



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS
REGULAR MEETING
May 11, 2018 at 9:00am**

Regents Room of the Educational Services Building
NMSU Las Cruces Campus, 1780 East University Avenue
Las Cruces, New Mexico

Regents of New Mexico State University

Chair Debra Hicks, Vice Chair Kari Mitchell, Secretary/Treasurer Jerean Hutchinson, Chris Saucedo, Margie Vela

Non-Voting Advisory Members - Faculty Senate Chair Christopher Brown, Ph.D., Employee Council Chair Monica Dunivan, ASNMSU President Kevin Prieto

University Officials - Chancellor Garrey Carruthers, Ph.D., Executive Vice President and Provost Daniel Howard, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Lizbeth Ellis, J.D.

MINUTES

The Board of Regents meeting is available by webcast through the link at <http://panopto.nmsu.edu/bor/>

A. **Call to Order**, Chair Hicks called the meeting to order at 9:22 am.

1. **Introductions**

Introduction of the Media, *Associate Vice President Justin Bannister*
AVP Bannister introduced members of the media.

Introduction of Officials

-Introduction of ASNMSU Leadership, *Vice President Bernadette Montoya*

Vice President Bernadette Montoya introduced ASNMSU President Emerson Morrow and Vice President Linda Cisneros

2. **Confirmation of Quorum**, *Chair Debra Hicks*

A quorum of regents was confirmed (Hicks, Hutchinson, Mitchell, Saucedo, Vela). All regents were present in the chamber.

3. **Approval of the Agenda**, *Chair Debra Hicks*

Regent Mitchell moved for a recess at 11:30 AM to attend a graduate luncheon and delay action item G-6 until after the recess. Second by Regent Hutchinson. Motion passed 5-0 (Hicks, Mitchell, Hutchinson, Saucedo, Vela)

4. **Public Comment**, *Associate Vice President Justin Bannister*

There were no requests for public comment.

B. **Approval of the Minutes**, *Chair Debra Hicks*

Regent Hutchinson moved to table items B1 – B4. Second by Regent Vela. Motion passed 5-0 (Hicks, Mitchell, Hutchinson, Saucedo, Vela)

1. Special Work Session Meeting of March 6, 2018

Tabled

2. Regular Meeting of March 6, 2018

Tabled

3. Regular Meeting of April 6, 2018

Tabled

4. Special Meeting of April 9, 2018

Tabled

5. Confirmation of Prior Executive Sessions for Chancellor Candidate Interviews

#1A/B: April 23/24, #2A/B: April 26/27, #3A/B: April 30/May 1, #4A/B: May 2/3, #5A/B: May 4/5

The board of regents met in closed executive session to discuss the limited personnel matter of interviewing five chancellor candidate finalists in accordance with the provisions of the New Mexico Open Meetings Act. The board had a dinner meeting with each candidate and a morning interview the following day in the Fulton Center. These interviews occurred from Monday April 23rd – Saturday May 5th. Board members certified that only matters of that nature were discussed in a roll call vote: Hicks: Yes; Hutchinson: Yes; Mitchell: Yes; Saucedo: Yes; Vela: Yes.

6. Confirmation of Prior Executive Sessions for Chancellor Candidate Interviews on Monday, May 7 at 8:00am

The board of regents met in closed executive session on Monday, May 7th at 8:00 am at the University Center and Residence at 4501 Geothermal Drive to discuss the limited personnel matter of chancellor candidate deliberations in accordance with the provisions of the New Mexico Open Meetings Act. Board members certified that only matters of that nature were discussed in a roll call vote: Hicks: Yes; Hutchinson: Yes; Mitchell: Yes; Saucedo: Yes; Vela: Yes.

The board of regents met in closed executive session Friday, May 11th at 7:30 am at the University Center and Residence at 4501 Geothermal Drive to discuss the limited personnel matter to finalize candidate deliberations and discuss limited matter regarding real estate in accordance with the provisions of the New Mexico Open Meetings Act. Board members certified that only matters of that nature were discussed in a roll call vote: Hicks: Yes; Hutchinson: Yes; Mitchell: Yes; Saucedo: Yes; Vela: Yes.

