

MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY
July 15, 2008

1. **CALL TO ORDER**

The Board of Regents of New Mexico State University met in the Mescalero Ballrooms E and F at the Inn of the Mountain Gods Resort and Casino in Mescalero, New Mexico, on Tuesday, July 15, 2008. Chair Gallagher called the meeting to order at 10:08 a.m.

Regents Present	Mr. Bob Gallagher, Chair Mr. Blake Curtis, Vice Chair Mr. M. Steven Anaya, Secretary/Treasurer Ms. Laura Conniff, Member Mr. Ed Kellum, Member
-----------------	--

Ex-officio Regents Present	Dr. Joe Pfeiffer Mr. Justin O'Connell
----------------------------	--

President	Dr. Michael Martin
-----------	--------------------

Executive Vice President/Provost	Dr. Waded Cruzado
----------------------------------	-------------------

Regents Chief of Staff	Dr. Pat Williams
------------------------	------------------

Other Presenters Present	Senior Vice President Jennifer Taylor Senior Vice President Ben Woods Vice President Nick Franklin Associate Vice President Maureen Howard Director Michael Rickenbaker Director Fred Ayers Assistant Dean Tim Nesbitt Director Amanda Gibson-Smith General Counsel Bruce Kite
--------------------------	--

2. **INTRODUCTIONS**

(a) Introduction of Press, Elected Officials, and Others by Maureen Howard, Associate Vice President for University Communications and Marketing Services

Associate Vice President Howard introduced Representative Gloria Vaughn from Alamogordo and Ashley Meeks from the *Las Cruces Sun-News*.

3. APPROVAL OF AGENDA

Regent Curtis asked that Agenda Item 8(f) on the Consent Calendar and Action Item 9(a) be removed from the agenda.

Regent Curtis moved, seconded by Regent Anaya, to approve the agenda with changes. The motion carried unanimously.

4. PUBLIC COMMENT

Persons wishing to address the Board on any items, whether on the agenda or not, should, at this time, so indicate to the Chair. No personal attacks or negative comments about employees or personnel issues will be permitted. Three minutes will be allotted to address the item. Time may be limited or extended at the discretion of the Chair.

5. RATIFICATION STATEMENT REGARDING PRIOR EXECUTIVE SESSION(s) (roll call vote)

The Board of Regents of New Mexico State University met in Executive Session at 12:00 p.m. on Monday, July 14, 2008, in the Cadet Conference Room at the Inn of the Mountain Gods Resort and Casino in Mescalero, New Mexico, to discuss limited personnel and legal matters in accordance with Section 10-15-1 H (2) and (7) of the New Mexico Open Meetings Act. Those Board members who were present hereby certify by roll call vote that only matters of that nature were discussed in the closed meeting.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Gallagher, Vice Chair Curtis, Secretary/Treasurer Anaya, Regent Kellum, and Regent Conniff. Five Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

6. APPROVAL OF MINUTES

May 9, 2008
May 20, 2008
June 6, 2008

Regent Anaya moved, seconded by Regent Curtis, to approve the minutes of May 9, May 20, and June 6, 2008. The motion carried unanimously.

7. FUTURE BOARD MEETINGS

Approved meetings:

- Friday, September 26, 2008, Meeting
Regents Room, Educational Services Center
- Saturday, September 27, 2008, NMSU/UNM Joint BOR Meeting
(Corbett Center, Colfax Room)
(Aggies play against the Lobos)
- Thursday, October 30, 2008, Meeting
Regents Room, Educational Services Center
- Friday, December 12, 2008, Meeting
Regents Room, Educational Services Center
(In conjunction with Commencement)

