

**MINUTES OF THE BOARD OF REGENTS
NEW MEXICO STATE UNIVERSITY**

1. CALL TO ORDER

The Board of Regents of New Mexico State University met in the Auditorium, Corbett Center, Las Cruces, New Mexico on Monday, October 1, 2012.

Chair Cheney called the meeting to order at 3:00 p.m.

Regents Present	Mike Cheney, Chair Isaac J. Pino, Vice Chair Christopher Dulany, Secretary / Treasurer Javier M. Gonzales, Member Kari Mitchell, Member
Ex-officio Regents Present	Dr. Tim Ketelaar, Faculty Senate Chair Breeana Sylvas, President ASNMSU
Officers of the University Present	Dr. Wendy K. Wilkins, Executive Vice President / Provost
NMSU Employee Council	Dr. David Brockmeyer, Chair

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 Maureen Howard announced that there were elected officials present, Senator Mary Kay Papen, Newspaper reporters and Television reporters from Las Cruces, El Paso, and Albuquerque and also Las Cruces Radio were present.

3. APPROVAL OF AGENDA

Regent Pino moved and Regent Dulany seconded to approve the agenda. The motion carried unanimously.

4. CONFIRMATION OF PRIOR EXECUTIVE SESSION

- The Board of Regents of New Mexico State University met in executive session at 11:30 a.m. on Monday, August 20, 2012, in Room Two of the Educational Services Building in Las Cruces, New Mexico to discuss personnel, legal and real estate matters in accordance with Section 10-15-1H, paragraphs (2), (7), and (8) 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 closed meeting.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Cheney, Vice Chair Pino, Secretary/Treasurer Dulany and Member Javier Gonzales. Four Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

- The Board of Regents of New Mexico State University met in executive session at 8:00 a.m. on Wednesday, August 29, 2012, at 320 Gold SW, Suite 400 in Albuquerque, New Mexico to discuss personnel and legal matters in accordance with Section 10-15-1H, paragraphs (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 closed meeting.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Cheney, Vice Chair Pino, Secretary/Treasurer Dulany, Member Javier Gonzales and Member Kari Mitchell. Five Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

- The Board of Regents of New Mexico State University met in executive session at 9:00 a.m. on Saturday, September 22, 2012, in Room 130 of Hadley Hall in Las Cruces, New Mexico to discuss personnel and legal matters in accordance with Section 10-15-1H, paragraphs (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 closed meeting.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Cheney, Vice Chair Pino, Secretary/Treasurer Dulany, Member Javier Gonzales and Member Kari Mitchell. Five Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

- The Board of Regents of New Mexico State University met in executive session at 1:00 p.m. on Monday, October 1, 2012, in the Corbett Center Curry Room 329 in Las Cruces, New Mexico to discuss personnel and legal matters in accordance with Section 10-15-1H, paragraphs (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 closed meeting.

The motion to adopt this statement, upon being put to a vote, was passed and adopted on the following recorded vote: Chair Cheney, Vice Chair Pino, Secretary/Treasurer Dulany, Member Javier Gonzales, and Member Kari Mitchell. Five Regents present having voted in favor of said motion, said motion carried, and said statement was adopted.

5. ACTION ITEMS

- a. Approval of Agreement with President Pursuant to Section 13.1 of Employment Agreement agreeing to a mutually agreeable separation.

Regent Gonzales moved and Regent Dulany seconded for Approval of Agreement with President Pursuant to Section 13.1 of Employment Agreement. The motion passed unanimously.

- b. Appointment and/or Delegation of Presidential Duties. In the absence of the President, NMSU Policy states it's the role of the Executive Vice President/Provost to serve as Chief Administrative Officer in the day to day business at NMSU continues under the direction of each unit Vice President, College Dean. This Board expects accountability from all employees fulfilling their professional responsibilities, especially at the leadership level. We must focus on the task at hand and keep our students at the forefront of all we do. The Provost is not being placed in an acting President capacity and our charge is to deliver an Interim President by mid October.

Regent Gonzales moved and Regent Dulany seconded for Appointment and/or Delegation of Presidential Duties. The motion passed unanimously.

6. OTHER / COMMENTS

Regent Gonzales emphasized that transparency is a core value at New Mexico State and the regents remain committed to. The public without question has a right to know what agreements are made by their university and what actions are taken. And as Regents we will always fight to make sure that the public has access to as much information as possible. But during times like these when negotiations are very sensitive - people's livelihoods and reputations are at stake and our conduct and respect for our confidential negotiation process sends powerful messages to know that you work at this university that it impacts our ability to recruit top talent to work here in the future. Respect for the privacy of that negotiating process is important. It's always with a guarantee that the results will always be public and there is an appropriate balance between transparency and respect for individual privacy. And of importance is that we are going to do our best for our employees, students, families, and certainly for the public. We all know that there is no understating the challenges that we are facing as a university. We have seen falling enrollment, decline in our research dollars, unreliable and inconsistent state funding, an athletic program that is in danger of finding itself a new conference to play in, a nursing school that just lost its accreditation, and much more. As regents, we know that the buck stops with all of us. It is our job to address the many challenges facing our great university, but to do so in measured action always focused on our students, faculty and staff and to ensure that the long-term academic and reputational health remain for our university. We as a board have no doubt that we can overcome the challenges that we face with all that is great in this university. We remind ourselves daily, as we walk around campus, of our rich history, the strong alumni that support us, our incredibly diverse student body, and our world class faculty second to none, always with a commitment to succeed.

