

EASTERN NEW MEXICO UNIVERSITY
Virtual Board of Regents Meeting
Eastern New Mexico University - Portales
Administration Building – Regents Room
September 25, 2020 – 9:30 a.m.

CALL TO ORDER

Regent President Terry Othick called the meeting to order at 9:42 a.m. and declared a quorum. Regent Dan Patterson was physically present, and Terry Othick, Lance Pyle, and Edwin Tatum were present virtually. Regent Gergel was not present

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

APPROVE THE AGENDA

Regent Othick moved to amend the agenda by moving Athletic Director’s informational presentation to the second item of other business and the ENMU-Roswell Nursing program recognition to an earlier time on the agenda.

Regent Tatum moved to approve the re-ordered agenda. Regent Pyle seconded the motion. Vote: 4-0-0. Motion approved.

APPROVAL OF MINUTES

Regent Pyle moved to approve the minutes of June 26, 2020, July 24, 2020, and August 12, 2020, as presented. Regent Tatum seconded. Vote: 4-0-0. Motion approved.

REPORT FROM THE PRESIDENT OF THE BOARD

Regent Terry Othick welcomed everyone to the meeting and commented on how much our state and nation has changed since March. We must evaluate how these changes affect ENMU. We must scrutinize the effects of COVID-19 and determine whether current enrollment numbers reflect current circumstances or a new trend that could threaten the sustainability of the University. We must consider how to safely bring students and athletes back to campus without experiencing an increase in positive cases of the virus.

Regent Othick said that he has heard from various faculty and staff, some who enjoy working from home, and some anxious to return to campus. We must follow scientists’ advice and not take shortcuts to rush back to a version of normalcy. He encouraged us to keep the health and safety of our faculty, staff, students, and community our number one goal as we move forward.

REPORT FROM THE ENMU-ROSWELL PRESIDENT

Dr. Shawn Powell said that they are currently in Phase One of the return-to-campus plan and are following the New Mexico Public Health order.

Dr. Powell reported that they are administering a Real College survey that is sponsored by the Gates Foundation to assess student employment, finances, food insecurity, homelessness, childcare affordability, utilization of public benefits, and utilization of campus programs to assist with future operational planning. They have been able to provide assistance to support students’ basic needs through funding from the CARES Act as a Hispanic Serving Institution. Applications for these funds are reviewed in the Financial Aid office. There will be additional financial awards during October and November.

Dr. Powell stated that he received a call from the U.S. Department of Education indicating the award of a seven-year Gear Up grant for \$11 million, which will go into effect October 1. They have also received a Title V Guided Pathways grant of \$3 million and the renewal of for their TRIO – Student Support Services grant for five years with an award of \$1.3 million.

Dr. Powell reported that the September 21 Higher Learning Commission site visit went well. He will receive a draft of the final report next week.

Lastly, Dr. Powell stated that the Foundation Golf Tournament is scheduled for October 17 at the NMMI Golf Course. Also, thanks to the work of Donna Oracion and Jacob Puckett, weekly Facebook Live sessions take place each Tuesday at 11 a.m., providing updates on campus operations.

REPORT FROM THE ENMU-RUIDOSO PRESIDENT

Mr. Ryan Trosper thanked the Regents for their confidence in him and the opportunity to serve as President. He thanked Roswell and Ruidoso staff for their collaboration between campuses.

Mr. Trosper gave an update on the progress of the Nexus Construction project and said that the anticipated completion date is April 2021. This project was funded from the successful local bond passage in November 2019.

Mr. Trosper reported that they have joined in a partnership with the Village of Ruidoso to host a radio program called “Mountain Air” on KRUI AM 1490 that provides informational programming on the happenings of the college.

Mr. Trosper said they continue to promote Bond C through local resolutions and postcard mailings to all Lincoln County residents.

REPORT FROM THE INTERIM CHANCELLOR OF THE ENMU SYSTEM

Dr. Patrice Caldwell reported on the events of the first-ever virtual Homecoming, which included a series of lectures, theatre and musical productions, videos, interviews, events that connect alums, the community, and the campus. The first virtual bingo game took place last evening and was a huge success. A big thanks to KENW, Campus Life, Alumni Affairs, faculty, staff, and Communication Services for their innovative efforts.

Dr. Caldwell commented that this is a difficult time in our state but attributes the enrollment of 5,260 students to our faculty and staff who have stepped up in supporting students who may have otherwise decided to sit out a year. The *College Board Report* on in-state and out-of-state tuition costs in the southwest listed ENMU as the #1 least expensive university for out of state tuition and #6 for in-state tuition, edged out by New Mexico Highlands who ranked as #4.

Dr. Caldwell said that the promotion of the GO Bond is underway and includes banners around campus and in the community, postcard mailings to Foundation members and alumni, as well as informative speaking engagements with local civic organizations.

