



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
SPECIAL MEETING MINUTES  
November 10, 2020 at 1:00pm**

Due to the public health emergency issued by the Governor, the meeting will take place online at <http://panopto.nmsu.edu/bor>

## **MINUTES**

### **A. Call to Order, Chairwoman Dina Chacón-Reitzel**

*Chairwoman Dina Chacón-Reitzel* called the meeting to order at 1:01pm.

#### **1. Confirmation of Quorum and Roll Call, Chairwoman Dina Chacón-Reitzel**

Chairwoman Dina Chacón-Reitzel asked Mr. Cavotta to confirm the quorum and take the roll call.

Mr. Cavotta proceeded with the quorum confirmation and roll call.

Regent Romero – Present

Regent Hicks – Present

Regent Sanchez – Present

Regent Devasthali – Present

Regent Chacón-Reitzel - Present

Chancellor Arvizu – Present

President Floros – Present

Vice Chancellor Johnston – Present

General Counsel Collins – Present

Senior Vice President Burke – Present

### **B. Action Items**

#### **1. NMSU Athletics - Preparing to compete in the WAC, Chancellor Dan E. Arvizu**

Chairwoman Dina Chacón-Reitzel gave the floor to Chancellor Arvizu for his presentation and introductions.

Chancellor Arvizu thanked Chairwoman Dina Chacón-Reitzel and members of the board. He started by acknowledging that everyone is living in unprecedented times. Multiple crisis, a relentless pandemic that continues to rage around everyone and for those in the community that are most vulnerable, its life threatening. Death rates increase. The resulting sadness has touched many of us, personally. Everyone has learned in the last nine months that COVID safe practices work and work best if people follow them. The community spread that's going on across New Mexico and elsewhere is in part due to people not following the known safe practices. Everyone at NMSU is focused on ensuring that everyone on campus follow these practices, wearing masks, social distancing, and practicing proper

hygiene. They have a variety of technology tools such as more testing, better therapeutics, more robust contact tracing protocols, which are much better than what they had in March. They may even see vaccines come their way, perhaps widely available, over the course of months to come, maybe early next year. They have hope that there are some solutions that are on the way. They care about their students, faculty, and staff. They're following the science and best practices. What everyone will be hearing today from our experts and health care professionals are the voices that they listened to and help guide their thinking and give the status of where they are on their campus today. They're here to talk about athletics. They consider athletics a core function of the university and would like to preserve the option to potentially compete in athletic competition. Of course, this decision will be dependent on local and external conditions. Clearly, they want to understand guidance from the NCAA and from the Western Athletic Conference and other of their authorities, which include their own state and local authorities. They're looking to find a way to engage in competition in the future in a safe way for our student athletes, athletic staff, coaches, fans, and supporters. Today they're assembled a set of representatives of the key voices that help inform this discussion. At the end of their presentations, they are seeking guidance on the creative and safest approach. They advocated to preserve the option to engage in competition, starting with basketball. This is in preparation for competition in the event that teacher conditions and circumstances will allow it to be done safely. With that as an opening context setter and moving forward with presenters, he gave the floor to President Floros.

President Floros thanked Chairwoman Dina Chacón-Reitzel and Chancellor Arvizu. He began by saying that when the university switched to an online education platform in March their first and foremost concern was the safety of our faculty, staff, and students. They transformed more than 4000 classes into the online platform within a week or two and have been improving since then. They have kept the university open throughout that time. They have learned a lot from experts and all the literature that is out there. Presently, they are doing a good job to protect faculty, staff, and students and create a safer environment within their campuses. There has not been a documented case of transmission within their classrooms and within most of their activities. There have been a few that have occurred through people living together or eating together. For the most part, they have acted as a good bubble where any transmission that comes in from the outside, they have ways to stop it because they increase testing and tracing, as well as they have places to isolate and quarantine people. They have acted as an agent to reduce transmission and provide a safer environment for all the people within the NMSU community. What everyone is talking about today is not just the health of faculty, staff, and students, but the mental health. Student athletes are a big part of who they are as NMSU Aggies. Everyone wants to help them succeed in their academic pursuit, professional pursuit, and athletic pursuit. They are creating a bubble around them. They believe in their experts who tell them it works. It's not 100% obviously and they can change the path at any given time if the situation gets worse or changes. It is a valid way forward at this point. NMSU and UNM are the only two universities that are not allowed to practice in terms of basketball and some other athletic competitions. He asked that the board consider the situation as it stands today. They do not want to go against the health order and what the state wants them to do. However, they believe, based on science, expertise and what has been seen so far that this is something that will be good for athletes, coaching staff, students, the university, alumni, donors, and friends. President Floros gave the floor to Athletic Director, Mario Moccia, who will introduce some of the guests here today.

Athletic Director Mario Moccia thanked Chairwoman Dina Chacón-Reitzel, President Floros, and members of the board. He was appreciative to some members of the men's and women's basketball team, as well as the men's basketball coach, Coach Jans, who were in attendance. As of today, 355 of 357 Division I schools can practice Division I basketball. Only at NMSU and UNM are prohibited. He

continued by laying out pertinent information and potential options for men's and women's basketball teams and take any questions. Testing results in the sport of men's and women's basketball have been exceptional. Since the NCAA began mandating test period began on August 23<sup>rd</sup>, the women's basketball team has zero positives out of 171 tests for a positivity rate of 0.0. The men's team recorded two positives out of 200 tests for a 1.0 positivity rate. Only one of those two was a student athlete. This is significantly lower than the county and the state. They have been working with Tri-core on testing. They now receive results in 24 hours instead of 72 – 96 hours with the Department of Health. They appreciate all that they have done for them. They are working with Lori McKee, the Director of the Student Health Center on contact tracing when the need arises. The NCA mandates one PCR or antigen test per week. However, they've been administering three PCR tests per week, which is the stricter of the two. In addition to these enhancing testing protocols, they continue to take all players temperatures each day and ask them a series of COVID related questions. Both men's and women's teams have been moved into, what he refers to as a bubble concept on campus, which was suggested by the state. To his knowledge they are the only team in the country who has done this. This entails all players in campus dorms one per unit, all classes moved to online, all meals delivered to their rooms, installation of a geo fence app on their phones to track players movements on campus, and the signing of a behavior pledge. Outside of basketball practices, members of the staff limit their contact to immediate family only. He reminds the board that the original plan was reviewed by Dr. Kathy Hanley, who is present today and has been a great sounding board for him. Also present, their region's professor and virologist and the former Director of the Department of Health for the state of New Mexico, Dr. Michael Landon. With that in place, they feel confident that they can safely have practice for the men's and women's team at the Pan American Center. With that being said, the next question becomes what to do when the season begins. There is 15 days until the beginning of the basketball season for both men and women's teams. They begin on November 25<sup>th</sup>.

