NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS
REGULAR MEETING
March 8, 2019 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, Secretary/Treasurer Jerean Hutchinson, Dina Chacón-Reitzel, Ammu Devasthali, Luke Sanchez

Non-Voting Advisory Members - Faculty Senate Chair Becky Corran, Employee Council Chair Sonia White,
ASNMSU President Emerson Morrow

University Officials - Chancellor Dan E. Arvizu, Ph.D., President John Floros, Ph.D., Interim Provost April Mason, Ph.D.,
Senior Vice President Andrew Burke, Ed.D., General Counsel Lizbeth Ellis, J.D.

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

A. Call to Order, Chair Debra Hicks
   1. Introductions
      Introduction of the Media, Associate Vice President Justin Bannister
      Introduction of Officials
      -Recently confirmed Regent Dina Chacón-Reitzel, Chair Debra Hicks
      -Recently confirmed Regent Ammu Devasthali, Chair Debra Hicks
      -Recently confirmed Regent Luke Sanchez, Chair Debra Hicks
      -Employee Council Chair Sonia White, Chancellor Dan E. Arvizu

   2. Confirmation of Quorum, Chair Debra Hicks
   3. Approval of the Agenda, Chair Debra Hicks
   4. Public Comment, Associate Vice President Justin Bannister

B. Approval of the Minutes, Chair Debra Hicks
   1. Special Meeting of January 28, 2019
   2. Confirmation of Prior Executive Session of January 28, 2019

C. Committee Reports
   1. Audit and Risk Committee Report, Chair Debra Hicks
   2. Real Estate Committee Report, Chair Debra Hicks
   3. Financial Strategies, Performance and Budget Committee Report, Ms. Kari Mitchell
   4. Student Success Committee Report, Chair Jerean Hutchinson
D. Recurring Reports

1. NMSU Faculty Senate Report, Chair Becky Corran
2. Associated Students of NMSU Report, President Emerson Morrow
3. NMSU Employee Council Report, Chair Sonia White
4. Aggie Development Inc. Report, President & CEO Scott Eschenbrenner
5. NMSU Foundation Report, Interim Vice President Tina Byford
6. Arrowhead Center Inc. Report, Director & CEO Kathryn Hansen
7. New Mexico Department of Agriculture, Cabinet Secretary & Director Jeff Witte

E. Consent Items, Chair Debra Hicks

1. Temporary Investments Report for the Quarter ended September 30, 2018 and December 30, 2018, Senior Vice President Andrew Burke
2. Disposition/Deletion of Property, Senior Vice President Andrew Burke
3. NMSU Las Cruces: FY19 Parking Lots, Associate VP Glen Haubold, University Architect Heather Watenpaugh
4. Second Amendment to Lease Agreement for Central New Mexico Community College (CNM) and NMSU/Albuquerque Center, President & CEO Scott Eschenbrenner
5. Rename the Agricultural Science Center at Tucumcari as the "Rex E. Kirksey Agricultural Science Center at Tucumcari", Interim Vice President Tina Byford
6. Honorary Degree Recipient Nominees, Interim Vice President Tina Byford
7. 2019 Annual Open Meetings Notice Resolution, General Counsel Lizbeth Ellis
9. Proposed Regents Policy 5.21, Student Complaints and Grievances, General Counsel Lizbeth Ellis
10. Reappointment of Non-Position Directors of Arrowhead Center, Inc. Board of Directors, Arrowhead Chief Executive Officer, Kathryn Hansen

F. Action Items, Chair Debra Hicks

1. Election of Officers, Chair Debra Hicks

G. Informational Items, Chair

1. Chancellor’s Report, Chancellor Dan Arvizu
2. President’s Report, President John Floros
3. Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period 11/14/2018 through 2/18/2019, General Counsel Lizbeth Ellis, J.D.
4. Appointments to Committees and Bodies, Chair

H. Announcements, Chair
1. “Gun’s Up” – Good News for NMSU!

2. Upcoming Board of Regents Meetings
   April meeting for approval of budget proposal (Date TBD)
   Board of Regents Onboarding Work Session (Date TBD)
   May 10th, 2019 (Time TBD)

I. Adjournment, Chair
NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS
SPECIAL MEETING
January 28, 2019 at 2:00pm

Zia Room, Eldorado Hotel & Spa
309 W San Francisco Street
Santa Fe, 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 Becky Corran, Employee Council Chair-Elect Sonia White, ASNMSU President Emerson Morrow
University Officials - Chancellor Dan E. Arvizu, Ph.D., President John Floros, Ph.D., Interim Executive Vice President and Provost April Mason, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Lizbeth Ellis, J.D.

DRAFT MINUTES ***NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS***

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

A. Call to Order, Chair Debra Hicks

Chair Hicks called the meeting to order at 2:04 PM.

1. Introductions

   Introduction of the Media, Associate Vice President Justin Bannister

   Associate Vice President Bannister noted that no media were present but added the Judge Jim Martin was present.

   Associate Dean, Patricia Sullivan, Ph.D. introduced the following NMSU Engineering Ambassador program students visiting Santa Fe for a leadership visit, including Adrianna Sanders, Mikaela Hicks, Christy Lopez, Brigid Sharer, Karen Sanchez, Jocelyn Chavez, Pascual Camacho, Nick Marez, Kylan Wilson, Scott Walls, Adam Flores, and Michael Randall

2. Confirmation of Quorum, Chair Debra Hicks

   Regents Hicks, Mitchell, Saucedo, and Vela were present in the meeting room. Regent Hutchinson joined the meeting by two-way conference call. Quorum confirmed.

3. Approval of the Agenda, Chair Debra Hicks

   Motion by Regent Mitchell to move agenda item G-4 (NMSU 2025 Strategic Plan) to informational update. Second by Regent Saucedo. Motion passed unanimously.

4. Public Comment, Associate Vice President Justin Bannister

   Associate Vice President Bannister noted that there was no one signed up for public comment.

B. Approval of the Minutes, Chair Debra Hicks

   1. Regular Meeting on December 7, 2018

      Regent Mitchell moved to approve the minutes with a second by Regent Vela. Motion passed unanimously.

   2. Confirmation of Prior Closed Executive Session regarding disposal of real property on December 18, 2018 at 9:00am

      The prior executive session was confirmed by Regents Hicks, Mitchell, Hutchinson, Saucedo, and Vela.
C. **Awards and Recognitions**, Chair Debra Hicks

1. **Proclamation Recognizing the Service of Regent Kari Mitchell**
   The proclamation recognizing Regent Mitchell’s service was read. Following the reading, Regent Mitchell commented that.

2. **Proclamation Recognizing the Service of Regent Margie Vela**
   The proclamation recognizing Regent Vela’s service was read. Following the reading, Regent Vela commented that.

D. **Committee Reports**, Chair Debra Hicks

1. **Audit Committee Report**, Chair Debra Hicks
   Chief Audit Executive Ermelinda Quintela noted that the presentation about financial statements that will occur today was previous presented to the audit committee. The April 11 meeting agenda will include a presentation by USDA PTAC group regarding a readiness assessment about data governance presented to the committee, which includes campus leadership. Chair Hicks noted that all committee members will be signing a conflict of interest disclosure form as part of standard practice for this committee. In addition, an update on cybersecurity and audit plan will be presented. Ms. Quintela is currently meeting with deans, vice presidents and directors to see how Audit Services can help their respective areas.

2. **Real Estate Committee Report**, Chair Debra Hicks
   Chair Hicks reported that the most recent meeting was in December and topics included distributed antenna system in Pan Am Center, reviewed MOU with Carlsbad Municipal Schools Early College High School, MOU with Doña Ana Community College regarding Film Las Cruces, and T-Mobile lease extension. In February 8th meeting the agenda will include DACC Master Plan, CMI at Arrowhead Park, and BRR (Building Renewal and Replacement) discussions.

3. **Financial Strategies, Performance and Budget Committee Report**, Committee Chair Kari Mitchell
   Co-Chairs Regents Mitchell and Hutchinson have met with the Chancellor and President to discuss scope of committee, membership, and how structure will support administration and strategic vision. Regent members of the committee solicited input from Chancellor and President on external members. Scope shift to review proposals of administration was discussed. Internal staff membership discussed, noting that having deans and faculty on the committee have been a valuable perspective. Reevaluation will occur after current fiscal cycle. Timeline of planning in presentation today was a byproduct of these meetings. Will be meeting twice in February ahead of setting tuition policy.

4. **Student Success Committee Report**, Committee Chair Jerean Hutchinson
   No meetings since last report. February date for Student Success Committee to meet is being planned. Scope of committee changes, and membership changes expected. Overview in first meeting will cover the Strategic Plan and short-term efforts related to enrollment and retention. The 120-credit program requirements and experiential learning initiatives will be discussed as a continuation of earlier work.

E. **Recurring Reports**, Chair Debra Hicks

1. **NMSU Faculty Senate Report**, Chair Becky Corran
   Two new degrees being reviewed for an associate of applied science in computer science for NMSU-Alamogordo and master’s degree in information technology. Revisions to faculty grievance review process is being considered. Small class course cancellation/remediation being discussed. In relation to student enrollment strategies, what we are doing to encourage students to enroll sooner, is being discussed and will likely lead to broader conversations.
Chair Hicks asked why two programs (Masters in HRTM and UNM/NMSU joint program) were not approved by HED? What do we need to do to resubmit? Chair Corran replied that Faculty Senate is looking more rigorously into what we have learned from these recent decisions to get better insight into how to move forward. There is still some ambiguity about how to address HED concerns. Provost Mason noted that the HRTM program is back with faculty. There were some concerns related to the lack of integration with other units within the campus. Talks have resumed and re-submission is pending.

2. Associated Students of NMSU Report, President Emerson Morrow

Airport shuttle program was a success over the break. International students arriving at the university for the first time can now ride the shuttle without NMSU ID. About 1000 Spin scooters will be back on campus soon. spin@nmsu.edu is where feedback about scooters can be sent. Students have been part of legislative session in past couple of weeks. President Morrow thanked Doña Ana County legislators for their support of ASNMSU priorities. Chancellor Arvizu thanked the NMSU students for their work in Santa Fe and on Spin scooters, noting that a partnership with Spin scooters may be reached with the City of Las Cruces. Regent Vela thanked ASNMSU for the shuttle service, which she used when returning from a conference.

3. NMSU Employee Council Report, Chair-Elect Sonia White

Chair Hicks welcomed Chair-elect Sonia White. Ms. White said her term will start in February. Employee Council nominations recently closed and voting will begin soon. Employee Council has been participating in New Employee Orientation. Employee Council is also reaching out to community colleges to participate in their new employee orientation programs.

Open Forum coming soon with President and Chancellor.

Save the date – Founders Day on April 26th.

4. Aggie Development Inc. Report, President & CEO Scott Eschenbrenner

Aggie Uptown Plans are coming along with the City of Las Cruces. February 14th is closing date for prequalified bidders to submit their bids.

Retirement community developer – Not ready to be named. Tried to understand the company culture. The company has received ratings for “Best Places to Work” (by Glassdoor: rated in top 50 in the nation).

They will be visiting Las Cruces to meet with key stakeholders. Financing is in place and some plans have been developed.