C. Awards and Recognitions, Chair Debra Hicks

- 1. Proclamation for Chancellor Garrey Carruthers, Ph.D., Chair Debra Hicks**
- 2. Athletics Awards, Athletics Director Mario Moccia**
- 3. Above and Beyond Award, Chair Debra Hicks**
- 4. Proclamation for Regents Policy Manual, General Counsel Lizbeth Ellis, J.D.**
- 5. Student Engagement in Search Process, Subcommittee Chair Kari Mitchell**
- 6. Proclamation for Employee Council Chair Adam Cavotta, Chancellor Garrey Carruthers, Ph.D.**
- 7. Proclamation for Faculty Senate Chair Christopher Brown, Ph.D., Provost Daniel Howard, Ph.D.**
- 8. Proclamation for ASNMSU President Kevin Prieto, Vice President Bernadette Montoya, Ph.D.**

D. Committee Reports

1. Audit and Risk Committee Report, Chair Debra Hicks

Chair Hicks announced that the audit will be awarded to KPMG Consultants. Entrance conference to occur soon.

2. **Real Estate Committee Report, Chair Debra Hicks**
No report
3. **Financial Strategies, Performance and Budget Committee Report, Chair Kari Mitchell**
No report
4. **Student Success Committee Report, Chair Jerean Hutchinson**
No report

E. Recurring Reports

1. **NMSU Faculty Senate Report, Chair Christopher Brown, Ph.D.**
Faculty Senate Chair Brown reviewed an active last session of the senate which included: a memorial supporting a faculty senate library advisory committee, approved a College of Education Ph.D. in School Psychology, passed a memorial in support of NMSU Online, passed a memorial to ask Provost to create a program to create allied faculty appointments to increase collaboration, three associates of applied sciences, and two pieces of emergency legislation. A memorial for the Chancellor and Provost recognizing their service to NMSU was also passed in the last session. Chair Brown thanked administration and the board for the honor of having served as chair of faculty senate.
2. **Associated Students of NMSU Report, President Kevin Prieto**
ASNMSU President Prieto thanked the board and NMSU for the time as a student and ASNMSU president. Regent Vela thanked President Prieto for his service.
3. **NMSU Employee Council Report, Chair Monica Dunivan**
Employee Council Chair Dunivan reported that Founders Day was a success where over 2,100 people participated. Chair Dunivan read a memo sent to the board regarding staff compensation increases.
4. **Higher Education Regents Coalition Report, BOR Chair Debra Hicks**
Chair Hicks reported that there was a meeting on January 23rd in conjunction with Counsel of University Presidents (CUP). The Regent Coalition is working on a two-day workshop and more information will be provided when available.
5. **Aggie Development Inc. Report, President & CEO Scott Eschenbrenner**
No report.
6. **NMSU Foundation Report, President Andrea Tawney, Ph.D.**
NMSU Foundation President Tawney reported that a joint alumni, foundation, pioneers, and President's Associates (PA) in April discussing alumni participation and engagement and fundraising for the remainder of the campaign year which concludes December 2019. The PA ball was a success with a sellout of 350 attendees and raised over \$75,000 (an increase from previous years). Held "1888 minutes of giving" which received \$36,000 in gifts for scholarships and athletics from 324 gifts in 1888 minutes.
7. **Arrowhead Center Inc. Report, Chair Kevin Boberg, Ph.D.**

Vice President Boberg reported that Introduction to Entrepreneurship has been brought to Sandia National Labs. The Introduction to Entrepreneurship classes were also brought to Booker T Washington Elementary School. Three students signed up and 90 students showed up to get a better understand of innovation and entrepreneurship.

8. **New Mexico Department of Agriculture, Cabinet Secretary & Director Jeff Witte**

No report.

