

**New Mexico Highlands University**  
Board of Regents Meeting  
March 31, 2023

The New Mexico Highlands University Board of Regents held an in-person meeting on March 31, 2023. The meeting was held live at the New Mexico Highlands University Rodgers Hall Building, Room RAB107, 803 National Ave., Las Vegas, New Mexico. The university made every effort to accommodate members of the public as stated in the March 20, 2023 meeting announcement. The meeting was livestreamed via Zoom Platform. Members of the public were able to access the livestream through the following link:

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

Meeting ID: 993 7347 1046

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**Call to Order** – Chairman Garcia called the meeting to order at 9:00 a.m.

**Roll Call** - Board Members present: Mr. William Garcia, Mr. Robert Lucero, Mr. Cody Rivera, Dr. Frank Sanchez, and Ms. Danelle Smith.

Administrative Personnel Present: Dr. Sam Minner, President; Mr. Max Baca, Executive VP of Finance, Administration, and Government Relations; Dr. Roxanne Gonzales, Provost and VP of Academic Affairs, Dr. Theresa Law, Executive VP of Student and Donor Engagement; and Dr. Kimberly Blea, Dean of Students.

Others Present: Mr. Robert Anaya, Staff Advisory Senate Chair, Dr. Rodney Rock, 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 March 31, 2023 Agenda**

Chairman Garcia indicated that there were concerns pertaining to the agenda. One issue was the ratification of the last Board of Regents officer elections. He called on Attorney Pat Ives for clarification. She stated that the Board has learned that the notice and agenda of the March 25<sup>th</sup> meeting was not placed on the University website and accordance with the Board's Open Meetings Resolution, which states that all agendas for special meetings of the Board must be available on the University's website seventy-two hours before the special meeting. The Board's Open Meetings Resolution also states that the notice and agendas would be distributed in various other places. She indicated that all of the notices were properly placed and noticed. She stated out of abundance of caution, she recommended that at the next Board meeting, the

Board elections be ratified. She also stated that Highlands had not received any complaints or concerns about not having proper notice of a meeting.

Chairman Garcia stated that he would like to work with Regents Lucero and Smith and Ms. Ives to review the entire process from building the agenda to any legal requirements.

Dr. Sam Minner stated that he had received several calls from the campus community regarding moving the President's Search to earlier on the agenda. He requested that Item 16-President Search be moved to Item 11 on the agenda.

Regent Lucero moved to approve the Board's meeting agenda for March 31, 2023 with the requested change as presented. Regent Smith seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

### **Approval of the Minutes from March 25, 2023**

Regent Smith moved to approve the Minutes from March 25, 2023 as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

### **Consent Agenda**

Regent Smith indicated that the consent agenda was implemented during Chairman Marchi's tenure. She stated that reports or items that needed no discussion could be part of the consent agenda. Regents would still have the ability to pull any item from the consent agenda for discussion as a full agenda item .

From the Consent Agenda, Regent Smith moved to accept: A) Executive Vice President of Student and Donor Engagement Report; B) Executive Vice President of Finance, Administration, and Government Relations Report; C) Dean of Student Affairs Report; D) Provost/Vice President of Academic Affairs Report; and E) Vice President for Marketing and Communications Report as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor were: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

### **President's Report-Dr. Sam Minner**

#### **NMHU Vacant Land Excess Property RFP-Action Item**

Dr. Sam Minner indicated that at last meeting a discussion was had regarding the Request for Proposals (RFP) for the University's vacant land. He stated that another solution had come to his attention. He indicated that a paralegal from Cuddy & McCarthy had been hired to go through all the materials and artifacts related to each piece of property owned by NMHU. He stated that his recommendation is to continue with Cuddy & McCarthy to review the documentation. This would not require an RFP.

Chairman Garcia stated that Highlands needs to have a solution for keeping the golf course opened and replacing the subsidies that have been provided by the three principals. He felt that the comprehensive approach provided by Mr. Kim Murphy was the solution.