5. NMSU Foundation Report, Interim Vice President Tina Byford, Ph.D.

Major gifts: Make a Statement total since going live $262,000 and 1,700 donors. Donors include students and alumni.

Calling Center Annual Giving Campaign: Program is run by Adrian Bautista. Program has been around since 2012, but effective this spring we have made a change to that program. ROI on adding students is ‘terrific’, but gifts lagged. Turnover of students making the calls required work for re-training and was not efficient. A different approach was taken to have a firm perform calling campaign from central office in Cedar Rapids, Iowa. Results show $2,800/week improved to $12,000/week over previous methods. 23 gifts/week compared to 95 gifts/week.

Planned Giving – Program Run by Robert Peterson. 1888 Society for those that have left a gift to NMSU through their estate. 185 households are part of the 1888 Society. Adding about what is being settled with 14 new households this year and 23 invitations pending. Last year 2.8 million dollars of settlements were received and this year so far $757,000 has been received. This is the lead gift tool for increasing the endowment pool. Also use external party for this service which helps with Web sites, legal, reference service, outreach in form of bi-annual newsletter as well as other print promotions. Lowered age cut-off with hope of
capturing additional prospects, including some prospects in their 30s and 40s. Average newsletter receives $200,000 in new commitments.

Campaign update – 106 million raised out of 125 million goal. 19 million to go (85% of goal met). Deadline is December 2019.

Regent Hutchinson commended Dr. Byford for their success in establishing a culture of giving with the Make a Statement campaign and improvements made with the Calling Center.

6. Arrowhead Center Inc. Report, Director & CEO Kathryn Hansen

Arrowhead supported company (Remote Well Solutions) has won a 1.25 million contract to install solar powered waters systems on Navajo tribal lands. Will be replacing aging windmills and have automated distributing systems with a projected increase in heard size by three. Economic impact of construction is 12 jobs and 1.2 million in impact with annual impact of 36 million.

New Mexico Gas Company gift on Giving Tuesday in November—Business acceleration program funded. Sprint on Ag Technologies planned with 1/3 of gift is dedicated to funding these entrepreneurs. Entrepreneurs funded so far have received $600,000 in investments and generated 1 million in revenue in 2018. Received 41 accolades in publications.

Research and Arrowhead announced Entrepreneur Hall of Fame that will recognize alumni who have launched successful businesses, introduced innovative concepts and practices, or contributed to entrepreneurial climate in their region. Announcement about nomination process will be forthcoming and recognition at Homecoming.

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

Secretary Witte thanked the board members for the support.

The following legislative updates were provided:

- Gov. Executive budget is mostly approved the NMDA items, and LFC a little less committed to approval. Capital outlay (LFC) has approved new building for NMDA. Thanked Glen for work on process of moving NMDA staff while new facility is being built. There is about a 2-million-dollar shortage for transition of buildings while construction occurs.
- Asked for $200,000 for Chile Inspection, $150,000 for marketing, $150,000 for Veterinary Diagnostic Lab, IT appropriation, and $350,000 for inspectors for petroleum and weights and measures inspections. Most requests are to regain ground on budget cuts from past years.
- Seeking to have Hemp program fully funded at NMDA. This would be around $260,000
- Issued exemptions to some early applicants running greenhouses in order to prepare for transition. 21 licenses issued (under glass). No outdoor applications yet. Will likely receive outdoor applications when growing season begins.
- USDA is struggling with how to approach industrial hemp. No funding attached to mandates at federal level.
- Extensive meeting with Hemp processors. Agronomic piece is focus, but not commercialization. Value added is top priority for administration. Hoping for draft bill in next week.
- Economic development – greater emphasis on departments working together to collaborate on enhancing economic development. Plan on meeting with Secretary of Economic Development Alicia J. Keyes on Friday.
- PFAS – Chemical to extinguish fires on aircraft. There is some groundwater contamination. EPA issue.
Ground water and milk contaminated. Cattle is also adulterated. This is a problem throughout the country. What comes out of New Mexico will likely be an example for nation in efforts to remediate/monitor.

- Budget – There is a request to have additional monies for Hemp regulation. Working with DFA on increase.
- Predictions on Recreational Marijuana requested. Sec. Witte indicated that we should wait to see what some of the language is before making predictions.
- Chair Hicks requested that Sec. Witte discuss Center for Excellence in Hemp with cabinet.

F. Consent Items, Chair Debra Hicks
Motion to approve the consent agenda items as presented by Regent Mitchell with a second by Regent Saucedo. Motion passed unanimously.

1. Amendment to the Master Ground Lease with Arrowhead Center, Inc., Director of Arrowhead Center/CEO of Arrowhead Center Inc. Kathryn R. Hansen
2. Cooperative Educational Services’ Restated and Amended Joint Powers Agreement 2018, General Counsel Liz Ellis
3. Approval of Proposed New ARP 7.21 – University Closure Pay, General Counsel Liz Ellis
4. Arrowhead Center Inc. Board Membership Updates, Director of Arrowhead Center/CEO of Arrowhead Center Inc. Kathryn R. Hansen
5. Naming of the Room 155 Milton Hall as Addison Care Virtual Reality/Augmented Reality Laboratory, Interim Vice President Tina Byford, Ph.D.

G. Action Items, Chair Debra Hicks
1. Financial Report for Fiscal Year Ended June 30, 2018, Senior Vice President Andrew J. Burke
   a. Vice President Burke introduced John Kennedy, partner with KPMG, an independent auditing firm that is here to present the audit financial statements for the FY 2018. Also present was Suzette Longfellow who co-presented, and Pepper Cooper both also with KPMG.
   b. Financial Statement audits for multiple NMSU entries, NCAA compliance, and attestations for KRWG were presented.
   c. There were some findings. Four of the five findings were discussed initially and the final finding was discussed separately later in the presentation:
      1. IT System Finding – lack of annual access level security audit. It may be happening, but it is not well documented. Vice President Burke provided additional details including that this finding was related to access to the Banner system. Access control and review for new and switched jobs is being documented well, however periodic review of existing employees is the gap identified.
      2. Balanced Budget – One budget line-item overspent for debt service and not reported to state. Vice President Burke indicated that because of booking of bonds staff didn’t find out until after the fact that an increase to budget revision was needed.
      3. Arrowhead Center as holder of equity interest had not properly documented investment by end of fiscal year.
      4. Federal Direct Loan Disbursement system notice not engaged for a semester and notification didn’t get sent. All students affected had received funding in the past so the information was not given to first-time loan recipients.
d. Net position – Change in the accounting that switched some items from NMSU to State of New Mexico changed the net position. State pension fund liability gets pushed to NMSU which had an effect on net position year over year.

e. The fifth finding was noted as a “significant deficiency” and was related to bonds. Particularly complex situation unlike what Mr. Kennedy has seen before. NMSU should have removed some assets and bonds that were still on the books. An adjustment was required which was material and made this finding a significant deficiency. Regent Mitchell asked for an explanation of the solution. Vice President Burke said that three units were involved and changed the reporting relationship so that more thorough review would be conducted in similar unusual situations.

f. Regent Mitchell asked if, based on John Kennedy’s experience, is this a positive report given recent changes. Mr. Kennedy stated that he was confident in the accounting staff at NMSU and issues identified were relatively modest.

g. Other matters included Foundations new subsidiary and no audit findings were found and the Arrowhead Center’s new investment which related to a finding previously noted about properly documenting of accounting methods for new investment.

h. In this audit KPMG did receive a referral from the State Auditor regarding an endowment that was reprogrammed.

i. Regent Mitchell noted that in the financial report Net tuition declined close to 6% even though tuition was increased, noting that fiscal impact of increasing enrollment is best case for future stability and growth.

j. Regent Hutchinson noted that non-recurring nature of funds from legislature and enrollment and retention need to be focus on financial stability.

k. Chair Hicks noted that in the KPMG report an annual review of IT security is recommended to be in effect by June 30, 2019.

Regent Mitchell moved to approve the report as presented and Regent Vela seconded the motion. Motion passed unanimously.

2. Resolution in Support of Office of Strategic Initiatives, Chair Debra Hicks

The resolution was read aloud. Regent Mitchell moved to approve the resolution with a second by Regent Saucedo. Regent Mitchell proposed adding Strategic Financial office to paragraph three of the resolution. Chancellor Arvizu noted that to be successful catalyst for change that we need the financial alignment and the office is an important part of moving forward. Chair Hicks noted that the paragraph can be amended to broaden the statement. The proposed revision was read as “WHEREAS, the organizations reporting to the Office of Strategic Initiatives includes Marketing and Communications, Government Relations, the Arrowhead Center, and the Physical Sciences Laboratory, and other entities as deemed appropriate by the Chancellor.” The motion was amended by Regent Mitchell and seconded by Regent Saucedo to adopt the amended language. Motion passed with affirmative votes by Regents Hicks, Mitchell, Saucedo, and Vela (Regent Hutchinson was dropped from the call and didn’t vote on this motion).

3. Proposed Revision to Regents Policy 4.00, Academic Matters to set 120 credit hour requirement for Baccalaureate Degree Programs, Regent Jerean Hutchinson

Regent Mitchell provided a background on the topic of 120-degree program requirement. Regent Mitchell noted the efforts of Faculty Senate participation in the process and this policy is reflective of that process and brings to closure years of work to put into pursuing this best practice. There are exceptions for this rule based on accreditation and other factors which are incorporated into the rule.

Provost Mason provided an update on the current status of the process to convert existing undergraduate programs into 120-credit hour programs. Provost Mason noted that as a result of the General Education
requirements in the 2019/2020 academic year, 84% of undergraduate programs will meet the 120-credit hour requirement. Three programs are still being addressed. Twelve programs will be over the 120-credit hour requirement. The programs are in a variety of areas. One in the ACES college in Dietetics, two in Arts and Sciences College in Physics which are essentially two degrees in one and Music education program. Others are in the College of Education, mostly because students need to complete subject matter and educational courses. The College of Engineering has some accreditation limitations with ABET in Chemical and Materials Engineering and Engineering Physics and will not be able to meet the 120-credit hour threshold. New degrees are being brought forward with 120-credit hour expectations.

Regent Mitchell recognized the efforts of Faculty Senate, administration, students, and Regent Hutchinson to move forward with this best practice. This is good news for our students because it will help students to complete their studies on-time. Regent Mitchell also thanked faculty and Provost Howard for their efforts to implement this program.

Paragraph 2 of Part D of Policy 4.00 was amended to read “Programs which exceed 120 credit hours must obtain a waiver from this requirement from the institution’s Chief Academic Officer granted upon approval of the NMSU Provost and the Board of Regents.”

Motion to approve the policy as amended entered by Regent Mitchell with a second by Regent Saucedo.

