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### University of New Mexico Board of Regents Minutes for October 19, 2021

University of New Mexico Board of Regents

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**Minutes of the Regular Meeting of  
The Board of Regents of the University of New Mexico  
October 19, 2021; 9:00 AM  
Virtual meeting via Zoom; livestreamed for public viewing**

**Members Present**

Douglas M. Brown, Chair  
Kim Sanchez Rael, Vice Chair  
Sandra K. Begay, Secretary/Treasurer  
Jack L. Fortner  
Randy Ko  
William H. Payne  
Robert L. Schwartz

**Administration Present**

Garnett S. Stokes, President; Douglas Ziedonis, EVP of UNM Health Sciences and CEO of the UNM Health System; Loretta Martinez, University Counsel; James Holloway, Provost and EVP for Academic Affairs; Teresa Costantinidis, SVP for Finance and Administration; Kate Becker, CEO UNM Hospitals; Michael Richards, Vice Chancellor for Clinical Affairs; Assata Zerai, VP for Equity and Inclusion; Eddie Nunez, AD; Terry Babbitt, President's Chief of Staff; Liz Metzger, University Controller; and others

**Advisors Present**

Finnie Coleman, Faculty Senate President; Tim Backes, Retiree Association President; Ryan Mummert, UNM Foundation Board Chair; David Saavedra, GPSA President; Greg Romero, ASUNM President; Scott Sanchez, Staff Council President

**Presenters**

Sidney Mason-Coon, University Policy Officer; Kim Murphy, Lobo Development Corporation Consultant

**CALL TO ORDER AND CONFIRMATION OF A QUORUM**

Regent Chair Brown called the meeting to order at 9:00 AM and confirmed a quorum with all 7 members present virtually via Zoom.

**LAND ACKNOWLEDGEMENT STATEMENT**

Regent Brown read aloud UNM's Land Acknowledgement Statement:

*Founded in 1889, The University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico – Pueblo, Navajo, and Apache – since time immemorial, have deep connections to the land and have made significant contributions to the broader community statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.*

**VOTE TO ADOPT THE AGENDA**

The motion to adopt the agenda passed unanimously (1<sup>st</sup> Payne; 2<sup>nd</sup> Begay; roll call vote – all members voted yes).

**APPROVAL OF MINUTES: AUGUST 19, 2021 SPECIAL MEETING AND SEPTEMBER 14, 2021 SPECIAL MEETING**

The motion to approve the minutes of the August 19 and September 14 Board of Regents special meetings passed unanimously (1<sup>st</sup> Fortner; 2<sup>nd</sup> Begay; roll call vote – all members voted yes).

**PUBLIC COMMENT** (no comments)

COMMENTS FROM REGENTS (no comments)PRESIDENT'S ADMINISTRATIVE REPORT

President Stokes opened her report outlining the first major goal the Regents set for her for 2021-2022, "Drive aligned, fiscally strong strategic plan for UNM", with its 6 components: 1) develop the UNM 2040 vision including five and ten-year strategic goals ensuring institutional leadership in the new higher education landscape; 2) complete the UNM 10-year financial and business plan including contingencies for adverse economic circumstances; 3) integrate asset planning at UNM to generate comprehensive UNM capital, master, and facilities investment need plans; 4) efficiently enroll and integrate key stakeholders [HSC, Main and Branch campuses, Foundation, Regents, and affiliated entities] in strategic and fiscal planning; 5) develop and implement a near- and long-term strategic and fiscal plan for UNM's Intercollegiate Athletic Department; and 6) increase first-year, graduate and transfer student enrollment; admit 8800 new first-year students for Fall 2021. President Stokes said that she would touch on a lot of these components in her report.

President Stokes gave an update on the COVID crisis. Regarding the vaccine mandate, approximately 96% of faculty and 95% of staff are vaccinated with largely the balance having received approval for a valid exemption or have exemptions pending review. About 86% of students are fully vaccinated and 4% have gotten an approved exemption; the balance are either partially vaccinated, pending exemption approval, or have not responded. Overall, the numbers are positive at every level. Regarding caseloads, there was a small COVID surge in September, but basically the numbers have stabilized and are continuing to decline. President Stokes mentioned the recent NM Department of Health announcement of a new public health order that allows health care facilities to transition to crisis standards of care in order to manage demand. The President thanked UNM's health care workers who have all had to work under pressure due to the demands on the health care system during the COVID pandemic.

President Stokes gave an update on enrollment. Overall, enrollment is flat compared to last year which saw declines from the previous year. Branch campus enrollments have stabilized and the Albuquerque campus saw an overall increase of over 10%, with the bulk of the increase in first time in college students and graduate and professional students. President Stokes talked about the impact of the first year, freshman class, not the only segment where attention is put, but an important segment because it has the largest impact on the overall enrollment. New students tend to take full course loads and those that come to UNM for their first year tend to have good retention and graduation rates. The President also touched on enrollment projections. Based on the current enrollment stabilization and projected retention rates, there is an uptrend out to 2028. The President spoke about UNM's continued commitment to improving graduation rates - reducing time to completion of degrees - which is financially beneficial to students, and she clarified that this critical metric for assessing UNM's own success lends to the pressure to focus on bringing in new students to replace those who have graduated. President Stokes discussed transfer students and some of the challenges they may have including transferred credits not counting toward a desired degree. She discussed data from a study of business students that showed that transfer students had almost 11 hours of excess credits over the degree requirement, and both transfer students and first-time students at UNM ended up with about 5 credit-hours that were unusable. President Stokes clarified that, based on data analysis, all students, not just the business students, are taking a portion of their classes at other institutions while they are at UNM, adding that students are making choices, and the options they have are not always under UNM's control.

President Stokes reported on recent notable activities and successes. The Grand Challenges Sustainable Water Resources team secured a \$15 million, five-year project from the National Science Foundation to lead the effort to engage communities in the American Intermountain

West to collaboratively address the impacts of climate change. The Grand Challenge on Substance Use Disorders is also seeing success, as researchers at UNM's Center on Alcohol, Substance Use and Addictions (CASAA) received an NIH grant for over \$10 million for the creation of the Integrative Management of Chronic Pain and Opioid use disorder for Whole Recovery (UNM IMPOWR) Center. Additionally, researchers at UNM's HSC are participating in a national study on the care and treatment of opioid-exposed newborns experiencing neonatal withdrawal syndrome with the support of a 2-year, \$445K grant award from the NIH's Helping to End Addiction Long-Term (HEAL) Initiative.

In the area of faculty support, UNM implemented the WeR1 Faculty Success Program to support faculty as they rise to meet the challenges posed by the COVID-19 pandemic, and through the program provided 87 faculty with summer research support. More than two-thirds of the applicants were women and 83% of the submissions were from assistant and associate professors. The Office of the Vice President for Research (OVPR) has committed over \$1 million in funding for this program over the next 2 years. The President emphasized that not all universities are stepping up in the way that UNM is in trying to help faculty overcome the challenges that COVID brought.

President Stokes spoke about other successes including the UNM Comprehensive Cancer Center (UNMCCC) receiving again the highest designation and rating in the U.S. for cancer treatment and research programs, a designation from the National Cancer Institute. UNM's cancer center is one of only 51 leading cancer centers in the nation to get the CCC designation, and the only one in the state. In other areas, *Forbes Magazine* named UNM as one of the top three best employers in New Mexico. Additionally, *The Statewide Impact of the University of New Mexico* report that came out in August quantified the impact of the entire UNM enterprise, including the Health Sciences Center, branch campuses, and the contributions of its alumni on the greater New Mexico economy in 2021, to be \$5.2 billion, up from \$3.1 billion in 2018. The President recognized several individuals, including Professor Emeritus of Family and Community Medicine and Economics, Robert Otto Valdez, for his nomination to serve as the Assistant Secretary for Planning and Evaluation (ASPE); and Stephanie Bennett-Smith for her long-time service and support to UNM including her recent support of the Harwood Museum in Taos, establishing an education endowment for the museum.

