Affairs Report — Dr. Kim Blea

20. Adjournment
New Mexico Highlands University
Board of Regents Meeting
April 26, 2019

The New Mexico Highlands University Board of Regents met on April 26, 2019, in the Margaret J. Kennedy Alumni Hall on the New Mexico Highlands University main campus in Las Vegas, New Mexico. Chairman Sanchez called the meeting to order at 9:10 a.m.

Attendance
Board Members Present: Mr. William Garcia, Mr. Frank Marchi, Ms. LouElla Marr-Montoaya, Ms. Rebekah Peoble, and Mr. Leveo V. Sanchez.

Administrative Personnel Present: Dr. Sam Minner, President; Dr. Ian Williamson, Associate Vice President for Academic Affairs on behalf of Dr. Roxanne Gonzales, Provost/Vice President for Academic Affairs; Dr. Edward Martinez, Interim Vice President for Strategic Enrollment Management; Mr. Max Baca, Vice President for Finance & Administration; Dr. Terri Law, JD/CFRE, Vice President for Advancement; and Dr. Kimberly Blea, Dean of Students.

Others Present: Dr. David Sammeth, Faculty Senate Chair, Dr. Lee Allard, Director of Institutional Research; Ms. Adele Ludi, Staff Advisory Senate President; Ms. Tamlyn Crain, ASNMHU Vice President; and Ms. Carolina Martinez, Executive Administrative Assistant. The audience included faculty, staff, students, and community members. The meeting was streamed via ZOOM and broadcast on the KEDP Radio Station.

Approval of the April 26, 2019 Meeting Agenda

Regent Garcia moved to approve the agenda with revisions. Regent People seconded. Upon further discussion, Regent Garcia rescinded his motion and Regent Peoble seconded.

President Minner clarified his request for agenda amendments.

Regent Garcia moved to approve the April 26, 2019 agenda with the requested changes made by President Minner. Regent Peoble seconded. Voting in favor were: Regent Garcia, Regent Marchi, Regent Marr-Montoaya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

Approval of the Minutes from February 14, 2019 and April 4, 2019
Regent Peoble moved to approve the minutes from February 14, 2019 and April 4, 2019 as presented. Regent Marr-Montoaya seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoaya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.
President’s Report – Dr. Sam Minner

Ratification of the New Collective Bargaining Agreement for Non-Exempt Employees Effective May 17, 2019 (the 1st full pay period, April 29-May10, 2019 following Board Approval) – Action Item
President Minner called on Ms. Andrea Crespin, President of the Non-Exempt Collective Bargaining Unit/Scheduling/Special Projects Coordinator in the Registrar’s Office to present. Ms. Crespin thanked the collective bargaining team for their diligence working towards a conclusion.

Ms. Ludi stated that she collective bargaining agreement was not vetted through the Staff Advisory Senate. She has been in contact with Mr. Crespin to notify all employees in the bargaining unit regarding the agreement.

Regent Garcia moved to ratify of the New Collective Bargaining Agreement for Non-Exempt Employees Effective May 17, 2019 (the 1st full pay period, April 29-May10, 2019 following Board Approval). Regent Marchi seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

Five-Year Capital Plan and NMHED Annual Submittal – Action Item
Regent Garcia moved to approve the Five-Year Capital Plan and NMHED Annual Submittal as presented (Attachment A). Regent Garcia, Regent Marchi seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

2018 $4M-GOB Infrastructure Upgrades 1) Fire Safety 2) Parking Lot & Reconstruction 3) Infrastructure Upgrades at Champ Tyrone, Wilson Complex, Victoria de Sanchez 4) Asset Protection – Action Item
President Minner stated that he would revisit the item with an update on infrastructure completions.