Regent Vela asked to clarify that we are done with the entire institution once the three programs that still need to address the requirement have completed their work. Provost Mason indicated that we will be done with the entire institution at that point. Regent Vela followed to ask how long it would take for that to happen. Provost Mason indicated that it’s likely different in each case and the administration is working closely with the departments to move them forward. There is an understanding that everything that goes in the catalog should be consistent with the new general education requirements in 2019/2020 academic year. Regent Vela asked if June 30th of 2019 was a reasonable expectation for the work to be complete. Some discussion occurred regarding the date, which is not in the policy language, but the cover sheet for the agenda item. President Floros asked the board to consider June 30th of 2020 as the date for the work to be complete for the three remaining programs. Chair Hicks asked how many programs would still be over the 120-credit threshold if Viewing the Wider World was not a barrier. Based on the math alone with a decrease in 6 credits would meet the 120-credit hour standard. Chair Hicks followed and asked when the Viewing the Wider World effort was last evaluated as part of the curriculum. Chair Corran noted that in 2016 Faculty Senate looked at Viewing the Wider World and reaffirmed the effort, also noting that as part of the general education curriculum, these courses are re-evaluated on an ongoing basis by a system-wide committee. Chair Hicks followed to ask, in relation to general education reform, will they be reviewed again? Chair Corran noted that because general education is 200 level and below and Viewing the Wider World is 300 level and above, and while part of the continuum of general education curriculum, the Viewing the Wider World courses were not affected by the general education reforms.

Chair Corran thanked Regent Mitchell for acknowledging Faculty involvement in the process. Chair Corran noted concern about including catalog language into policy as it’s problematic from shared governance perspective and it has the potential to undermine academic integrity in programs. Chair Corran went on to note that this did go through the shared governance process was years in the making, but still it’s a dangerous precedent. Regent Mitchell noted the what and how of policy making, not wanting to tell faculty how to implement the policy. Regent Vela noted that as a student and an academic she wanted to thank faculty for protecting academic rigor noting the value of that rigor has for students that receive the degrees. Regent Vela continued that completing the degree in a timely manner is also important.

Regent Hutchinson rejoined the meeting and noted some background about the topic. Regent Hutchinson noted the best practice nature of this type of policy for on-time degree completion, citing Complete College America as advocate for this best practice. Regent Hutchinson noted that in some states, legislation has been drafted in order to require this best practice.
General Counsel Ellis read the proposed amendment to the policy revision that was presented. In paragraph 2 of Part D of Policy 4.00 was amended to read “Programs which exceed 120 credit hours must obtain a waiver from this requirement granted upon approval of the NMSU Provost and the Board of Regents.”

Chair Hicks called the question. Motion passed unanimously.

It was noted that June 30, 2020 is the board’s expectation for the effective date of this policy, with the date to be added to the section title and removed after that date has passed.

4. Removed from Action and presented as informational item - NMSU 2025 Strategic Plan, Chancellor Dan Arvizu and President John Floros

Chancellor Arvizu covered the mission and vision of NMSU. Mission is the same as years past as a land grant, Hispanic serving institution, vision focuses on two key areas: 1) Promoting social mobility 2) R1 Carnegie research status.

Set of values articulated that forms the word LEADS. Leadership, Excellence, Access, Diversity & Inclusion, and Student Centered.

Strategic framework presented with 18 objectives, 125 actions, 10 KPIs, and 57 candidate leading indicators

A timeline was presented for an annual cycle for strategic planning and performance appraisals.

The timeline accelerates when we get to the outcomes/metrics so that it can be used as a metric to assess performance. State appropriations are not the only way that we will meet our financial needs. Strategic goals include building a robust NMSU system and community colleges are included in the process.

President Floros discussed the goals that mostly came about through discussions of the vision.

For goal 1 President Floros noted that NMSU has been successful in social mobility and this has been a focus for some time. Goal 2 is to again become R1 university. Goal 3 is connecting to the state and region, and Goal 4 is improving the system and connect with the communities where we have a presence.

Many KPIs relate to goal 1 (social mobility) and while there is one KPI for now for goal 2, more will follow as the plan develops. Goal 3 is to amplify extension. There are objectives for each goal and each objective has specific action steps.

KPIs and leading indicators for each goal were presented. This includes traditional KPIs, net cost and lead indicators include upstream enrollment measures.

President Floros continued to describe objectives that are part of goal 2. Lead indicators discussed such as increase in proposal submissions, as well as objectives that are art of goal 3 which include investment and funding and national, regional, and local partnerships that were highlighted as KPIs.

Objectives that are part of goal 4 presented with lead indicators that were highlighted, including business process transaction completion times and employee turnover rates.

Chancellor Arvizu continued by discussing the strategic framework and strategic marketing plan noting that NMSU has hired Chief Marketing Officer and referenced report that includes leading indicators.

University will create the KPI targets with multiyear goals that will be the determining factor for what lead indicators are selected to become part of the dashboards. This would include stretch goals for university leadership.

Chancellor Arvizu thanked the many people that have provided feedback and noted that there will be refinements going forward.

President Floros thanked people that have contributed so far.

Regent Hutchinson thanked the Chancellor and President and is looking forward to the establishment of lead indicators and KPIs.
Regent Saucedo is ready to see what is to come and thanked the leaders for their efforts.

Regent Vela thanked the leaders and academic community and noted the excitement and enthusiasm surrounding the plan. Recommended strategic planning implementation committee.

President Floros noted that it’s the leadership responsibility to implement the plan and Chancellor Arvizu said the enterprise needs to be given the tools with emphasis on the need to measure and need to determine cause and effect.

Regent Mitchell applauded the progress with plan cycle and acknowledged the compression of the first year and how difficult it is, noting that we are now in the discussion of lead indicators.

Chair Hicks noted that this is not an action item, but looking around the room, you have a thumbs up.

H. **Comments and Announcements**, Chair Debra Hicks

1. **“Gun’s Up” – Good News for NMSU!**

   Regent Vela noted the honor of serving on board and is excited for the future of NMSU. Emerson and Lynda for their leadership at ASNMSU.

   Regent Mitchell said it was an honor to serve NMSU and those that have worked with her and she learned much and thanks the people at NMSU for their passion. Thanked all regents and reflected on the hard work that it is part of the role. Regent Mitchell noted that NMSU is vital to New Mexico’s success and thanked those who have served for their dedication and commitment.

   Regent Hutchinson thanked regents Vela and Mitchell. Noted the love and passion that regents have for the university and she is looking forward to continued relationships. Thanked Chancellor and President noting that there is work to do and reaffirmed past decisions.

   Regent Saucedo recognized the departing regents are a model of the university, to be bold. Inspiring from day one with energy they put into the university. You’ve set the bar so high that it will take courage for anyone to sit there.

   ASNMSU President Morrow noted appreciation for availability of Regent Vela to make office hours and keep them.

   Chancellor Arvizu recognized students for their involvement in Santa Fe over the weekend. Baseball Hall of Fame and College team of the year touted by Chancellor Arvizu.

   President Floros thanked faculty, staff, students, Chief Stephen Lopez, and Ricardo Rel.

   Chair Hicks recognized Glen Haubold and noted that it was an honor to work with Glen and thanked him for his time, effort, and knowledge. Thanked the student ambassadors for being a part of the activities in Santa Fe.

2. **Upcoming Board of Regents Meetings**

   March 11, 2019, Las Cruces, NM

I. **Adjournment**, Chair 5:40 Mitchell, Vela
Item B-2

Confirmation of Prior Executive Session – January 28, 2019

The Board of Regents met in a closed executive session at 12:30 PM on Monday, January 28, 2019 in the Zia Room at the Eldorado Hotel and Spa, 309 W San Francisco Street, Santa Fe, New Mexico to discuss limited personnel matters, in accordance with NMSA Section 10-15-1 H(2) and of the New Mexico Open Meetings Act.

Those board members who were present please certify that only matters of that nature were discussed.

Regent Hicks _____ Regent Hutchinson _____
Item D-1

NMSU Faculty Senate Report
Faculty Senate Chair Becky Corran

Submitted for the record.
## Faculty Senate Summary Report

**March 2019**

<table>
<thead>
<tr>
<th>Proposition Number and Title</th>
<th>Summary</th>
<th>Action/Follow Up</th>
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<tbody>
<tr>
<td><strong>Proposition 10-18/19:</strong> Proposition for a new Associate of Applied Science in Computer Science degree at NMSU-A</td>
<td>NMSU-A Proposes an AAS (Career and Technical Degree) in Computer Science. The AAS requires 61 credit hours, including 29 credits of Computer Science.</td>
<td>Approved by Senate, 2/7/19.</td>
</tr>
<tr>
<td><strong>Proposition 11-18/19:</strong> New Master's Degree in Information Technology</td>
<td>The MIT degree is aimed at diverse audiences in an area of high demand and will be offered online.</td>
<td>Tabled for the 3/7/19 Senate meeting.</td>
</tr>
<tr>
<td><strong>Proposition 12-18/19:</strong> Memorial in Support of NM State Senate Joint Resolutions 5,6,7: Reforming Boards of Regents in NM</td>
<td>This memorial is in support of proposed NM legislation to reform Boards of Regents (including composition, selection and size.)</td>
<td>Approved by Senate, 1/10/19.</td>
</tr>
<tr>
<td><strong>Proposition 13-18/19:</strong> Revision of ARP 10.60 (New Title: Review of Faculty Grievances)</td>
<td>This proposal modifies ARP 10.60 to address issues of process, composition of the committee and resolution of grievances to strengthen the Faculty Grievance process.</td>
<td>Approved by Committee, scheduled for final Senate vote on 3/7/19.</td>
</tr>
<tr>
<td><strong>Proposition 14-18/19:</strong> Memorial to Stop the Proposed Construction of a New Pistol Pete Statue in the Triviz Roundabout</td>
<td>This memorial is an effort to prevent a large Pistol Pete statue in the Triviz Roundabout, and includes a request for a more open process for determining art in public places on campus.</td>
<td>Approved by Committee, scheduled for final Senate vote on 3/7/19.</td>
</tr>
<tr>
<td><strong>Proposition 15-18/19:</strong> Proposal to Change the NMSU Grading System by Removing Point Value from Plus/Minus Grades</td>
<td>This proposal is in response to student requests to reform the grading system to address issues of equity, parity and retention of students that may be part of the current fractional system.</td>
<td>Referred to committee for consideration, to be discussed during March committee and Senate meetings.</td>
</tr>
<tr>
<td><strong>Proposition 16-18/19:</strong> A Proposal to change the current NMSU course evaluation to remove the collection of all quantitative, letter, and numerical items from student course evaluations</td>
<td>This proposal suggests eliminating quantitative measures from all Student Evaluations of Teaching across the NMSU system, leaving qualitative measures for student evaluation.</td>
<td>Referred to committee for consideration, to be discussed during March committee and Senate meetings.</td>
</tr>
</tbody>
</table>
Proposition 18-18/19: Request for Action to Chancellor Arvizu Concerning Problems with ERB’s Handling of Beneficiaries

This proposal is in response to issues related to process surrounding ERB enrollment/beneficiary designation for NMSU faculty and staff. Referred to committee for consideration, to be discussed during March committee and Senate meetings.

Proposition 19-18/19: Borderlands and Ethnic Studies Graduate Certificate

This is a proposal to offer a “Borderlands and Ethnic Studies” Graduate Certificate, which will be offered both in person and online. Referred to committee for consideration, to be discussed during March committee and Senate meetings.