In his opinion, they have three options and will list them as Options A, B, and C. Option C has two parts. Option A is simply to follow the plan and protocols that were approved in the Pan American Center. Option B is to follow the plans and protocols that were approved and if there is not an ability to compete in the Pan American Center, to instead compete outside the state. This plan requires us to test when returning to New Mexico, but does not require a quarantine, since we are already isolating in the bubble. He labeled this as the New Mexico United Example, that's the professional soccer team in Albuquerque. They played all matches outside of the state of New Mexico, but were allowed to practice when they returned to Albuquerque. He strictly believes that their bubble and testing protocols exceed what they had done. Option C has two parts, which is to close the bubble and do one of two things. Commute to El Paso to practice, potentially have games, and quarantine each evening after returning to Las Cruces. All games would be out of state. The second part of Option C is to completely re-locate out of the state for practice and competition totally until they are unable to return. He would label that UNM Football Example. They moved their operations to Las Vegas Nevada. They are playing home games in Nevada and away games on the road. They are not returning to the state. The mental health of student athletes is of tremendous concern. Senator Mark Morris sponsored a Pre-COVID Bill to assessed in this manner for NMSU and New Mexico, which is now needed more than ever. After speaking with various medical experts, he believes that Option A would be the best for the mental and physical well-being of their student athletes. In closing, he has confidence that this plan, as well as their student athletes' ability to carry it out.

Chairwoman Dina Chacón-Reitzel asked Athletic Director Mario Moccia to continue with the next speaker. He introduced the next speaker, Jeff Hurd who is the Commissioner Western Athletic Conference. He has been the Commissioner of the WAC for over seven years. He is the Chair of the NCAA's Playing Rule Oversight Panel. He is a member of the Division I Competition Oversight

Committee. He is the Chair of the Collegiate Commissioner's Association. That is made up of 22 conferences, which is every conference minus the football subdivision conferences. He gave the floor to Western Athletic Conference Commissioner Jeff Herd.

Western Athletic Conference Commissioner Jeff Hurd thanked Chairwoman Dina Chacón-Reitzel and members of the Board. He stated that his primary purpose is to provide background on WAC and NCA initiatives that have been in effect since late last spring and early summer in order to make practice and competition as feasible as possible in a safe environment. Last May and June, they did not know what it would be like in October and November, but they knew that they would have to be proactive as they moved forward. They recognized the need to develop a plan to address both known and projected issues, relative to COVID-19, as they moved forward for practice and competition in all sports. The first step that they did last May was develop a Medical Advisory Committee within the conference that's comprised of physicians and training staff from all nine WAC members, which is chaired by Dr. Kareem Shaarawy from Grand Canyon University and the Director of Sports Medicine, Sarah Pfau, from Seattle University. Also, an Advisory Committee is led by Dr. Brian Hainline, Chief Medical Officer at NCAA Sport Science Institute. The Advisory Committee is comprised of individuals throughout the country, numerous national groups, including the National Medical Association. In late May WAC began meeting on a weekly basis to discuss what was going on at that time and what to anticipate moving forward. Dr. Shaarawy and Ms. Pfau are chairs of that committee in conjunction with the NCAA Sport Science Institute. The committee has developed testing protocol standards for competition and comfort sports. It's a very fluid situation and has been from the beginning. Those standards that have been developed are subject to continuous review. They can be and will be adjusted for the Sport Science Institute recommendations as they move forward. From the NCAA standpoint, SSI and the committees led by Dr. Hainline have developed multiple documents with continual updates. One of those is Core Principles for Re-socialization of Collegiate Basketball. It dictates standards for the preseason, which in their definition for basketball was October 14<sup>th</sup> through November 24<sup>th</sup>, meaning the early date was when the practice could start, and the late date was the day before competition began. It developed criteria protocols for including practice, with or without scrimmages, with or without outside competition. It also developed standards for regular season play and post season play. It established another document for the guidance and recommendations for game day operations, which includes protocol for every aspect of conducting competition. This includes, not only with players coaches, but all the ancillary individuals who are involved: scorer's table, ushers in the arena, and anyone else who works a basketball game and perhaps areas that aren't known to most fans. This document came out a couple of weeks ago and is updated on a regular basis. The most recent document is on guidance and the testing of game officials. Game officials are an integral part of the game. Most of them work four or five days a week and for three, four, or five different conferences during the week. Establishing a testing protocol for them is critical as they move forward. This was a big charge for the NCA's SSI. They established an FAQ document that addresses most questions that have been brought up during the last few months. This document is updated as questions continue to arise as they head into the start of the season. Dr. Hainline provides weekly updates to the Collegiate Commercial Association. They meet three times a week to discuss various topics that are germane to everyone, but specifically relative to the medical aspects of COVID-19, how each conference throughout the country is trying to deal with it, and the type of advice that they may be receiving. Dr. Hainline spoke with the WAC's Board of Directors. He's always available for communication with him or any of their administrators. He's highly sought after. Sometimes it may take him a day to get back. He's very approachable, intelligent, and well connected throughout the medical community in the United States.