Regent Smith raised her ongoing concern regarding the infrastructure of the Golf Course property. She felt that bringing in Cuddy & McCarthy was a great start in terms of the title of the property, but the utilities on the property date back to the 1960s. She was concerned the infrastructure would not be able to support additional housing.

Regent Lucero discussed the possibility of obtaining title policies on the vacant property. Attorney Pat Ives stated that paralegal, Mr. Greg North, was reviewing the documentation for possible title, title commitments, and title insurance. She informed the Board that a document will be shared with Administration and Board of their findings.

Chairman Garcia indicated that Mr. Murphy could be invited to the next meeting to provide a presentation on the feasibility study. It was agreed that Chairman Garcia would extend the invitation to Mr. Kim Murphy to discuss his earlier findings to attend the next regular meeting of the Board.

Regent Lucero moved to table the NMHU Vacant Land Excess Property RFP as presented. Regent Sanchez seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Authorization to Fund NMHU Vacant Land Excess Property RFP not to Exceed \$100,000.00-  
Action Item**

Regent Lucero moved to table the Authorization to Fund NMHU Vacant Land Excess Property RFP as presented. Regent Sanchez seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Campus Update**

Dr. Sam Minner indicated that the Legislative session ended. A summary of what Highlands will accrue was presented at the last Board meeting.

He stated that in a return to normalcy, all athletics all teams are playing and events are being held on campus.

He indicated that the University has had concerns regarding IPRA requests. He will be designating an IPRA officer. This individual will be provided training through the Attorney General's Office.

He stated that the NMHU HLC (Higher Learning Commission) team members will be traveling to Chicago to speak with HLC representatives. He indicated that the meeting had been delayed due to fires and floods. A report was issued by HLC; however, it is not a public document and cannot be shared.

**COVID & Water Update**

Dr. Minner stated that effective today, the University will no longer be under COVID restrictions.

**Other**

Dr. Minner indicated that he is working with Chairman Garcia to develop a Board orientation. It will be a full day orientation. He stated that administration, faculty, staff, students, and officials from the City and County will be invited to participate.

**Faculty Senate Report-Dr. Rodney Rock**

Dr. Rodney Rock indicated that he appreciated everything that was happening on grants and increased enrollment.

He stated that on an HLC letter dated July 9, 2018 it stated that Highlands had met requirements and had action taken to address concerns. One concern of faculty was around shared governance. The first concern is regarding IPRA requests. He indicated that faculty have made requests with some requests being met but not within the timeframe that was requested. He felt that this was an area of concern due to not following

the laws and regulations. He stated that not being able to get information in a timely fashion can interfere with governance.

He indicated that another concern is HLC. Some items that were addressed in 2018 are still concerning to faculty. He stated that not being able to see the current report provided by HLC is an ongoing concern to faculty. He stated that the Board has right to request the report from HLC.

Dr. Rock stated the third item of concern was with the Associate Vice President of Forestry position. He felt the process that was followed was in breach of the collective bargaining agreement. He indicated that Dr. Minner did provide a report to the Faculty but they felt that the items had not been sufficiently addressed. The faculty had seven outstanding concerns which include but not limited to 1) the job description, which faculty have asked that it be rewritten; 2) the duties related to teaching, structuring course development, and advising be turned over to faculty. The person in this role still has some faculty responsibilities which is in violation of our agreements; 3) the AVP of Forestry has no authority over any department including those in which the person acts as a liaison and this should be reflected in an organizational chart; 4) all new programming should come from the faculty and not the new AVP of Forestry; 5) Faculty does not recognize the status of tenure that was given to this person. It was not in compliance with their agreements; and 6) the position, itself, was out of compliance with what faculty have agreed upon in the Collective Bargaining Agreement. He stated that he fears that Highlands is not working in accordance with shared governance.

Chairman Garcia complimented Dr. Rock on how the report was presented. He stated that it is clear there is a disagreement between faculty and administration. Chairman Garcia stated that he was aware of the response that was sent from the President to faculty.

Dr. Jennifer Lindline, professor of Geology and Secretary of Faculty Senate discussed her concerns. She stated that she is also concerned about shared governance specifically the HLC report. She stated that as a faculty member they have always been aware of these reports and were involved in the collective response.

