

New Mexico Highlands University Board of Regents
Virtual Special Meeting
August 12, 2021

The New Mexico Highlands University Board of Regents held a virtual meeting on August 12, 2021. The meeting streamed via ZOOM from the New Mexico Highlands University main campus in Las Vegas, New Mexico. The university made every effort to accommodate members of the public as stated in the August 09, 2021 meeting announcement. The items addressed during the meeting were time sensitive and could not wait. Thus, in accordance with the NM Attorney General's Open Government Division Advisory, the meeting was held as a virtual meeting only. Members of the public were able to access the meeting via zoom and/or via phone call:

<https://nmhu.zoom.us/j/99373471046>

Meeting ID: 993 7347 1046

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Call to Order – Chairman Marchi called the meeting to order at 1:00 p.m.

Roll Call - Board Members Present via ZOOM: Mr. William Garcia, Mr. Frank Marchi, Ms. Danelle Smith, and Mr. Christopher Ulibarri. Board Members Absent: Mr. Frank Sanchez.

Administrative Personnel Present via ZOOM: Dr. Sam Minner, President; Dr. Roxanne Gonzales, Provost/Vice President of Academic Affairs; Mr. Max Baca, Vice President for Finance & Administration; and Dr. Kimberly Blea, Dean of Students.

Others Present via ZOOM: Dr. Elisabeth Massaro, Faculty Senate Chair; Ms. Patricia Ives, University Legal Counsel, and Ms. Maria Sena, Senior Executive Administrative Assistant. Numerous faculty, staff, students, community members, and the general public participated in the meeting as it was streamed via ZOOM.

Approval of the August 12, 2021 Agenda

Regent Garcia moved to approve the Board's virtual meeting agenda for August 12, 2021. Regent Ulibarri seconded. A roll call vote was taken, voting in favor: Regent Garcia, Regent Smith, Regent Ulibarri, and Chairman Marchi. Motion carried.

Endorsement of COVID Administrative Mandates

Chairman Marchi made a statement discussing why he called a special meeting of the board to endorse the

COVID administrative mandates. He stated that after the COVID-19 Pandemic was declared in March 2020, President Minner issued an administrative mandate. That mandate was within Dr. Minner's authority and responsibility as the President of the University. Dr. Minner worked with his team of administrators and staff to establish and implement protocols and procedures. Chairman Marchi stated that Dr. Minner and his team continue to update these protocols and procedures based on the guidance from the Center for Disease Control ("CDC") and the New Mexico Department of Health. Chairman Marchi indicated that this new mandate is within President Minner's authority and responsibility and does not require board approval or action in order for it to be implemented. The COVID administrative mandate is brought before the board to endorse and support it.

He indicated that other colleges and universities have recently required their own mandates. Vaccinations, regular testing, and mask wearing continues to be controversial and he asked the Board to be undivided with the administration on this critical issue.

President Minner stated that at the beginning of July of this year, COVID trends were going in the right direction. However, in a matter of days it has changed. He indicated that precautions are necessary to protect the health and safety of our students, faculty, and staff. He has listened to all comments and recommendations and these precautions he is implementing can help get the campus back to normal. He also stated that the University has followed the CDC guidelines and the state health orders.

He indicated that no one can predict what will happen in the future so these mandates would not provide certainty and believes this is the appropriate way to move forward.

Regent Garcia confirmed that the mandate was to either get vaccinated or be tested every two weeks. Exceptions include religious or medical reasons. He asked President Minner if a person for whatever reason is concerned about the efficacy of the vaccine, what would happen to them? President Minner stated that indications show that the FDA approval for the vaccines would be made by October 1, 2021. However, if individuals chose not to get vaccinated, they would be subject to testing.

Regent Garcia stated that this mandate has an October 1st deadline. Students are coming back to campus next week. He feels that this mandate should go into effect before the students arrive on campus. Students will be arriving unvaccinated and exposing one another in the classroom and campus. Dr. Minner indicated that the October 1 deadline was to allow for the portal to be ready and to give everyone time to get their vaccination.

Regent Garcia indicated that August 16, 2021 should be the deadline for this mandate. This is the first day of classes and students should either be vaccinated or begin the process of testing.

Dr. Blea informed the board that the recommendations from CDC are a multi-layered approach. It takes time for individuals to get vaccinated. It takes two weeks to 28 days to get your second dose. She specified that her office has been working and supporting students to get vaccinated prior to coming on to campus.

She stated that during move-in weekend they will be informing the students that they either have to be vaccinated or be tested on a bi-weekly basis.

She indicated that the University is hosting a vaccine event on campus on Wednesday, August 18, 2021. In addition, her office is ensuring extra protections are in place by supporting and promoting the mask mandate and social distancing. Classrooms are also equipped to safely social distance.

She also points out that some large events have been postponed or changed to a virtual option to ensure that the multi-layer approach is adhered to.

