

EASTERN NEW MEXICO UNIVERSITY
Board of Regents Meeting
Eastern New Mexico University - Ruidoso
Room 102
March 13, 2020 – 1:00 p.m.

CALL TO ORDER

Regent President Terry Othick called the meeting to order at 1:06 p.m. and declared a quorum. Regents Terry Othick, Dan Patterson, Joseph Gergel, and Lance Pyle were present. Regent Edwin Tatum was absent.

*Roll call: Regent Othick - Yes; Regent Patterson – Yes; Regent Gergel – Yes;
Regent Pyle – Yes; Regent Tatum – No*

APPROVE THE AGENDA

Regent Othick moved to amend the agenda by tabling Business Matter items 4 and 5 and revisiting FY21 Budget Concerns at the next meeting.

*Regent Pyle moved to approve the agenda as amended. Regent Patterson seconded the motion.
Vote: 4-0-0. Motion approved.*

APPROVAL OF MINUTES

Regent Pyle moved to approve the minutes of January 23, 2020, as presented. Regent Gergel seconded. Vote: 4-0-0. Motion approved.

REPORT FROM THE PRESIDENT OF THE BOARD

Regent President Terry Othick thanked the Ruidoso campus for their generous hospitality. He said that he has been watching the Covid 19 situation unfold world-wide and has seen how ENMU has responded and addressed questions, concerns and become prepared for the next several weeks. Regent Othick said that we must be compassionate, understanding and flexible as we await the new normal.

REPORT FROM THE ENMU-RUIDOSO PRESIDENT

Dr. Ryan Carstens welcome everyone to paradise. He reported that their foundation is preparing for the AIM HIGH fundraiser event which has been successful in pulling in local business volunteers.

Dr. Carstens said that they are nearing the completion of the retaining wall and roof as part of the first phase of their Nexus project. Formal paperwork for phase two of this project will be forthcoming.

Dr. Carstens reported that they have recently hired an Apprenticeship Coordinator and expects great outcomes from this new person. Also, a new voice system has been installed with new vanity numbers. Fax functions have been transitioned from analog to an eFax service.

Dr. Carstens said that they are engaged in efforts to rename the shopping area around their campus, “College Square.” In addition, they are exploring different signage options.

Dr. Carstens provided highlights about various events taking place on the campus, including the recent Phi Theta Kappa conference they hosted last weekend, an upcoming writing contest and the Spring Theatre Showcase. The theatre production is scheduled for April 20, which is past the window of concern.

Dr. Carstens discussed preliminary plans for how they would deal with the virus situation and the fact that some courses cannot easily go on-line or hybrid. An announcement has been posted today extending spring break but they are asking faculty to return Monday. All efforts will be made to help students complete their coursework for the semester.

Dr. Carstens expressed concern for some employees who have not yet had the ability to opt into the leave bank and will be working to find the best way to handle this situation. Mr. Smart said that Portales campus will handle campus closures much in the same as we do for snow days. The main objective being that no one be harmed from a financial perspective. He further discussed ways that Financial Aid will be working toward helping students receive their work study funds so that they will be able to finish the semester without being financially harmed.

REPORT FROM THE ENMU-ROSWELL PRESIDENT

Dr. Shawn Powell stated that the Higher Learning Commission Council has canceled their conference and the March 23-24 site visit to the Roswell campus will now be a virtual visit.

Dr. Powell reported that they will receive a total of \$3.03 million from the actions of the Legislative Session which includes the General Obligation Bond. Employees will receive a 4% raise of which they will be responsible for 30% of the fringe benefits which totals \$135K.

Dr. Powell said that there have been numerous presentations on campus which included a presentation from the New Mexico Department of Health that was open to the community. In addition, webinars have been held that extended to the Roswell Independent School District and the Chaves County emergency managers. An announcement was made today stating that ENMU-Roswell will follow the same protocols as the Portales campus in terms of extending the length of spring break. Employees experiencing childcare or other issues will visit with their individual supervisors for consideration.