President Stokes spoke about future planning efforts underway at the University, including the combined enterprise 10-year financial plan; the College of Nursing expansion plans to address nursing shortages; and UNM's 2040 Vision initiative. The 2040 Vision exercise is overseen by the President and her Project Team which started work in April 2021 with solicitation of community input through focus groups, town halls and interviews, and which will continue throughout the project. A steering committee that was formed in June advises and provides insights and recommendations on themes and revisions. The 2040 Vision efforts thus far have already produced a draft framework that includes UNM's Vision and Purpose, 2 Mission Statement options, and an outline of values and goals [see [opportunity.unm.edu](https://opportunity.unm.edu)]. The next phase for the 2040 Vision project will implement task forces to identify key activities that need to occur during the next five years to execute the plan's goals. The final vision plan will be rolled out in February 2022.

President Stokes entertained Regents' comments and questions.

Regent Begay thanked President Stokes for her report and said she was excited about the 2040 Vision project. Regent Begay reflected upon the impact the University's mission and values had upon her since her years as a student at UNM and also now in her professional work, adding that she hoped the same for her family members currently attending the

University. Regent Begay also requested to get periodic updates in F&F Committee on the 10-year enterprise plan outlook.

Regent Begay and Regent Brown thanked Stephanie Bennett-Smith for her support of the Harwood Museum in Taos.

Regent Rael thanked President Stokes for a comprehensive and informative update and extended congratulations for the fall enrollment news. Regent Rael said she'd like to continue to hear the successes from the Grand Challenges, and regarding the faculty support that was awarded, Regent Rael inquired in what form the support was in and how would Administration expect it will impact those faculty members' careers and research trajectories? Regent Rael also inquired regarding the study on the business school students that found that a large percentage take classes elsewhere, could there be an opportunity for UNM's business school in the area of teaching and learning opportunities to possibly be part of a broader network of interscholastic institutions? President Stokes responded and clarified there is really no difference among UNM students, business school students or others, in the proportion of classes taken outside of UNM, but she agreed that whether this provides an opportunity is an interesting question. President Stokes added that as UNM learns more, more will emerge regarding the area of opportunities and ways UNM can keep students enrolled. Regent Brown said that pre-requisites for upper division courses may account for some classes taken elsewhere and he emphasized that there are tremendous opportunities for UNM to collaborate with CNM and San Juan College and others to integrate programs. President Stokes confirmed that Administration is looking at the percentage of upper division versus lower division courses that are taken elsewhere. Provost Holloway added that students across all majors are transferring courses, and most of those courses are general electives.

Regarding the faculty support that Regent Rael inquired about, President Stokes asked Provost Holloway to discuss some of the specifics and she said that Dr. Ziedonis could speak in the future about the significant things the HSC has been doing for its faculty. The Provost explained that the summer support program was targeted primarily for junior faculty in early career offering \$5K grants to be utilized to support a variety of activities critical for meeting research deadlines. He explained that other faculty support programs have taken place to help faculty to come out of the COVID crisis. There was further discussion about the impact COVID had on parents of young children, notably affecting women, many of whom were not able to continue, for example their research, due to the disruptions that the pandemic brought on.

Regent Schwartz thanked President Stokes for her report and inquired more details about the faculty support, adding that it is wonderful to hear the emphasis that Administration is placing on helping faculty do the research that they need to do, because it's incredibly important. Provost Holloway responded that there were 110 applications for the summer \$5K grant support and 87 were granted. There was discussion about continuation of the program and the how the academic output would be measured to evaluate whether the program was successful.

Regents applauded President Stokes on the work mandating the faculty, staff and student vaccines. There was discussion about the numbers of faculty, staff and students who have complied with the vaccine mandate and the number of students who have not responded. President Stokes explained that there are about 400 students who are not in compliance and said they have all been notified. There was discussion about an appeals process that may be delaying compliance and about the requirement of full compliance, being fully vaccinated or with an exemption, before being allowed to enroll for spring semester.

ANNUAL UNM FOUNDATION UPDATE (information item)

Jeff Todd, President and CEO, and Ryan Mummert, Chair of the Foundation's Board, presented the Foundation's annual update. This past fiscal year 2020-2021, the Foundation raised over \$85 million in new commitments, surpassing the goal of \$80 million. Main Campus and Health Sciences achieved 129 and 122% of their respective goals, with the central development units achieving 130% of their goal. The Consolidated Investment Fund's (CIF) performance gained over 31%, with an end of year value of the CIF portfolio at \$579 million. The CIF distributed \$18.3 million to support students, faculty, research, programming, and patients, with over \$9 million of the distributions supporting UNM students. Over 100 Presidential Scholarships were awarded to NM high school graduates. Currently, there are 400 Presidential Scholars from over 90 institutions, including home schools of every size, from every corner of the state. There was a brief overview of the Foundation's strategic plan priorities, its new board members and board officers, board priorities and the overall Foundation priorities for the current year, among them, a fundraising goal of \$88 million and continued focus on planning the next comprehensive campaign, advancing university-wide initiatives such as the Grand Challenges and building ROTC presence and enhancing the grateful patient giving program.

The Regents expressed thanks and congratulated the Foundation on the investment returns and the successful fundraising efforts as well as the new board members.

#### APPROVAL OF CONSENT DOCKET

Regent Brown addressed the consent docket; there being no requests to remove any items for discussion, he asked for a motion to approve the following items listed on the docket:

##### A. [SSTAR]\* Approval of Posthumous Degrees:

1. Brandon Ray – B.S. Biology
2. Michael Sanchez – B.S. Computer Science with Minor in Psychology

##### B. [SSTAR] Approval of Form D's (New Graduate Programs)

1. Graduate Certificate in Elementary Education with K-8 Licensure
2. Graduate Certificate in Indigenous Planning

##### C. [SSTAR] & [HSSC]\* Approval of Endowed Professorships (Naming Items) and Approval of Appointments to Endowed Professorships and Chairs:

1. Creation of the, 'Robert M. Faxon Jr. Endowed Professor in Neuro-Oncology'
2. Appointment of Dr. Sara G.M. Piccirillo, PhD as the, 'Robert M. Faxon Jr. Endowed Professor in Neuro-Oncology'
3. Appointment of Dr. Anne Greene, MD as the holder of the, 'Dr. Irene Uhrig Boone Endowed Chair in Pediatrics'
4. Appointment of Dr. Zoneddy Ruiz Dayao, MD as the, 'Maralyn S. Budke Endowed Professor in Cancer Care Delivery'
5. Creation of the, 'Dana C. Wood Professor in Cancer Immunotherapy'
6. Appointment of Dr. Eric C. Barte, PhD as the, 'Dana C. Wood Professor in Cancer Immunotherapy'
7. Creation of the, 'Victor and Ruby Hanson Surface Professorship in Cancer Population Sciences and Cancer Health Disparities'
8. Appointment of Dr. Shiraz Mishra, MBBS, PhD as holder of the, 'Victor and Ruby Hanson Surface Professorship in Cancer Population Sciences and Cancer Health Disparities'
9. Creation of the, 'Victor and Ruby Hanson Surface Professorship in Cancer Health Disparities and Community Engagement'
10. Appointment of Dr. Andrew Sussman, PhD as holder of the, 'Victor and Ruby Hanson Surface Professorship in Cancer Health Disparities and Community Engagement'

