

University of New Mexico

## UNM Digital Repository

---

Board of Regents Meeting Minutes

University of New Mexico Board of Regents

---

3-14-2022

### University of New Mexico Board of Regents Minutes for March 14, 2022

University of New Mexico Board of Regents

Follow this and additional works at: [https://digitalrepository.unm.edu/bor\\_minutes](https://digitalrepository.unm.edu/bor_minutes)

---

#### Recommended Citation

University of New Mexico Board of Regents. "University of New Mexico Board of Regents Minutes for March 14, 2022." (2022). [https://digitalrepository.unm.edu/bor\\_minutes/1313](https://digitalrepository.unm.edu/bor_minutes/1313)

This Article is brought to you for free and open access by the University of New Mexico Board of Regents at UNM Digital Repository. It has been accepted for inclusion in Board of Regents Meeting Minutes by an authorized administrator of UNM Digital Repository. For more information, please contact [disc@unm.edu](mailto:disc@unm.edu).

Minutes of the Regular Meeting of  
The Board of Regents of the University of New Mexico  
March 14, 2022; 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; Loretta Martinez, University Counsel; James Holloway, Provost and EVP for Academic Affairs; Teresa Costantinidis, SVP for Finance and Administration; Michael Richards, Vice Chancellor for Clinical Affairs; Terry Babbitt, President's Chief of Staff;

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

Chairman Doug 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**

Chairman 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**

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

**APPROVAL OF MINUTES: FEBRUARY 15, 2022 REGULAR MEETING**

- Motion to approve the minutes of the February 15, 2022 regular meeting passed unanimously (1<sup>st</sup> Payne; 2<sup>nd</sup> Schwartz; roll call vote – all members voted yes).

**ELECTION OF OFFICERS**

Chairman Brown requested nominations for officer positions.

**President:**

Regent Jack Fortner nominated Doug Brown for President; Regent Kim Rael seconded the nomination. There being no other nominations, Regent Brown asked for a roll call vote on the nomination. All Regents voted yes.

**Vice-President:**

Regent Brown nominated Kim Sanchez Rael for Vice-President; Regent Fortner seconded the nomination. There being no other nominations, Regent Brown asked for a roll call vote on the nomination. All Regents voted yes.

**Secretary-Treasurer:**

Regent Jack Fortner nominated Sandra Begay for Secretary-Treasurer; Regent Rob Schwartz seconded the nomination. There being no other nominations, Regent Brown asked for a roll call vote on the nomination. All Regents voted yes.

Regarding Committee assignments, Regent Brown said that Student Regent Ko was interested in serving on the Finance & Facilities Committee (F&F). There was discussion and it was decided that Regent Ko would take Regent Schwartz' place on F&F Committee. Additionally, Regent Schwartz would replace Regent Ko on the Audit and Compliance Committee.

**ANNUAL DETERMINATION OF REASONABLE NOTICE OF MEETINGS**

Chairman Brown confirmed that this determination is required every year, as per the NM Open Meetings Act. With the resolution recognizes the annual requirement and references Regents' Policy Section 1.3, which outlines when, how, and where meeting notices are to occur, thus codifying what the Board of Regents determine as being reasonable notice of its meetings.

**Adoption of Resolution Regarding Determination of Reasonable Notice of Meetings [Attachment A]**

- The motion to the adopt Regents' Resolution on Noticing Meetings, passed unanimously (1<sup>st</sup> Schwartz; 2<sup>nd</sup> Rael; roll call vote – all members voted yes).

**Adoption of Academic Year 2022-2023 Meeting Schedule**

There was general agreement on the proposed meeting dates; however, Regent Bill Payne said he would not be able to make the October 11, 2023 Finance and Facilities Committee Meeting, clarifying that he would be able to attend if the meeting were on October 12. It was agreed to move the meeting date to the 12<sup>th</sup>.

- The motion to the adopt the upcoming academic year's meeting schedule as modified, passed unanimously (1<sup>st</sup> Fortner; 2<sup>nd</sup> Schwartz; roll call vote – all members voted yes). **[Attachment B]**

Regent Begay reminded everyone that holding a Regents' meeting during spring break should be avoided. There was a brief discussion about whether it was better to pursue a change to the state statute that requires the Regents meet on the second Monday of March for election of officers or advocate for a change to spring break dates. Regent Rael said that a simple change to the statute could be to take out 'second Monday' so to allow for a meeting anytime during March.