F. **Consent Items, Chair Debra Hicks**

Motion to approve all consent items, with special mention of confirming of degrees, was entered by Regent Mitchell. Second by Regent Hutchinson. Motion passed 5-0 (Hicks, Mitchell, Hutchinson, Saucedo, Vela)

1. **RPM 13.30 – Bonds – Post Issuance Tax Compliance, General Counsel Lizbeth Ellis, J.D.**
2. **RPM 13.33 – Bonds – Post Issuance Continuing Disclosures, General Counsel Lizbeth Ellis, J.D.**
3. **RPM 1.36 – Role of University General Counsel, General Counsel Lizbeth Ellis, J.D.**
4. **Disposition/Deletion of Property, Senior Vice President Andrew Burke, Ed.D.**
5. **Temporary Investments Report for the Quarter ended 03/31/2018, Senior VP Andrew Burke, Ed.D.**
6. **Transfer of Uncollectible Accounts Receivable to Inactive Accounts for Fiscal Year, SVP Burke, Ed.D.**
7. **Budget Adjustment Requests (BARs) for Fiscal Year 2017-2018, Senior VP Andrew Burke, Ed.D.**
8. **NMSU-LC Softball Locker Room and Track Coach Office Renovations, AVP Haubold, Architect Watenpaugh**
9. **NMSU-CA Carlsbad Environmental Monitoring and Research Center (CEMRC) Facility Modular Site Work, AVP Haubold, Architect Watenpaugh**
10. **NMSU-GR Martinez Hall Classrooms LED Lighting and Improvements, AVP Haubold, Architect Watenpaugh**
11. **Spring 2018 Degree and Certificate Conferral, Chancellor Garrey Carruthers, Ph.D.**
12. **Quitclaim Deed for Property Transfer on Triviz Road, Special Assistant to the President Scott Eschenbrenner**
13. **Name Change for the Department of Special Education and Communication Disorders, Dr. Victoria White, Department Head, Special Education and Communication Disorders**
14. **Name Change for the Department of Department of Journalism and Mass Communications, Dr. Hwiman Chung, Department Head, Journalism and Mass Communications**
15. **Associate of Applied Science Degree in Building Construction Technology, President Renay Scott**
16. **Associate of Applied Science Degree in Cybersecurity, President Renay Scott**
17. **Associate of Applied Science Degree in Medical Assisting, President Renay Scott**
18. **NM Tourism Hall of Fame, Chair Debra Hicks**

G. **Action Items, Chair Debra Hicks**

1. Patio Grill in Corbett Center Student Union, *ASNMSU President Kevin Prieto*

ASNMSU President Prieto presented a proposal for a grill inside of Corbett Center Student Union.

Regent Hutchinson asked to clarify if alcoholic beverage would be served. President Prieto confirmed that the proposal includes serving alcoholic beverages. Regent Hutchinson asked a series of questions regarding student demographics, including counts of students under the age of 21 and incidence involving alcohol on campus, such as underage drinking. NMSU Chief of Police Steven Lopez noted that alcohol consumption on campus is always a concern and a problem that occurs well before students get to college. In addition, it was noted that establishments get to determine a drink limit. President Prieto added that Sodexo will be handle selling alcohol and that their staff are fully trained in accordance with the law. Regent Hutchinson cited a study which highlights potential hazards of alcohol on campus and emphasized the importance of being careful. ASNMSU noted the WAVE program and other programs and events that deal with issues concerning alcohol consumption have been in place for some time and the programs are viewed to be a success. Staff provided some data regarding conduct cases that involve alcohol and programs and code of conduct policies meant to regulate student behavior regarding alcohol use. Chancellor Carruthers noted that we already have about eight alcohol licenses on campus already and Sodexo has done a fine job handling alcohol for our events. Regent Mitchell noted that she was seeking more details regarding the finances. Associate Vice President for Administration and Finance D'Anne Stuart provided additional details regarding the finances. For the startup, the funding would come from Sodexo and Auxiliary Services and revenues would recover startup costs to begin, however going forward revenues would go back into the student union.