##### D. [HSSC] Approval of Other Naming Items:

1. Establish the, 'Gorvetzian Professorship Quasi-Endowment'

2. Establish the, 'Peter A. Winograd Research Professorship Quasi-Endowment'
- E. [HSCC] Approval of UNM Hospital Items:
  1. Cerner Corporation – 7 Year Initial Term Agreement e-Consent Software System (\$2,275,648)
  2. Cerner Corporation – 5 Year Agreement Cloud-Based Dictation and Transcription Platform Software (\$5,000,000)
  3. Capital Project – UNMH Crisis Triage Center Design (\$2,900,000)
  4. Capital Project – Psychiatric Emergency Services Design (\$1,750,000)
  5. Capital Project – UH Main 2<sup>nd</sup> Floor Sterile Processing Department – Decontamination Renovation (\$1,290,000)
  6. Capital Project – 1600 University Eye Clinic Renovation and Addition (\$5,750,000)
  7. Capital Project – Operational Project – UNMH Main Section 16 Roof and Skylight Replacement (\$1,225,000)
- F. [HSCC] Approval of UNM Medical Group Election of Directors
  1. Michael Richards, MD, MPA, Interim Dean, UNM School of Medicine
  2. Aimee Smidt, MD, Department of Dermatology, UNM School of Medicine
- G. [HSCC] Approval of the Appointment of Dr. Christopher Guest, MD to the SRMC Board of Directors
- H. [F&F]\* Approval of Contracts:
  1. NMPBS – SpectraRep Agreement
  2. NEC Enterprise Voice System Maintenance Renewal
  3. Microsoft A5 Licensing for UNM Main and Branches
- I. [F&F] Approval of Project Construction:
  1. Fire Safety Improvements: Fitz Hall & BRF
  2. Los Alamos Library Renovation Re-Approval
  3. Cancer Research Facility Roof Replacement
  4. Central & Girard Site Improvements
  5. Clinical Translational Science Center Roof Replacement
- J. [F&F] Approval of Lobo Development Corporation Board of Directors and Reappointment of Four Non-Positional Directors:
  1. Louis Abruzzo      3. Steven Ciepiela
  2. Maria Griego-Raby      4. Rick Siegel
- K. [F&F] Approval of Appointment and Reappointment of Board Nominated Members to Harwood Foundation Governing Board:
  1. Scott McAdams      2. Karl Halpert (reappointment)

**[END CONSENT DOCKET]**

\* [SSTAR] Student Success, Teaching and Research Committee; [F&F] Finance & Facilities Committee; [HSCC] Health Sciences Center Committee

**The motion to approve the items on the consent docket passed unanimously (1<sup>st</sup> Ko; 2<sup>nd</sup> Schwartz; roll call vote – all members voted yes).**

**• 5-Minute Break in the virtual meeting at 10:36 AM**

**APPROVAL OF AD HOC GOVERNANCE COMMITTEE ACTION ITEMS – REVISIONS TO REGENTS' POLICY MANUAL [RPM]**

Regent Schwartz introduced the items - proposed revisions to 4 sections of the Regents' Policy Manual (RPM).

**A. Proposed Revisions to Section 7.4 "Purchasing"**

SVP Constantinidis presented the item. The proposed revisions to RPM – Section 7.4 would delegate authority to the University President to approve the execution of contracts of the

purchase of goods and services costing \$5 million or more per year per contract, eliminating the current requirement that Regents approve purchases in excess of \$1 million. Additionally, the revisions institute a twice-per-year report to the Regents listing purchases in excess of \$5 million. SVP Costantinidis explained that RPM 7.4 exists to ensure that UNM operates in the most economical and efficient manner while also staying in compliance with the state procurement code. Unfortunately, however, the policy's current procurement limit of \$1 million with the requirement that the University obtain Regents' approval before making purchases beyond that amount has caused delays resulting in increased costs. The delays cause UNM to miss out on things like discounts for timely procurement or the ability to obtain lower prices by signing multi-year agreements that would go over the limits outlined in the current policy. SVP Costantinidis clarified that in response to the proposed change, the Regents' Ad Hoc Governance Committee requested additional information about safeguards that are in place to assure there is sufficient oversight of purchases, and she brought attention to the summary of UNM's procurement process that was provided to the Regents, outlining how UNM strictly adheres to the State Procurement Code, statute 13-1-125.

There was discussion about the elimination of Regents' approval on purchases. Regent Fortner said he was uncomfortable with the proposal since the Regents have fiscal oversight of the University. SVP Costantinidis confirmed Regents' approval would no longer be required on any amount, but anything over \$5 million would be reported to the Board. Regent Schwartz clarified that the University President would have to approve anything \$5 million or above, but the Regents would no longer be involved in the approval process. SVP Costantinidis clarified that this is for goods and services only, and Regents would still have to approve capital construction which tend to be larger items. Regent Payne noted that historically the larger contracts for goods and services were with the Health Sciences Center, and he said he understood the need for efficiencies. Regent Payne inquired at what point there would be issues with multi-year contracts and the budgeting process. Bruce Cherrin, Chief Procurement Officer, responded that appropriation language is added to the contracts to mitigate risk if in the future UNM were not to get an appropriation. There was further discussion.

Regent Fortner requested to add in that the University President would notify the Board President of any purchase of goods and services in excess of \$5 million per year, prior to approval. The Regents also agreed to modify the proposal to include that any purchases in excess of \$5 million would be reported to the Board at the next regular meeting.

Regent Fortner motioned; Regent Begay seconded. There was discussion and acceptance of the friendly amendment that specified that the policy include the wording that any reporting to the Regents be at the Board's next regular meeting.

**The motion to approve revisions to RPM – Section 7.4 as discussed passed with a vote of 6-0-1 (1<sup>st</sup> Fortner; 2<sup>nd</sup> Begay; roll call vote – Regents Brown, Begay, Ko, Fortner, Schwartz, and Payne voted yes; Regent Rael abstained). [See Attachment A for proposal memo, proposed red-line version and the final, approved draft of the policy.]**

**B. Proposed Revisions to the Section on, "Maintenance of the Regents' Policy Manual"**

SVP Costantinidis presented the item. The proposed revisions to the section in the RPM, "Maintenance of the Regents' Policy Manual", delegate narrow authority to the University Policy Officer to make minor changes to Regents' policies to correct departmental or other unit names, position titles, grammatical errors, typographical errors, stylistic inconsistencies, URL links, or references. The revisions also add language to clarify policy



regarding Development of Policy, Publicity and Public Input, Approval and Publication of Policy, and Policy Archives.

Regent Schwartz requested removing the entire first section paragraph, as it was redundant.

Regent Brown requested that any minor revisions also include things to produce gender neutrality. SVP Constantinidis affirmed those types of revisions would be included in the grammatical and stylistic changes.

Regent Ko inquired how the Regents would be informed of any modifications to the Policy Manual. General Counsel Martinez recommended a report be provided to Regents listing changes and that the Regents could decide at a future time if they wish to continue receiving the report. Ms. Mason-Coon affirmed that a record of all changes to Regents' Policies is kept in the Policy Office. Regent Begay agreed that since Regents oversee any changes to the RPM, a periodic update of the minor changes would be helpful and it would address Regents' concerns. Regent Ko was in agreement, confirming that Regents could decide at another time whether the report is useful, or not.

**The motion to approve revisions to RPM – Section on, “Maintenance of the Regents’ Policy Manual”, as discussed passed unanimously (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Rael; roll call vote – all members voted yes). [See Attachment B for proposed red-line version and the final, approved draft of the policy.]**

- C. Proposed Revisions to Sections 1.2 “Structure of the Board of Regents”, and 1.8 “Code of Conduct and Conflicts of Interest Policy”
- Addressing Board of Regents Officer Titles
  - Establishment of a Regents’ Standing Committee on Governance
  - Student Regent Leadership Stipend
  - Timing on Agenda Item Requests

General Counsel Martinez presented the item and guided the Regents through the proposed revisions.