Chairwoman Dina Chacón-Reitzel asked Mr. Moccia to introduce the next presenter. Mr. Moccia

introduced Dr. Kareem Shaarawy, who is an Assistant Professor at the Barrow Sports Medicine Program of the Department of Neurology at Barrow Neurological Institute. He's board certified in Family Medicine and Sports Medicine by the American Board of Family Medicine. He's a member of the AMA, The American Medical Society for Sports Medicine, The American College of Sports Medicine, and The American Academy of Family Physicians. He's everything except an Aggie Athletic Club member. Dr. Shaarawy has worked with the Arizona Diamondbacks, Arizona State University athletes, and several major league baseball, NFL, and NBA players. He is currently the Head Team Physician for Grand Canyon University and the Chairman of The Western Athletic Conference Medical Advisory Committee. Mr. Moccia gave the floor to Dr. Shaarawy.

Dr. Shaarawy thanked Mr. Moccia for the kind introduction, having him at the meeting, and speaking on behalf of NMSU and UNM regarding NCAA athletics. He has had the privilege of being the Associate Head Team Physician for the Arizona Diamondbacks and the Associate Physician for the Phoenix Suns this year at an interesting time in sports and working with the Head of Major League Baseball and NBA with protocols specific for those two sports. They have very different protocols in how they started. Major League Baseball players were home, traveling, at home with family and friends. The NBA immediately went to a bubble system, which is very similar to what NMSU has implemented for those student athletes. What everyone saw with MLB protocols was that players were initially too free with their time and spending time in places they were told strictly not to be at. There were suspensions involved and teams not playing for multiple weeks at a time. With the NBA protocol, what everyone saw was that there were no positive tests throughout the entire bubble. When MLB saw the bubble concept, it was implemented by the MLB. Then, they had zero positive tests up until Justin Turner tested positive at the end of the season. Essentially, there were no positives in that type of system. When they look at the protocol that's been implemented by NMSU in the situation, the safety and health and safety they've taken for student athletes, they did meticulous and diligent to making sure that the protection of their student athletes come first. In comparison to the protocols that they've implemented for the WAC, they've gone above and beyond for what they've meant for the initial protocol for the Surveillance Testing Phase. The Surveillance Testing Phase is for all WAC teams will officially change next week on November 15<sup>th</sup> once they get into the official season for men's and women's basketball, which does require the three times a week testing. There is no protocol or requirement for living situations, food delivery, or any of those types of things. To Mario's point earlier, mentioning health, safety, and mental health of student athletes is extremely important. Trying to create an environment in which they still feel like they're in college while it's a much different environment is something they'd like to maintain. Some of the implementation that NMSU has taken with their basketball team has put them in a position for success and to reduce the amount of exposure that any of their student athletes may face with the virus. They don't know where the virus is taking them. He works at the busiest hospital in the state of Arizona at St. Joseph's Hospital. They see the true fruits of the disease, so to speak. At one point, Arizona was the worst place to be. They've seen it grow. When they implemented those protocols for WAC, as a community, the health and safety of kids always come first. It's always been a priority to understanding that while there are concerns for travel, putting kids into a hotel, putting kids amongst each other, they wanted to make sure that they could still provide an environment that these kids went to college for one of the main reasons, which was for athletics. That's why a lot of kids chose to go to certain universities, so they can participate in sports. They want to be able to provide that for them, not only for their commitment to their universities and going there, but their commitment to them for their health and safety. Working together with the pledges that have been implemented and the discussions that they've had across the board, not only as a conference. They met with many individuals, student athletes to discuss this with them early on. They continue to meet weekly to make sure they can protect them as much as they can, understanding that they have a desire to play.

That has been seen consistently across the country when it started with football. He's sure that they're seeing the same thing with basketball. Student athletes understand their part. They are kids at the end of the day. Everyone is prone to mistakes. The goal is to provide protocols to provide guidance for all student athletes to ensure that they can participate in a basketball season or any sports season, understanding there's a risk and everyone is 100% aware that they accept that as physicians, administrators, coaching staff, athletic trainers. At the end of the day, they come together for one goal and that is to provide the opportunity for student athletes to enjoy something they love, and everyone understands what that means. They've done their due diligence in speaking and understanding those numbers. They know that there are different environments. They have the ability to bubble students and the ability to provide services that are not out there for the community, which is one of the fortunate things about athletics. They are able to do certain things that the communities sometimes have limitations to. They continue to provide those and work with everyone. He thanked everyone. He thanked New Mexico Health Department for their work and working with colleges to ensure kids' safety. They will continue to provide that as their number goal. Number two is participation of athletics. The end goal is for everything to work together. He thanked everyone for their time.

Mr. Mario Moccia thanked Dr. Shaarawy, then introduced the next speaker, Katherine Hartson. Katherine Hartson is a student athlete. She is a senior swimmer from Littleton, Colorado. She's a Kinesiology major with a minor in chemistry. Mr. Mario Maccio tutors her semi regularly in chemistry. She has a 3.9 GPA. She is the President of the New Mexico State Student Athletic Advisory Committee (SAAC). She is the Chairwoman of SAAC for WAC.

Ms. Katherine Hartson thanked everyone for allowing her to be there. She would like to give everyone an overview of what SAAC is. She thinks that sometimes people underestimate the ability of athletics to come together as a whole. The Student Athlete Advisory Committee is a governing body that emphasizes diversity and inclusion, as well as mental health and wellness for student athletes. They want to promote the voice that they have as student athletes on their campus back to their Athletic Department, as well as the rest of their campus community. She is also the SAAC President for Western Athletic Conference. She is doing the same things for WAC, but at a higher level with all nine institutions that are represented in WAC. She would like to give everyone an overview of how student athletes feel. She had a SAAC meeting with student athletes last night to get their perspective on COVID-19 and the protocols they have to follow, as well as the way they feel about the situation. She knows that there's two things that student athletes want everyone to truly understand. First is that no matter the situation that they're in, they want to play. They understand that it's a difficult time, but they came here to be students and athletes. Obviously, there are differences in the schooling system and protocols right now. They've been extremely flexible to be able to keep going with their academics. The second is that they completely understand that COVID-19 is a pandemic and that they don't know what will happen in the next couple of months. They don't know if it's going to get better or worse. They don't want anyone to think that they don't understand that their health and safety is a number one priority for the athletic department and the institution. She knows that COVID is scary and puts people in vulnerable positions. Student athletes have been going through protocols that Mr. Moccia previously listed. For herself, she fills out a daily wellness questionnaire every single day. Even if she accidentally presses 'no,' she gets a call from her coaches and the Athletic Training Department to make sure that it was a wrong answer. She has her temperature checked before she enters the pool because she's a swimmer. Tomorrow she will be going to get her random COVID test from the department. Student Athletes are understanding of the protocols that have been put forward and they are more than willing to follow them. That's part of the reason they want to be athletes because they are extremely structured individuals. They like organization and to have a plan. The mandates