Proposition 20-18/19: A Proposal to Revise the Faculty Senate Bylaws

This proposal updates the Faculty Senate bylaws to include streamlined processes, clear explanation of duties and language updates to reflect institutional changes. Referred to committee for consideration, to be discussed during March committee and Senate meetings.

UPCOMING/PLANNED/ONGOING ACTIVITIES:

- Faculty are encouraged to provide input to NMSU LEADS.
- Anticipated legislation:
  - Catalog changes on course registration processes.
  - Process for changing policies within the catalog.
- Faculty, staff and administration are working together to address enrollment management/late registration for courses.
- Faculty Senate will take the lead on a campus wide discussion of the representation of Pistol Pete.

Respectfully Submitted by:
Becky Corran, Faculty Senate Chair, bcorran@nmsu.edu
Mary Prentice, Faculty Senate Vice-Chair, mprentic@nmsu.edu

For more information, including committee meeting schedules and supporting documentation, please visit the Faculty Senate website.
Agenda Item: Temporary Investments Report for the Quarter Ended September 30, 2018 and December 30, 2018


Executive Summary: The reports reflect a weighted average yield of 1.67% for the quarter ended 9/30/18, compared to average one-year U.S. Treasury Bill yield of 2.50%; and a weighted average yield of 1.86% for the quarter ended 12/31/2018, compared to average one-year U.S Treasury Bill yield of 2.67%. NMSU Administrative Rules and Procedures establish the goal to achieve a rate of return on investments at least equal to the average rate of return on the one-year U.S. Treasury Bill.

References: N/A

Prior Approvals: N/A

Agenda Item Approved By:

Norma Noel
University Controller

Andrew J. Burke
Senior Vice President for Administration and Finance
Temporary Investments consist of funds which make up NMSU’s working capital, and are used primarily to fund short-term operating liquidity needs; large cash uses in this category include the University’s semi-monthly payroll, draws on construction projects and major capital acquisitions. NMSU’s Office of the Senior Vice President for Administration and Finance continuously monitors sources and uses of operating capital to ensure that temporarily idle funds are optimally invested in accordance with the University’s Investment Policy. Our goal is to exceed the average one-year Treasury yield for the current quarter.

Total Temporary Investments (at 09/30/18) $157.15 million
Weighted average yield (Quarter Ended 09/30/18) 1.67%
Average 1-Year Treasury yield (Quarter Ended 09/30/18) 2.50%

Temporary Investments at 09/30/18 (cost):

<table>
<thead>
<tr>
<th>Investment Instrument</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Agency and Corporate Bonds</td>
<td>$77.64 million</td>
</tr>
<tr>
<td>Certificate of Deposit</td>
<td>4.50 million</td>
</tr>
<tr>
<td>Money Market Investments</td>
<td>75.00 million</td>
</tr>
<tr>
<td>Other Cash</td>
<td>.01 million</td>
</tr>
</tbody>
</table>

Breakdown of Investment Instruments (par):

**Federal Agency and Corporate Bonds by Maturity**

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maturing within one year</td>
<td>$3.00 million</td>
</tr>
<tr>
<td>Maturing one-two years</td>
<td>0.00 million</td>
</tr>
<tr>
<td>Maturing over two years</td>
<td>74.65 million</td>
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</table>

**Certificate of Deposit by Maturity**

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maturing within one year</td>
<td>$1.00 million</td>
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<tr>
<td>Maturing one-two years</td>
<td>1.25 million</td>
</tr>
<tr>
<td>Maturing over two years</td>
<td>2.25 million</td>
</tr>
</tbody>
</table>

**Money Market Investments**

<table>
<thead>
<tr>
<th>Investment</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>$75.00 million</td>
</tr>
</tbody>
</table>
Temporary Investments consist of funds which make up NMSU’s working capital, and are used primarily to fund short-term operating liquidity needs; large cash uses in this category include the University’s semi-monthly payroll, draws on construction projects and major capital acquisitions. NMSU’s Office of the Senior Vice President for Administration and Finance continuously monitors sources and uses of operating capital to ensure that temporarily idle funds are optimally invested in accordance with the University’s Investment Policy. Our goal is to exceed the average one-year Treasury yield for the current quarter.

**Total Temporary Investments (at 12/31/18)** $135.02 million

**Weighted average yield (Quarter Ended 12/31/18)** 1.86%

**Average 1-Year Treasury yield (Quarter Ended 12/31/18)** 2.67%

**Temporary Investments at 12/31/18 (cost):**

- Federal Agency and Corporate Bonds $77.64 million
- Treasury Bills 14.86 million
- Certificate of Deposit 5.00 million
- Money Market Investments 40.50 million
- Other Cash .02 million

**Breakdown of Investment Instruments (par):**

**Federal Agency and Corporate Bonds by Maturity**

- Maturing within one year $0.00 million
- Maturing one-two years 2.60 million
- Maturing over two years 72.05 million

**Treasury Bills by Maturity**

- Maturing within three months $3.00 million
- Maturing within four-six months $12.00 million

**Certificate of Deposit by Maturity**

- Maturing within one year $1.00 million
- Maturing one-two years 1.50 million
- Maturing over two years 2.50 million

**Money Market Investments**

- Wells Fargo Bank $40.05 million
Agenda Item: Disposition/Deletion of Property

Requested Action of the Board of Regents: Approval of Disposition/Deletion of Property

Executive Summary: The items included on the Property Disposition and Deletion Report represent tangible personal property on the university's capital asset list identified for disposition and/or deletion from the university's capital inventory. The university's capitalization threshold for personal tangible property is $5,000. The attached schedule provides a summary of the detailed property report including total counts, asset cost, accumulated depreciation, and net book value.

Capital items may be disposed of and deleted from inventory after approval of the Board of Regents and appropriate notification to the Office of the State Auditor and Higher Education Department as required.

The attached schedule also includes missing items resulting from the annual inventory process and is being presented as informational only.

References:
N/A

Prior Approvals:
N/A

Agenda Item Approved By:

Javier Cordero  
Interim, Procurement Services Director

Andrew Burke  
Senior Vice President for Administration and Finance
## NMSU Capital Property Disposition Report - Summary

As of 02/26/19

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Total Cost</th>
<th>Accumulated Depreciation</th>
<th>Net Book Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus Vehicle - vehicles identified as worn out, unusable or obsolete</td>
<td>11</td>
<td>$279,203.41</td>
<td>$208,425.89</td>
<td>$70,777.52</td>
</tr>
<tr>
<td>Surplus - property identified as worn out, unusable or obsolete</td>
<td>35</td>
<td>$727,634.72</td>
<td>$696,959.85</td>
<td>$30,674.87</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td>46</td>
<td><strong>$1,006,838.13</strong></td>
<td><strong>$905,385.74</strong></td>
<td><strong>$101,452.39</strong></td>
</tr>
<tr>
<td>#</td>
<td>Department</td>
<td>Barcode</td>
<td>Manufacturer / Model / Serial</td>
<td>Acquisition Date</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------</td>
<td>-----------</td>
<td>------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td>Surplus Vehicle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Admin and Pgm Unit Quay Cnty</td>
<td>U330474</td>
<td>VAN PASSENGER 1996 G31044FORDA512FMDA51UXTBB57627</td>
<td>5/27/1996</td>
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<tr>
<td>2</td>
<td>Fishery and Wildlife Sciences</td>
<td>U413155</td>
<td>VEHICLE 2007 FORD F150 SUPERCAB 4 BY 4 E85 G70877FORDF150</td>
<td>7/31/2007</td>
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<tr>
<td>3</td>
<td>FS VEHICLE MECHANICS</td>
<td>U330875</td>
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<tr>
<td>4</td>
<td>Housing and Residential Life</td>
<td>U323280</td>
<td>SEDAN 4 DR 2001 G78691FORDTAURUS1FAFP53U41G184214</td>
<td>1/25/2001</td>
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<tr>
<td>5</td>
<td>New Mexico Dept of Agriculture</td>
<td>U408295</td>
<td>2006 #729 CHEVY 1TON 4X4 TRUCK VEHICLE G65362 NO 729CHEVROLET2006 1 TON 4X4 CK359531GCH39DX6E221847</td>
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<tr>
<td>6</td>
<td>New Mexico Dept of Agriculture</td>
<td>U433919</td>
<td>2013 #816 Ford half Ton PU Extended Cab Sprcab Short G90041FORD4X2 EXT CAB1FTFX1CT1DKG12882</td>
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<td>8</td>
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<tr>
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<td>Police Department NMSU</td>
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<td>2008 Ford Crew Cab Truck G73809FORDSUPER DUTY F450 XL1FTWX43R68EE06152</td>
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<tr>
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<td>TRUCK PICKUP 1/2 TON 2005 G61279CHEVROLETSSILVERADO2GCEC19V751303967</td>
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<tr>
<td>#</td>
<td>Department</td>
<td>Barcode</td>
<td>Manufacturer / Model / Serial</td>
<td>Acquisition Date</td>
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<tr>
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<td>-------------------------------------</td>
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<td>-----------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>12</td>
<td>Ag Science Ctr at Artesia</td>
<td>U317206</td>
<td>PHOTOMETER MULTISK AN ASCENT CAT NON/A35400262</td>
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<tr>
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<td>Athletics Marketing 1</td>
<td>U413595</td>
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<td>16</td>
<td>Curriculum and Instruction</td>
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<td>Remote Eye Tracking System for PC Mdl R6APPLIED SCIENCE LABSEYETRAC R61759HS</td>
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<tr>
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<td>19</td>
<td>Engineering Technology</td>
<td>U305326</td>
<td>ROBOT MATERIALS HANDLINGAMATROLPEGASUS</td>
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<tr>
<td>20</td>
<td>Extensn Computer Supp Svcs</td>
<td>U433534</td>
<td>Polycom HDX 7000 720p with Eagle Eye Cameras and MicPOLYCOMHDX7000407287</td>
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<td>21</td>
<td>FS ENGINEERING</td>
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<td>U419737</td>
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<td>23</td>
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<td>Server Sun SPARC Enterprise M4000 serverSUNM4000BEF0922929</td>
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<tr>
<td>24</td>
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<td>Server Model Roweredge R910DELLPOWEREDGE R91049KVPM1</td>
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</tr>
</tbody>
</table>

**Sub-Total Surplus Vehicle**

- Total Cost: **$279,203.41**
- Accumulated Depreciation: **$208,425.89**
- Net Book Amount: **$70,777.52**
<table>
<thead>
<tr>
<th>#</th>
<th>Department</th>
<th>Barcode</th>
<th>Manufacturer / Model / Serial</th>
<th>Acquisition Date</th>
<th>Total Cost</th>
<th>Accumulated Depreciation</th>
<th>Net Book Amount</th>
</tr>
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<tbody>
<tr>
<td>28</td>
<td>ICT Computer Systems</td>
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<tr>
<td>33</td>
<td>Klipsch Sch of Elect Computer Eng</td>
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<td>DATA ACQUISITION SYSTEM NATIONAL INSTRUMENTSSCXI-1000CE2B3B</td>
<td>10/11/2003</td>
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<td>36</td>
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<td>U419174</td>
<td>HPLC System THERMO FISHERP400025087</td>
<td>12/11/2008</td>
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<td>37</td>
<td>NMDA Laboratory Division</td>
<td>U426465</td>
<td>Spectra A S OVN TEMP COOLERFISHER SCIA53000180139</td>
<td>3/8/2011</td>
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<tr>
<td>38</td>
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<td>U426464</td>
<td>Extractor Labconco Goldfisch Fat OilLABCONCO3500100110136688</td>
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<tr>
<td>39</td>
<td>NMDA Laboratory Division</td>
<td>U321525</td>
<td>EXTRACTION UNIT 6 U SPLIT 2 OF 2LABCONCO3500100</td>
<td>3/16/2001</td>
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<td>#</td>
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<td>Manufacturer / Model / Serial</td>
<td>Acquisition Date</td>
<td>Total Cost</td>
<td>Accumulated Depreciation</td>
<td>Net Book Amount</td>
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<td>MACHINE FARADAYSHOP MADE</td>
<td>6/1/1982</td>
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<td>Mechanical &amp; Aerospace Engineer</td>
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<td>1989 Cincinnati Milacron T-10 Machining Center</td>
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<td>$727,634.72</td>
<td>$696,959.85</td>
<td>$30,674.87</td>
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Equipment purchased prior to 2005. Inventory tag not found. Department has estimated the value to be approximately $5,000. (not included in total amounts below).