Dr. Caldwell reported on the anticipation of 3-5% budget cuts for FY22. The campus will pursue efficiencies and effectiveness reviews, and Academic Affairs will conduct program flagging studies to assess program viability. Academic support units will use a unit efficiency assessment to evaluate full-time and part-time employees, budget trend data, and changes to unit responsibilities to see where economies or improvements might be possible.

BUSINESS MATTERS

Consent Agenda

1. Budget Adjustment Request, Portales (*Mr. Scott Smart, Action*)
2. 2019-2020 Report of Actuals, Portales (*Mr. Scott Smart, Information Only*)
3. Summer 2020 Graduation List, Portales (*Mr. Clark Elswick, Action*)
4. Budget Adjustment Request, Roswell (*Dr. Shawn Powell, Action*)
5. 2019-2020 Report of Actuals, Roswell (*Dr. Shawn Powell, Information Only*)
6. Summer 2020 Graduation List, Roswell (*Dr. Shawn Powell, Action*)
7. Budget Adjustment Request, Ruidoso (*Mr. Ryan Trosper, Action*)
8. 2019-2020 Report of Actuals, Ruidoso (*Mr. Ryan Trosper, Information Only*)

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

Regent Tatum lost connection.

Other Items

1. Formal Recognition of the ENMU-Roswell Nursing Program

Regent Othick recognized the Roswell Nursing Program and read the letter recognizing their high achievement. Nursing faculty Laurie Jensen and Rachel Conover, thanked the Regents for honoring their program and students for rising to the challenge of becoming number one in the state

2. Resolution Recognizing Emeritus President Dr. Steven Gamble

Dr. Patrice Caldwell read a resolution recognizing Emeritus President Dr. Steven Gamble, the ninth President of ENMU from 2001 - 2017 for his contributions as Special Assistant to the President for three additional years. The resolution outlined Dr. Gamble's expertise with the GO Bond campaigns and his service as interim President at ENMU-Roswell during its transition into the new presidency of Dr. Shawn Powell.

The Regents extended their gratitude to Dr. Gamble for his years of services and recognized his ability to make valuable connections with people. They classified him as a great leader and an outstanding individual.

Regent Patterson moved to approve the resolution recognizing emeritus president Dr. Steven Gamble, as presented. Regent Pyle seconded the motion. Regent Tatum lost connection to the meeting. Vote: 3-0-0. Motion approved.

Regent Tatum returned to the meeting.

3. Update on the Goals and Plans for the Athletic Department

Mr. Matt Billings said that it is the Athletic Department's priority to return student-athletes to campus. They are working with the guidelines set by the NCAA and the state to schedule and complete program seasons January through May 2021. COVID-19 testing guidelines require weekly testing of athletes and coaches, around 5,000 tests from now through May. They are currently looking for testing equipment and estimate that it will require \$200k to get them through May. Coaches have clearly outlined the expectations of their team members and will be vigilant in monitoring them.

Regent Lance Pyle asked where the testing and funding was coming from and about the specific requirements from the NCAA. Mr. Billings responded that the cost of each test

would be approximately \$35 and hopes that CARES Act monies will help offset these costs. Regent Pyle asked if there is a timeline in place to have testing available. Mr. Billings responded that they want to have testing available in mid-October and will be working with Dr. Sievers on training staff for certification requirements. At this time, a definitive date when testing will begin cannot be set until testing protocols and supplies are in place.

Regent Edwin Tatum asked what Lone Star Conference schools are waiting to bring back student-athletes. Mr. Billings believes that ENMU is the only school that has not brought their athletes back. He further stated that the most pressing date is mid or late December for our first basketball game, which will require several weeks of conditioning.

Regent Othick posed questions about the logistics of returning athletes to campus in terms of housing and food service. Mr. Billings said that planning is underway for these services.

4. Return Student-Athletes to Campus, Portales

Mr. Charles Bennett thanked the Regents on behalf of the Greyhound Club for the opportunity to speak and hopes to expedite efforts to bring student-athletes back to campus. He read a letter written by Portales High School Athletic Director, Mark Gallegos. The letter outlined how Portales High School has moved forward with their athletic program operations while adhering to health mandates from the state. He also referenced statements made by Dr. Mark Moore, M.D., and Sally Marquez, Director of NMAA, regarding the increase in mental health issues and suicide rates among our youth and the dire need to return to a state of normalcy.

The Regents deliberated on several crucial aspects involved in returning athletes and students to campus. Regent Joseph Gergel commented that it would seem inequitable to bring student-athletes back without allowing other groups back, such as music, band, student government, etc.

Regents Patterson and Pyle agreed that this is a matter that must be handled by the Athletic Director and University President, and they will rely on their expertise to make the right decision. Regent Patterson asked for Dr. Caldwell to voice her position on this matter.