are something that they are willing to continue to follow if that means they are able to play, compete, and practice. They are one of the only states in the US currently that isn't allowing student athletes to participate in their sports at other given levels that Division I schools are performing at. It's a stressful situation for student athletes, which brings in the mental health piece of it. People underestimate that when their practice protocols are strained it puts them in situations where they are at higher risk of injury, as well as not being able to properly emphasize competition setting. Competition settings are the reason that they have practice. They want to make sure that they're able to do what they need to do in practice to be able to replicate it in a competition format. They're not able to do that when they have five or less individuals out of practice because they also have to have a coach available. It's something that puts strain on student athletes, as well as the aspect of team unity. She was speaking with student athletes last night. There are some teams who don't know the last time they've seen their entire team, which is part of the reason they came to NMSU, to be part of an Aggie family. There's something to be said about their positivity rates within the Athletic Department. She, as well as others in New Mexico sent a letter yesterday to the governor explaining their positivity rates, which are below 3%. This is amazing considering that they are in the red restriction county. She talked to a couple of men's basketball players and they also emphasize the fact that they want to play. They too understand and are willing and able to do any of the protocols that are asked of them in order to do so. She stated that she is open to questions and thanked everyone for allowing her to be there.

Mr. Moccia thanked Ms. Hartson, Chairwoman Dina Chacón-Reitzel, and members of the board. The SAAC Presidents of NMSU, ENMU, WNMU, and NM Highlands have gotten together on their own. They crafted a letter illustrating what she talked about and mailed it to the Governor's office. He introduced the next speaker, Dr. Kevin Melendez. Dr. Melendez is the Faculty Athletic Representative. Each school in the country has one. He is the liaison between the leadership and the Athletic Program. He is also an Associate Professor of Accountancy.

Dr. Melendez thanked Mr. Moccia and members of the Board to speak on behalf of the student athletes. He speaks in his role as the Faculty Athletic Representative. It is an NCAA mandated position. He reports to the President and the Chancellor. He does not report to athletics. He serves in an oversight role in a variety of different things and roles. One being in academics as a faculty member. Another being in athletics as an advocate for student athletes, especially in health and well-being. Under normal circumstances, he sees students in person during practices, so they get to know each other. He's been involved and seen the response that COVID and planning by the Athletics Department since the cancellation of the WAC Basketball Tournament in March. Since that time he has been involved in activities including, the use of the weight room, training room, academic services, practices, and competition. He is the Chair of the WAC Far Committee and received information from the conference regarding COVID Health and Safety Protocols. He receives regularly and reviews e-mails from the NCAA regarding COVID Health and Safety Protocols. All his questions have been answered quickly, openly, and honestly by Mr. Mario Moccia and Mr. Braun Cartwright. While he is not an expert, he is well informed about the current guidelines and the athletic department plan for return to competition. It is his opinion that there are two major risks posed by allowing student athletes to practice full squads and participate in competition. These risks are of the student athletes, coaches, athletic staff, and the risk to spread to the community. While risk cannot be completely eliminated it is clear to him that the plan formed by the athletic department follows current guidance and will identify any COVID cases through three times a week testing for teams that are competing, quickly isolating positive individuals, and performing contact tracing. He has no doubt that the Athletic Department is committed to the safety of all. He believes the plan adequately mitigates the risk to student athletes and assures that student athletes participate in practice and competition will

not be a source of the virus spread among the campus or the Las Cruces community. He participated in the SAAC meeting last night and met with men's and women's basketball because he wanted to hear their perspective in what should be heard. He expected to hear a lot about why they should be allowed to compete, which he did, including how practice, their teammates, and competition are a positive impact on their mental health and how important it is to them. However, what he heard mostly was about the sacrifices they are making and that they understand the responsibility that they have. As Mr. Moccia stated, the men's and women's basketball teams are in a bubble. Some of the sacrifices they relate to him are as follows. Some are simple things that are taken for granted, such as being able to get a favorite meal, having their own bed to sleep in. Other sacrifices are much more substantial. They've been displaced from their homes. They're isolating and can only interact with their team. They've sacrificed seeing family here in town, significant others, and friends that function as family. This is a significant hardship for them, but they understand the responsibility and what is being asked of them. The question is asked, why is NMSU the outlier? Why are other student athletes across the country allowed to practice, but ours aren't? These aren't ideal circumstances. It presents NMSU with an opportunity to lead and show that the university athletics department has developed a safe plan. Also, that student athletes can return to practice and competition without presenting risks to themselves, coaches, and athletic staff. Also, without causing risk of spreading to the community. Student athletes are aware of their responsibility and are making significant sacrifices to be able to compete. On behalf of the student athletes, he gave his full support on the plan that Mr. Moccia has proposed and discussed. He thanked everyone for their time.

Chairwoman Dina Chacón-Reitzel asked to proceed with questions. Regent Romero thanked Chairwoman Dina Chacón-Reitzel and everyone who presented. He stated that Dr. Shaarawy talked about from a professional level that there were bumps in the road, but once they implemented the bubble system it supported the athletes and the outcomes. Even within the system it looked like there was a hiccup at the end. It comes down to the individual approach. His question was for Ms. Hartson. He asked her to share some insight from herself as an athlete and representing athletes about how they hold each other accountable. When the bubble system is put in place it works well when it's followed and it doesn't when it's not followed. That's where it's seen that something happened and the outcome. He asked that she talk about they hold each other accountable to make sure that the system is going to be followed by all athletes.