Sub-Total Surplus $727,634.72 $696,959.85 $30,674.87
TOTAL $1,006,838.13 $905,385.74 $101,452.39
Requested Action of the Board of Regents: Approval of funding for the Las Cruces: FY 19 Parking Lots.

Executive Summary: This project includes reconstruction of Parking Lot 20, 23, 49. Remove existing pavement and sub-base, replace existing pavement. Parking lot 30 (East of Pan Am) to include limited patch and repair of potholes within the paved area. Parking Lots 38 to include cleaning and filling cracks with rubberized crack sealer.

References:
N/A

Prior Approvals:
Regents Real Estate Committee-February 8, 2019

Agenda Item Approved By:

Glen Haubold, Associate Vice President for Facilities and Services

Andrew J. Burke, Senior Vice President Administration and Finance
Board of Regents

LAS CRUCES: FY19 PARKING LOTS

Heather Watenpaugh
University Architect

Glen Haubold
Associate Vice President
Facilities

Facilities and Services

BE BOLD. Shape the Future.
Proposed Scope of Work

Project Budget $466,337

This project includes:

- Reconstruct Parking Lot 20, 23, 49. Remove existing pavement and sub-base; replace removed pavement/base with 3” base course and 2” hot mix asphalt prior to striping.

- Lot 30 (East of Pan Am) to include limited patch and repair of potholes within the paved area.

- Repairs to Parking Lots 38 to include cleaning and filling cracks with rubberized crack sealer; new sealer application on entire parking lot surface; and new parking lot striping.

- ADA and curb improvements.
Most Recent Improvements: 2003-2009

Parking Lot Size(s):

- Parking Lot 20, South of Zeta Tau Alpha sorority house, 12,780 sq. ft.
- Parking Lot 23, North of Garcia Hall, 40,860 sq. ft.
- Parking Lot 30, Pan Am event parking, 8,840 sq. ft.
- Parking Lot 38, East of Chamisa Village, 180,900 sq. ft.
- Parking Lot 49, West of Frenger Food Court, 7,740 sq. ft.
Campus View of Parking Lots
Proposed Project Schedule

- Completion of Design – April 2019
- Start of Construction – May 2019
- Completion of Construction – July 2019
Funding Sources and Prior Approvals

Project Funding — $466,337

• $466,377-Auxiliary Services Renewal Replacement Departmental Index

Upcoming Future Approval

• N/A
Contact Information

Heather Watenpaugh
University Architect
Facilities and Services
www.facilities.nmsu.edu
575.646.1360
hzw@nmsu.edu

Glen Haubold
Associate VP Facilities
Facilities and Services
www.facilities.nmsu.edu
575.646.2101
ghaubold@nmsu.edu
Thank you!

Questions?
Las Cruces: FY19 Parking Lot

Supplemental Information
Parking Lot 20
Parking Lot 23
Parking Lot 30
Parking Lot 38
Parking Lot 49
Agenda Item: Approval of Second Amendment to Lease Agreement (Second Amendment) between Central New Mexico Community College (CNM) and NMSU for space in the Albuquerque Center.

Requested Action of the Board of Regents: Motion granting the Chancellor authority to approve and sign the Second Amendment extending the Lease of Real Property (Lease), dated April 11, 2016 for seven years on terms consistent with the Lease and the First Amendment to the Lease Agreement, dated June 27, 2016.

Executive Summary: The Regents of New Mexico State University (NMSU) and CNM would like to exercise the option to renew the lease for seven (7) years, terminating on June 30, 2026. All other terms and conditions of the lease remain the same.

Agenda Item Approved By:

Scott Eschenbrenner - Special Assistant to the President

Dan E. Arvizu - Chancellor
Date: 02/25/2019
Organization: Real Estate and Water Development
Submitted by: Scott Eschenbrenner
Summary of Approval Form:
Approval of Second Amendment to Lease Agreement for Central New Mexico Community College (CNM) and NMSU/Albuquerque for consideration as a consent item at the next Board of Regents meeting.

<table>
<thead>
<tr>
<th>Approved By:</th>
<th>Date of Approval</th>
<th>Comments:</th>
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<tr>
<td>University General Counsel</td>
<td>Date Approved:</td>
<td></td>
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<tr>
<td>Signature:</td>
<td>2-26-2019</td>
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<tr>
<td>Lizbeth G. Ellis</td>
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</table>
SECOND AMENDMENT TO
LEASE AGREEMENT

This Second Amendment to Lease Agreement, (this "Amendment"), effective July 1, 2019 (the "Effective Date"), is made and entered into between, Central New Mexico Community College, hereinafter referred to as “CNM” or “Lessor” and New Mexico State University, hereinafter referred to as “NMSU” or “Lessee”.

1. Both Parties would like to exercise the option to renew this lease for an additional seven (7) years, terminating on June 30, 2026.
2. All other terms and conditions of the lease agreement shall remain.

IN WITNESS WHEREOF, the parties have set their hands hereto as of the Effective Date:

LESSOR: Central New Mexico Community College

By: ______________________________ (signature)
Name: Tracy Hartzler
Title: VP of Finance & Operations

By: ______________________________ (signature)
Name: Wanda Helms
Title: Comptroller

LESSEE: New Mexico State University

By: ______________________________ (signature)
Name: Debra Hicks
Title: Chair -- New Mexico State University Board of Regents
1. **Agenda Item**: Approval to rename the Agricultural Science Center at Tucumcari as the "Rex E. Kirksey Agricultural Science Center at Tucumcari". Building number(s) 404 A-L, 464 Acres, 21,267 Sq. Ft.

2. **Requested Action of the Board of Regents**: Approval to rename the Agricultural Science Center at Tucumcari as the "Rex E. Kirksey Agricultural Science Center at Tucumcari". Building number(s) 404 A-L, 464 Acres, 21,267 Sq. Ft.

**Executive Summary**:
Rex E. Kirksey worked for New Mexico State University from July 1, 1980, until his retirement June 30, 2012. He was the superintendent of the Agricultural Science Center at Tucumcari for 30 years and 11 months (August 1981 until his retirement), which is the longest tenure to date of any superintendent in the agricultural science center's 106 years of continuous operation. Rex supported collaborative and integrated agricultural research efforts for both livestock management and crop production. He was instrumental in the development of improved irrigation equipment infrastructure, and initiated a partnership with the City of Tucumcari and the New Mexico Water Trust Board to develop and construct infrastructure to deliver and apply treated municipal waste water to the agricultural science center for agricultural irrigation and research. These efforts have provided significant advances in agricultural sciences for stakeholders in Tucumcari and the region.

Rex was a highly respected and active member of the local community. Following his accidental death on April 9, 2018, the Advisory Committee to the Agricultural Science Center at Tucumcari, a group composed of diverse local and regional agricultural producers and businesspeople proposed on December 13, 2018, to honor Rex E. Kirksey by renaming the agricultural science center as the "Rex E. Kirksey Agricultural Science Center at Tucumcari". A similar action was taken for the Mora Research Center, which
was renamed the "John T. Harrington Forestry Research Center" to honor John Harrington following his tragic death in 2010.

New Mexico State University's Agricultural Science Center at Tucumcari is located on U.S. Highway 54 three miles northeast of Tucumcari. In operation since 1912, the center consists of 464 acres. There are 12 buildings (404A-L) on the property with 21,267 sq. feet. The center conducts valued research on livestock and crop production in both dryland and irrigated (potable and reclaimed water) systems, and is home to the Tucumcari bull test.

References:

Prior Approvals: Approved at Naming Committee on February 12, 2019, and University Administrative Council February 12, 2019

Agenda Item Approved By:

Tina Byford
Interim Vice President, University Advancement

Dan E. Arvizu
Chancellor
MEMORANDUM

Date: January 29, 2019

To: Tina Byford, Interim Vice President, NMSU Foundation
Chair, NMSU Naming Committee

Through: Rolando A. Flores, Dean and Chief Administrative Officer
College of Agricultural, Consumer and Environmental Sciences

From: Natalie P. Goldberg, Interim Associate Dean and Director
Agricultural Experiment Station

Subject: Request to Rename Agricultural Science Center at Tucumcari

Rex E. Kirksey worked for New Mexico State University from July 1, 1980, until his retirement June 30, 2012. He was the superintendent of the Agricultural Science Center at Tucumcari for 30 years and 11 months (August 1981 until his retirement), which is the longest tenure to date of any superintendent in the agricultural science center's 106 years of continuous operation. Rex supported collaborative and integrated agricultural research efforts for both livestock management and crop production. He was instrumental in the development of improved irrigation equipment infrastructure, and initiated a partnership with the City of Tucumcari and the New Mexico Water Trust Board to develop and construct infrastructure to deliver and apply treated municipal waste water to the agricultural science center for agricultural irrigation and research. These efforts have provided significant advances in agricultural sciences for stakeholders in Tucumcari and the region.

Rex was a highly respected and active member of the local community. Following his accidental death on April 9, 2018, the Advisory Committee to the Agricultural Science Center at Tucumcari, a group composed of diverse local and regional agricultural producers and businesspeople proposed on December 13, 2018, to honor Rex E. Kirksey by renaming the agricultural science center as the “Rex E. Kirksey Agricultural Science Center at Tucumcari”. A similar action was taken for the Mora Research Center, which was renamed the “John T. Harrington Forestry Research Center” to honor John Harrington following his tragic death in 2010.

New Mexico State University’s Agricultural Science Center at Tucumcari is located on U.S. Highway 54 three miles northeast of Tucumcari. In operation since 1912, the center consists of 464 acres. There are 12 buildings (404A-L) on the property with 21,267 sq. feet. The center conducts valued research on livestock and crop production in both dryland and irrigated (potable and reclaimed water) systems, and is home to the Tucumcari bull test. For the reasons noted, we request consideration of the proposed naming opportunity.