8. CONSENT CALENDAR (voted on by one motion, or moved to Action or Informational Items)

- (a) Approval to Name Goddard Annex Room 131 as the Robert “Bob” Asprey Wireless Laboratory (Vice President for University Advancement Nick Franklin)
- (b) Approval to Name the Jett Hall, Room 257 as the Chevron-Phillips Chemical Engineering Study Room (Vice President for University Advancement Nick Franklin)
- (c) Approval to Name the Music Recital Hall as the F. E. and Edith Atkinson Recital Hall (Vice President for University Advancement Nick Franklin)
- (d) Ratification of Employment Agreements and Amendments for Various Coaches (General Counsel Bruce Kite)
- (e) Approval of New Mexico State University (Las Cruces) Thomas and Brown Hall Re-Roofing (Director Michael Rickenbaker)
- (f) Approval of the Proposed Changes to New Mexico Administrative Code 21.17.2 “Plant Nursery Licensing and Inspection” Fees (I. Miley Gonzalez, NMDA Director/Secretary)
- (g) Approval of Disposition/Deletion of Property (Senior Vice President Jennifer Taylor)
- (h) Ratification of Signature Authority Policy (Senior Vice President Jennifer Taylor)
- (i) Approval of Temporary Investment Report for Quarter Ended June 30, 2008 (Senior Vice President Jennifer Taylor)
- (j) Approval of Doña Ana Community College Trades Center - Budget Increase (Director Michael Rickenbaker)
- (k) Approval to Change Name of Graduate Degrees in the Department of Plant and Environmental Sciences from Agronomy to Plant and Environmental Sciences (Assistant Dean Tim Nesbitt)
- (l) Approval of New Mexico State University (Alamogordo) Health Science Center/Reidlinger Addition (Director Michael Rickenbaker)
- (m) Approval of Eligibility Priority Criteria and Written Plans (Head Start Program Director Amanda Gibson-Smith)

- (n) Ratification of New and Revised Policies Contained in the NMSU Policy Manual from October 22, 2007 to July 8, 2008 (General Counsel Bruce Kite)
- (o) Approval of Resolutions in Support of Cooperative Agreement with New Mexico Department of Transportation (formerly New Mexico State Highway and Transportation Department) for Campus Road Improvements (Senior Vice President Jennifer Taylor)

Regent Conniff moved, seconded by Regent Kellum, to approve the Consent Calendar as amended. The motion carried unanimously.

9. ACTION ITEMS

- (a) Approval of New Mexico State University (Las Cruces) Aggie Memorial Stadium Phase Two (Director Michael Rickenbaker)

This agenda item was removed.

- (b) Approval of New/Expanded Research, Public Service, Statewide Instruction and General, and other Line Item Project Requests for FY 2009-2010 (Senior Vice President Jennifer Taylor, Director of Governmental Affairs Dennis Hazlett, and Senior Director Ricardo Rel)

Senior Vice President Taylor gave an overview of the process for the New/Expanded Research, Public Service, Statewide Instruction and General, and other Line Item Project Requests for FY 2009-2010 for approval. The University Budget Committee considers proposals from any group within the university or a project. The requests are presented by the University Budget Committee to President Martin for approval. The requests are then forwarded to the Board of Regents who must approve these before they can be submitted to the Higher Education Department for funding consideration. Participation of the Governmental Affairs Department has increased in order to assist in the reviewing of proposals as they are being developed and in crafting of proposals in order that they may have a better chance for funding approval. Director Hazlett and Senior Director Rel gave an overview of the project requests. A summary was provided showing a total across NMSU's constitutional programs, which consist of the New Mexico Department of Agriculture, the Cooperative Extension Service, the Agricultural Experiment Stations, the Las Cruces campus, and the community college campuses. The Higher Education Department will be asked to fund the request for projects totaling \$7.2 million for all campuses.

Regent Anaya moved, seconded by Regent Kellum, to approve the New/Expanded Research, Public Service, Statewide Instruction and General, and other Line Item Project Requests for FY 2009-2010. The motion carried unanimously.