Regarding the officer title changes, General Counsel Martinez explained that changing the title from President to Chair would eliminate a lot of confusion about which President, Regent President or University President, is being referred to, and she clarified that this title modification would be made throughout the RPM. Regarding the proposed modifications, Regent Schwartz recommended the following wording, a slight modification to the proposal:

*“The Board of Regents is required by statute to meet in Albuquerque on the second Monday in March of each year to elect a president, who shall be Chair of the Board of Regents, and a secretary-treasurer. At this time, the Board also shall elect a vice chair”.*

Regent Begay agreed that the title, Chair, was appropriate as it was consistent with titles utilized in other committees and the related research and tech park boards. Regent Schwartz clarified that the Board Chair would statutorily be the President of the Board.

Regarding the establishment of a Regents’ Standing Committee on Governance, Regent Schwartz clarified that one of the tasks of the committee would be to address coordinating the formal charges for all of the standing committees. General Counsel Martinez added that the committees’ charges, outlining each standing committee’s duties and responsibilities, would be incorporated into the Regents’ Policy Manual. She also

explained that the original intent of establishing the Ad Hoc Governance Committee was that it could potentially become a standing committee, adding that 70% of HE boards have an active Governance Committee that addresses such topics as the board's education, retreats and orientations, and other governance issues, and that having such a committee would be a positive signal to the public and to accrediting bodies.

Another couple of minor modifications to RPM 1.2 involved outlining a deadline of 'normally 10 days before the meeting' for requests of any agenda items not coming through committee, and also the deletion of the Regents' Operations Committee, which General Counsel explained had been defunct for some time.

Regarding the proposal for establishing a leadership stipend for the student regent, General Counsel Martinez explained that this was discussed extensively in the Ad Hoc Governance Committee and that her office did extensive research about the ability to do this, assuring the Regents there were no statutory constraints that would preclude establishing such a stipend for the Student Regent. There was discussion. Regent Fortner asked what NMSU does for its student regent. General Counsel Martinez responded that NMSU does compensate its student regent but the actual amount was unknown, adding that the recommended amount of the stipend of \$2K per month was arrived at after looking at compensation levels for the UNM student government leaders. There was further discussion.

Regent Payne inquired what the source of the funds would be, and he clarified that the Student Regent is a Regent, not a student leader. General Counsel Martinez recommended the funds come out of the Board of Regents Office Budget. Regent Brown concurred and added that the Board of Regent Office expenses have been under budget since the COVID pandemic requires all meetings be virtual. Regent Begay clarified that with regard to the Board of Regents' Office Budget, Regents are not paid but they can receive travel reimbursements. Terry Babbitt affirmed that there were substantial carry-forward balances that could be used to fund the stipend for the near future.

Regarding the proposed revisions to RPM 1.8, General Counsel Martinez explained that the proposed revisions made it clear that the student regent leadership stipend was outside the policy's definition of a financial interest, adding that the policy also stipulates that Regents are required by the Financial Disclosures Act to file a report every year with the New Mexico Secretary of State concerning financial interests, if any.

**The motion to approve the proposed revisions to RPMs 1.2 and 1.8, including the leadership stipend for Student Regent of \$2,000/month to take effect on November 1, passed with a vote of 6-0-0 (1<sup>st</sup> Fortner; 2<sup>nd</sup> Begay; roll call vote – Regents Begay, Brown, Fortner, Payne, Rael and Schwartz voted yes; Student Regent Ko recused himself from the vote).**

**[See Attachment C for General Counsel's memo of proposals, the proposed red line versions, and the final, approved drafts of the policies.]**

Regent Schwartz reported two more items from the Ad Hoc Governance Committee. The first, regarding the Committee's discussion on whether or not the Board should return to monthly meetings, Regent Schwartz reported that the Sense of the Committee was that the current meeting schedule, a reduced frequency from monthly meetings to 6 meetings per year, is preferred from a governance perspective, but added that the schedule may need to be tweaked to ensure the meetings occur during optimal months. Secondly, the Committee discussed Public Comment on Board of Regents agendas and whether additional limitations should be imposed. Regent Schwartz reported that the Committee agreed that, overall, any

potential problems or risks with public comments were not significant enough now to recommend any change in current policy and Committee members concurred that the current practice for public comment is working well.

**AUDIT AND COMPLIANCE COMMITTEE – SUMMARY NOTES FROM THE OCTOBER 14 MEETING** (information item)

Regent Brown reported that in committee there were presentations and approvals of two internal audit reports as well as presentation and approval of the Internal Audit fiscal years' 2022 and 2023 Audit Plan. The Exit Conference for the fiscal year 2021 financial statements external audit, which would have normally happened at the last meeting, was postponed until later in the month due to process delays due to the COVID pandemic.

**APPROVAL OF MOA WITH THE ALBUQUERQUE INSTITUTE OF MATHEMATICS AND SCIENCE (AIMS)**

Regent Kim Rael, Chair of the Student Success, Teaching and Research Committee (SSTAR), asked Provost Holloway to introduce the item. The University hosts on its Albuquerque campus the Albuquerque Institute of Mathematics and Science (AIMS), a charter school focused on math and science for students in grades 6 through 12. The MOA is the renewal of the agreement with the school. The SSTAR Committee voted to approve this item and it also voted to not require future renewals be approved by the Regents' as this can be considered a routine matter. Of particular note in the agreement is a non-compete clause, or an exclusivity clause, about which University Counsel worked with AIMS over the last few weeks to clarify the clause so that it states that UNM will not enter into a similar agreement with another charter school focused on math and science. This would allow UNM to enter into an agreement with a charter school focused on the arts, for example. Provost Holloway affirmed that reasonableness of the exclusivity clause and also its importance for AIMS as well.

Regent Rael thanked Provost Holloway and confirmed that she enthusiastically supported the renewal of the MOA.

**The motion to approve the MOA with AIMS passed unanimously (1<sup>st</sup> Fortner; 2<sup>nd</sup> Ko; roll call vote – all members voted yes).**

**PRESENTATION ON THE SURVEY RESULTS OF THE RACIAL AND INTERSECTIONAL MICRO AGGRESSIONS (RIMA) SURVEY – 2021 REPORT TO THE REGENTS** (information item)

Regent Rael asked Dr. Assata Zerai, VP for Equity and Inclusion, to present the item, results from UNM's racial and intersectional micro aggressions (RIMA) survey. Dr. Zerai spoke to several slides that were provided in the eBook. The purpose of the survey is to enhance the inclusive climate at UNM. Dr. Zerai explained that the Division for Equity and Inclusion has been leading workshops to practice interrupting micro aggressions, and this has not been done in a vacuum. Data has been collected, some from first time student on campus, to get a sense of their experiences. The definition of micro aggressions are insults often experienced daily by people of color, persons with disabilities, and queer and trans persons, and although they can be subtle and may be dismissed by perpetrators, they can affect targets emotionally and physically, and unfortunately result in creating inequities in higher education. Dr. Zerai provided micro aggression examples and summary results of the information collected, one being that students with disabilities reported the highest incidents of micro aggressions with over half reporting they felt excluded on campus because of their disability and a sizable proportion felt invisible on campus because of their disability. Other results of the survey indicated that a majority of LGBTQ students felt support by the University environment, but a sizable proportion still experienced negative or insulting comments on the basis of their sexual orientation, gender identity and expression, and experienced feelings of isolation. Dr. Zerai

spoke about other survey results and explained what UNM is doing to raise awareness among students, faculty and staff by practice interrupting micro aggressions through workshops and the training of upstanders, people who acknowledge the experiences of individuals and are willing to serve as an ally and an advocate for those who experience micro aggressions.

The Regents thanked Dr. Zerai for her report and all of the effort put into it, for raising awareness in this area, and for the examples and suggestions on how to intercede.

Regent Fortner made one request, that religious diversity also be included at some point with some survey regarding religious discrimination, specifically including Muslims, Jews, and Christians, to see if they also felt some type of discrimination. Dr. Zerai responded that focus group discussions are already being planned to address this to learn about experiences and to come up with ways to have a positive impact.