Ms. Hartson stated that they are talking about men's and women's basketball because they are the teams that will be competing in the next couple of weeks. There are a couple of players on the zoom meeting today. They are taking their time to be on here, have an understanding, and listen to the questions being asked today is something that is impressive for them that they care about and show their presence. In her own experience, when she arrived in August, they had a Zoom meeting with the coaching staff and the athletic training staff. They told them that as student athletes, they have a responsibility to practice, be healthy, and be safe. Also, that regardless the situations that they're in, even if they have the sniffles or a sore throat in the morning it's their responsibility to take accountability for themselves and admit it. She stated that that has caught a lot of false positive cases at the beginning of the semester. Student athletes want to have an opportunity to do what they love and they're willing to make sacrifices that aren't easy. She knows that those types of situations are stressful and they have to alter their thinking. They're willing to do that because they want to show that they care about COVID and about their seasons.

Dr. Shaarawy added to her statement by saying that the WAC instituted protocols for any positive tests for student athletes. They understand where their commitment lies in this scenario in that its participation is zero or nothing. Their accountability, which has been significantly stressed, is



important because at the end of the day, while we love them to play games, their health and safety comes first. That has been implemented been Dr. Hainline in the NCAA and continued with Mr. Herd and WAC. While they understand their commitment, there is also a consequence.

President Floros added that NMSU has handled that issue from the beginning. Very early on they stated that they trust their faculty, staff, and students. Other universities chose to take a different approach in not trusting their students. NMSU trusts students to do the right thing. They've done that and the students are to be trusted. There have not been parties nor big gatherings. There is a 99% mask wearing on campus from faculty, staff and students. They're seeing things that NMSU students are willing to do, that other universities across the country don't see. The most important component is that because of their communication with their students, they understand that it's not just about their own health. It's much bigger. It's also about the health of the community, family, colleagues, the families of the colleagues, etc. They've communicated enough to students. Also, they signed a code of behavior, ethics, and contact that they expect them to do certain things. So far, the vast majority of students, including athletes, they have been following that code of contact and they're being true to what they want them to do.

Chairwoman Dina Chacón-Reitzel asked WAC Commissioner Jeff Hurd if WAC is supplementing the expense for testing for its members in the conference and if they are planning on helping with that expense. WAC Commissioner Jeff Hurd stated that they do not help with the expense during the regular season. They cover all testing expenses for game officials in all sports. They cover all testing expenses for conference championships for teams and officials.

Chancellor Arvizu thanked Commissioner Hurd and Dr. Shaarawy for their insights and great work that they do. Chairwoman Dina Chacón-Reitzel thanked them as well. She commended Ms. Hartson for her leadership.

Regent Devasthali asked Mr. Moccia for clarification that one of the options was to play in El Paso. Mr. Moccia stated that there are two parts to Option C. The first is to have a practice facility where they could practice and have games. They would travel there, go directly to the facility, then come home and isolate in their bubble. The other part would be to go out of the state somewhere completely. Regent Devasthali expressed her concern about the team traveling to El Paso because the numbers are off the charts. She doesn't feel that that should be an option. He responded that they don't have to go to El Paso. There are other places to go. He had put El Paso because that's the only place they would be able to drive and come back to stay here. UNM goes to Las Vegas, Nevada.

Chancellor asked to proceed with the next part of their presentations. Chairwoman Dina Chacón-Reitzel gave the approval. Chancellor Arvizu stated that he wanted everyone to hear about what they're doing on campus as it relates to the athletic plan and the engagement that they've had. He asked Vice Chancellor Johnston to discuss public safe practice approaches, results today, what triggers that exists for pivots, changing plans, and specific considerations that are related to athletics.

Vice Chancellor Johnston thanked Chancellor Arvizu, Chairwoman Dina Chacón-Reitzel, and the Board of Regents for the opportunity to speak to everyone. The reason she would like to talk about what they're doing is because it is comprehensive and networked. Since the pandemic they have thought about, 'what do we do to bring people back to NMSU safely. Safety has been paramount throughout faculty, staff, and students, following the missions, and making sure that they can have a return to campus. Also, as much as possible provide a collegiate experience for students. That being a full experience, not just in a classroom or online, but also activities such as athletics, band, creative media,