Regent Garcia indicated that he has a concern that vaccination and testing requirements will not be implemented until October 1, 2021. He stated that the pandemic is not a new issue. Society has been debating if we should make vaccinations and mask wearing a requirement. He stated that these requirements would be in place to protect people from infection.

President Minner indicated that verification of vaccination would be handled by periodically checking to see who on campus has submitted their vaccination card through the portal. He stated that he plans on using the COVID relief funds to hire a compliance person to conduct this review.

Mr. Baca point out that one reason for the University's delay in placing mandates was to make sure a system was in place for campus. A second reason was the communication for the students to ensure they were able to get their vaccines. He stated that the University was looking at it logistically on how to make this mandate happen.

Regent Garcia requested that the Regents receive a detailed outline on how the University is going to ensure that individuals get vaccinated and if testing is required, how individuals will be appropriately tested.

Dr. Law stated that there will be a process for individuals to request a legitimate medical or religious exemption. Currently there is a process in place for accommodations under the ADA. ADA deals with a lot of different issues related to medical issues and the need for reasonable accommodations based on health. Individuals need to enter into a dialogue for these accommodations.

Regent Ulibarri asked if the University has the infrastructure required to verify the documents submitted. President Minner indicated that the University does not have the software in place. Mr. Baca indicated that the ITS Department is working on this issue and should be ready in a few days.

Regent Smith stated she had several questions regarding this mandate. She asked what the University was envisioning between next week, when students are on campus, and the deadline of October 1. President Minner indicated that the University would analyze who has submitted their proof of vaccination and who was lacking it. Testing would begin for individuals that had not submitted their proof.

Regent Smith indicated that waiting until October 1 is a concern. She states that San Miguel county is in the height of the COVID surge with high numbers of positive cases.

She indicated that she only sees two basic exemptions for not obtaining the vaccination, a qualifying medical condition or for religious convictions.

She is in support of a vaccine mandate and feels it is our duty to protect Highlands staff, faculty, and students.

Regent Ulibarri asked if personal protective equipment (PPE) will be distributed to faculty. President Minner indicated that PPE is available. Ms. Baca stated that disposal masks, gloves, and hand sanitizer are available. Departments would need to make a request for these items.

Dr. Beth Massaro, Faculty Chair, spoke in favor of a vaccine and mask mandate. She indicated that faculty continues to be willing to work closely with administration and the Board to address these issues. She stated that faculty is not only concerned about the safety of the students, but also for themselves.

Regent Ulibarri spoke on behalf of the Student Senate. He stated that he is concerned about how long it has taken for this policy to come out and how the safety protocols are not already in place. He indicated

that students should also have access to PPE especially if they don't have their own masks.

Ms. Doris Gallegos, Vice-Chair of Staff Senate, spoke in favor of the mask mandate. She also indicated that they are also in favor of remote working regardless of vaccination status. She stated that vaccine mandate was a sensitive subject because of religious beliefs or for individuals who choose not to get vaccinated.

Regent Garcia moved to approve the endorsement of the COVID Administrative Mandates with a change to the implementation date as presented. Regent Smith seconded. A roll call vote was taken, voting in favor were: Regent Garcia, Regent Smith, Regent Ulibarri, and Chairman Marchi. Motion carried.

Chairman Marchi stated that he spoke with Regent Sanchez and he also supported the COVID Administrative Mandates.

Dr. Katherine Jenkins, Faculty Union Representative, spoke in support the of mask and vaccine mandate. She indicated that the faculty had voted in their union meeting to ask for a vaccine mandate. She stated that they also support mask and social distancing.

Ms. Cheryl Trujillo, President for the Facilities and Clerical Bargaining Unit, spoke in support of the mask and vaccination mandate. She indicated that the University should look at providing better PPE for faculty and staff, especially for individuals that are on the front lines, in the classrooms, and student services.

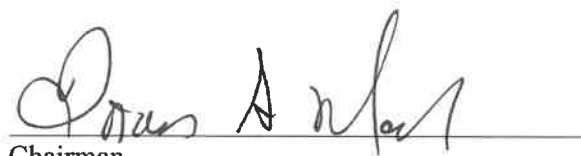
Ms. Ernestine Clayton, President of the Professional Staff Association Bargaining Unit, spoke in support of mask, social distancing, and vaccination mandate. She indicated that PPE needs to be upgraded in some departments. She requested that the Facilities Department check each department to determine how to better furnish the departments to ensure that proper PPE is provided.

Follow-Up Items

Vaccination mandate. President Minner to provide a detailed outline on how the University is going to ensure that individuals get vaccinated and if testing is required, how individuals will be appropriately tested.

Adjournment

With no further business, the meeting adjourned at 2:12 p.m.



Chairman
NMHU Board of Regents



Secretary/Treasurer
NMHU Board of Regents