**CLOSING COMMENTS**

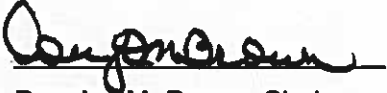
Regent Payne said he was concerned that the Open Meetings Act (OMA) was being interpreted by UNM in a far too constrained manner, for example having to send out a notice of a quorum for an information-gathering meeting or even for attendance at an athletic event. He clarified that Regents are not an elected body but are constitutional officers. Regent Payne requested that the Office of University Counsel look into the OMA requirements more closely and come back with a more clear delineation of what is required or not required. University Counsel responded they would look at it and bring back its opinion to the board.

ADJOURN

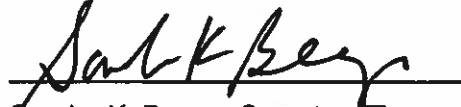
There being no further business, Regent Brown asked for a motion to adjourn the meeting; Regent Ko motioned; Regent Begay seconded; all were in favor; the meeting adjourned at 9:19 AM.

Approved:

Attest:



Douglas M. Brown, Chair



Sandra K. Begay, Secretary/Treasurer



**Resolution Making Annual Determination of Reasonable Notice of Public Meetings**

**WHEREAS**, the Board of Regents is required by section 10-15-1(D) of the New Mexico Public Meetings Act to determine annually in a public meeting what notice is reasonable for a public meeting of the Board.

**THEREFORE**, be it resolved that the Regents affirm Regent Policy 1.3 (attached) concerning public notice of Regents' meetings; and

**BE IT FURTHER RESOLVED** that the Regents hereby determine that such policy provides reasonable notice of public meetings held by the Board.

**ADOPTED BY THE BOARD OF REGENTS** on this day, MARCH 14<sup>TH</sup>, 2022

Attest:

  
\_\_\_\_\_  
Sandra K. Begay, Secretary/Treasurer

# Regents' Policy Manual - Section 1.3: Public Notice of Regents' Meetings

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

**Amended: 12-08-1998**

**Amended: 03-11-2002**

**Amended: 09-09-2003**

**Amended: 03-14-2005**

**Amended: 06-12-2012**

**Amended: 05-01-2013**

**Amended: 05-01-2014**

**Amended: 12-13-2016**

## 1. Policy

This policy is adopted pursuant to the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1, et seq.

## 2. Regular Meetings

Regular meetings of the Board of Regents will be held on the second Monday in March and at regular pre-announced intervals, which are generally monthly, unless otherwise announced in the Notice of Regular Meetings pursuant to this policy.

### Notice of Regular Meetings

Notice to the public of the regular meetings of the Board of Regents will specify the date, time, and place thereof and will state that a copy of the agenda will be made available on the public [regents.unm.edu](http://regents.unm.edu) website, at least seventy-two (72) hours prior to the meeting. Notice will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email at least ten (10) days prior to the meeting and the written Notice will be placed on the public [regents.unm.edu](http://regents.unm.edu) website.

## 3. Special Meetings

Special meetings of the Board of Regents may be called by the Board President or any four (4) members of the Board.

### Notice of Special Meetings

Notice to the public of special meetings of the Board of Regents will specify the date, time, and place thereof and will state that a copy of the agenda will be made available on the public

[regents.unm.edu](http://regents.unm.edu) website, at least seventy-two (72) hours prior to the meeting. Notice will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email at least seventy-two (72) hours prior to the meeting and the written notice will be placed on the public [regents.unm.edu](http://regents.unm.edu) website.

## **4. Emergency Meetings**

Emergency meetings of the Board of Regents may be called by the Board President or any four (4) members of the Board only in the event of unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to the University. The Board will avoid emergency meetings whenever possible.

### **Notice of Emergency Meetings**

Notice to the public of emergency meetings of the Board of Regents will specify the date, time, place, and subject matter thereof and will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email, at least twenty-four (24) hours prior to the meeting or by such other notice as soon as possible and as may be practicable under the circumstances.

### **Report to the New Mexico Attorney General**

Within five (5) days of taking action on an emergency matter, the Board of Regents shall report to the New Mexico Attorney General's Office the action taken and the circumstances creating the emergency.

## **5. Compliance with the Americans with Disabilities Act**

In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a meeting of the Board of Regents, please contact the University Communication and Marketing Department with as much advance notice as possible to allow for arranged services. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the University Communication and Marketing Department if an accessible format is needed.

## **6. Remote Participation in Meetings**

A member of the Board of Regents may participate in a regular, special, or emergency meeting of the Board by means of a conference telephone or other similar communications equipment

when it is otherwise difficult or impossible for the member to attend the meeting in person. Each member participating remotely must be identified when speaking, all participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the Board who speaks during the meeting. The minutes of any meeting at which there is remote participation shall identify any Regents who were not physically present but who participated remotely.