Dr. Powell said that he has visited with General Grizzle at NMMI and as of now the Foundation Golf Tournament is still planned for April 4, but is subject to change. In addition to scholarship funding, the Foundation has given \$35K toward other campus activities, which includes \$5K for the veterans center, \$20K for academic equipment, \$1K to each of the senates and \$2K to the activities committee. The Foundation has also supported the grants given from the President's Office.

Dr. Powell reported that there are numerous RFP's out which include strategic enrollment management planning, theatre upgrades, architecture and engineering for sanitary and sewer piping and restroom upgrades and updated emergency procedures.

Dr. Powell said their Human Resource Office will have the compensation study finalized in April. They are also in the midst of the national Great Colleges to Work survey that is administered by a national firm that compares national and regional benchmarks and provides great feedback opportunities.

Announcement by Regent Joseph Gergel

Regent Joseph Gergel said that as all are aware, he received his Regent appointment on March 2, 2019 and was confirmed by the New Mexico Senate to be on the board for a term ending in December 2020. He understands that there has been some confusion and speculation about when his term would actually end since he will graduate in May 2020. He has spoken with Melissa Salazar in the Governor's Office who has confirmed that he may continue his term in its full completion in December 2020 as was originally stated.

Regent Gergel says he plans to work with Dr. Long and Student Government through the next semester to help with recruiting candidates for the Student Regent position.

Regent Othick said that this is great news and that Regent Gergel has been a tremendous asset to the board.

REPORT FROM THE CHANCELLOR OF THE UNIVERSITY SYSTEM

Dr. Jeff Elwell reported that we are following advise from New Mexico and Federal sources regarding the coronavirus. We have extended spring break for an additional week to allow faculty to return and get all courses online. Currently, 51% of courses are taught online and this next week, our more experienced faculty will be assisting others to get their courses on Blackboard. There are also a few students who have no online experience and they will need assistance. In addition, Mr. Clark Elswick and his ITS team is looking into provided equipment to employees who may become symptomatic or have other situations that require them to work from home. Mr. Scott Smart added that measures have been taken to provide payroll employees with equipment so that the payroll process will not be interrupted if personnel must self-quarantine.

Dr. Elwell said he participated in a conference call yesterday with the presidents of the Lone Star Conference. Decisions are being made to cancel championships, some leagues have cancelled all competitions for the spring, and some leagues are still practicing. The NCAA controls the championships, the conferences control the contests and individual schools control weight training and practices. Some schools have chosen to cancel all spring games, recruiting and weight training. Presently, the Lone Star Conference is leaving those decisions up to each individual institution, however they have postponed all further competitions until March 30.

Dr. Elwell reported that ENMU fared well at the Legislative session. We received \$1.2 million in compensation and with the \$53K savings on our bond we will be able to give a 4% across the board raises to all employees. We received \$1.65 million in new money with thanks to Senators John Aurthor Smith and Stuart Ingle who pointed out the great inequity ENMU has endured for which we received an additional \$700K supplemental appropriation. We also received \$1.28 million in capital outlay from severance tax bonds and \$8 million in the GO Bond which could go toward the Roosevelt Science Center. Regent Patterson posed a question as to whether this pay increase is mandated as 4% across the board or as a percentage. Dr. Elwell clarified that measures are not in place for performance pay but that all employees will receive a 4% increase plus an addition \$1K to all employees making less than \$30K.

Regent Lance Pyle asked if there has been any consideration for going to a merit pay system. Dr. Caldwell advised that a merit pay system would require an additional overlay of performance evaluations that have not been implemented.

BUSINESS MATTERS

Consent Agenda

Property Disposition (Mr. Scott Smart, Action)
New Associate of Science Degree in Elementary Education Option within the Teacher Education Program, Roswell (Dr. Shawn Powell, Action)
New Associate of Science Degree in Secondary Education Option within the Teacher Education Program, Roswell (Dr. Shawn Powell, Action)
Computer and Network Cyber Security Program Deactivation, Roswell (Dr. Shawn Powell, Action)
Medical Coding Specialist Program Deactivation, Roswell (Dr. Shawn Powell, Action)
New Mexico Youth ChalleNge Training Program – Phlebotomy Deactivation, Roswell (Dr. Shawn Powell, Action)
Engineering and Design Technology – Surveying Deactivation, Roswell (Dr. Shawn Powell, Action)

Regent Patterson moved to approve the consent agenda as presented. Regent Pyle seconded the motion. Vote: 4-0-0. Motion approved.