Dr. Caldwell said that the best intentions are at the heart of this decision and that there have been many shifts in the directives from the Governor and the NCAA. There is a unique partnership with the administration, coaches, students, and community, and they will work toward a common goal of bringing athletes as well as other students back within the required safety parameters they feel most prudent.

Regent Othick recommended that this action item be tabled and that a committee be formed address these issues. Mr. Bennett agreed and said that he welcomes the opportunity to serve on such a committee.

Regent Patterson moved to have Mr. Matt Billings, Dr. Caldwell, and Mr. Bennett work together toward bringing student-athletes back to campus. Regent Pyle seconded the motion.

Regent Tatum asked to table this motion so that the newly formed committee may bring back a recommendation to the next meeting. Regent Patterson withdrew his motion.

Regent Tatum moved to table the approval of bringing student-athletes back to campus. A complete recommendation will be made at the next meeting. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

Regent Gergel exited the meeting.

5. Automotive/Welding Renovation and Physical Plant Building, Roswell

Dr. Powell introduced Tony Major, Matt McKim of Dekker, Perich, & Sabatini; and Barbi Towne of Bradbury Stamm – all of whom are working different aspects of the project. The project's costs are \$11 million, which includes 4.7% in contingencies. In addition, there is a 4.81% cost increase over the previously approved total of \$10.5 million due to actual bids from subcontractors that exceeded original estimates. These bids are being secured by the CMAR instead of construction estimates.

Regent Patterson asked for an explanation for the cost overage. Ms. Towne responded that it is due to the boom in construction and the capacity of subcontractors. These contractors are primarily coming from the Las Cruces, Albuquerque, and Clovis.

Regent Tatum moved to accept the Automotive/Welding and Physical Plant building renovation plan as presented. Regent Patterson seconded the motion. Vote: 4-0-0. Motion approved.

6. 2021 Legislative Session Capital Outlay Requests, Roswell

Pending the availability of capital funds, Dr. Shawn Powell said Roswell will pursue adding equipment for their Health Education Program, Technical Education Automotive Technician Program, Technical Education Welding Program, and Arts and Science laboratories at a total of \$234,000.

Regent Pyle moved to approve the 2021 Legislative Session Capital Outlay Requests as presented. Regent Tatum seconded the motion. Vote: 4-0-0. Motion approved.

7. HLC Site Visit, Roswell

Dr. Shawn Powell reported on the Higher Learning Commission's onsite follow-up visit, which took place September 21-22. The U.S. Department of Education required a face-to-face verification visit and will send a draft report of their findings next week. The next onsite visit will take place in October 2021.

8. Tenure Recommendation – Dr. Shiva Rai, Ruidoso

Mr. Ryan Trosper outlined the accomplishments of Dr. Shiva Rai, a member of their math faculty who provides a rigorous program for their students. He is student-oriented, skilled in providing an asynchronous learning environment, and an outstanding faculty member worthy of tenure.

Regent Othick said he has heard great things about Dr. Rai and asked Mr. Trosper to pass along the Regents' congratulations.

9. Sale of Blackwater Draw Football Stadium, Portales

Mr. Scott Smart said that there had been an agreement for the purchase of Blackwater Draw football stadium and the 24 surrounding acres for \$25,500. There will not be any impact on academic research, KENW, or the shooting range.

Regent Pyle moved to approve the sale of the Blackwater Draw Football Stadium for \$25,500 as presented. Regent Tatum seconded the motion. Vote: 4-0-0. Motion approved.

10. Amendments to Policies and Committee Removals, Portales

Dr. Marshall Swafford provided recommendations for policy amendments endorsed by University Council. This includes the dissolution of the Support Handbook and Professional Handbook Committees.

- 20-2 Code of Conduct: This policy was tabled at the May 8, 2020 Regents' Meeting. After consultation with the University attorney, language was changed as it pertains to Section 2.A, "Gratuity," 2.C, and the last sentence of Section 5.
- 45-1 System Facilities Use: System language was added at the request of the branch campuses at the March 2020 meeting.
- 45-2 Property Management: This policy was tabled at the May 8, 2020 meeting. Language was added to Sections 2.G and 3.B to clarify how incidents of loss, damage, or theft would be handled.
- 80-12 Title IX: Language was added to Section 17.E as it pertains to the timeframe in which an investigation is conducted. Also, Section 17.F involving the coordination of appropriate administrators.
- 80-19 Protection of Children and Vulnerable Adults: Language was added to apply this policy system-wide.
- 70-9 Tailgating at Sporting Events (Portales): Clarification was made to this policy to reflect that this pertains only to the Portales campus. Also, language was removed from Section 2.D as it relates to the event ticket requirement.
- 80-1 Loss Prevention: It was requested that this policy be tabled due to personnel changes. Once a new Safety Officer is in place, this policy will be reviewed.
- 80-14 Protection of Human Subjects: Dr. Laurenz requested that this policy be vacated as it is not an institutional policy but rather an Academic Policy. He would like to see an overarching policy developed that would be brought to the Regents in the spring.
- Dissolution of Support Handbook and Handbook Committees: With the merging of the Support and Professional Handbooks, the constituency handbook committees will be dissolved and a new, joint committee created.