Regent Rael asked if this work can be overlaid with the student experience work of Dr. Pamela Cheek, adding that she would be very interested to hear more at a future SSTAR Committee meeting about improving the student experience, based on Dr. Zerai's and Dr. Cheek's data, and how the University is envisioned out of that collaborative effort. Dr. Zerai affirmed that she and Dr. Cheek were in the process of collaborating their work in the area of improving the student experience.

#### APPROVAL OF SOUTH CAMPUS TIDD MASTER DEVELOPMENT AGREEMENT

Regent Begay, Chair of F&F Committee, noted that there was one public comment that was submitted in writing regarding the agenda item and it included questions that Regent Begay said were not difficult and could be answered by the administration. Regent Begay asked Teresa Costantinidis to present the item. SVP Costantinidis noted that the South Campus Tax Incremental Development District master development agreement was approved by the Lobo Development Corporation Board of Directors at its September 9<sup>th</sup> meeting, and she asked Kim Murphy to explain some of the details. Mr. Murphy explained that this is the first step in the creation of a partnership with the City of Albuquerque that focuses economic development on UNM's South Campus and also on the Science and Technology Park that is located there. The agreement is a 3-party agreement between the City, local development acting on behalf of the University, and the District. The District was created and formed by the City on October 4<sup>th</sup> when the City Council adopted the formation resolution. The agreement addresses three main issues. The first is how the public infrastructure that is supported with public tax revenue gets designed, constructed, installed and transferred to the appropriate governmental entities and how does the developer, including the City if it installs infrastructure, get reimbursed from revenue that flows to the district. The second major issue the agreement addresses is how the district issues bonds that are supported by the tax revenue coming to the district. The third addresses development approvals and land use controls and so forth. Mr. Murphy added that several years ago, when the University did a land transfer with the City so it could move a fire station to Gibson, the MOA that was set up with the City outlined the process that protects the integrity of the University as a state entity in terms of its exemption from land use controls, and it set forth a fairly detailed process by which infrastructure like public streets, waterlines, sewer lines, and things of that nature get installed. Mr. Murphy explained that that same process would be followed moving forward in terms of governmental approvals. He added that this has been an ongoing, three-year effort that began with an MOU between the University and the City to study the feasibility of a TIDD for South Campus. Mr. Murphy thanked President Stokes, SVP Costantinidis, others on the UNM leadership team, and for support from the City, thanking Mayor Keller and the City Council, with special recognition to City Counselors, Isaac Benton and Pat Davis. He asked if the Regents had any questions.

Regent Fortner inquired if anything unusual happened at the public hearing in October. Mr. Murphy responded that there was nothing unusual, adding that the announcement of the

public hearing went out to 20 or 21 neighborhood associations that could potentially be impacted geographically by the project, and no adverse reactions from those associations were received, in fact, several were positive. The City Council gave unanimous support as well.

Regent Begay said that this received unanimous approval in F&F Committee.

**The motion to approve the South Campus TIDD Master Development Agreement passed unanimously (1<sup>st</sup> Begay; 2<sup>nd</sup> Payne; roll call vote – all members voted yes).**

#### ADVISORS' COMMENTS

Tim Backes, Retiree Association President, reported on the Association's recent work, including a strategic planning retreat to set this year's goals for benefits communications, a membership program and a legislative committee. The legislative committee is comprised of retired staff and faculty members who volunteer many hours focusing efforts to protect the Education Retirement Board (ERB), defined pension benefits and cost of living adjustments. A couple of new things implemented this year included the legislative committee inviting key legislators to its monthly meetings and the institution of UNM Retiree Recognition awards.

Scott Sanchez, Staff Council President, reported on recent Council events, including outstanding supervisor recognition and the upcoming annual staff-as-students information day; he commented on staff vaccination status, and added that UNM staff have played a key role in keeping campus open and ensuring UNM continues to be a great place to work, learn and live.

Mike Silva, Alumni Association Board President, reported on the recent and upcoming alumni activities and events, including the Fall Hatch Green Chili Roast that regional alumni chapters participated in, hosting their own local events all over the U.S.; a scholarship fundraiser through sales of jugs of red and green chili to alums all over the U.S.; recognition of outstanding alumni at the recent annual alumni awards ceremony; and the upcoming homecoming week that will include a great lineup of events throughout the week.

#### VOTE TO CLOSE THE MEETING AND PROCEED IN EXECUTIVE SESSION (roll call vote)

Regent Begay motioned to close the meeting; Regent Ko seconded; all members voted yes. The meeting closed at 12:15 PM, there was a 5 minutes break before executive session started.

- Regent Begay had to leave the meeting at 1:00 PM during the closed session discussions.
  1. Discussions, and where appropriate determination, of matters subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1H(7), NMSA (1978)
  2. Discussions of bargaining strategy preliminary to collective bargaining and collective bargaining between a policymaking body and an employee bargaining unit, as permitted by Section 10-15-1H(5), NMSA (1978)
  3. Discussion of "limited personnel matters" as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) - regarding: employee appeal

#### VOTE TO RE-OPEN THE MEETING AND CERTIFICATION THAT ONLY THOSE MATTERS DESCRIBED IN THE CLOSED SESSION AGENDA WERE DISCUSSED AND IF NECESSARY, FINAL ACTION WITH REGARD TO CERTAIN MATTERS WILL BE TAKEN IN OPEN SESSION

The meeting re-opened at 1:19 PM; Regent Brown certified that only matters described in the closed session agenda were discussed during executive session and confirmed that there one item the Board needed to act upon in open session.

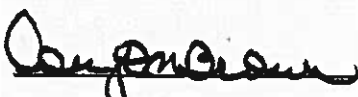
The motion to not accept an employee appeal (dated September 7, 2021) passed unanimously with 6 regents present and voting (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Rael; roll call vote – all members voted yes)

**ADJOURN**

There being no further business, Regent Brown asked for a motion to adjourn the meeting; Regent Rael motioned; Regent Fortner seconded; all were in favor; the meeting adjourned at 1:20 PM.

**Approved:**

**Attest:**

  
Douglas M. Brown, Chair

  
Sandra K. Begay, Secretary/Treasurer



OFFICE OF THE  
SENIOR VICE PRESIDENT FOR  
FINANCE & ADMINISTRATION

**DATE:** September 14, 2021

**TO:** The Regents of the University of New Mexico

**FROM:** Office of the Senior Vice President for Finance and Administration

**SUBJECT:** Action Item for Ad Hoc Governance Meeting on September 20, 2021 - *AUTHORIZATION FOR REVISIONS TO REGENTS POLICY MANUAL 7.4 - PURCHASING TO ALLOW PRESIDENT TO APPROVE PURCHASES IN EXCESS OF \$5,000,000*

## Executive Summary

UNM Purchasing proposes that The University of New Mexico Board of Regents approve edits to the *Regents' Policy Manual – Section 7.4: Purchasing* that will delegate authority to the President of UNM to approve the execution of contracts of the purchase of goods and services costing \$5,000,000 or more per year per contract, eliminating the current requirement that Regents approve purchases in excess of \$1,000,000. The revisions also institute Regental oversight via a twice-per-year report to the UNM Board of Regents listing purchases in excess of \$5,000,000. The edits also update a reference to an employee's title. A redline version of the policy is shown as ATTACHMENT 1.

## Background

Originally adopted in 1996, the policy exists to make sure that UNM operates in the most economical and efficient manner possible while making sure that there is oversight so that the university follows State Procurement Code. The current practice introduces procurement delays that keep the University from operating in the most economical manner. Our objective is to improve the effectiveness of our operation, including contract approval timeliness and efficiency, to help us get access to best value while still ensuring that all purchases continue to be made in accordance with University policies and procedures. A procurement limit of \$1,000,000 and the requirement that the University obtains Regental approval before making purchases beyond that amount has caused delays resulting in increased costs. In order to obtain the best obtainable prices from vendors, employees often need to meet deadlines to achieve a more favorable price. Multi-year agreements at lower price points often take the grand total over the allowable limit.