and everything that makes learning exciting at a university in a very difficult time. The approach that they took, which is unlike most universities, is a network. They pivoted from their Goal 4, which is building a robust university. Their infrastructure, figuring out how to make this a better place to operate and in support of their missions of teaching, research, and service. In looking at that, they saw that they are already some of those things and they looked at how to do it better as it relates to the pandemic. They quickly added some experts to what was called the Robust 4 and changed the name to Rapid Response Team. The Rapid Response Team works across the entire university system to pull all the pieces together and experts to talk about everything relevant to getting back to campus. They never closed but had to shift. They wanted to make sure that their research could continue in a safe way. They have been paying close attention to the changing health orders. What they've been doing is successful. They have a safe place where people feel safe. They have evidence that what they have been doing is safe. Several people, including Dr. Kathryn Hanley and other faculty members, have been key in providing a weekly basis with what's happening with the virus and what they need to be paying attention to. Faculty and students have come up with apps, geo fencing, cooperating with Tri-core and Electronic Caregiver. People in the community have been helpful in relation to science so that they can be on top of it, at the same time taking care of our people and facilities. Executive Director of Health and Wellness, Lori McKee, and Executive Director of Environmental Health and Safety, Dr. Katrina Doolittle, have been essential in helping them with testing. Ms. McKee's does testing every day and doing tracing to make sure it isn't coming from classrooms or labs, but from family, friends, or community. Without Aggie Health and Wellness, they wouldn't be where they are right now. Everything that anyone wants to do here has to create a safety plan, which has to be reviewed, iterated on, and changed sometimes. Aggie Vision took 2 months to get to a place they were comfortable, which includes all the safety plans that athletics have gone through such as, training rooms, weights, protocols, wearing masks, wearing face shields on top of masks, and anything that they need to do to protect athletes, coaches, trainers, and everyone who is involved with athletics and band. Band has been incredibly successful and a hallmark for NMSU in giving people some sense of excitement because it's been working and that is something we'd like to see happen with athletics as well. The other thing to mention in terms of facilities is their classrooms. They shifted 4,000 classrooms. They had to look at single classroom to make sure that it was going to be safe for people to enter and be socially distanced. They have not seen any evidence that they are getting transmission through being in the classroom. Communications have been very important. They have Town Halls that started every week and usually had up to 1,000 people viewing so they could give the latest and greatest about what has been happening with COVID, hoping to help people understand that they truly care about the safety and worried when they see the rise in cases. They constantly remind people to do all the protocols of taking personal responsibility, as Ms. Hartson said, wearing masks, social distancing, and washing hands. Every week they put out a newsletter. They update their ready plan, which the Department of Health and the Higher Education Department think they are exemplars for the state in their thoroughness and constant updating as things change. They have signage everywhere. There is signage at the ponds and individual fields. All signage with the same repeated message to take personal responsibility to take care of yourself and your community. They want to be here for their entire community. They've worked with the community to get out there and partner with them. They have signs that say, "Mask Up Aggies." They want to help each other so that they can have that community experience where we don't have the spread. Finally, she mentioned that every student had to sign a Crimson Commitment. Every faculty and staff member coming back to campus had to sign a commitment. Also, every researcher had to sign a commitment. The commitment includes self-monitoring, following all safety protocols, and being a good Aggie. She believes that people have been incredibly responsive. People want this to work. They really care about being able to further their mission. It's important to them. They are discovering things all the time. They are making the best out of COVID. Students are learning how to learn online. Faculty are

learning how to teach online. It's working and they are adapting to this very odd changing life that we're all living. Physical exercise is very important. Athletes are driven by this and can't do what they love and do it in a safe way, which they truly believe they can do. She is in total support of their students getting back to being able to practice and compete safely, if they're following all the public health orders and they're willing for them to come take a look occasionally to make sure that it's all happening. They don't want someone from the outside coming to do that. They're perfectly capable to doing that themselves. Vice Chancellor Johnston gave the floor to Dr. Hanley.

Dr. Hanley thanked everyone for the opportunity to speak and introduced herself. She is a Regions Professor of Biology, she worked at the National Institutes of Allergy and Infectious Disease. The Director of that Institute is Dr. Tony Fauci. Her experience and expertise are in emerging viruses and in control of those viruses, particularly through vaccines and development of antiviral drugs. She has 15 years of experience at NMSU working on a wide variety of emerging pathogenic viruses, including Dingo virus and Zeke virus. This isn't her first pandemic. Her team was highly instrumental in helping New Mexico Department of Health respond to the threat of Zeke, a virus and its introduction into New Mexico. She has been participating in the process of ensuring campus safety since March through meeting with a wide variety of groups. Also, she was part of the team that reached out to Tri-Core to help establish the Tri-Core Testing Facility and Branch Lab on campus. They immediately recognized the need to expand testing in the southern portion of the state and the value that would provide directly to NMSU. She feels confident in the safety of the campus and the ultimate testament to her confidence is that both of her kids are on campus today. One is in a laboratory and the other is working on campus. If she wasn't very sure that this was a safe and healthy place to be, they wouldn't be here. Also, she stated that she teaches face to face. She has many students who work for her in her laboratory. They value those experiences much more than they would have last year. They are appreciative of the opportunity to be in a classroom and in a laboratory, which helps ensure their adherence to a number of these protocols for staying safe. She feels sure that the same is true of the athletes, that they understand what used to be a given is now a privilege and that they must safeguard that privilege. She is very impressed with that. She went on to say that she has heard a lot from Mr. Moccia about his plan going forward and she believes that it can keep the athletes safe. As a scientist, she is trained to be skeptical and has thought about the flip side, 'what if we're wrong.' If they're wrong, they will know it very quickly. Because they have rapid testing, extensive testing, and that testing flows very quickly when there is an activity that is promoting infection, which there have been a few associated with peanut inspections not directly on campus, then they quickly find that out and rectify it. She thinks that's an incredibly important safeguard to the plan as well. She stated that she is happy to answer any questions. She stated that she is very involved with Tri-Core Lab, so if people have questions about that she will answer those as well.

Chancellor Arvizu stated that General Counsel is on standby if there is a need to answer questions on protocols or jurisdictions. He wanted to give the President of ASNMSU, Mathew Madrid, an opportunity to speak, then gave the floor to him. President Madrid thanked Chairwoman Chacón-Reitzel and the members of the board. He stated that he has been impressed with everything that has been said so far. He provided insight to ASNMSU, who are responsible for a large amount of student involvement and engagement events on campus, which is that students are very hungry for things that make them feel like the pandemic is elsewhere. Things that give them a sense of normality that they desperately miss. What ASNMSU has seen is that students are ready and often, miss sports the most. Given everything that has been heard today, if the student athletes are ready and if the faculty and staff are prepared and willing to trust in their student athletes, then the rest of the student body has faith in them as well. They have their full support. As Aggies, a family, and community, they are ready to go down this path. He thanked everyone for the opportunity to speak.

Chairwoman Chacón-Reitzel opened the floor for questions, then asked a question for Mr. Moccia. She started by stating that she has the same concern that Regent Devasthali has with the option of traveling to El Paso. The situation there and in Juarez with the outbreak. She stated that when she looks at all three options, after hearing Dr. Shaarawy, which she appreciated his comments and experience with professional sports, and doing her own research she feels that the bubble system is the safest thing for their students. With all the testing and the care that's given, they have more control over the environment, their students in this bubble, and on campus and the lack of positivity on campus. They're safer on the campus. There may be other locations that might be safer, but she would be concerned about the same thing about transporting students and lodging where they can't control that environment. The option of the bubble approach is the safer option and makes her feel better about student athletes. She knows that they have allowed students to go home for Thanksgiving, stay home, and take their final exams online. She asked Mr. Moccia to explain how that works for the student athletes over the holidays and so forth.