Regent Mitchell motioned to hear the matter again after reviewing more details about the finances and Regent Hutchinson amended the motion to add that more details regarding demographics and specific policies should be reviewed ahead of approval. Regent Mitchell accepted the amendment. The motion was seconded by Regent Hutchinson.

Motion failed 3 – 2 (For: Mitchell, Hutchinson; Against: Saucedo, Hicks, Vela)

Regent Saucedo entered a motion to approve the proposal as presented. Second by Regent Vela.

Motion passed 3 – 2 (For: Saucedo, Hicks, Vela; Against: Mitchell, Hutchinson)

2. Operating Budgets for Fiscal Year 2018-19, *Senior VP Andrew Burke, Ed.D.*

a. Compensation -

Regent Mitchell moved to amend prior approval of compensation increases by authorizing \$1000 flat increase for both non-exempt and exempt staff making less than \$50,000/year. Motion seconded by Regent Vela. Motion passed 5-0 (Saucedo, Hicks, Vela, Mitchell, Hutchinson)

b. Campus Budgets

Dr. Burke presented the operating budgets for fiscal year 2018/2019 for approval. Details regarding the all funds budget (for all campus was presented) for a total of 626.7 million. Eighty-three percent

of the budget for the Las Cruces campus. About 13% of the budget is for new construction and the remaining 554 million are the Current funds which were described in detail in the presentation. Sources and uses were detailed for all campuses which included the 3.5% tuition increase, strategic investment fund for the chancellor, and staff compensation increases.

Regent Mitchell noted that the Regents Financial Strategies, Performance and Budget Committee did review and endorses the recommendation from staff. Advanced notice was given that the board would like to re-allocate funds to the NMSU Pride Band for their support of the Chancellor Candidate visits. Dr. Burke indicated that unallocated funds may be used for that purpose if that is the board's decision.

Motion to approve the budget as presented was entered by Regent Mitchell and seconded by Regent Hutchinson. Motion passed 5-0 (Saucedo, Hicks, Vela, Mitchell, Hutchinson)

3. Annual Capital Outlay Projects for Fiscal Year 2018-19,

Associate VP Glen Haubold, University Architect Heather Watenpaugh

Vice President Haubold presented the 2018 Capital Outlay Five Year Plan overview which includes current projects, metrics, and challenges. New Residence Hall construction has begun with a projected cost of \$21,500,000. Residence Hall renovations for several halls are also underway. Devastali Hall construction also underway with a projected cost of \$23,019,337 with an estimated completion date of August 2019.

Utility tunnel maintenance is needed and a plan has been developed to help reduce degradation, such as prohibiting driving on tunnels and putting xeriscaped landscaping in place to reduce watering over tunnel areas. The total cost of repairs is approximately 10 million dollars.

Dan Williams Hall and Regents row will be demolished. Other buildings are out of service but funds are needed to demolish the structures.

University Architect Heather Watenpaugh continued the presentation by detailing the annual capital outlay process. This is an annual cycle that begins with a series of meetings and reviews. This is a required process for the State of New Mexico which includes cycling through state government agencies, the legislature, and the executive. The focus is on space utilization, protecting assets, accessibility of facilities and maintaining the same overall square footage. Detailed costs for projects for NMSU Las Cruces and Community College campus were provided. Funding requests include utility tunnel maintenance, as discussed previously.

Vice President Haubold noted that this is a severance tax bond year and typically there is a focus on infrastructure, hence the focus on the utility tunnel. Next year, the General Obligation bond year, the focus is more on Agricultural facilities. Prioritization, however, can be changed at any time.

Regent Hutchinson asked about the ramp structure at the Pan Am Center noting that there are limits on the types of events that can be held in that venue given the structure. Vice President Haubold

responded and noted that a study was done some years ago to address this question where the estimated cost was approximately 7 million dollars. A cost benefit analysis was conducted but the outcome was unknown. In addition, the construction would take the building out of service for a period of time, which was another limiting factor.

Motion to approve the proposal as presented was entered by Regent Saucedo and seconded by Regent Vela. Motion passed 5-0 (Saucedo, Hicks, Vela, Mitchell, Hutchinson).