Rodgers Hall-$1M Appropriation for Bid Lots, NMGRT, FF&E, Roofing, Stucco and Contingency – Action Item
Regent Garcia moved to approve the Rodgers Hall-$1M Appropriation for Bid Lots, NMGRT, FF&E, Roofing, Stucco and Contingency as presented (Attachment C). Regent Marr-Montoya seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

Open Meetings Act Resolutions – Action Item
Regent Peoble moved to approve the Open Meetings Act Resolution (Attachment D) with the revision to replace the words Rodgers Administration Building in paragraph 4 with Administrative

2019 Legislative Fellowship Experience Presentation
A video testimonial was shown. President Minner informed the Board that eleven students participated in the fellowship. The students shadowed senators during the legislative session. Both Regent Peoble and Ms. Tamlyn Crain participated in the program. They agreed that the program was a great learning experience.

President Minner thanked Mr. Richard Loffredo for compiling the video, Dr. Blea, Mr. Baca, and Dr. Denise Montoya, Director of Human Resources with work organizing the fellowship.

President’s Update
President Minner provided a PowerPoint presentation (Attachment E):

- PRISM, an HU chartered club, is organizing the first ever Pride Parade in Las Vegas. Other events include a Pride Pageant, Pride Plaza Gathering, After-Pride All-Ages Dance.
- NMHU’s graduating biology major Brittney Mares co-authored a research paper with nine University of New Mexico scientists. The paper was published in Developmental Neuroscience March 28, 2019. Mares, a 23-year-old Las Vegas, New Mexico native, and the first in her family to complete college, will graduate from Highlands this May.
- Megan Thursby had the enviable challenge of choosing from five doctoral programs in biomedical sciences that accepted her, all offering full financial rides. Thursby said she selected the University of New Mexico doctoral program because it offers a teaching certificate program that supports her goal of becoming a college professor.
- Brooklyn Aragon, a student from Las Vegas, New Mexico, has received a competitive National Institutes of Health paid biomedical internship for summer 2019 in Bethesda, Maryland. Aragon, a sophomore with a 4.0 GPA, is first in her family to attend college.
- NMHU Media Arts and Technology Department students are programming 19 new scenic trails into a popular mobile app that features trails in the Los Alamos area. The Pajarito Environmental Education Center is making the free app available for hikers and mountain bikers via iOS or Android phones.
- NMHU has named biology professor Sarah Corey-Rivas Professor of the Year for the 2018–2019 academic year. Megan Thursby, a 2018 Highlands biology graduate who was accepted to a Ph.D. program at the University of New Mexico in biomedical sciences, was one of the students who nominated Corey-Rivas for the award.
- Tyler Mills’ poetry book has won critical acclaim from Publishers Weekly. Her book “Hawk Parable” was published in March 2019 by the University of Akron Press after winning the prestigious 2017 Akron Poetry Prize.
- MFA Advisory Group, an eclectic group—a video game designer moving to Las Vegas, a graphic designer working in LA, a sculptress, and others—so positive, upbeat, professional, enthusiastic about what they do and the accomplishments of their students.
- Ms. Carmen Lopez received the President’s Choice Award during the Employee recognition breakfast.
- Chevel Shepherd, winner of the 2018 “The Voice” competition, will perform tomorrow night in Ilfeld as part of the Arts@HU series.
• Felicia Ortiz, a New Mexico Highlands alumna and successful businesswoman who serves on the Nevada State Board of Education, will speak at the Highlands University main campus commencement ceremony May 11, 2019 at 2 p.m.
• Political leader, lawyer and businessman Derrick Lente of Sandia Pueblo, New Mexico, will deliver the commencement address for the Highlands University Albuquerque and Rio Rancho Centers May 9 at 6 p.m.

Council of University Presidents (CUP) Update
Dr. Kate O’Neill, Cabinet Secretary for the New Mexico Higher Education Department regularly attends the CUP meetings.