Regent Gonzales thanked Chair Cheney for his leadership over this past week which has certainly been difficult. Today marks a new day as we move forward and begin the process of addressing the many challenges facing this university and he thanked this distinguished group of regents to serve with.

Dr. Ketelaar, Chair of the NMSU Faculty Senate, reassured the entire NMSU community that throughout these events, faculty have never wavered from their commitment to this great university. Classes have been taught and discoveries and creative activities continue to be produced in our labs and studios. Recognizing their status as New Mexico's Land Grant Institution and proud history of excellence in agriculture and engineering, NMSU faculty continue to provide excellent service and outreach to citizens of this great state. He assured NMSU faculty that throughout this process, the faculty senate leadership has been guided by the advised counsel of the leadership team the Senate Committee on Committees and have also received valuable advice and guidance from past Faculty Senate Chairs. Their willingness to help and their wise counsel have been indispensable in insuring that the Faculty Senate have an important voice in these proceedings. The Faculty Senate has been fully appraised of the situation as information has been available. On Friday, September 28, Faculty Senate Leadership sent a letter to the entire NMSU faculty with an update on the information that had been available at that time. He thanked the Provost's office for their assistance in getting the letter out to the faculty.

Dr. Ketelaar commented on the Board of Regents receptiveness to the Faculty Senate concerns this past week. On Thursday, September 27, the faculty senate contacted university counsel to clarify the open meetings act. He thanked university counsel, especially Lisa Warren, for their patience in dealing with faculty senate's vigorous attempts to request attendance at the closed executive session. On Friday, September 28 he relayed his concerns to university counsel that the faculty senate request to attend closed session had not yet received a response. His concerns were emailed directly to university counsel Bruce Kite and Lisa Warren at 12:10 pm on Friday. At 12:33 pm, just 23 minutes later, Regent Chair Mike Cheney called Dr. Ketelaar directly to address faculty Senate's request. He mentioned that the Board of Regents have demonstrated respect for the faculty senate and will respond to their concerns in a timely manner. The entire senate extends their gratitude to the Board of Regents for taking their request seriously. Although the request was denied, they must respect the decision of the Board of Regents.

Dr. Ketelaar stated that the Faculty Senate respects and supports the decision by the NMSU Board of Regents. We believe that the Regents have made the right decision and they have done so in the right way. To those faculty members and members of the NMSU community that are concerned that the faculty senate is abrogating their power to express concerns about current process, he reminded everyone that if the faculty senate wishes to exist in the future to publicly proclaim that their trust has been violated, you must first demonstrate that our trust has been given. If at any time in the future the faculty senate feels their trust has been violated, they will make those concerns known directly to the Board of Regents. Today, the Faculty senate respects and supports the decision of the New Mexico State University Board of Regents.

The New Mexico State University faculty greatly appreciates Dr. Couture for all that she has done for New Mexico State University. They have never doubted that she cares deeply about this institution and they thank her for all she has done on their behalf.

Regent Cheney mentioned that the Board of Regents has trust and respect in NMSU's faculty. The Regents are very proud of how NMSU faculty enrich the students lives

every day. They also appreciate the trust and responsibility that faculty place in them to do the right thing.

Regent Cheney acknowledged that the Board of Regents fully understand the questions that all may have regarding the events of last week. He appreciates the patience in knowing that as a public institution they have a responsibility to many stake holders and we as regents have a responsibility to follow the laws of the Open Meetings Act. He thanked his fellow regents for diligence in adhering to these policies and to their sincere desire for the best outcome of this great university and its students, faculty, administration and many other stake holders.

The Board of Regents has accepted the resignation of Dr. Couture as President of NMSU and she will be placed on administrative leave until December 31, 2012. As you know, when personnel issues are involved, it is important that specific details not be discussed in an open forum. There are clear reasons on both sides of this agreement and we will honor our legal obligation not to discuss them. Again, we ask for patience and understanding that personnel issues are exempt from public discussion to protect Dr. Couture and to protect the university. The specifics will not be discussed behind this decision, and Regent Cheney wants to make clear that the university is doing very well financially and alumni and donors are more supportive than ever. We wish Dr. Couture the best in her continuing career in education. The Regents will begin the search process immediately and the process will be made public. They will work diligently to select an interim president by the October 15, 2012 Board Meeting. This is a great institution and we have many attributes to attract a new president. We have superior faculty, dedicated administration and staff and programs and studies to directly address the job needs of our students. We have a proud tradition and the regents see great opportunities for the future.

7. ADJOURNMENT

There being no more business the Board of Regents adjourned at 3:14 pm.

Minutes recorded by Carolyn Aragon.



Mike Cheney, Chair
Board of Regents



Christopher Dulany, Secretary / Treasurer
Board of Regents