CC: Steve Loring, Associate Director, AES
Leonard Lauriault, Superintendent, ASC at Tucumcari
Dear Dean Flores,

The Advisory Committee to New Mexico State University's Agricultural Science Center at Tucumcari met on December 13, 2018, and passed a resolution proposes that NMSU rename the facility, the "Rex E. Kirksey Agricultural Science Center at Tucumcari." Eleven of twenty committee members were present at the meeting, constituting a quorum. Franklin McCasland moved and Phillip Box seconded the motion to approve the resolution, which carried unanimously. Each committee member present signed the resolution (attached).

On behalf of the Advisory Committee, I ask that you approve the name change and move the resolution through the NMSU system for final approval.

Sincerely,

Leonard Lauriault, Superintendent
Agricultural Science Center at Tucumcari

Cc: Natalie Goldberg, Associate Dean of ACES and Director of the New Mexico Agricultural Experiment Station
    Steve Loring, Associate Director of the New Mexico Agricultural Experiment Station
    Robert Lopez, Chairman of the Advisory Committee
Ec: L. Lauriault personal file
Resolution on Renaming New Mexico State University’s Agricultural Science Center at Tucumcari to Honor Rex E. Kirksey
December 13, 2018

Whereas, New Mexico State University’s Agricultural Science Center at Tucumcari has been in continuous operation since 1912; and
Whereas, there are no known superintendents of record between 1912 and 1916; and
Whereas, H.G. Smith served as superintendent from 1916 to 1918; and
Whereas, C.B. Brown served from 1918 to 1920; and
Whereas, H.L. Clemmer was acting superintendent from 1920 to early 1922; and
Whereas, Bob Burnham served as superintendent for at most 29 years and 2.5 months (early 1922 – March 16, 1951); and
Whereas, David Williams served as superintendent for 30 years 4.5 months (March 16, 1951 – July 31, 198); and
Whereas, Rex E. Kirksey worked with New Mexico State University from July 1, 1980, until his retirement on until June 30, 2012, beginning his career with the University as an Extension agricultural economist program coordinator, based at the Agricultural Science Center at Tucumcari; and
Whereas, Rex became the center’s superintendent in August 1981, serving in that capacity until June 30, 2012, which was approximately 30 years and 11 months – the longest tenure to date of any superintendent in the center’s 106 years of continuous operation – during which time he supported turfgrass, horticultural crop, field crop and livestock research at the center, developed improved irrigation equipment infrastructure, and initiated a partnership with the City of Tucumcari and the New Mexico Water Trust Board to develop and construct infrastructure to deliver and apply treated municipal wastewater to the facility for agricultural irrigation, to name a few of his contributions to New Mexico State University, the region, and the community; and
Whereas, Rex was tragically killed on April 9, 2018, in an ATV rollover while checking cattle at his parents’ farm near Tucumcari, as he had since he was a child; now, therefore, be it

Resolved, that the Advisory Committee to the Agricultural Science Center at Tucumcari, a diverse group of local and regional agricultural producers and businesspeople:

1. proposes to rename the Agricultural Science Center as the “Rex E. Kirksey Agricultural Science Center at Tucumcari,” in honor of Rex’s service to the University, the region, and the community,

2. urges that signage at the center’s entry on US 54 and elsewhere be changed, wherever possible, to reflect the new name, and

3. urges that printed materials (e.g., stationery, future publications) be changed to reflect the new name.

Mover:
Seconders:

[Signatures]
Agenda Item: Honorary Degree Recipient Nominees

Requested Action of the Board of Regents: Approval of Spring 2019 Honorary Degree Recipient Nominees – Larry Allen (NMSU Las Cruces), Carroll Leavell (NMSU Carlsbad), and Paul Dulin (DACC).

Executive Summary: As you will see in the attached bios, all candidates have demonstrated significant contributions to New Mexico State University, including its community colleges, the local community, and the state.

References: See attached Bios

Prior Approvals: HDR Committee, February 28, 2019

Agenda Item Approved By:

Tina Byford, Ph.D.
Interim Vice President

Dan E. Arvizu, Ph.D.
Chancellor
In 1912, one hundred and seven years ago, Larry Allen’s grandfather, Frank Allen, established the family’s motion picture theater legacy in Farmington, New Mexico. After the Allen Opera House opened, he quickly built its brand showcasing silent movies, “talkies”, having air-conditioned movie houses, concessions, and the establishment of two new drive-in screens and two indoor theater screens.

Mr. Allen’s college career was cut short, at 19, when his father passed away. Larry, with his brother, Lane, bought the family business in 1975 from their mother Helen. Larry has been involved in the exhibition side of motion pictures since January 1963. He has served as President and CEO of Allen Theatres, Inc. since 1975, and remains a consultant for the company to this day. In 1982, the Allen’s expanded the business down south to Las Cruces. Today, Allen Theatres, Inc. encompasses 115 screens in 11 communities throughout New Mexico, Arizona, and recently Durango, Colorado. The success of Allen Theatres has made it the 45th largest theatre chain in North America.

In 2016, Allen Theatres, Inc. was formally sold to Larry’s children, Russell, Heather, Asa Allen and nephew Nathan Allen.

In 1993, Larry established the *Allen Theatres, Inc. Endowed Scholarship* to benefit New Mexico State University (NMSU) students who work with the company by benefitting as many as four students each year.

Larry has been a member of the NMSU Aggie Athletic Club (2006-2012), and the NMSU Foundation Board of Directors and committees since 2012. He was recognized and awarded in 2012 with an Honorary Degree from Dona Ana Community College, and in 2016 he was recognized at the third annual NMSU Arts & Sciences “Starry Night” for his contributions as a business and community leader to the college. In 2017, Allen Theatres was selected as the Outstanding Business in Philanthropy by the Association of Fundraising Professionals New Mexico Chapter.

In 2017 Allen Theatres, Inc. contributed to the improvement and upgrade of the NMSU Coca-Cola Weight Training Center. Former NMSU Chancellor, Garrey Carruthers, said that “this is a perfect example of the Allen’s generosity of giving, as well as their time and talent, in service to our university. Great universities are built on the foundation of folks like the Allen’s who consistently and constantly give to NMSU.”

Allen Theatres, Inc. has generously supported the NMSU system for the past 32 years. Their financial gifts to the university have made a transformative impact on scholarships and programs that benefit NMSU students and help them achieve their educational goals. The family’s generosity has also made its mark on NMSU’s Center for the Arts, where the box office is aptly named for Helen Foutz Allen, who oversaw the family business for several years after her husband passed away. The state-of-the-art marquee for the Center for the Arts facility also bears the Allen Theatre’s name to honor the impact of their support, which has helped to connect the NMSU campus to the Las Cruces community.
Larry Allen’s business ventures are not all encompassed in the movie industry. He has owned TV and radio stations, restaurants, a background music company, polling companies, motels and oil rigs.

Throughout Larry’s career, he has supported and represented many philanthropic and civic organizations. He was an active member of Rotary, the National Association of Theatre Managers, and the Boys and Girls club where he served as president for one term. Larry has been awarded several honors including the following: Business Leader of the Year by the Business Leaders Development Society, Colonel Aide-de-Camp from former Lieutenant Governor Walter Bradley-NM, and NMSU Honorary Member of the Golden Key International Honor Society.

Larry was chairman of the board and past president of The Jacob Foutz Family Association, Inc. of Honolulu. This association is dedicated to research and preservation of the history of the descendants of Jacob Foutz (1800-1848), a pioneer bishop of the Mormon church in Illinois and Utah.

Larry Allen was born in 1942 to the late Russell and Helen Allen. He grew up in Farmington, New Mexico with his younger brother Lane. He is married to Diane Allen. They have three children, Russel Allen, Heather Gandy and Asa Allen.
Senator Carroll Leavell

For more than two decades, Senator Carroll Leavell represented New Mexico Senate’s 41st district; encompassing both Eddy and Lea counties. Senator Leavell began his legislative career in 1997. During his tenure, Senator Leavell worked to gain representation for southeast New Mexico, saying, “being the state senator from Jal, and representing Southeastern New Mexico have been a source of pride for me.”

Senator Leavell was born October 23, 1936 to the late Mabel and Clyde Leavell in Clovis, New Mexico. In November of 1943, when he was in the second grade, the Leavell’s moved their family of three children (Carroll, Larry and Clydene) to Jal, New Mexico. After graduating from Jal High School in 1954, Senator Leavell went on to earn a bachelor of arts degree from Eastern New Mexico University in business and economics in 1958.

After graduation, Senator Leavell served as president and general manager of his late father’s insurance business, Leavell Insurance and Real Estate Inc, (1964-2002). He also served as president of the Independent Insurance Agents of New Mexico (1993-1994).

During Senator Leavell’s tenure in the Legislature and serving his district, he also represented the Senate’s Finance Committee, Legislative Finance Committee and the National Conferences of Insurance Legislators. Senator Leavell devoted much of his career to numerous philanthropic and civic organizations throughout the Southeastern region of New Mexico. He was proud to represent his hometown of Jal, as a trustee of the College of the Southwest (1990-2018), Jal Hospital District Board of Directors (1978-2018), a trustee with the Jal Public Library and First Methodist Church. Senator Leavell was also a former member of the New Mexico Junior College Foundation Board of Directors.

On December 4, 2018, Senator Leavell announced his resignation from the senate having served 22 years. In his final year in the senate, Leavell was a key figure in sponsoring the passage of legislation to make $30 million available to help prevent the collapse of an old brine well in Carlsbad, New Mexico. Throughout his service, Senator Leavell’s mission was to serve southeastern New Mexico. Leavell said he would “like to be remembered in the Legislature as someone who highlighted the importance of the oil and gas industry. Thank you for giving me the opportunity to have such a great purpose in my life.”

Senator Leavell married his “sweetheart”, Bobbie and has two children, Terri Poe and Kim Fulfer. Senator Leavell’s son-in-law, Senator Gregg Fulfer, was appointed by former governor, Susana Martinez, to fill Senator Leavell’s District 41 seat until the end of his term in 2020.
March 1, 2019

Vice President Tina Byford
Institutional Advancement
New Mexico State University
Las Cruces, NM

Dear Vice President Byford:

I am writing to request authorization for NMSU Carlsbad to recognize retired Senator Carroll Leavell with an honorary degree at the NMSU Carlsbad Commencement ceremonies which will be held on Friday, May 10.

Senator Leavell has been a great force in the New Mexico Senate from his first election in 1996, until his retirement in 2018 due to health reasons. During his tenure, Senator Leavell served in very important roles including Senate Finance and the Legislative Finance Committee. In all of his service, Senator Leavell was a great friend to NMSU and higher education and we will greatly miss his service. His calm demeanor was a blessing to the Senate and his voice captured the attention of all.

Please let me know if any further information is needed.

Sincerely,

[Signature]

John B. Gratton
New Mexico State University Doña Ana Community College (DACC) would like to award Paul Dulin as the 2019 Honorary Degree Recipient at graduation ceremonies.

Beginning in 2011, Paul Dulin served on the Hatch Valley School Board (four years as President) and the DACC Advisory Board for 8 years including a year as President of the Advisory Board. A great advocate for students he started the Hatch Valley Current Use Scholarship in 2006 for Hatch students attending DACC. His fellow farmers knew of the scholarship and he would rally them to give and over the years they awarded dozens of scholarships.