Her other concern was the letter submitted to Administration listing their concerns regarding the creation of a position outside of the Faculty Handbook. She felt that this position was a violation of the faculty handbook and the Collective Bargaining Agreement.

President Minner stated that Dr. Rock has been respectful and is a man of high integrity. He stated that he invoked article 37 title granting tenure to administrators and that process was followed.

Regent Lucero stated that any concerns need to be taken seriously by the Board. He asked if legal counsel had weighed in on the assertion of breach. Ms. Ives indicated that she had not, but was willing to review all the documentation. Dr. Minner and Ms. Ives will meet to discuss this issue.

#### **Staff Advisory Senate Report-Mr. Robert Anaya**

Mr. Robert Anaya congratulated the new Regents, the new Chairman, and the new Vice-Chairman on their appointments.

He indicated that some initiatives Staff Advisory Senate is working on is the tuition reduction and potentially increasing institutional holidays. Final recommendations will be discussed with Dr. Minner and brought before the Board at a later date.

He stated that campus wide concerns included 1) the new payroll system and the outsourcing of the payroll system, and 2) the posting of all employee salaries online. He stated that staff is concerned about new hires

being hired at higher rates of pay than the long-standing employees. He was hopeful that administration would continue to evaluate and make sure long-standing employees are protected.

He indicated that staff would like to be involved in the Presidential Search. Staff would like to be involved in the search process and have multiple seats at the table. He requested forums that would be inclusive of the staff.

He stated that Staff Senate has had difficulty filling positions. He welcomed ideas and assistance to ensure that all positions are filled with every range of employees across campus.

Chairman Garcia indicated that he will work with Dr. Minner to develop processes around the issues he raised.

Dr. Minner thanked Mr. Anaya and his team. He indicated that outsourcing payroll was not his first option. He stated that he worked closely with staff in the Human Resources Department to determine if the issues could be solved quickly. Issues were not able to get resolved, so outsourcing was the best option.

Mr. Max Baca indicated that the the University had been having issues staffing technical positions in Human Resources and payroll. After a lot of consideration, a decision was made to outsource payroll. Finalist were presented to the campus community for their feedback. The company selected was Paycom. He indicated that training will be provided before the new payroll system is uploaded. He stated that he would continue to provide updates to the Board.

Chairman Garcia requested that an update regarding HR and Payroll be included in VPFA report at every regular board meeting in the future.

#### **Associated Students of New Mexico Highlands University (ASNMHU) Report-Ms. Uloma Nelson**

Ms. Nelson stated that she had provided her report and stood for questions.

Chairman Garcia indicated that he would like to continue meeting with Ms. Nelson, and Regent Rivera, on a monthly basis.

#### **NMHU Foundation Report-Mr. Vince Marchi**

Ms. Terri Law provided the report on behalf of Mr. Vince Marchi. She stated that two new board members, Attorney Roman Romero and Ms. Sherry Jones, were added to the Foundation Board. They had one Board resignation, Mr. Nicon Burgess who resigned for personal reasons.

She indicated that the Foundation had over eleven million dollars in endowed funds and the first comprehensive campaign with a goal of ten million dollars is underway.

#### **President Search-Mr. William Garcia**

Chairman Garcia provided a PowerPoint roadmap for the Presidential Search. He discussed the goals to develop roadmap to secure a new President for the University.

He indicated that he is proposing using a consultant for the search. He stated this had been done in the past. He asked that the Chairman and Vice Chairman of the Board be authorized to represent the Board. They will also propose the process with timelines for implementation for Board approval. He stated that they would consult with legal counsel to ensure overall process is implemented.