4. Master's Degree in Computational Data Analytics,

Provost Daniel Howard, Ph.D., Dean Enrico Pontelli, Ph.D., Dean Loui Reyes, Ph.D.

Dean Pontelli addressed questions raised at the April 6, 2018 board meeting regarding the online nature of the proposed program and the competitive analysis. Online delivery is part of the plan, but would require time (approximately 3 years) and investment.

Regent Hutchinson asked how soon it can be done and how many students can we expect and how do we market it. It can be done as soon as approval is obtained. Cohort target is 50 students in a couple of years or less with first cohort being about 15 students. Seen as being a program in high demand and marketing by word of mouth and graduate fairs. A certificate and minor would also be easy to add.

Motion to approve entered by Regent Mitchell with the stipulation that the HED approval have language that an online program would be implemented by Fall 2021. Seconded by Regent Hutchinson. Motion passed 5-0 (Saucedo, Hicks, Vela, Mitchell, Hutchinson).

5. Master's Degree in Hospitality, Restaurant and Tourism Management,

Provost Daniel Howard, Ph.D. and Dean Rolando Flores, Ph.D.

Dean Flores and Jean Hertzman provided a proposal to board for the Masters Degree in Hospitality, Restaurant and Tourism Management. Tourism industry is 2nd or 3rd largest in the state. Very high demand in New Mexico, the United States, and around the world. About overall 5% of jobs are related to hospitality and tourism in New Mexico. UNLV has the only similar program in WICHE. The program is fully online program because most prospective students are already working and are place and time bound. Twenty students per cohort proposed. Two-year program starting in 2019. Course fee of \$100 proposed. The college of ACES strongly supports the program.

Regent Hutchinson asked how marketing and recruitment will be done and why is the cap set to 20 students per cohort? It was noted that industry associations (such as the New Mexico Restaurant Association) and trade shows will be used for marketing and promotion. The capacity is based on the faculty resources and cohort model and best practices. With more faculty, more sections could be offered.

Motion to approve entered by Regent Mitchell. Seconded by Regent Saucedo. Motion passed 5-0 (Saucedo, Hicks, Vela, Mitchell, Hutchinson).

6. Executive Search Decision, Chair Debra Hicks

Chair Hicks noted the present challenges in higher education, noting that higher education is accountable for student outcomes. To meet these needs, the regents collected information from stakeholders about the desired attributes of the next chancellor in public listening sessions. This formed the board's expectations for the candidates and informed their ultimate decision. After deliberation, the board concluded that both an Chancellor and President of NMSU Las Cruces campus are needed and two finalist will be hired to fill two separate positions going forward.

Regent Mitchell moved to appoint Dr. Dan Arvizu as the next chancellor of New Mexico State University System subject to finalization of the contract terms, consistent with the board's terms in closed session, and to authorize the board chair to engage in negotiations toward that end and to execute the resulting contract on behalf of the board and ratify those contracts at the next meeting. Second by Regent Hutchinson.

Regent Mitchell described the background of the decision for separating the chancellor and president roles, given that an opportunity with the talented candidate pool allowed the regents to go forward with two candidates that can meet the changing needs of higher education and position NMSU to meet these challenges.

Chair Hicks called the question and a roll call vote was taken on the motion to appoint Dr. Arvizu as the next Chancellor. The motion passed unanimously with the following votes being cast: Hicks – Yes; Hutchinson – Yes; Mitchell – Yes; Saucedo – Yes; Vela – Yes.

Regent Mitchell moved to appoint Dr. John Floros as the next President of New Mexico State University subject to finalization of the contract terms, consistent with the board's terms in closed session, and to authorize the board chair to engage in negotiations toward that end and to execute the resulting contract on behalf of the board and ratify those contracts at the next meeting. Second by Regent Hutchinson.

Regent Mitchell emphasized that the complimentary skills sets of Drs. Arvizu and Floros will lead NMSU into the next decade of high performing results. Regent Mitchell noted that the new leaders' contracts will have performance-based program components.