Dulin is currently Partnership Specialist with the US Census Bureau and is responsible for southwest New Mexico. He is spreading awareness of the 2020 Census and the need for people to respond.

Dulin graduated in 1976 from East Carolina University with an M.A. in Environmental Geography. He has nearly 40 years of professional experience spanning 29 counties and four continents working extensively in the design, management, and evaluation of social and environmental impact mitigation and management programs. He has been involved in projects that have included elements of environmental and public health, occupational safety and health, and infectious disease surveillance and prevention.

He worked tirelessly with local communities in Dona Ana and Luna Counties and health authorities on both sides of the US-Mexico border—much of it while he was Director of the Office of Border Health with the New Mexico Department of Health from 2006 to 2013.

Dulin was a great advocate for the community of Hatch. Besides the school board, he served on the Hatch Valley Chile Festival organizing committee and lead many hikes into the Tonuco Mountains just outside of Hatch. He also served as President of the Rincon Water Cooperative for 8 years, and as President of the non-profit Border Partners which works in the Palomas Chihuahua communities.
Agenda Item #: E-7

Presented By: Lizbeth G. Ellis, J.D.
General Counsel

Agenda Item: 2019 Annual Open Meetings Notice Resolution

Requested Action of the Board of Regents: Approval of 2019 Annual Open Meetings Notice Resolution

Executive Summary: As required by the New Mexico Open Meetings Act, the attached Open Meetings Notice Resolution establishes the public notice to be given prior to the Board’s meetings. The attached resolution is in substantially the same form as the Board’s Resolution 2018-19 adopted last March.

Notices for meetings are distributed to the news media and posted at the Zuhl Library on the Las Cruces campus, and posted on the NMSU Regent’s website ten days in advance for regular meetings, three days in advance for special meetings, and 24 hours or more, if possible, for emergency meetings. Meeting agendas are also made available to the public by posting them on the NMSU Regents’ website, at least 72 hours in advance of regular and special meetings, and concurrent with the notice for emergency meetings. If an emergency meeting is called that is not as a result of a declared state or federal emergency, a report will also be sent to the Office of the Attorney General.

References: NM Open Meetings Act §10-15-1 D.

Prior Approvals:

Agenda Item Approved By:

Lizbeth G. Ellis
General Counsel

Date: Feb. 25, 2019
WHEREAS, the Open Meetings Act of the State of New Mexico, §10-15-1, NMSA 1978, et seq. requires meetings of a quorum of the members of the Board of Regents, held for the purpose of discussing or adopting any proposed resolution, rule, regulation, or other formal action, to be conducted only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act requires the Board of Regents to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Regents of New Mexico State University, that compliance with the following requirements shall constitute reasonable notice:

1. **Meeting Notice Content:** Each meeting notice shall indicate the date and time of the relevant meeting as well as the specific location of the Board’s meeting, including city and campus (as applicable), building name, and address.

2. **Meeting Notice Method:** Each meeting notice shall be (1) transmitted by telephone, fax, electronic or other means of delivery to newspaper(s) of general circulation in the state, (b) posted at the Zuhl Library on the Las Cruces Campus of New Mexico State University, and (c) posted on the NMSU Regents’ website. In addition, each meeting notice shall be transmitted to any licensed broadcast station and any other newspaper that has made request for notification of meetings within the previous 12 months. Requests shall be directed to ucomm@nmsu.edu.

3. **Meeting Notice Timing:** Each meeting notice shall be provided in advance of the meeting, with the amount of advance notice depending upon the type of meeting:

   a. Notice of regular meetings (scheduled at least quarterly) will be given at least 10 days in advance of the meeting date. The regular meeting agenda shall be posted on the NMSU Regents’ website at least 72 hours prior to the meeting.

   b. Notice of special meetings will be given at least three days in advance of the meeting date. The special meeting agenda shall be posted on the NMSU Regents’ website at least 72 hours prior to the meeting.

   c. Notice of an emergency meeting, called in the case of unforeseen circumstances that demand immediate attention to protect the health, safety and property of citizens, or to protect the university from substantial financial loss, will be given 24 hours in advance, unless threat of personal injury, property damage or threat of financial loss requires less notice. The emergency meeting agenda shall be posted on the NMSU Regents’ website at the same time as the notice of emergency meeting.
4. **Report of Emergency Meeting:** Within 10 days of taking action on an emergency matter, the Board of Regents shall report to the Office of the New Mexico Attorney General the action taken and the circumstances creating the emergency, unless there has also been a declaration of a state or national emergency, in which case no report is required.

5. **Meeting Accessibility:** In addition to the information specified above, all notices shall include the following language:

   "If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the Office of the Regents’ Special Adviser at (575) 646-5997 at least three days prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, may also be provided in various accessible formats. Please contact the Office of the Regents’ Special Adviser at (575) 646-5997 if a summary or other type of accessible format is needed."

6. **Closed/Executive Session:** The Board of Regents may close a meeting to the public, and meet in executive session, only if the subject matter of such discussion or action falls within one of the exceptions in the Open Meetings Act, § 10-15-1(H).

   a. If any meeting is proposed to be closed during an open meeting, without prior notice, the closure shall be proposed by motion, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. The motion must be approved by a majority of a quorum of the Board in attendance. The vote of each individual member on the motion proposing closure shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

   b. If a closed meeting is to be conducted when the Board is not already convened in an open meeting, the closed meeting shall not be held until public notice required for a special meeting is posted, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed.

   c. Following completion of any closed meeting, the minutes of the public meeting that was closed, or the minutes of the next public meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or the meeting notice for the special meeting.

   d. Except as provided by Section 10-15-1(H) of the Open Meetings Act and New Mexico case law interpreting same, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

**ADOPTED** by the Board of Regents of New Mexico State University, the 8th day of March, 2019, at its regular annual meeting held in Las Cruces, New Mexico.

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**Chair, NMSU Board of Regents**
Agenda Item:

Requested Action of the Board of Regents: Approval of amendment to Regents Policy 5.20, Student Conduct.

Executive Summary: This proposal rewrites RPM 5.20, which was enacted prior to the current NMSU system policy making rules. The revised policy authorizes and requires administration to administer rules and procedures for the regulation of student conduct, and to maintain them as part of the Administrative Rules and Procedures (ARP). The proposal addresses both social and academic conduct (The Student Academic Code of Conduct is already included in the ARP at 5.10-5.11).

The proposal is consistent with the current model for regents policies in the RPM, to provide general outlines of purpose, broad grants of authority and/or reservations of authority. Due the nature of the proposed revision (rewrite), a redlined compare version is not provided; a copy of the policy currently in effect is included below the proposed revision.

References:

Prior Approvals: Recommended by the University Administrative Council 2/12/19 and approved by the chancellor 2/18/19

Agenda Item Approved By:

Lizbeth G. Ellis
General Counsel

Date
Feb. 25, 2019
5.20 Student Conduct

A. Purpose

To assist students in becoming responsible members of the community, through notice of their rights and responsibilities, including the university’s expectations for student conduct, and provision of fair investigative, hearing and appeal processes by which students will be held accountable for their actions.

B. Authorization for Conduct Rules

The administration is authorized to, and responsible for, maintaining and administering student conduct rules and the disciplinary system(s) necessary to address student misconduct occurring at NMSU or otherwise disrupting, impairing or interfering with authorized activities, procedures or functions of NMSU.

1. Student conduct rules will be set forth in the Administrative Rules and Procedures and will be adopted and revised in the same manner as other provisions of the ARP. The rules will provide notice to students about their rights and responsibilities, including the expectations for student conduct, and potential consequences for violations.

2. Student conduct rules will be referenced on such websites as may be appropriate to give students reasonable notice of the code(s) and may be printed or summarized in academic catalogs or student handbooks at the discretion of the administration.

3. The student disciplinary systems will include procedures for enforcement, including a process for imposition of sanctions which affords students due process in accordance with law.

4. The administration will designate the NMSU department(s) or individuals who administer student disciplinary system(s).

C. Student Social Code of Conduct

1. The Student Social Code of Conduct (SSCC), as it currently exists, will be made part of the Administrative Rules and Procedures upon approval of this policy. The SSCC may be revised in the same manner as other provisions of the ARP.

2. The Student Social Code of Conduct may address topics including, but not limited to: the administration of student discipline, students’ rights and responsibilities, standards of conduct, possible sanctions, victim rights, fact finding hearing procedures, and appeal hearing procedures.

D. Student Academic Code of Conduct

1. The faculty and administration, collaborating together, will maintain a Student Academic Code of Conduct (SACC). (See ARP 5.10 and ARP 5.11).

2. The Student Academic Code of Conduct may address topics including, but not limited to: academic integrity, cheating, plagiarism, classroom behavior, students’ rights and responsibilities as it relates to academic performance, standards of conduct, possible sanctions, fact finding hearing procedures, and appeal hearing procedures.

COPY OF RPM 5.20 CURRENTLY IN EFFECT:
5.20 Authorization of Student Social Code of Conduct

A. Purpose

To assist students in becoming responsible members of the community, through notice of their rights and responsibilities, including the university’s expectations for student conduct, and provision of fair investigative hearing and appeal processes by which students will be held accountable for their actions.

B. Policy Administrator; Required Periodic Review

The Office of the Dean of Students shall serve as the primary policy administrator, who will work closely with other officials who administer student discipline in the community colleges and other university programs, regarding promulgation, implementation and application of the Student Social Code of Conduct.

C. Definitions

See Part VI of the Student Social Code of Conduct.

D. Policy Statements

1. The responsibility of administering the student discipline system for misconduct not related to academic integrity is delegated to the Office of the Dean of Students. For central reporting purposes, as well as for consistency in sanctions generally, this office shall serve as the university’s central administrative authority. Officials who administer student discipline in the community colleges and other university programs, shall coordinate with the Office of the Dean of Students as they administer student discipline.

2. The Office of the NMSU Dean of Students is authorized to promulgate and effectuate a Student Social Code of Conduct, to provide notice to students about their rights and responsibilities, including the expectations for student conduct and potential consequences for violations. The code will be developed in collaboration with the community colleges’ vice presidents of student services or equivalent, the office of general counsel, and be subject to approval by the Vice President of Student Affairs and Enrollment Management and the Executive Vice President and Provost.

3. The Student Social Code of Conduct will address topics including, but not limited to: the administration of student discipline, generally; students’ rights and responsibilities; standards of conduct; the range of possible sanctions; victim rights; fact finding hearing procedures; and appeal hearing procedures.

4. The Student Social Code of Conduct shall be available on line at the website of the Office of the Dean of Students and may be printed or summarized in student handbooks at the discretion of the officials administering student discipline. The link to the code may also be included in written materials and on the websites of the community college offices of student support services.