Roadmap for the Presidential Search included:

April 2023: Process and use of consultant; present to Board for final selection. Review budget;  
May 2023: Regents develop and issue RFP and provide a list of potential members to the selection committee for Board consideration;  
June 2023: Review and recommend finalist for consultants; select consultants; begin advertising for position;  
July 2023: Consultant will work with selection committee; Committee receives, and processes applications;  
August 2023: Continue to process applications;  
September-October 2023: Screen and rate applicants; identify top 8 candidates;  
November 2023: process semi-finalists; committee interviews semi-finalists;  
December 2023: Regents meet to review finalists, discuss process, and establish process for final decision;  
January 2024: Regents interview candidates on-site; on campus interviews; define compensation;  
February 2024: Final selection of President-Board Vote; contract finalization;  
March 2024: First day of new President; welcoming orientation;  
April 2024: Welcoming and orientation visits;  
May 2024: Presidential inauguration ceremonials; develop budget and invitation protocols

Chairman Garcia indicated that he would like to be very transparent throughout the entire process.

Regent Smith indicated that it is important to have a search firm. She stated that preparing a good RFP in selecting this search firm is critical. She stated that she would like to work with Attorney Pat Ives before finalizing the RFP.

She stated that Chairman Garcia and herself would not be taking any independent action on their own. They will make recommendations to the Board. She indicated that selecting the search committee chair will be important. They will need someone that can run and organize a good meeting. The University Senates should start deciding who they would like to place on this committee. She stated that Senates committee members could assist the selected individual but only the search committee members would be the individual to address the search committee. She felt that the Board should keep out of Search Committee. Board Members should not go to the Search Committee members and attempt to influence their vote. She asked for a commitment from the Board to stay away from the Search Committee and their process.

Regent Lucero stated, "If the RFP is strong enough, and we task the consultant and the committee with what we're looking for, then we leave them to do their jobs, and I think that is very appropriate, and then we can come back and review the finalist as presented."

Dr. Sam Minner stated, "Consistent with Regent Smith, I will not stick my nose under the tent at all, unless requested."

Regent Sanchez stated, "To comment about the members not being influenced, and so on. I think it is important that we pick some people that are independent and not swayed easily by input, like the President said, he is not going to, and we shouldn't either. But, there is also an opportunity, I think, in this case, to involve people from outside of the University, maybe some community. The more people that you involve, the better results you're going to get."

Regent Rivera stated, "I believe transparency is the biggest concern for us as a Board to the community and to anybody who is going to be involved in this Presidential search. I also agree with Regent Smith about us not sticking our nose. That's not our role. It's not what we are here for. Bring us the finalists and that's where we make the decisions."

**Formation of Presidential Search Committee-Action Item**

Regent Sanchez moved to table the Formation of a Presidential Search Committee pending the review of the RFP. Regent Lucero seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**RFP for Presidential Search Firm-Action Item**

Regent Smith moved to authorize the development of an RFP for the Presidential Search Firm for Board consideration and approval at the next Board meeting. The draft RFP should be provided to the Board at least seventy-two hours in advance of the meeting. Regent Lucero seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Public Comment**

Attorney Ives discussed the public comment period. She stated that public comment policy is provided on the notice of every Board of Regents agenda. This information is from the Board of Regents Policy Guide.

Ms. Ives read the notice. "The agenda for each regular meeting of the Board of Regents shall include an opportunity for members of the public to address the Board on matters of public interest related to the University. Unless otherwise determined by the Chairman of the Board, this public comment period shall last no longer than fifteen (15) minutes and each person addressing the Board shall speak for no more than three (3) minutes. When deemed necessary, persons wishing to address the Board may be required to sign in so that the public comment period may be conducted in an orderly manner. Matters of individual concern, such as employee grievances or student appeals that do not involve a matter of public interest, are not appropriate topics for the public comment period. University policy provides administrative channels to pursue such matters. The Board of Regents may not act on any item raised during the public comment period, but may refer items to be placed on the agenda of a future meeting for action. (NMHU Board of Regents Policy Guide, pages 20-21)."

No one came forward for public comment.

**Board of Regents Report**

**Higher Education Regents Coalition (HERC) Update**

Chairman Garcia indicated that the annual symposium for HERC is scheduled for April 27-28, 2023. Board members were encouraged to attend. Regents were asked to contact Maria Sena for travel and reservation arrangements.

**Regents Comments-No Action Items**

Regent Smith had no comments.

Regent Sanchez had no comments.

Regent Lucero stated that he was excited to work with Board, faculty, staff, and students.