Note that in comparison, several of our institutional competitors have no Regent approval limits or the limits are set very high to allow procurement flexibility. Please also note that the UNM Board of Regents has approved all of the recent Purchasing items that have come before them since 2016. The list of items is enclosed as ATTACHMENT 2.

## Purchasing Safeguards

### By Comparison – Institutional Regent Approval \$ Limits

- Clemson University – \$5M/\$1M w/ term <5 years
- Indiana University – No \$ Limit/Authority delegated to President (except for transactions that require Higher Ed Comm. Approval)
- Oregon State University – No \$ Limit, delegated to President
- The University of Massachusetts – No \$ Limit, delegated to President/CFO
- The University of Chicago – No \$ Limit, delegated to President
- Virginia Tech University – No \$ Limit, delegated to President
- The University of Washington – \$15M
- University of Maryland – \$5M
- University of Oregon – \$5M
- The Penn State University – \$3M
- Iowa State University – \$2M
- Texas A&M University – \$1M
- The University of New Mexico – \$1M
- Oklahoma State University – \$250K

- Under the proposed edits to Regents Policy 7.4, the Chief Procurement Officer will obtain presidential approval before authorizing any purchase in excess of \$5,000,000.
- Once a Purchase Order is issued in LoboMart, the Purchase Order is automatically exported into Banner, creating a matching Banner Purchase Order that receives additional scrutiny.

#### **Other Purchase Order Notes**

- A Purchase Order (PO) serves as the University's contract with the vendor. It therefore is UNM's official authorization to the vendor to make shipment/delivery of goods or to perform services. The PO includes a description of goods, quantity, vendor, date, the estimated price of goods or services needed. A PO also encumbers the funds of the originating department, committing them for the use on the PO.
- A PO can be authorized only by the Chief Procurement Officer or by that Officer's designee (usually a Contracts Specialist). UNM issues two types of Purchase Orders: Regular Orders (goods) and Standing Orders (services – one-time and recurring).
- On large purchases, the Contract Specialist may use a General Services Agreement (GSA), State Contract, and other cooperative pricing agreements in lieu of bidding as per State Statutes 13-1-129 & 13-1-135.
- Sole Source Purchases are posted in the UNM Sunshine Portal for 30 days prior to Purchase.
- Effective 7/1/14, Conflict of Interest Forms are only required on Request for Proposals (RFP)/ Invitation for Bid (IFB) and Sole Source Purchases.
- UNM employs best practices in proactive procurement. As such, the ratio of RFPs & Bids to bid-limit POs is not typically a 1:1 ratio. The majority of our RFPs exist for multi-year contracts, many of which can be used by many departments throughout campus. It is not uncommon for dozens, even hundreds of POs and purchases to be made off a single bid or proposal.

#### **ATTACHMENT 1**

Regents' Policy Manual - Section 7.4: Purchasing DRAFT of 09.09.21 (Redline Copy)

#### **ATTACHMENT 2**

Board of Regents Requests for Approval from 2016-2021



procurement and management of goods and services. The President may also establish policies to assure minimum performance standards and compatibility with other University investments in facilities and equipment.

## Delegation of Authority

UNM's Chief Procurement Officer shall be its Central Purchasing Officer, under the general direction of the Senior Executive Vice President for Finance and Administration. The Chief Procurement Officer shall have the sole authority to establish the institutional procedures for obligating the University for the procurement of supplies, materials, equipment and contractual services.

The purchase of goods and services for clinical components of the Health Sciences Center may be performed by the University of New Mexico Hospital Purchasing Department, as a separate satellite purchasing office of the University, in compliance with University procurement policies and procedures and under the direction of the Chief Procurement Officer.

## References

The University of New Mexico is exempt from the requirement that all purchasing for state agencies be performed by the State Purchasing Agent. NMSA 1978, § 13-1-98.

# **Regents' Policy Manual - Section 7.4:**

## **Purchasing**

**Adopted Date: 09-12-1996**

**Amended: 04-08-2014**

**Amended: 10-22-2021**

### **Applicability**

This policy applies to the purchase of supplies, materials, equipment, and contractual services. It also applies to the reimbursement of employees for expenses incurred in the performance of University business.

### **Policy**

The University of New Mexico is committed to operating in the most economical and efficient manner possible. The University shall follow the State Procurement Code unless the Board of Regents expressly determines that an alternative procedure is required in a specific area in order to carry out the University's mission. The Board has made no such determination as of the effective date of this policy. All funds received by the University, regardless of their source, are considered to be University funds and all purchases shall be made in accordance with University policies and procedures.

Except as otherwise provided in this manual with regard to real estate matters ([RPM 7.9](#)) and construction projects ([RPM 7.12](#)), the University President shall notify the Chair of the Board of Regents prior to authorizing the execution of contracts for the purchase of goods or services in excess of \$5,000,000 per year. A report of purchases in excess of \$5,000,000 will be presented for information at the next regular Board of Regents meeting.

### **Implementation**

The President shall establish specific procurement policies that assure the procurement of goods and services of acceptable quality at the lowest possible cost. The President shall also establish policies and procedures for the reimbursement of employees for appropriate expense incurred in the performance of University business, such as travel, recruitment and hiring of new employees, hospitality of guests of the University, and business expenses. All such policies and procedures shall ensure compliance with all applicable state and federal laws regarding the procurement and management of goods and services. The President may also establish policies to assure minimum performance standards and compatibility with other University investments in facilities and equipment.

### **Delegation of Authority**

UNM's Chief Procurement Officer shall be its Central Purchasing Officer, under the general direction of the Senior Vice President for Finance and Administration. The Chief Procurement Officer shall have the sole authority to establish the institutional procedures for obligating the University for the procurement of supplies, materials, equipment and contractual services.



**DATE:** September 23, 2021

**TO:** The Regents of the University of New Mexico

**FROM:** Office of the Senior Vice President for Finance and Administration

**SUBJECT:** Action Item for Ad Hoc Governance Meeting on October 1, 2021 - *AUTHORIZATION FOR REVISIONS TO REGENTS' POLICY MANUAL – MAINTENANCE OF THE REGENTS' POLICY MANUAL - TO ALLOW UNM POLICY OFFICER TO MAKE CORRECTIONS TO REGENTS' POLICIES*

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### **Executive Summary**

The Office of the Senior Vice President for Finance and Administration proposes that The University of New Mexico Board of Regents approve edits to the *Regents' Policy Manual – Maintenance of the Regents' Policy Manual* that will delegate narrow authority to the University Policy Officer to make minor changes to Regents' policies to correct departmental or other unit names, position titles, grammatical errors, typographical errors, stylistic inconsistencies, URL links, or references. The revisions also add language to clarify policy regarding Development of Policy, Publicity and Public Input, Approval and Publication of Policy, and Policy Archives. A redline version of the policy is shown as ATTACHMENT 1.

### **Background**

Originally adopted in 1996, and not having been revised since original adoption, the Regents' Policy Manual – Maintenance of the Regents' Policy Manual section exists to explain how Regents' policies are recommended, approved, and implemented. According to current practice, a majority vote of the Board is required to address inconsistencies with departmental titles, position titles, style, grammatical and typographical errors, and broken URL links. There have been attempts to review the entire RPM for updates in the past (both technical and substantive), however this has proven to be a daunting and mundane task for the Board to have to vote on every minor policy correction. We believe there exists a better approach to the periodic, substantive review that is outlined in the original adoption of this policy. Our objective is to improve the accuracy of the Regents' Policy Manual by allowing minor policy corrections to be made by the University Policy Officer.