Golf Course – Action Item
President Minner provided a brief overview of the golf course via a PowerPoint presentation (Attachment F).
• Over the past five years, the golf course averaged revenues of $110K and expenses of $300K resulting in a net loss average of $190K per year.
• There are three full-time employees and 5-7 part-time employees mostly students. The initial lift is finding $200K reoccurring dollars yearly.
• After the golf course action item presentation at the August 24, 2018 Board meeting, the Board directed the administration not to overspend in excess of $20K. The goals were to keep the golf course running that is the $200K a year problem; to improve the course an estimated one-time expense of approximately $1 million; and not to deficit spend.
• Last fall he engaged Dr. Keith Tucker, HU faculty, to research land development possibilities at the course. President Minner called on Dr. Tucker to address the Board.
• Dr. Tucker informed the Board the he looked at real estate associated with golf course. HU owns four houses on the golf with infrastructure for another 17 possible. The leases are for $50 a year this is not a revenue generator. He looked at residential and commercial options. There is commercial property that could be sold without affecting the golf course. However, even if sales ran perfectly HU would not generate enough money, based on lot prices, to generate an investment to address the $200K yearly deficit.

President Minner informed the Board of his efforts and options keep the golf course running:
• One effort avoid exceeding the $20K limit, was to transfer employees part-time to the main campus where their salaries are paid from a different source.
• Both he and Mr. Baca made several golf course funding request during the legislative session but were unsuccessful.
• Offering a golf program would be an expensive venture; we cannot have a golf team because the course needs to be 18-holes.
• Another potential option to deal with course would be to issue an RFP to see if anyone was interested in operating the course. The RFP will be issued soon.
• He contacted a land developer about building homes on the course. After reviewing the city’s population loss and the infrastructure and water problems, he was not interested.
• HU collaborate with New Mexico State University on a Forestry Research Station, located in Mora, NM. There is some interest to move the station to the golf course although it would not generate a lot of revenue, there would be many benefits for HU.
• He met with a local foundation who is interested in building a senior citizen facility.
• There have been preliminary conversation about a movie set.
• He has presented at the City Council and County Commissioners meetings. He is organizing a smaller meeting and inviting key individuals for a specific ask.
• Mr. Larry Franken, President of the Men’s Golf Association, reached out to golfers to try to generate activity on the course. Mr. Baca commented that he was grateful the women’s and men’s golf associations donated money to fix the sprinkler heads.

President Minner noted that all of the ideas are good but none will generate $200K. The next step is to issue the RFP for management of the golf course.

Dr. Tucker suggested selling the commercial property and putting the money in reserves.

Regent Garcia remarked that the golf course is a community asset and critical to Las Vegas and northern New Mexico. He informed the Board that he provided information to the HU Foundation Board regarding the University of New Mexico’s formation of a local development corporation that secures financial developing plans driving campaigns to put housing in areas or other assets. The HU Foundation is waiting for direction of the university on how to proceed.

Regent Marchi indicated that there are two issues; he agreed that the community needed to keep the golf course. He reminded the Board that they approved that the university not exceed the $20K spending cap. He pointed out that HU lost between $140K - $250K this year therefore violating the action. The Board needs to address the violation today. He agreed with Regent Garcia that the university forms a task force and keep the community involved but also come up with a plan to address the $2.6 million deficit. The Board needs to permit the administration to spend through the 90 days left in this year.

Dr. Sammeth commented that every department on campus to cease spend unless necessary. As chair of the chemistry program, he does his best to manage the budget. He roughly calculated that $200K would pay for 140 full-time (20 hours per week) work-study students for nine months. He understands the importance of the golf course to the community but he is thinking of the longevity of the deficit and the enrollment challenges HU is facing.

Regent Marchi motion that the university spend no more than what it takes to operate the golf course that is $150K for this fiscal year, attain stakeholder commitments, and determine how much funding the university is willing to continue to put into the golf course. If the university cannot comply, the alternative should be taken. The road also need to be repaired. Regent Marchi clarified that the $150K is for operations and does not include the road repair.

Regent Marchi stated that once a task force is formed and there are commitments from stakeholders then the task force should address the Board with a viable fiscal plan. If there are no stakeholders, then the university cannot continue to operate the course.