Regent Rivera stated that he was excited to bring the student prospective to the Board.

Chairman Garcia had no comments.

### **Athletic Committee Update-Regent Garcia**

Chairman Garcia stated that the committee met in March. The meeting was attended by the two Co-Athletic Directors Shanna Halalilo and Jim Deisler. The committee reviewed internal and external processes. New committee members include Sylvester Perez and Gary Tripp.

Chairman Garcia introduced the two Co-Athletic Directors. Mr. James Deisler stated that he is looking forward to working with the Board and Administration to get the athletic department moving in a positive direction. Ms. Shanna Halalilo stated that moving forward, transparency is important and obtaining more understanding regarding spending and budgets for reasonable expectations.

### **Academic Affairs Committee-Regent Garcia**

#### **School of Education Update**

Chairman Garcia introduced Dr. Mary Earick. She provided a presentation regarding the Yazzie/Martinez vs the State of New Mexico Decision. She stated that the case focuses on how every student had the right to be college and career ready. It also focused on the critical need on early childhood.

She stated that Higher Education had supported sufficient funding for teacher recruitment, retention, and training.

She said that research that was done by the Legislative Finance Committee found that students that entered pre-K programs saw a 9.7 percent higher graduation rate.

She presented an enrollment two-year comparison snapshot. She indicated that since the fall of 2020 enrollment in the School of Education has increased by 36.1%. She stated that 75% of Highlands students self-identify as students of color or a multilingual student. She indicated that 11% of the students in the School of Education are Native American and in Teacher Education, 22% are Native American.

Chairman Garcia thanked Dr. Earick for bringing the additional funding to the University and making Highlands a leader in this area.

**Executive Session– (a) limited personnel matters related to President Sam Minner’s goals and contract and related to the dismissal, resignation, and/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 pursuant to NMSA 1978, § 10-15-1(H)(5); and (d) threatened or pending litigation subject to the attorney- client privilege in which the university is or may become a participant pursuant to NMSA 1978, 10-15-1(H)(7).** Regent Lucero moved to enter into executive session for the sole purpose of discussing the items listed. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried. The Board entered into executive session at 12:29 p.m.

Regent Lucero moved to return to open session. Regent Lucero stated for the record that only those items specified under the executive session were discussed and the Board took no action. Regents present confirmed. Regent Smith seconded. A roll call was taken, voting in favor of returning to open session were Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried and the Board returned to open session at 1:53 p.m.

### **Public Action and Statements as Necessary on Executive Session Discussion**

No public action was taken.



**Provost/Vice President of Academic Affairs (VPAA) -Dr. Roxanne Gonzales**

**Grading Policy: Incompletes – Undergraduate & Graduate-Action Item**

Dr. Roxanne Gonzales and Dr. Henrietta Romero stated that all policies changes requested today have been through the Faculty Senate and the various different councils.

They discussed the suggested grading policy language changes. Dr. Romero stated that an undergraduate or graduate degree wouldn't be award if an incomplete exists on the record.

Regent Lucero moved to approve the Grading Policy: Incompletes-Undergraduate & Graduate as presented. Regent Sanchez seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Graduation Honors: Graduate Students-Action Item**

Dr. Ian Williamson indicated that update was to include clarification. Graduate students are not awarded honors typically. Amendment of the sentence makes it clear.

Regent Lucero moved to approve the Graduation Honors: Graduate Students as presented. Regent Rivera\_ seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Repetition of a Course-Action Item**

Dr. Williamson stated that students are able to take courses at the undergraduate level twice at the University. The new grade stands and affects their GPA. He stated the question was what happens when they take the course elsewhere, transfer it back to Highlands, and how is the GPA affected. Dr. Romero stated that students will get credit for the transferred course and meet graduation requirement but the course will not affect your GPA and the courses taken at Highlands will remain on record.

Regent Smith moved to approve the Repetition of a Course as presented. Regent Lucero seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**FERPA Directory Information Policy-Action Item**

Dr. Henrietta Romero stated updating the FERPA Directory policy included removing date and place of birth, address, telephone number, and enrollment status. Highlands would still be providing enough directory information to the Federal Government and the guidelines under the FERPA Act.