Mr. Moccia responded by stating that he agreed with her. Option A is the desired option. It's the most cost effective and safest. The questionable aspect is scheduling games when the season begins in 15 days. The lack of clarity has made it difficult to schedule a game. The Deputy Athletic Director, Braun Cartwright, is on the call. He went on to say that it is his understanding that men's and women's basketball teams will not be going home for Thanksgiving break and will remain here. The other student athletes will be going home. He gave the floor for Braun Cartwright to give his comments.

Mr. Cartwright confirmed that the men's and women's basketball players and some of the swimming team members will remain in Las Cruces over Thanksgiving break. The rest of their teams will end training this week and will be returning to their homes for Thanksgiving break. Their seasons do not begin until January.

Regent Hicks asked if there are any scheduled games. Mr. Moccia responded by stating that they have some scheduled games on the books, but they have not been released. They have two New Mexico games and two UTEP games that they have selected dates. They have an MT tournament and they will play two games. It isn't finalized in contract yet, but is in route. They had games within state, November 25<sup>th</sup> and 27<sup>th</sup>. He isn't sure if those games are still current. There are date place holders. Regent Hicks thanked Mr. Moccia for his clarification and agreed with Chairwoman Chacón-Reitzel on her concern with El Paso. She said that she feels like NMSU has control of their environment here, disinfection of all those types of things that go with the facilities and as they practice. She is uncomfortable with the option of going to El Paso.

Regent Sanchez echoed the sentiments of Regent Hicks. He is uncomfortable with their teams practicing in El Paso. He thinks Option A is the best option. Just as Dr. Melendrez and Ms. Hartson said, there's already a lot of burdens on mental health of student athletes having to isolate in taking that responsibility and commitment to go the extra mile to compete and practice. He doesn't think they need to add to that burden of being somewhere out of state or commuting to El Paso, on top of getting things done in the classroom. He feels that Option A is the safest and it's a great plan. He is wondering what kind of masks the student athletes are going to be wearing at practices or in facilities and if they're going to be provided. He doesn't want that to be a burden on students to have to buy masks themselves all the time for practice. Mr. Moccia replied that they have purchased masks for all student athletes. He asked Mr. Cartwright to comment on that as well. Mr. Cartwright confirmed that they have provided masks and have been utilizing masks since June. They've had great success with

the masks and they continue to look for different providers and better options with those masks. Regent Sanchez stated that it's important to educate student athletes on taking care of their masks in washing them regularly or using surgical masks. He asked Dr. Hanley to clarify what the difference is between the rapid test and the standard test. Also, how effective they are and timelines.

Dr. Hanley reported that the standard test is the PCR based test. That test is a probe that is put within close proximity to your brain and removed. There is a detection of genetic material of the virus. When they think about tests, they think about their sensitivity, ability to detect a true positive and their specificity, and to detect a true negative. The PCR based test is very sensitive. In the 99.9% range, whatever the test results are they are accurate. The rapid tests tend to protect the protein of the virus don't have a fantastic sensitivity, which is about 70% for better ones. This means that they're missing upwards of 25 to 30% of true positives. This is a significant concern. There's a good deal of confusion in the community about antibody tests. There is another test that can be done quickly, but what it's detecting are the molecules that a person's body produces after it's cleared the infection. What the antibody test will tell us is if you have some evidence of being previously infected. People in the community are tending to conflate that with the protein based test and not understand the implications of those two tests. What Tri-Core is offering right now is the PCR based test and the fact that athletes can get that in a 24-hour turnaround is wonderful. That's about as fast it can go. They're getting the information as quickly as it's available.

Chairwoman Chacón-Reitzel stated that student athletes will be doing the test three times a week. She asked if there is any risk to doing the test that often. Dr. Hanley reported that there are no risks to the frequency of testing. She went on to say that they are hoping to a nasal swab test, which is less uncomfortable or possibly a saliva test. They aren't comfortable going forward with those types of tests until they are 100% confident that they're as sensitive as the best possible sample.

Regent Romero asked Mr. Moccia how the adults, coaches, etc., fit into the equation and their safety. Mr. Moccia replied that in the original plan Coaches would only be commuting to their homes and their offices at Pan Am. Also, there would be enhanced testing of them and athletic trainers and managers. That would be the PCR test three times a week. This is for both men's and women's basketball teams. They have addressed any unique situations that have come up, such as single parent homes. They are in a good spot with protocols.

Chairwoman Chacón-Reitzel stated that Mr. Moccia mentioned that plan a bubble plan is cost effective. She wondered if he could delineate the costs expected between each of those options. A, B and C. Mr. Moccia stated that moving men's and women's basketball and associated staff to campuses costs them about \$2,000 a day for lodging and food. They haven't addressed the fact that student athletes are still paying rent at places they vacated and any associated costs with pets, etc. They talked about other options outside the state and potential costs. That is a big X factor. They have looked at places in Arizona and in Texas, as well as El Paso. That would be their charge very quickly to find out what facilities would be available and what the cost would be to house and feed the entire men's and women's basketball teams for an extended period of time, perhaps when the county is green again. He did not have the number and doesn't want to guesstimate. He asked Mr. Cartwright to comment on that. Mr. Cartwright stated that they are waiting on those costs from different facilities. They know what the cost of hotel rooms will look like. They've traveled roughly 60 individuals. They would have to relocate. They will have to have a facility for practice and competitions.

Regent Romero addressed Dr. Hanley by asking for specifics on what the measures they will be looking

for in terms of success or non-success and how they can keep up on that information. Dr. Hanley stated that the information on success is simple in that it's negative tests. Those individuals are testing three times a week and are in a bubble, which means that by all rights they should stay negative. If one individual becomes infected, that's leakiness in the system and she isn't too concerned about that. However, if seven basketball players are infected, then they have a big problem. The numbers of positives go to a large group who meet weekly and could meet at the drop of a hat should there be a problem that crops up so they can intervene very quickly if that were to happen. Knowing that there is that oversight of positives is important to people's assessment of the plan.