Chairman Sanchez recommended that the motion include that next fiscal year HU sets a $100K expenditure separate from the county, city, or committees commitments.
Regent Marchi reiterated his motion. The university will spend no more than $150K in FY19 in addition to repairing the road and issuing an RFP for management of the golf course. For FY20 the budget allocation will be $90K for continued operations of the golf course. There shall be no extensions and the golf course runs in the deficit the university will cease operations. Regent Garcia seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

Finance & Administration – Mr. Max Baca

FY19 Unrestricted and Restricted Final BARs – Action Item
Mr. Baca summarized the FY19 Unrestricted and Restricted BARs.
Regent Marchi moved to accept the FY19 Unrestricted and Restricted Final BARs (Attachment G) as presented. Regent Garcia seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, and Chairman Sanchez. Opposed: Regent Peoble.

Regent Garcia ask for that cost analysis for the HU Centers of be available at the next meeting.

FY20 Operating Budget – Action Item
Mr. Baca provided an overview of the FY20 Operating Budget.
Regent Marchi moved to approve the FY20 Operating Budget as presented (Attachment H) as presented. Regent Garcia seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, and Chairman Sanchez. Opposed: Regent Peoble.

NMHU Personnel Policy-Code of Conduct – Action Item
Mr. Baca stated that to avoid an audit finding HU is required to review the code of conduct yearly. Regent Marr-Montoya moved to approve the NMHU Personnel Policy-Code of Conduct (Attachment I) as presented. Regent Marchi seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez.

Quarterly Report and Certification Third Quarter – Action Item
Regent Marchi moved to approve Quarterly Report and Certification Third Quarter (Attachment J) as presented. Regent Peoble seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez.

2009A Bond Refinancing – Action Item
Mr. Baca informed the Board that refinancing the 2009A Bond has the potential cost savings of over $100K per year for the remainder of the note.

Regent Marchi motioned to approve the 2009A Bond Refinancing (Attachment K) as presented. Regent Marr-Montoya seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez.

Disposition of University Property – Action Item
Regent Marr-Montoya moved to approve the Disposition of University Property (Attachment L) as recommended. Regent Marchi seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez.
VPFA Report
Mr. Baca provided a written report in advance of the meeting (Attachment M).

Executive Session – (a) limited personnel matters related to hiring, promotion, demotion, dismissal, assignment, resignation, of or investigation or consideration of complaints or charges against any individual or public employee pursuant to NMSA 1978, § 10-15-1(II)(2); (b) bargaining strategy preliminary to collective bargaining and pursuant to NMSA 1978, § 10-15-1(II)(5); and (c) discussion on pending litigation regarding MAKWA pursuant to NMSA 1978, § 10-15-1(II)(7). Regent Marr-Montoya moved to enter into executive session for the sole purpose of discussing the items listed. Regent Peoble seconded. A roll call was taken and voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion carried. The Board entered into executive session at 12:37 p.m.

Regent Marr-Montoya moved to return to open session. Regent Marchi seconded. Regent Marr-Montoya stated for the record that only those items specified under the executive session were discussed and the Board took no action. Regents present confirmed. A roll call was taken and voting in favor of returning to open session were: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion carried and the Board returned to open session at 3:00 p.m.

Public Action as Necessary on Closed Session Discussions related to MAKWA – Action Item
Regent Garcia stated that after seven years of highly contentious litigation, including several mediations in which Highlands attempted to settle the case, and the prospect of several more years of litigations in which MAKWA sought millions of dollars in damages related to the construction of the Student Union Building, Highlands and MAKWA have reached an agreement to fully and finally settle the litigation. The settlement required the United States Bankruptcy Court’s approval. The Bankruptcy Court recently provided that approval and required the settlement fund to be deposited into the Trust Account of MAKWA’s bankruptcy attorney so the Court can approve the final distribution of the funds. Settlement at this time was in the best interest of the University. In light of the settlement, the Board of Regents needs to provide Dr. Minner with the authority to fund the settlement in the amount of $1,083,958.00, and to pay the America Arbitration Association fees related to the pending litigation In the amount of $5,811.75.

Regent Garcia motioned to ratify the approved settlement and authorize Dr. Minner to write the check or wire the settlement funds to MAKWA bankruptcy counsel as outlined in the April 3, 2019 Order of the Bankruptcy Court. Regent Marchi seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez.