Regent Patterson moved to approve the amendments to policies and committee removals, as presented. Regent Tatum seconded the motion. Vote: 4-0-0. Motion approved.

11. Report of Independent Validation of Internal Audit's Quality Assurance and Improvement Program, Portales

International Standards for the Professional Practice of Internal Auditing requires that an assessment be conducted every five years. Ms. Jessica Small provided an overview of this assessment was presented to the Audit and Finance Committee in June. Results from this study found her to be fully compliant with all standards except two, in which she was found to be in partial compliance. The Regents noted this was an excellent outcome.

12. 2020 Annual Audit Report and 2021 Audit Plan

Ms. Small presented the audit report and 2021 plan including the purpose and mission of the Internal Auditor, the audit framework used by departments, the independence and objectivity of the internal audit activity, and the results of the quality assurance and improvement of programs.

Ms. Small discussed documents of corrective action as they pertained to Banner training and also gave her audit summary and audit plans for the coming year. She asked if there is a need to continue with the annual Chancellor's Travel Audit. It was decided that the existing travel audit would be completed, but there would not be a need to continue beyond that point.

Regent Patterson moved to approve the 2020 Annual Audit Report and 2021 audit plan as presented. Regent Pyle seconded the motion. Vote: 4-0-0. Motion approved.

REGENT MATTERS
Information Only

Regent Dan Patterson

Update on the University House Remodel

Regent Patterson recounted the events that have taken place to enable the remodel of the University House. At this time, asbestos and internal walls have been removed, and they are waiting to find out the costs of various aspects of the remodel (i.e., electrical and plumbing). Megan Hamilton serves as the building contractor, and Steve Collins serves as the contract manager. The home needs a significant amount of work, and potentially hazardous situations are being addressed.

Update on the Higher Education Regents Council

Regent Patterson reported that HERC is a statewide organization comprised of Regents from each of the four-year institutions. The mission of this group is to communicate and collaborate on issues and work with the Council of University Presidents. Topics covered at their last meeting included NCAA eligibility, institutional security, and the Student Regent selection process.

Mr. Scott Smart

Update on Solar Project

Mr. Smart stated that he is waiting for a response from PRC's legal counsel. There is no significant update on the project at this time and may require the future involvement of legislative assistance.

EXECUTIVE SESSION

Regent Pyle moved to enter executive session at 1:05 p.m. to discuss one limited personnel matter pursuant to Section 10-15-1(H)(2), NMSA (1978). Regent Tatum seconded the motion. Vote: 4-0-0. Motion approved.

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

Regent Gergel joined the meeting.

Regent Tatum moved to return to open session at 1:20 p.m. Regent Pyle seconded the motion. Vote: 5-0-0. Motion approved.

Regent Othick reported that one personnel matter was discussed. No actions were taken.

OTHER ITEMS

1. Chancellor/President Selection, Process, and Timeline

Regent Patterson stated that the Regents had to make a change in leadership during the worst time in the history of the institution. Fortunately, we had Dr. Caldwell, who is passionate about the University and its students. It was the intention of the Regents to conduct a presidential search, but in view of her performance over the past few months, it has become clear that it is time to remove “interim” from her title and extend her contract. The board wishes to offer Dr. Caldwell a contract as Chancellor of ENMU through June 30, 2022.

Regent Othick said that he appreciates and respects her leadership and is fully supportive of her competent, capable, respectful leadership style. Regent Tatum added that Dr. Caldwell has worked in every aspect of the University and is uniquely prepared for this position. Regent Gergel said that he has witnessed first-hand her amazing leadership style and congratulated her on this occasion. Regent Pyle praised Dr. Caldwell’s outstanding communication and responsiveness with the board and looks forward to working with her.

Dr. Caldwell said she has deep gratitude and respect for the Regents and that although it is not an ideal time to be President, she is honored to serve and will work to build a good plan to bring the campus back together and respond to community needs.

Regent Patterson moved to make Dr. Patrice Caldwell the 11th President/Chancellor of Eastern New Mexico University with a contract extension through June 30, 2021. Regent Tatum seconded the motion. Vote: 5-0-0. Motion approved.

ADJOURNMENT

Regent Pyle moved to adjourn the meeting at 1:32 p.m. Regent Gergel seconded the motion. Vote: 5-0-0. Motion approved.



President of the Board

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



Secretary of the Board