Regent Sanchez asked Mr. Moccia if there is a channel established for student athletes to opt out of the bubble in competition and practice, for example, if it gets in the way of their studies, home life, or any extenuating circumstances. Mr. Moccia answered his question in that yes, the NCAA offered an opt out clause saying that they don't feel comfortable participating, but won't lose their scholarship. There have been a few people who have opted out. It has been presented to student athletes and they have gone over it in coaches' meetings. They have let the student athletes know that in many different ways. He asked Mr. Cartwright to give that specific number. Mr. Cartwright stated that they are at 8 student athletes who have opted out across three different sports. They've had conversations with them and the Athletic Compliance Office. They've worked hand in hand with them to make sure that they understand that their scholarships will be protected if they opt out.

Chairwoman Chacón-Reitzel stated that she had a question. In thinking about the mental health of students and there are tragic stories that occur with students and student athletes across the nation, as well as adults. She asked if someone could profile the mental health status of their student athletes. Ms. McKee answered her question. She stated that mental health is a big factor at this time. The great thing about Aggie Health and Wellness is that they are an integrated health center, so they offer medical and counseling services. They have a collaborative approach and work very closely with Mr. Moccia, Mr. Cartwright, and Mr. Moreno, their head trainer. At the onsite of anyone who isn't doing well, whether it's physically or academically. They connect those dots very quickly and get those resources to students. They had a slow start to counseling last spring. Students transitioning from in person counseling, which is very intimate, to the Zoom arena. However, now it's become very comfortable and they're finding that their numbers are alarmingly large this year greatly in part because they can get that Zoom meeting and boost their confidence. Many times, it takes a lot of courage to say, 'I need to talk to someone about my mental health.' There is a lot of stigma still wrapped around mental health and not everything that you see or do is a mental health crisis. Everyone has blips on their radar where they need some assistance now and then. Being able to identify that is a normal part of any type of challenging process is what is important. Student athletes are well connected. They have resources in the community if they need a broader control. That is definitely on the radar of athletics as well as the student body as a whole. The Wellness Alcohol Violence Education Team (WAVE) through Aggie Health and Wellness Center have been doing online things the whole semester, as well as in person outdoor activities for stress management. They have been going into the dorms. They've been doing presentations for small groups of students and athletes and different programming events. She feels like, while this is a challenging time for mental health, NMSU has stepped up. They have been able to add mental health counselors to their staff in the last year. They were really prepared to meet the needs of their entire student body including their athletes. Dr. Melendrez added that it is tougher to do things in this environment. He has gotten to meet and interact with the older players because he met them before the pandemic, however, the new players not so much. It's important for them to have different ways to communicate. That is the role he plays. He is another outlet that is outside of athletics that gives them a way to reach out for

help. It is important in this bubble and it's already a stressful environment.

President Floros added that in that it is a critical question and should weigh heavily on everyone's minds. Just today staff had to deal with a suicidal student who was taken to the hospital. Everyone is suffering from mental related things at this point because this isn't normal and pretending that we're in some sort of normality doesn't go very far. He doesn't want to miss two points that were made before, one being exercise which helps physically and mentally. This is exactly what they're trying to do with their athletes. They need that exercise more than anyone else because that's what they came here for. They're very concerned about their mental health and what that would mean if they can't do what they need to do. The second part, which is what President Madrid mentioned, is that our students are looking for that can relieve the pressure, stress, anxiety, and mental anguish that everyone is going through. Athletics can provide that for them. Sports provides some sort of escape from the reality that we're all in.

Chancellor Arvizu commented that they are paying close attention to student and community health. He wants everyone to know that they recognize how challenging this environment is and that continuing to make progress on academic instruction or sports competition requires that they are more creative and innovative, then bring the new tools in as soon as they have them. They will continue to improve as time goes on. They are focused on this and will continue to get better as the toolset gets better, recognizing that they have to do this right because people's lives are at stake as well as they believe that they can continue to operate safely. He thanked all presenters. He stated that they are committed to the health and wellness of their community, specifically their student athletes.

Chairwoman Chacón-Reitzel entertained a motion on the plan that has been presented to the board. Regent Devasthali stated she would make a motion. She first stated that she is impressed by all the work that has been done to keep student athletes and the campus safe. The safest place to be is on campus and to create a bubble within the safe campus for athletes would be ideal. She stated that her motion has been drafted in consultation with General Counsel. "Because NMSU Athletics is a core aspect of the operations of the university and in the interest of the health and safety of the student athletes and related staff in the program. I move that the Board authorize the administration to the extent in compliance with any applicable public health order implement the return to athletics plan substantially as presented, subject to the Board of Regents writers anytime to modify or revoke. This authorization as that public health order requires so that our student athletes can prepare to participate in athletic competition and participate in any actual intercollegiate competition upon NMSU verification that each applicable conference official and counterpart institution has put into place, health and safety protections that are at least meet those under this authorization. And if compliance with any applicable public health order cannot be achieved under any then current return to athletics plan explore any alternative arrangement that allows NMSU student athletes safely to participate in any respective sport for which they have already invested considerable efforts."

Regent Hicks seconded the motion.

Mr. Cavotta took the roll call vote.

Regent Romero – Yes

Regent Hicks – Yes

Regent Sanchez – Yes

Regent Devasthali – Yes

Regent Chacón-Reitzel – Yes

Mr. Cavotta confirmed the 5 votes in favor. The motion passed.

**2. Adjournment, Chairwoman Dina Chacón-Reitzel at 2:43pm**

Chairwoman Chacón-Reitzel entertained a motion to adjourn the meeting. Regent Hicks made a motion. Regent Sanchez seconded the motion. The meeting adjourned

**Meeting Minutes Approved on December 2, 2020 by the New Mexico State University Board of Regents.**



Dina Chacón-Reitzel  
Board of Regents Chair



Luke Sanchez  
Board of Regents Secretary/Treasurer