Higher Learning Commission Update – Dr. Lee Allard
Dr. Allard informed the Board that he provided a written report in advance of the meeting (Attachment N). He noted the following:

- The third campus forum was held April 22. Three forums will be scheduled in the spring.
- A team of six HU constituents participated in the HLC Annual Forum in April in Chicago.
Academic Affairs – Dr. Roxanne Gonzales

Contingent Faculty Handbook Tabled April 4, 2019) – Action Item
Dr. Ian Williamson informed the Board that the Contingent Faculty Handbook was set to expire soon and revisions are ongoing. The administration and Faculty Senate have agreed upon the following language to be added to the current handbook.

*If the parties have not reached agreement on a revised handbook before this handbook terminates, the handbook shall remain in full force and effect until a revised handbook is approved.*

Regent Marchi moved to approve the Contingent Faculty Handbook revision as presented. Regent Marr-Montoya seconded. Voting in favor: Regent Marchi, Regent Marr-Montoya, Regent Peoble, and Chairman Sanchez. Motion passed unanimously.

Student Affairs Report – Dr. Kimberly Blea
Dr. Blea provided a written report *(Attachment O).*
She informed the Board of the following:
- Student Affairs has teamed up with Academic Support to help students identify a major and career path by having them complete a career assessment. The partnership will continue through the fall semester.
- Ilfeld Auditorium, as a good community partner, hosts free movies for elementary students.
- Ms. Donna Martinez, Ilfeld Auditorium Manager, is also working with the United World College to coordinate their annual spring dance concert. The concert was held on April 12.
- We have 62 new housing applications for the fall semester, this time last year we had 31.
- Renewal applications is 97 students have until May 10 to complete that renewal process.
- Revisions to the student residence handbook are underway.
- She will exam Chairman Sanchez’s idea on offering residence halls scholarships.
- She, Dr. Allard, Ms. Susan Chavez, Financial Aid Director, Mr. Faron Valencia, Human Resources Assistant Director, and Ms. Jennifer Hooper, Career Services Administrative Assistant, are gathering data for participation in the National Association of Student Personnel Administrators (NASPA).
- There are plans to develop a student some employment handbook.
- As part of the Arts@HU, Ms. Chevel Shepherd, winner of The Voice TV Show, will perform at Ilfeld tomorrow, April 27.

Dr. Williamson announced that after 17 years at HU, Ms. Mary Romero, Interim Dean of the School of Business, Media & Technology/accounting professor is retiring. He also announced that Dr. Virginia Padilla-Vigil, Interim Dean of the School of Education, is also retiring. Dr. Padilla-Vigil also served as the HU-Rio Rancho Center Director.

Regent Marr-Montoya exited the meeting at 3:15 p.m.

Regent Peoble moved to table the following items until the next Board meeting. Regent Garcia seconded. Voting in favor: Regent Garcia, Regent Marchi, Regent Peoble, and Chairman Sanchez.

7. Person’s Wishing to Address the Board
8. ASNMHU Report – Ms. Rebekah Peoble
9. Faculty Senate Report – Dr. David Sammeth
10. Staff Advisory Senate Report – Ms. Adele Ludi
12. Comprehensive Discussion: Transform Education New Mexico – Dr. Patricia Latham
15.B. Academic Affairs Report
15.C. Academic Affairs Other
   Review enrollment goal of 4,500 students by 2022
   Factors that impact enrollment and which factors can we do something about?
   Number of potential students
   Programs (for growth)
   Online programs (which?)
   Student support
   Recruitment/Retention
   Athletics
   Marketing
   Center
   Implementation Plan
18. Foundation and Advancement Report – Dr. Terri Law

Board of Regents Report
Board Retreat Planning
This item was not discussed.

Adjournment
Regent Peoble moved to adjourn. Regent Garcia seconded. Motion carried and the meeting adjourned at 3:29 p.m.

Chairman
NMHU Board of Regents

Secretary/Treasurer
NMHU Board of Regents