In addition, the current policy does not delineate important policy information such as Development of Policy, Publicity and Public Input, Approval and Publication of Policy, and Policy Archives. Note that the University Administrative Policies and Procedures has a comprehensive policy dedicated to the development and maintenance of UNM's administrative policies, specifically outlining the requirements pertaining to development and maintenance of policy, authority, publication, and archival of historic versions. The University Policy Officer has been given authority to unilaterally make corrections to the minor policy items we have outlined above. This has allowed for timely correction to University Administrative Policies, and has freed up time for more substantive policy review by Process Owners and the University President when warranted. Please see University Administrative Policies (UAP) 1100: Development and Approval of Administrative Policies, for additional reference - ATTACHMENT 2.



## **DRAFT 09.23.21 (Redline Copy)**

# **Regents' Policy Manual - Maintenance of the Regents' Policy Manual**

Adopted Date: 09-12-1996

## **Applicability**

This policy applies to all policies adopted by the Board of Regents.

## **Policy**

Any Regents' policy, including the policies contained in this Regents' Policy Manual, may be modified by a majority vote of the Board of Regents at any of its meetings. ~~It is the intention of the Regents that proposed new policies and proposed revisions to existing policies will receive adequate publicity and discussion prior to their adoption.~~

Periodically, the Board shall review all policies in the Regents' Policy Manual, and all policies adopted or revised since the previous review, and make any changes it deems appropriate.

## **Implementation**

### **Development of Policy**

Members of the University community may propose new or revised Regents' policies by submitting them, ~~in the format used in this Manual,~~ to the University President ~~of the University~~. The President will submit proposed policies, together with any appropriate background information and administrative recommendations, to the Board for consideration. ~~Proposed policies must be approved by the Regents before they may be put into effect. All new or revised policies adopted by the Regents shall be promptly published as additional or replacement pages of this Regents' Policy Manual.~~

### **Publicity and Public Input**

~~It is the intention of the Regents that proposed new policies and proposed revisions to existing policies will receive adequate publicity and discussion prior to their adoption. As set forth in RPM 1.3: Public Notice of Regents' Meetings, public notice of proposed new policies and proposed revisions to existing policies should be included in BOR meeting agendas, made available at least seventy-two (72) hours prior to the meeting, and placed on the regents.unm.edu~~

# **Regents' Policy Manual - Maintenance of the Regents' Policy Manual**

**Adopted Date: 09-12-1996**

**Amended: 10-22-2021**

## **Applicability**

This policy applies to all policies adopted by the Board of Regents.

## **Policy**

Proposed Regents' policies must be approved by the Regents by a majority vote before they may be put into effect. All new or revised policies adopted by the Regents shall be promptly published as additional or replacement pages of this Regents' Policy Manual. Upon approval by the Regents, policies are issued on the UNM Policy Office website, the official repository for the Regents' Policy Manual.

## **Development of Policy**

Members of the University community may propose new or revised Regents' policies by submitting them to the University President. The President will submit proposed policies, together with any appropriate background information and administrative recommendations, to the Board for consideration.

## **Publicity and Public Input**

It is the intention of the Regents that proposed new policies and proposed revisions to existing policies will receive adequate publicity and discussion prior to their adoption. As set forth in [RPM 1.3: Public Notice of Regents' Meetings](#), public notice of proposed new policies and proposed revisions to existing policies should be included in BOR meeting agendas, made available at least seventy-two (72) hours prior to the meeting, and placed on the [regents.unm.edu](http://regents.unm.edu) website. An opportunity for public input shall be provided at regular meetings during Board consideration of the policy agenda item in question, and via email at [regents@unm.edu](mailto:regents@unm.edu).

## **Corrections to Policy**

The Board of Regents gives narrow authority to the University Policy Officer to make minor changes to Regents' Policies to correct departmental or other unit names, position titles, grammatical errors, typographical errors, stylistic inconsistencies, Uniform Resources Locator (URL) links, or references.

## **Policy Archive**

The UNM Policy Office maintains an archive of historic versions of Regents' Policies that are available upon request.

# Regents' Policy Manual - Section 1.2: Structure of the Board of Regents

Adopted Date: 09-12-1996

Amended: 09-09-2003

Amended: 08-10-2004

Amended: 12-14-2004

Amended: 03-14-2005

Amended: 10-10-2006

Amended: 12-14-2010

Amended: 09-12-2014

Amended: 06-12-2015

Amended: 08-14-2015

Amended: 03-14-2016

Amended: 02-16-2021

## Appointment of Members

The Board of Regents is composed of seven members who are appointed by the Governor of New Mexico, with the consent of the Senate, for staggered terms of six years except for the student regent who is appointed for a two-year term. The Governor and the Secretary of Education are designated as ex-officio, non-voting members, and the Presidents of the Faculty Senate, Staff Council, Associated Students of UNM, Graduate and Professional Student Association, Alumni Association, UNM Retiree Association, UNM Parent Association, and the Chair of the UNM Foundation are non-voting advisors.

## Removal of Members

Members of the Board of Regents shall not be removed except for incompetence, neglect of duty, or malfeasance in office. A member may not be removed without notice of hearing and an opportunity to be heard. The New Mexico Supreme Court has original jurisdiction over proceedings to remove a member of the Board of Regents in accordance with such rules as the Court may promulgate, and its decision in such matters is final.

## Officers

The Board of Regents is required by statute to meet in Albuquerque on the second Monday in March of each year to elect a president, who shall be chair and referred to hereafter as chair, a secretary-treasurer, at which time, though not required by statute, the Board also elects a vice presidentchair. The PresidentChair presides at all meetings of the Board and signs all instruments required to be executed by the Board. When the PresidentChair of the Board of



herself or another Regent as alternate members of a standing committee or board who may serve as voting members whenever any of the Regent members are not present.

Each standing committee shall have a designated vice-chair responsible for assisting the chair of the committee. The chair of each committee shall be responsible for preparing the agenda for the committee meetings, in consultation with the University President, ~~and the President~~Chair of the Board of Regents ~~and committee staff~~. The University President may submit agenda items for the committee to the ~~President~~Chair of the Board of Regents and the chair of the committee. All action items for the Board of Regents are typically first reviewed by a standing committee.

The duties and responsibilities of the HSC Committee are set forth in [RPM 3.5](#). The duties and responsibilities of the Audit and Compliance Committee are set forth in [RPM 7.3](#). The other standing committees' duties and functions are determined by the Board of Regents, and shall include at least gathering information, conferring with members of the administration, faculty, staff, student body, and public on the topics within the committee's duties, and making recommendations for action by the Board of Regents. The chairs of the standing committees (or vice-chairs in the absence of the chairs) shall report the committee recommendations to the Board of Regents at its meetings. Standing committees do not constitute a quorum of the Board of Regents and have no authority to act for the Board of Regents ~~except with regard to disposal of surplus property per RPM 7.9~~. All standing committees will abide by the New Mexico Open Meetings Act, except that in addition to the exclusions listed in the Act, the standing committees may close meetings, when less than a quorum of the Board of Regents is present, in the following instances: (1) to meet with internal or external auditors to discuss any examination or audit prior to the release of an audit report; and/or (2) to meet with attorneys from the Office of University Counsel and/or hired outside counsel to discuss any matter that is protected by the attorney-client privilege.

## Consent Agenda Matters

Certain matters, or categories of matters, may be referred by the Board of Regents for discussion and recommendation by a standing committee and thereafter placed on the Board of Regents' consent agenda for approval by the Board of Regents without further discussion. All matters, or categories of matters, within the subject matters regularly assigned to a standing committee shall be deemed to have been referred by the Board to that standing committee. Any member of the Board of Regents shall have the right, upon request, to remove any item from the Board's consent agenda and place the item on the Board's regular agenda for discussion.