Other Items

1. Faculty Tenure – Samuel M. Chaves, Roswell

Dr. Powell stated that Mr. Chaves, faculty member in the Occupational Therapy Assistant program has met all of the requirements for tenure according to the Faculty Handbook and recommended that tenure be granted.

Based on Dr. Powell's recommendation and agreement by Dr. Elwell, the Board of Regents concurred that Mr. Samuel M. Chaves be granted tenure.

Regent Othick offered his congratulations on behalf of the board.

2. Summer 2020 NMHED Capital Outlay Hearing, Roswell

Dr. Powell said information has been presented in previous meetings with regard to requests for capital outlay funds for replacing and repairing the sewer and sanitation piping and restroom renovations in several campus buildings. Also covered in earlier presentations were the Aviation Maintenance Technology Center and Physical Education Center, Performing Arts Center, Instructional Center and College Services Center with an estimated cost of \$3.3 million. He said there were also requests for capital outlay funds to replace two cooling towers, four boilers and ten variable frequency drives estimated at \$483K. All of these projects are in the Facility Master Plan, approved by the Community College Board and Board of Regents. These projects were not provided for from the 2020 legislative session and will be presented at the 2020 summer NMHED capital project hearing.

3. Amendments to Policies

Dr. Patrice Caldwell presented several system and individual campus policies that have been amended, reviewed by the University attorneys, Core Staff and University Council.

System Policies

- 15-2 - Removed statements that pertain specifically to the Portales campus
- 30-6 - Added section 2d, discussed fraternization as it interrupts the function of the department.
- 35-3 - Addressed issues raised by Business Office when staff relocate. The state prefers payment versus reimbursement. It was requested by Regent Patterson that this policy be tabled and discussed at a future meeting.
- 40-8 - Language changed pertaining to tuition waivers to reflect eligibility to “regular” employees.
- 55-1 - Provision for paying for advisory board meals.
- 60-4 - Modified language pertaining to the approval of software purchases.
- 65-10 - System language added.
- 70-4 - Language added to provide campus oversight. Regent Patterson requested that this policy be tabled and discussed at a future meeting.
- 70 -7 - System language added.
- 80-21 - System language added.

Individual Campus Policies

- 15-3 - Included the definition of constituencies on the Portales campus.
- 20.4 - Withdrawl of an ENMU-Roswell policy.
- 35-2 - Clarified “blue curb” parking on the Portales campus.
- 45-1 - Clarified the use of Portales campus facilities.
- 65-4 - Combines two policies to include all forms of publications.

Regent Pyle moved to approve the policy amendments as amended. Policies 35-3 and 70-7 were tabled and will be brought back for review at a future meeting. Regent Patterson seconded the motion. Vote: 4-0-0. Motion approved.

REGENT MATTERS
Information Only

Regent Dan Patterson

Opportunity Scholarship

Regent Patterson stated that there are ongoing developments on this topic and this matter will be discussed at a future meeting.

Dr. Jeff Elwell

Administrator Succession Plans

Dr. Elwell said that he was asked by the Regents to submit succession plans by the end of the first quarter. He and Mr. Smart have met over the Business Office Controller position, who is the key person for developing the University’s financial statements. The current Controller has submitted her intention to retire in 2021 and a person will need to be hired to allow for a training period before she leaves. This hiring will require that we pay two employees in the same position for this time period. Regent Othick stated that this is a necessary hire and supports this move.

Dr. Elwell said that he has further tasked the vice president’s to research their own succession plans.

Dr. Elwell said that he is withdrawing his desire for the extension of his contract and will complete his existing contract that ends June 30, 2021. He further stated that he appreciates having been given the opportunity to serve as both Chancellor and President of Eastern New Mexico University. He read a prepared statement to the board and concluded that he will continue to do his best to help the wonderful students achieve success and also achieve the goals the Regents have laid out for him.