Regent Saucedo asked to amend the motion. Regent Saucedo moved that the board chair and vice-chair be asked to work with the chancellor-elect and the General Counsel to develop a proposal to present to the board for dividing the responsibilities currently described in the position posting and those presently assigned to the chancellor under policy and rule among the two resulting positions and to modify the NMSU policies and rules to effectuate this change.

Motion amendment was accepted by Regent Mitchell as the initial motion was entered by her and the amendment was accepted by Regent Hutchinson as the initial second to the motion was entered by her.

Chair Hicks called the question and a roll call vote was taken on the motion to appoint Dr. Floros as the next President of NMSU and the amendment offered by Regent Saucedo as noted above. The motion passed unanimously with the following votes being cast: Hicks – Yes; Hutchinson – Yes; Mitchell – Yes; Saucedo – Yes; Vela – Yes.

Chair Hicks thanked Chancellor Carruthers for agreeing to meet with Dr. Arvizu during the transition. Dr. Arvizu's contact will begin on May 21st, 2018 with the expectation that on June 1st he will assume the role as Chancellor. During that time Chancellor Carruthers will be on sabbatical and be available by phone to consult with Dr. Arvizu on the transition.

Dr. Arvizu addressed the board and introduced his wife Sheryl Arvizu. Dr. Arvizu has been in communication with Dr. Floros and read a statement on his behalf.

Chair Hicks announced that there will be a press conference at 3 pm and reception at 4 pm at the ASNMSU Center for the Arts following the board meeting to welcome Dr. Arvizu.

H. Informational Items, Chair Debra Hicks

1. Chancellor's Report, Chancellor Garrey Carruthers, Ph.D.

Chancellor Carruthers provided statics regarding the number of students that have received financial aid and scholarships. Aggie Welcome and Orientation had 1,961 students signed up for orientation which is 400 more this than this time last year. Chancellor Carruthers will send details about the Domenici Conference to the board.

2. Provost's Report, Executive Vice President and Provost Daniel Howard, Ph.D.

Deferred

3. Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period 02/14/18 through 04/10/18, General Counsel Lizbeth Ellis, J.D.

Deferred to summer retreat.

Motion to recess until 2 pm entered by Regent Saucedo. Second by Regent Hutchinson. Motion passed 4-0 (Saucedo, Hicks, Vela, Hutchinson). Regent Mitchell left the chamber and her vote was not cast.

Regent Hutchinson moved to reconvene at 2:05 pm. Second by Regent Vela.

I. Announcements, Chair Debra Hicks

1. "Gun's Up" – Good News for NMSU!

Chair Hicks recognized Kathy Hansen for her service to Arrowhead Center and NMSU. Also, the fire department was awarded and increased rating from the 33X to 22X rating from ISO.

Chair Hicks recognized DACC for reaffirmation of their accreditation. Francisco Martinez, was promoted to Labs and Classrooms manager.

Chair Hicks recognized Vice President Tawney for a successful PA ball that earned 75,000 this year (a \$25,000 increase from last year)

Regent Mitchell thanked the selection committee and planning committee for the chancellor candidate visits.

Regent Hutchinson recognized all the students that will be graduating this week.

Regent Vela recognized the Las Cruces Project NEO First Robotics Team. Five seniors on the team have signed on to NMSU.

Regent Saucedo recognized the outgoing and incoming ASNMSU officers for their service to NMSU.

Employee Council Chair Dunivan thanked the board, administration, and members of Employee Council who promoted changes to the compensation increase.

2. Upcoming Board of Regents Meetings

July 2018 TBD

J. Adjournment, Chair Debra Hicks

Regent Mitchell moved to adjourn and Regent Vela seconded the motion. Meeting adjourned at 2:38 pm.

Meeting Minutes Approved on September 5, 2018 by the New Mexico State University Board of Regents.



Debra P. Hicks
Board of Regents Chair



Jean C. Hutchinson
Board of Regents Secretary/Treasurer