5. The Office of the Dean of Students, in collaboration with the community college vice presidents of student services or equivalent shall jointly review and recommend
E. Procedural Guidelines

To facilitate the implementation, administration and enforcement of the Student Code of Social Conduct authorized by this policy, the Office of the Dean of Students may develop supplemental procedural guidelines, forms, templates, flowcharts, FAQ's consistent with this policy and the Student Social Code of Conduct, to facilitate common understanding and consistent application of the code. The Student’s Social Code of Conduct, and corresponding procedural guidelines, if any, will be posted on the Dean of Students’ website, and linked from this section.
Agenda Item: Adoption of Regents Policy 5.21, Student Complaints and Grievances

Requested Action of the Board of Regents: Approval of Regents Policy 5.21, Student Complaints and Grievances.

Executive Summary: Regents Policy 5.21 is proposed as a new policy for the RPM, which will authorize and require administration to maintain in the Administrative Rules and Procedures (ARP) the rules and procedures the dispute resolution processes available to students. The proposal is consistent with the current model for regents policies in the RPM, to provide general outlines of purpose, broad grants of authority and/or reservations of authority.

References:

Prior Approvals: Recommended by the University Administrative Council 2/12/19 and approved by the chancellor 2/18/19.

Agenda Item Approved By:

Lizbeth G. Ellis  
General Counsel  
Feb. 25, 2019  
Date
Proposed New

5.21 Student Complaints and Grievances v020119

A. Purpose

To protect student rights and to ensure a fair and prompt resolution of disputes, complaints and grievances, including fact finding processes and procedures for review of university decisions and determinations (appeals).

B. Authorization for Student Grievance and Dispute Resolution Procedures

The administration is authorized to and responsible for maintaining and administering student grievance and the dispute resolution and appeal system(s) necessary to address the wide range of potential complaints and concerns of students.

1. Student grievance and dispute resolution procedures will be set forth in the Administrative Rules and Procedures and will be adopted and revised in the same manner as other provisions of the ARP. The rules will provide notice to students about their rights the procedures to be followed to enforce those rights.

2. Student grievance and dispute resolution system(s) will be referenced on such websites as may be appropriate to give students reasonable notice of the opportunity to obtain dispute resolution services and review of academic and administrative decisions, and may be printed or summarized in academic catalogs or student handbooks at the discretion of the administration.

3. The administration will designate the NMSU department(s) or individuals who will administer student grievance and dispute resolution system(s).

C. Grade Appeals

The administration, in consultation with the faculty, will establish a process by which students may seek review of grade assignments in their academic courses.

D. Discrimination and Sexual Misconduct

The administration will maintain rules and procedures to address complaints by students involving allegations of discrimination or sexual misconduct as prohibited under Policy 3.25.

E. Ownership of Intellectual Property

The administration, in consultation with the faculty, will maintain rules and procedures to address complaints by students concerning ownership of their creations, as set forth in RPM 11.05-Intellectual Property Management.
Agenda Item: Reappointment of Non-Position Directors of Arrowhead Center, Inc. Board of Directors

Requested Action of the Board of Regents: Approve the reappointment of the four Non-Position Directors of Arrowhead Center, Inc. Board of Directors, with terms ending June 30, 2019.

Executive Summary: According to the Bylaws of Arrowhead Center, Inc., the Board of Regents of New Mexico State University approves appointments for the Arrowhead Center, Inc. Board of Directors. Four Non-Position Directors for reappointment are listed below.

Davin Lopez serves as President and CEO of the Mesilla Valley Economic Development Alliance (MVEDA). Prior to his position at MVEDA beginning February 2009, Mr. Lopez served as Vice President of the New Mexico Partnership, joining the Partnership at its inception in 2003. Mr. Lopez spent five years in corporate real estate with General Growth Properties and the Macerich Company, where he held roles as Director of New Business Development and Strategic Planning. He also spent two years in private business, consulting and advising smaller, high-growth companies. Lopez holds a master’s degree from Yale University, a bachelor’s degree in Economics from the University of California, San Diego, and is also a licensed real estate broker in New Mexico.

James C. Manatt, Jr. is a former Regent of NMSU and is the President/CEO and founder of Providence Technologies Inc., a consulting firm in energy development projects. He obtained a bachelor’s degree in Journalism and Mass Communications from NMSU. He has held many positions ranging from founding director of the Mesilla Valley Bank to President of Sierra Oil and Gas, Inc.
Jackie Kerby Moore has been the Executive Director of the Sandia Science & Technology Park since its inception in 1998. This 250-acre technology community is affiliated with Sandia National Laboratories. The Park serves as home for more than 30 organizations employing over 2000 people, and total investment in the Park exceeds $336 million. The Park received the Outstanding Research Park of the Year Award from the Association of University Research Parks in 2008. Jackie has a bachelor’s degree in Business Administration from NMSU and a master’s degree from New Mexico Highlands University.

Roldan C. Trujillo earned his Juris Doctor degree in law from the University of California, Davis, an M.S. in Applied Economics from Purdue University, and a B.S. in Agricultural Economics and Business from NMSU. In addition, he completed the Harvard University Business School’s Corporate Governance Program. Mr. Trujillo has over 30 years of experience in evaluating, structuring, and negotiating corporate and project finance transactions and private equity investments in Latin America and the United States. Mr. Trujillo is Senior Managing Director of Corporación Interamericana para el Financiamiento de Infraestructura, S.A., or CIFI, a specialized firm that provides financing and advisory services to private sector infrastructure companies and projects throughout the Latin American and Caribbean region.

Born and raised in New Mexico, Mr. Trujillo has also served as President of both a leading community development corporation in New Mexico and of an agribusiness venture. Mr. Trujillo serves as an Independent Director on the Board of the Raza Development Fund, the largest community development finance institution serving the United States Hispanic community and has served on the boards of private equity funds, charitable, and for-profit corporations.

References:
Arrowhead Center, Inc., By-laws.

Prior Approvals:
Arrowhead, Inc. Executive Committee meeting February 19, 2019, motion approved by unanimous voice vote to nominate the reappointment of the four Non-Position Directors noted above, subject to the approval of the NMSU Board of Regents.

Agenda Item Approved By:

Kathryn R. Hansen, Chief Executive Officer
Arrowhead, Inc. 2-28-2019
Agenda Item:
Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period November 14, 2018 through February 18, 2019

Requested Action of the Board of Regents: None

Executive Summary: The attached report summarizes the revisions to the Administrative Rules and Procedures of NMSU (ARP) made between November 14, 2018 and February 18, 2019.


Prior Approvals: The approvals for each policy item are listed in the attached report.

Agenda Item Approved By:

Presented By: Lizbeth G. Ellis, J.D.
General Counsel
INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 11/14/2018 – 02/18/2019

This report summarizes the revisions made to the Administrative Rules and Procedures of NMSU (ARP) during the period 08/18/2018 through 11/13/2018, in accordance with ARP 1.10 – Procedures to Revise NMSU Policies and Rules. Each proposal was vetted by the relevant stakeholders and recommended by University Administrative Council, prior to approval by the chancellor.

1. ARP 3.80 – Prohibition of Bullying, Hazing and Hostile Misconduct (Non-Discriminatory) was amended January 9, 2019 to generally update, and add provisions to clarify the process for reporting and investigating complaints.

2. New ARP 7.21 – University Closure Pay was approved by the chancellor on January 9, 2019 and by the Board of Regents on January 28 due to the nature of the revision, creating a new type of employee compensation to pay non-exempt essential employees required to work during an emergency university closure a higher hourly rate of pay.

3. ARP 16.09 – University Emergency Closures was amended for consistency with new ARP 7.21, and effective with new ARP 7.21 on January 28th. Non-substantive formatting and clarification changes were also made, including re-numbering from 14.99 to 16.09.

4. ARP 16.10 – Emergency Preparedness and Response, similar to ARP 16.09 above, was amended for consistency with new ARP 7.21 and effective with ARP 7.21 on January 28th. Non-substantive formatting and clarification changes were also made.

5. ARP 15.62 – Protection of Federal Information; FISMA Compliance was amended on January 9, 2019 to add an exception in Part 1 to clarify that Criminal Justice Information Services (CJIS) data, both classified and unclassified, is excepted from the scope of ARP 15.62. The CJIS-related responsibilities are assigned to the University Police Department and addressed in revised ARP 16.01, Part 4.

6. ARP 16.01 – Authority of University Police Department was amended on January 9, 2019 as part of a general update to rules pertaining to the University Police Department, including the UPD’s role in publishing the Annual Security Report for both the Las Cruces and Doña Ana Community college campuses, additional detail relating to its supervisory role concerning the use of private security detail on campus, a new section addressing the chief’s role as the official responsible for Criminal Justice Information Services (CJIS) security management within the university system, and a new section recognizing that the UPD’s personnel have distinct requirements which may be administered by the PD, upon approval from the AVP of HRS. Additional non-substantive formatting and restructuring changes were also made.
7. **ARP 16.02 – Regulation of Security Alarms** was amended on January 9, 2019 as part of the general update to the rules pertaining to the University Police Department. The revision clarifies the roles between the UPD, FS, and ICT. Verbiage was also added in anticipation of commencing the assessment of fees in fiscal year 2019, which has been anticipated to eventually become necessary and was previously authorized. Non-substantive formatting and restructuring changes were also made.

8. **New ARP 16.04 and ARP 16.05 – Safety and Security at Public/Private Events** were adopted on January 9, 2019 as part of the update to the rules pertaining to the University Police Department, and partly in response to concerns received from FIRE (Foundation for Individual Rights in Education). The rules establish the content-neutral factors by which the security fees will be set for events held on campus open to the general public and events held on campus open only to specific invitees. In the past, the application of unwritten policy led to an unfavorable perception that security fees may be based on the level of controversy generated by the same speaker or event at other institutions (known as an unconstitutional “heckler’s veto”). The new rules clarify several viewpoint neutral criteria, such as whether or not there will be alcohol served, number of expected attendees, venue size and proximity to sensitive locations, number and location of entrances and exits, whether tickets are being sold to the general public, time of day/night event is held, nature of preparation needed for the event, length of the event, anticipated number of unattended minors, street/parking lot closures and traffic control considerations, and presence of dangerous materials (e.g. fireworks).

9. **New ARP 16.78 – Mandatory Reporting for Suspected Child Abuse, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking** was adopted on January 9, 2019 to remind the university community about these reporting obligations required by state or federal law for the protection of minors and others.

10. **New ARP 16.79 – NMSU Sponsored Youth Programs** was adopted on January 9, 2019 to regulate programs offered to minors by NMSU entities. The rule formalizes the previous risk management reviews by core departments and will require the sponsoring NMSU department to register the event, obtain criminal background checks for staff members and volunteers with direct involvement with program participants and to facilitate the required training. Exceptions are also included for primary functions of the university which involve minors, such as the enrollment and participation of minors in NMSU courses or other academic programs; official recruitment and orientation activities; and attendance or presence at NMSU facilities and events open to the general public.

11. **ARP 3.25 – Discrimination, Harassment and Sexual Misconduct on Campus** was amended on January 9, 2019 to adjust restrictive timelines contained in Part 10.

12. **ARP 18.61 – Rental of NMSU Facilities for Special Events in the Pan American Center** was amended/updated on February 18, 2019 for consistency with several other facility use rules, including new Rules 16.04 and 16.05. Outdated material was deleted and/or is now covered as amended in other rules.