Dr. Patrice Caldwell

Recommendations to University Naming Policy

Dr. Caldwell said that she has worked with Noelle Bartl to carefully review documents from peer and near-peer institutions. They have concluded that there are some gaps in the policy, namely and most critically, the receipt of a gift prior to any naming opportunity. Such language does not exist in the current policy. Modifications to this policy would reflect a requirement that a gift be at least 70% of construction costs and that pledged money be received within a certain amount of time and most importantly, that the gift be irrevocable.

Dr. Caldwell said that depreciation of a gift over a period of time should be considered. She recommended that the Regents review a draft of the revised policy before it goes any further.

Mr. Scott Smart

Decision on Solar Array Location

Mr. Smart provided information to the Regents that would use the Zeta location rather than the area north of the University house. He did point out that the property available behind the home is twice the size of the Zeta location.

Regent Othick said that his primary concern was the proximity of the array to the University Home. He said that the provided information will be taken into consideration and the Regents will vote on this at a later date.

ACTION ITEMS

1. Build, Remodel or Purchase: University House

Regent Terry Othick said that they have been pursuing the best options for the University Home for two years with architects, Dekkar, Perich and Sabatinni. The scope and size of the project has not been increased, in fact, has been decreased in terms of the number of rooms and square footage. Despite the reductions the price has increased. The initial \$650 received from the legislature, plus the \$250K gift from the Foundation would still not be enough to cover the full project. In addition, there is the concern of what to do with the existing home if a new one is built.

Regent Othick explained that the appropriation given from the legislature was for new construction. Senator Stuart Ingle was able to get the language changed at this year's session to allow for a remodel, new construction or the purchase of a new property. A contractor has been consulted and it has been determined that the current structure can be remodeled. With that, he made the recommendation that we attain the services of a designer and remodel the existing home. He stated that the budget can be managed much more easily this way.

beginning with the infrastructure and then move forward on the meeting room and other needed updates. Overall, this plan would allow for better cost control.

Regents Patterson and Pyle agreed with the concept of remodeling the existing home and recommended bringing in our Physical Plant personnel on the project. Mr. Smart agreed and added that this project would take every bit of 15-months to bring this project to fruition. Regent Othick added that the Architect Committee could provide oversight on design decisions.

Regent Othick lead discussion on terminating the contract with the architecture firm. Regent Pyle voiced some displeasure with the current firm and suggested the need to pursue a different option.

Regent Othick motioned to acquire the services of a designer/architectural firm and general contractor to work with the Architectural Committee and ENMU Facilities (Physical Plant) to prepare a budget and schedule to renovate the current President's residence on the Portales campus. In addition, the contract with the current architectural firm will be terminated. Regent Patterson seconded the motion. Vote: 4-0-0. Motion Approved.

2. Chancellor and Spouse Travel

Regent Othick said that Regent Lance Pyle has a statement he wishes to present regarding the Chancellor and spouse travel policy. Regent Pyle said that this has been an open issue for almost a year and the resolution should be simple and needs to be addressed today. Regent Pyle stated, *"The Chancellor needs to be treated the same as any other governmental employee and comply with State Statute and University Policy. Travel overages should not be allowed, State Statute should be complied with and this will prevent any perception of misuse of public funds even if the Foundation or someone reimburses or pays for the expenses. We have received numerous complaints and had an internal audit review conducted and this has to be addressed. Having said that, I move that ALL Chancellor travel reimbursements and expenses comply with State Statute and that actual travel expenses be supported with detailed, itemized receipts; that hotel rates are at the best available government rate and meal reimbursements be the same as other ENMU employees and follow University Policy. If no itemized receipts are provided, then per diem be paid pursuant to policy. In addition, all out-of-state overnight travel by the Chancellor has to be preapproved by the board chair in a public meeting with justification on University need/purpose. No spouse reimbursements for travel or meals without justification on the University need/benefit and must be submitted for prior approval of the Board of Regents in a public meeting. On entertainment expenses; detailed receipts must be accompanied to include documented reason for, who attended and Chancellor expenses will be only be reimbursed pursuant to State Statute limits unless otherwise approved by the Board of Regents."*