(c) Approval of Amendment to President Michael Martin's Employment Contract (Regent Bob Gallagher)

New Mexico State University entered into an employment agreement with President Martin on May 14, 2004, effective July 1, 2004. In accordance with Section 14.2 of the employment agreement, President Martin is required to provide NMSU with a six month notice prior to his resignation unless a shorter period of time is agreed to by the parties. The amendment would read that the Regents mutually agree with the president that the notice of resignation provided to the chair of the Board on June 1, 2008 constitutes sufficient and timely notice of the president's resignation. The president's last day of employment at New Mexico State University will be July 31, 2008. Section Five of the agreement provides a performance incentive to be paid to the president following his annual review. This amendment would suggest that the parties acknowledge that the president has performed admirably during the past academic year and has achieved numerous successes. As a result of the president's announced resignation, the president and the Regents have agreed that no performance incentive, as provided in Section Five of the agreement, will be paid for the academic year of 2007/2008. The amendment also states that any remaining issues arising out of the president's employment, or the employment agreement, are resolved by this third amendment. Section 16 requires any modification to the agreement to be in writing and ratified by the Regents in an open session. In addition, by agreement of the parties, the performance incentive payment authorized by Section Five is waived.

Regent Curtis moved, seconded by Regent Kellum, to approve the Amendment to President Michael Martin's Employment Contract. The motion carried unanimously.

(d) Approval of NMSU Interim President (Regent Bob Gallagher)

Regent Gallagher announced Executive Vice President/Provost Waded Cruzado as the interim president for NMSU. The employment agreement for the interim president is for a period of time not to exceed one (1) year with an annual salary of \$300,000. The agreement will be effective August 1, 2008 and terminate July 31, 2009. Section 9 of the employment agreement allows for the termination of the employment agreement by mutual written agreement by the parties, or by either party, with at least 30 days notice. At such time as this employment agreement is terminated, the interim president shall automatically return to her position as executive vice president/provost of New Mexico State University at a salary to be mutually agreed upon between the parties, but in no event shall it be less than what she is currently being paid as the executive vice president/provost at the time the employment agreement is executed. The NMSU Foundation, Inc.

will furnish and provide insurance on an automobile, which will be used by the interim president primarily for university purposes. The Regents will reimburse the interim president for reasonable entertainment, travel, and other expenses incurred by her, including country club expenses as is normal with the president.

Regent Conniff moved, seconded by Regent Anaya, to approve the NMSU Interim President. The motion carried unanimously.

10. NEW MEXICO STATE UNIVERSITY PRESIDENT'S REPORT

(President Michael Martin)

President Martin gave a report on university events since the last meeting of the Board of Regents.

11. INFORMATIONAL ITEMS

- (a) Head Start Self-Assessment Findings and Plan of Action (Head Start Program Director Amanda Gibson-Smith)

In April 2008, Doña Ana County Head Start conducted its mandated annual self-assessment process. This year, the services of a consultant were used to assist Head Start with this process. Director Gibson-Smith presented the self-assessment findings and plan of action, as well as the new Head Start Re-authorization Act, which was signed into law by President Bush in December 2007 and now governs all Head Start Programs. The new act has added additional requirements for Governing Body involvement in the Head Start program. The Board of Regents is legally and fiscally responsible for Doña Ana County Head Start.

12. REPORTS

- (a) Faculty Senate Chairperson Report by Dr. Joe Pfeiffer

Dr. Pfeiffer reported on activities of the Faculty Senate since the last Board meeting.

- (b) Associated Students of New Mexico State University Report (ASNMSU) by Mr. Justin O'Connell

Mr. O'Connell reported on activities of the Associated Students of New Mexico State University since the last Board meeting.

- (c) Advisory Council on Administrative Policy (ACAP) by Mr. Tim Nesbitt

Mr. Nesbitt was not present to give a report.

13. OTHER

14. ADJOURNMENT

Regent Gallagher adjourned the meeting at 11:35 a.m.

Minutes recorded by Socorro Saenz-Lobato.

Robert M. Gallagher, Chair
Board of Regents

M. Steven Anaya, Secretary/Treasurer
Board of Regents