

New Mexico Highlands University
Board of Regents Meeting
June 02, 2023

The New Mexico Highlands University Board of Regents held an in-person regular meeting on June 02, 2023. The meeting was held live at the Santa Fe Higher Education Center, Room 159, 1950 Siringo Road, Santa Fe, New Mexico. The university made every effort to accommodate members of the public as stated in the May 23, 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 9:29 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 & VP of Academic Affairs, Ms. 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, 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.

Compliance with Meeting Notice Requirements

Chairman William Garcia stated that in compliance with the meeting notice requirement, it was confirmed that the notice and agenda were posted timely in accordance with the Open Meetings Act.

Memo read, “In compliance with the Board of Regents Open Meetings Resolution, notice of the date, time, and place of the June 02, 2023 regular meeting was submitted to the Las Vegas Daily Optic, the Albuquerque Journal, and the Santa Fe New Mexican and posted in the Administration Building and on the University’s Board of Regents webpage”.

Approval of the June 02, 2023 Agenda

Regent Smith moved to approve the Board's meeting agenda for June 02, 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.

Approval of the Minutes from March 31, 2023

Regent Smith moved to approve the minutes from the March 31, 2023 Meeting 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.

Approval of the Minutes from April 14, 2023

Regent Lucero moved to approve the minutes from the April 14, 2023 Special Meeting 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.

Public Comment

No one came forward.

President's Report-Dr. Sam Minner

Faculty Association CBA-Article 25 Salaries

Dr. Sam Minner introduced Ms. Mariama Whalen. Ms. Whalen and Mr. Max Baca discussed Article 25. Ms. Whalen said Faculty salary increases are negotiated by the University and the Association with an effort to reduce salary compression between ranks and market conditions.

Dr. Katherine Jenkins spoke on behalf of the Faculty Association. She said that the bargaining unit came to an agreement with the Administration. She was concerned about the approval of the Research Handbook. She requested a status update. Dr. Ian Williamson indicated that the research handbook was shared with the other bargaining unions on campus and yesterday he had received approval from them. Dr. Roxanne Gonzales will review the policy and present it the next special board meeting on June 15, 2023.

Upon ratification of both parties, the minimum salaries, by rank, for faculty member with a terminal degree in their discipline or related field will be \$56,650 for Assistant Professor, \$61,285 for Associate Professors, and \$74,160 for Professors. Compensation for faculty overload contracts will be \$1,000 per credit hour as the per course rate. Under normal circumstances, faculty overloads will be limited to eight (8) credits per academic year.

When a faculty member is promoted, their current salary shall be increased to the next rank minimum, or their current salary shall be increased by five percent (5%) whichever is greater. If the five percent increase is applied, the promotional increase shall not exceed five thousand dollars (\$5,000).

All bargaining unit faculty will receive an additional six percent (6%) base salary increase effective on the new academic year 2023-2024 contract. This 6% increase will be reflected beginning the first full pay period of the 2023-2024 academic year. Additionally, all bargaining unit faculty shall receive \$200.00 per year in rank, up to ten years added to their base salary.

Dr. Minner compared the faculty salaries to Eastern New Mexico University. Salaries are still below our counterpart, but the University has made up a lot of ground. President Minner said it would take one or two more years of moderate salary increases to gain ground.

Regent Smith endorsed Article 25 salaries.

Chairman Garcia stated that he was glad that this came to an agreement. Highlands is constantly balancing a lot of matters. It is a strategic victory for all of us. He thanked the Administration and past and current Regents for their support to improve pay for faculty and staff.

Regent Smith moved to approve Faculty Association CBA-Article 25 Salaries 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.

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); (c) deliberation upon competitive sealed proposals for Presidential Search Firm, Architectural Firm for the Facilities Building Renovation Project, and General Contractor for the Sininger Hall Renovation Project pursuant to NMSA 1978, § 10-15-1(H)(6); 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 Smith 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 9:58 a.m.

Regent Lucero moved to return to open session and 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 the motion. 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 5:13 p.m.

Public Action and Statements as Necessary on Executive Session Discussion

Regent Lucero stated there were several disclosures he would like to make to the public. 1) He recused himself from all consideration and discussion of the Architectural Firm selection for the Facilities Building Renovation project due to a conflict of interest; 2) Regent Smith disclosed that in the past, as a private attorney, she had represented some principals of the construction company, but had never represented Franken Construction, and while technically it could be considered a conflict of interest, she did not believe that it was and she felt that she could fairly consider and vote on the matter; and 3) Dr. Minner disclosed that he had some discussions regarding potential employment with one of the candidates for the presidential search firm.

Attorney Pat Ives stated for the record, that Regent Lucero disqualified himself and had no participation in any of the deliberation for the matter he had a conflict. It was also determined that Regent Smith and Dr. Minner did not have a conflict. Dr. Minner was not a participant in the deliberations and neither Regent Lucero nor Dr. Minner disclosed which firm they were discussing.

Presidential Search Firm Selection

Regent Smith moved to select R H Perry as the Presidential Search Firm and to authorize EVP Baca and Director Flure to negotiate “best and final” terms and conditions with the top firm. If negotiations fail with top firm, in consultation with Chairman Garcia and Vice Chairwomen Smith, allow negotiations with the next highest-rated firm. 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.

Formation of Presidential Search Committee

Chairman Garcia said as part of being a Chairman, he has the ability to create Ad Hoc Committees. However, because he was interested in the input from each of the board members, he would like to discuss his selection with each of the Regents prior to disclosing the list.

He also stated that the selected committee members would need have a strong commitment to attend all meetings and actively participate. Dr. Minner recommended that release time be considered for these individuals due to the expectations. A small budget could be provided for snacks and meals.

Regent Lucero appreciated the collaborative approach. However, he questioned that the Chair of the Board appoints the Ad Hoc Committees. He would need to review statutes and any other sources of law to make a determination. Chairman Garcia stated that he had spoken to legal counsel and they advised that the Chair does have the ability to appoint these types of committees. Attorney Pat Ives stated that the Chairman had checked with her and that the policy does provide for the Chairman of the Board to select the committee.

Regent Sanchez moved to table the formation of the Presidential Search Committee. 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.

Architectural Firm Selection for the Facilities Building Renovation Project

Regent Smith moved to select Baker Architect + Design as the Architectural Firm for the Facilities Building Renovation project and to authorize AVP Sylvia Baca and Director Aaron Flure to negotiate “best and final” terms and conditions with the top firm. If negotiations fail with top firm, in consultation with Chairman Garcia and Vice Chairwomen Smith allow negotiations with the next highest-rated firm. Regent Rivera seconded. A roll call vote was taken, voting in favor: Regent Rivera, Regent Sanchez, Regent Smith, and Chairman Garcia. Abstaining: Regent Lucero Motion carried.

General Contractor Selection for the Sininger Hall Building Renovation Project

Regent Smith moved to select Franken Construction Company as the General Contractor for the Sininger Hall Building Renovation Project and to authorize AVP Sylvia Baca and Director Aaron Flure to negotiate “best and final” terms and conditions with the company. 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.

Adjournment

With no further business, the meeting adjourned at 5:27 p.m.



Chairman
NMHU Board of Regents



Secretary
NMHU Board of Regents