Regent Sanchez moved to approve the FERPA Directory Information Policy as presented. Regent Smith seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Graduate Student Deferred Admissions Policy-Action Item**

Dr. Ian Williamson indicated most institutions provide a deferred admission policy. Student can step foot on campus one year later. It about planning programs giving the enrollment. He felt this policy would remove barriers to for students to come to college as their life allows.

Regent Lucero moved to approve the Graduate Student Deferred Admissions Policy as presented. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Executive Vice President of Finance, Administration, and Government Relations  
(VPFAGR)-Mr. Max Baca  
Audit Findings Resolution Update**

Mr. Max Baca indicated that he was not prepared to provide updates. He requested that this item be tabled.

Regent Lucero moved to table the Audit Findings Resolution Update. Regent Smith seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Motion carried.

**Tuition and Fees-Action Item**

Mr. Max Baca indicated that the Tuition and Fees presentation was presented to Highlands Budget and Committee on March 3, 2023. On March 27, 2023 a presentation was conducted to the Student Senate and finally on March 30, 2023 a campus forum was held for faculty and staff.

He stated that Highlands received 1.4 percent of new funding approximately \$534,300; \$217,413 for additional faculty compensation; \$113,992 for student support; six percent compensation at 80% at \$1,826,130.

He discussed the mandatory increases which included two percent in educational retirement, faculty promotions, employee compensation difference with total estimate of \$823,100.

Some considerations for the Regents include the differential tuition for high demand programs, impacts on fully funded opportunity scholarship, increase expenses due to inflation, and main campus housing.

Tuition and Fees Recommendations:

Increase UG & G in-state and out of state tuition and fees blended rate of 1.75%;  
Increase Meal Plan rate by 3%; and  
Increase Housing rate by 5%

Regent Smith stated that the recommendation from the Regents' Finance Committee was that the mandatory increases that NMHU is facing of \$823,100, less the additional \$534,300 that was given to NMHU by the Legislature this session, is \$288,800. She recommended that this \$288,800 shortfall be covered by a blended tuition and fee increase of 1.75%. The proposed amount would increase tuition and fees only in the amount necessary to cover the unfunded mandates that resulted from the actions of the legislature and Governor during the most recent legislative session. This proposal takes into consideration the SB 494 that was supported by the Governor's Cabinet Secretary. Regent Smith felt that this increase would be justified since NMHU must find a method to make up the difference and an increase of tuition and fees is the only method that NMHU has to bring in new funds.

Regent Lucero asked how keeping tuition and fees intact would impact the NMHU budget. Mr. Baca stated that cuts would be required to the existing budget, such as continuing to defer maintenance or cutting program funding. Regent Lucero expressed his understanding that the Governor's administration does not want the universities using the Opportunity Scholarship as a "blank check." Regent Lucero also stated that raising the tuition and fees only in the amount necessary to cover unfunded mandates would nonetheless appear reasonable, given the necessity of satisfying those unfunded mandates and that there appeared no other means of satisfying those unfunded mandates.

Regent Smith moved to approve the tuition and fees as recommended. Regent Garcia seconded. A roll call vote was taken, voting in favor: Regent Lucero, Regent Rivera, Regent Smith, and Chairman Garcia. Voting against: Regent Sanchez. Motion carried.

**Follow Up Items**

1. Pat Ives, Sam Minner, and William Garcia will meet to review/discuss - Assertion of Breach in Dr. Rock's presentation- Chair Garcia was included in this discussion;
2. Vice President for Finance and Administration will provide an update at every meeting on what is being done to address the HR/Payroll issues;
3. William Garcia, Danelle Smith, and Pat Ives to work on RFP for Search Firm - recommendations to be provided to full Board; and
4. Vice President for Finance and Administration to present update on audit findings (tabled on 3/31/2023 meeting).

**Adjournment**

With no further business, the meeting adjourned at 3:21 p.m.



Chairman  
NMHU Board of Regents



Secretary/Treasurer  
NMHU Board of Regents