## ~~Operations Committee~~

~~In addition to the standing committees, there shall be an Operations Committee which shall consist of the President of the Board of Regents as chair, together with two other Regent members appointed by the President of the Board. The Operations Committee will meet informally, including by telephone conference, to discuss the agenda for upcoming Board of Regents meetings and other items of business likely to come before the Board of Regents. The meetings of the Operations Committee will not be subject to requirements of the Open Meetings Act.~~

# Regents' Policy Manual - Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy

Adopted Date: 09-12-1996

Amended: 07-15-2003

Amended: 09-09-2003

Renumbered from 6.4: June 9, 2004

## Applicability

This policy applies to members of the University Board of Regents.

## Policy

1. Members of the Board of Regents ("Regents") are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict with interests of the University. Regents shall not accept favors or gratuities of significant economic value from any firm, person, or corporation that is engaged in, or attempting to engage in, business transactions with the University. They must avoid any conflict of interest that may affect their independent judgment in the impartial performance of their duties. They may not use their positions to enhance their direct or indirect financial interest or use confidential information learned as a Regent for anyone's private gain. Regents shall comply with state conflict of interest laws as well as University policies.
2. No Regent shall maintain a financial interest in a firm or corporation with which the University is engaged in business. In addition, a Regent shall not participate directly or indirectly in any decisions relating to any transaction between the University and a business entity of which the Regent or any member of the Regent's immediate family is a director or trustee.
3. For the purposes of this policy, "financial interest" includes any direct or indirect financial interest, but does not include the leadership stipend of the student regent. This includes any transaction between the University and the Regent or a member of the Regent's immediate family. An immediate family member is a family member who shares a home with a Regent; or is a person who receives financial support of more than twenty-five percent (25%) of his or her annual income from a Regent; or is a person who is claimed as a dependent for federal income tax purposes by a Regent. "Financial interest" also includes any transaction between the University and a business entity (corporation, sole proprietorship, partnership, LLC, or similar entity) including parents or subsidiaries of the business entity, in which the Regent or a member of the Regent's immediate family:
  - a. has an ownership interest (other than as owner of less than one percent (1%) of the stock of a publicly traded corporation); or



# **Regents' Policy Manual - Section 1.2:**

## **Structure of the Board of Regents**

**Adopted Date: 09-12-1996**

**Amended: 09-09-2003**

**Amended: 08-10-2004**

**Amended: 12-14-2004**

**Amended: 03-14-2005**

**Amended: 10-10-2006**

**Amended: 12-14-2010**

**Amended: 09-12-2014**

**Amended: 06-12-2015**

**Amended: 08-14-2015**

**Amended: 03-14-2016**

**Amended: 02-16-2021**

**Amended: 10-19-2021**

### **Appointment of Members**

The Board of Regents is composed of seven (7) members who are appointed by the Governor of New Mexico, with the consent of the Senate, for staggered terms of six (6) years except for the student regent who is appointed for a two (2)-year term. The Governor and the Secretary of Education are designated as ex-officio, non-voting members, and the Presidents of the Faculty Senate, Staff Council, Associated Students of the University of New Mexico, Graduate and Professional Student Association, Alumni Association, UNM Retiree Association, UNM Parent Association, and the Chair of the UNM Foundation are non-voting advisors.

### **Removal of Members**

Members of the Board of Regents shall not be removed except for incompetence, neglect of duty, or malfeasance in office. A member may not be removed without notice of hearing and an opportunity to be heard. The New Mexico Supreme Court has original jurisdiction over proceedings to remove a member of the Board of Regents in accordance with such rules as the Court may promulgate, and its decision in such matters is final.

### **Officers**

The Board of Regents is required by statute to meet in Albuquerque on the second Monday in March of each year to elect a president, who shall be chair of the Board of Regents, and a secretary-treasurer. At this time the Board shall also elect a vice chair. The Chair presides at all meetings of the Board and signs all instruments required to be executed by the Board. When the Chair of the Board of Regents is absent, the Board of Regents hereby appoints the Vice-Chair to serve as chair pro tem.

committee meetings, in consultation with the University President, the Chair of the Board of Regents, and committee staff. The University President may submit agenda items for the committee to the Chair of the Board of Regents and the chair of the committee. Action items for the Board of Regents are typically reviewed first by a standing committee.

The duties and responsibilities of the HSC Committee are set forth in [RPM 3.5](#). The duties and responsibilities of the Audit and Compliance Committee are set forth in [RPM 7.3](#). The other standing committees' duties and functions are determined by the Board of Regents, and shall include at least gathering information; conferring with members of the administration, faculty, staff, student body, and public on the topics within the committees' duties; and making recommendations for action by the Board of Regents. The chairs of the standing committees (or vice-chairs in the absence of the chairs) shall report the committee recommendations to the Board of Regents at its meetings. Standing committees do not constitute a quorum of the Board of Regents and have no authority to act for the Board of Regents except with regard to disposal of surplus property per [RPM 7.9](#). All standing committees will abide by the New Mexico Open Meetings Act, except that in addition to the exclusions listed in the Act, the standing committees may close meetings, when less than a quorum of the Board of Regents is present, in the following instances: (1) to meet with internal or external auditors to discuss any examination or audit prior to the release of an audit report; and/or (2) to meet with attorneys from the Office of University Counsel and/or hired outside counsel to discuss any matter that is protected by the attorney-client privilege.

## **Consent Agenda Matters**

Certain matters, or categories of matters, may be referred by the Board of Regents for discussion and recommendation by a standing committee and thereafter placed on the Board of Regents' consent agenda for approval by the Board of Regents without further discussion. All matters, or categories of matters, within the subject matters regularly assigned to a standing committee shall be deemed to have been referred by the Board to that standing committee. Upon request, any member of the Board of Regents shall have the right to remove an item from the Board's consent agenda and place the item on the Board's regular agenda for discussion.

## **Ad Hoc Committees**

From time to time the Chair of the Board may appoint ad hoc committees consisting of two (2) or three (3) Regent members to gather information and make recommendations to the Board of Regents about specified matters. Public notice of such meetings will be given and public attendance and participation permitted as deemed appropriate by the committee chair.

## **Quorum for Meetings of the Board**

Four (4) of the seven (7) members of the Board shall constitute a quorum for the transaction of business.

# **Regents' Policy Manual - Section 1.8: Regent Code of Conduct and Conflicts of Interest**

**Adopted Date: 09-12-1996**

**Amended: 07-15-2003**

**Amended: 09-09-2003**

**Amended: 10-19-2021**

**Renumbered from 6.4: June 9, 2004**

## **Applicability**

This policy applies to members of the Board of Regents.

## **Policy**

Members of the Board of Regents ("Regents") are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict with interests of the University. Regents shall not accept favors or gratuities of significant economic value from any firm, person, or corporation that is engaged in, or attempting to engage in, business transactions with the University. They must avoid any conflict of interest that may affect their independent judgment in the impartial performance of their duties. They may not use their positions to enhance their direct or indirect financial interest or use confidential information learned as a Regent for anyone's private gain. Regents shall comply with state conflict of interest laws as well as University policies.

No Regent shall maintain a financial interest in a firm or corporation with which the University is engaged in business. In addition, a Regent shall not participate directly or indirectly in any decisions relating to any transaction between the University and a business entity of which the Regent or any member of the Regent's immediate family is a director or trustee.

For the purposes of this policy, "financial interest" includes any direct or indirect financial interest, but does not include the leadership stipend of the student regent. This includes any transaction between the University and the Regent or a Regent's immediate family member. An immediate family member is a family member who shares a home with a Regent; or is a person who receives financial support of more than twenty-five percent (25%) of his or her annual income from a Regent; or is a person who is claimed as a dependent for federal income tax purposes by a Regent. "Financial interest" also includes any transaction between the University and a business entity (corporation, sole proprietorship, partnership, LLC, or similar entity), including parents or subsidiaries of the business entity, in which the Regent or a Regent's immediate family member:

- has an ownership interest (other than as owner of less than one percent (1%) of the stock of a publicly traded corporation), or
- is a partner or officer of such business entity or an employee of such business entity whose compensation is related to business transacted with the University.