Regent Othick called for discussion and Mr. Smart agreed that this meets the University's expectations. Regent Othick reiterated that they want to be cautious that what goes into affect will apply to any president. This is a complicated matter due to the nature of the President's job at the legislature and entertaining donors. Furthermore, it is the desire of the board, that the presidents be given the latitude to do their jobs but at the same time stay within the

mandates of state law. Dr. Carsten posed questions about the feasibility of having presidential travel approved. Regent Pyle responded that it is a matter of planning and could easily be brought to the board President or to the monthly board meetings. Regent Patterson interjected that he does not disagree with this recommendation but would like to see it in writing and be able to study it before taking steps to approve this language. Mr. Smart added that this is essentially already in place, with the exception of spousal reimbursement.

Dr. Powell commented that there will be events that arise that require a President to travel with very little notice. He listed various sporting events, required meetings for accreditations and impromptu legislative meetings. Ms. Jessica Small stated that the only addition to policy would be the preapproval from the board and referenced 35-1. Mr. Smart agreed that the policy is in place, it is the procedure piece that needs further clarity.

Regent Pyle agreed that altering the previous language to clarify that prior approval of presidential travel would be required from the board chair or Board of Regents, is in order. Dr. Caldwell was asked to give her input. She said that concerns were presented by two of the constituencies who did not agree on the exception. She said that by removing the exception and constructing a different policy, possibly called "Presidential Travel," that would apply specifically to the President with the previously mentioned language would be advisable. This would separate presidential travel from employee travel. Policy as it is written works well for employees but not for the Chancellor. Regent Pyle said that this language could be put in employment agreements for the Chancellor and branch campus Presidents.

Regent Othick recapped the discussion by saying that adding this language to employment contracts would eliminate the need to rewrite current policy. He asked the branch campus Presidents if they were in agreement with this proposal and both affirmed this decision. Regent Othick confirmed that the addition of approval language be added to the pre-stated motion.

Regent Pyle made motion to add the following language to the contracts of the System Chancellor and University branch Campus Presidents, "ALL Chancellor travel reimbursements and expenses comply with State Statute and that actual travel expenses be supported with detailed, itemized receipts; that hotel rates are at the best available government rate and meal reimbursements be the same as other ENMU employees and follow University Policy. If no itemized receipts are provided, then per diem be paid pursuant to policy. In addition, all out-of-state overnight travel by the Chancellor has to be preapproved by the board chair in a public held meeting with justification on University need/purpose. No spouse reimbursements for travel or meals without justification on the University need/benefit and must be submitted for prior approval of the Board of Regents in a public meeting. On entertainment expenses; detailed receipts must be accompanied to include documented reason for, who attended and Chancellor expenses will be only be reimbursed pursuant to State Statute limits unless otherwise approved by the Board of Regents." Regent Gergel seconded the motion. VOTE: 3-1-0. Regent Patterson voted "No."

EXECUTIVE SESSION

Regent Patterson moved to enter executive session at 4:18 p.m. to discuss two limited personnel matters pursuant to Section 10-15-1(H)(2), NMSA (1978) and one matter pertaining to a threatened or pending litigation matter involving the University pursuant to Section 10-15-1(H)(7), NMSA (1978). Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

Roll call: Regent Othick – Yes; Regent Patterson – Yes; Regent Gergel – Yes; Regent Pyle – Yes; Regent Tatum – No.

Regent Gergel moved to return to open session at 5:04 p.m. Regent Patterson seconded the motion. Vote: 4-0-0. Motion approved.

Regent Othick reported that two personnel matters, and one matter pertaining to a threatened or pending litigation was discussed. No actions were taken.

ADJOURNMENT

Regent Patterson moved to adjourn the meeting at 5:05 p.m. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.



President of the Board



Secretary of the Board

*Minutes recorded and transcribed by Karen Van Ruiten
Executive Secretary to the President and Board of Regents*