## **7. Closed Meetings (Executive Sessions)**

### **Exceptions to Open Meetings Act**

Meetings of the Board of Regents may be closed, according to the procedures set out below, only if the matter to be considered falls within one of the enumerated exceptions defined in § 10-15-1(H) of the Open Meetings Act or if closure can be implied from or required by other laws or constitutional principles which specifically or necessarily preserve the confidentiality of certain information.

### **Closing an Open Meeting**

Closing of a meeting shall be by a majority vote of a quorum of the Board during the open meeting, with the vote of each member being recorded. The motion shall state: (1) the authority for the closure (the statutory provision); and (2) the subject to be discussed with reasonable specificity. The matter to be discussed must have been included on the agenda, except for emergency matters.

### **Calling a Closed Meeting Outside of an Open Meeting**

Notice that a meeting will be closed, in whole or in part, will be given as specified above for a regular, special or emergency meeting, as appropriate, by so specifying either in the notice of the meeting or on the agenda. The notice shall state the specific provision of the law authorizing the closed meeting and shall state the subject to be discussed with reasonable specificity.

The minutes of the next open meeting shall contain information about the closed meeting, including the date, time, place, and subject matter of the closed meeting, the names of the Regents present at the closed meeting, the names of the absent Regents, and a statement that the matters discussed in the closed meeting were limited only to those specified in the notice of the closed meeting.

### **Action**

Any final action taken as a result of discussions in a closed meeting shall be made by a vote of the Board of Regents at an open public meeting, with the exceptions allowed under § 10-15-1(H).

## **8. Agendas**



A copy of the agenda for each regular and special meeting of the Board of Regents will be available at least seventy-two (72) hours prior to the meeting (and the notice of the meeting shall so state) and will be placed on the [regents.unm.edu](http://regents.unm.edu) website. Except for emergency matters, the Board shall take action only on items appearing on the agenda.

## **9. Public Input at Meetings**

An opportunity for public input regarding agenda items shall be provided at each regular meeting during Board consideration of the agenda item in question. The Board President shall determine the length of time to be allowed for public input for each agenda item, the sequence in which individuals may address the Board, and the length of time that will be allowed for each person to address the Board. The Board President may request that a group designate a spokesperson.

## **10. Minutes**

The Board of Regents shall approve and keep written minutes of all its meetings. The minutes shall include, at a minimum: (1) the date, time, and place of the meeting; (2) the names of Regents in attendance and those absent; (3) a statement of what proposals were considered; and (4) a record of any decisions made by the Board and how each Regent voted.

Draft minutes shall be prepared within ten (10) working days after the meeting and must be available for public inspection. The draft minutes must clearly indicate that they are not the official minutes and are subject to approval by the Board.

Draft minutes shall be approved, amended, or disapproved at the next regular meeting where a quorum is present. Minutes shall not become official until approved by the Board of Regents. Official minutes are subject to public inspection.

No minutes need to be kept during closed sessions, but information about the closed session must be recorded as specified in the "Closed Meetings" section of this resolution.

Recordings of Board of Regents' meetings shall be kept for, at minimum, three (3) years.

## **11. References**

- NMSA 1978, § 10-15-1 et seq. ("Open Meetings Act")
- NMSA 1978, § 21-7-5 ("Annual Organization Meeting of Board; Election of Officers; Bond of Secretary-Treasurer; Conditions")



**ATTACHMENT B** (attachment to the Minutes of the March 14, 2022 Board of Regents Meeting)

**2022-2023 BOARD OF REGENTS' ACADEMIC YEAR MEETING CALENDAR**

Regents' full Board & Committee Meetings	2022 Aug	2022 Oct	2022 Dec	2023 Feb	2023 Mar/Apr	2023 May	2023 June
Board of Regents	Aug 16	Oct 18	Dec 13	Feb 14	Mar 13* Apr 11	May 11	Regent Retreat tbd
Finance & Facilities Committee		Oct 12	Dec 6	Feb 7	Apr 4	May 9	na
Health Sciences Center Committee		Oct 11	Dec 6	Feb 7	Apr 4	May 9	na
Student Success, Teaching & Research Committee		Oct 6	Dec 1	Feb 2	Mar 30	May 4	na
Audit and Compliance Committee	Aug 11	Oct 13		Feb 9		May 4	na
Governance Committee		tbd	tbd	tbd	tbd	tbd	na

\*As required by State Statute, the Board of Regents are to meet the second Monday in March for election of officers.  
 Preliminary Budget Approval Meeting: April 11, 2023  
 Fall Commencement: Friday, December 16, 2022; 6:00 PM  
 Spring Commencement: Saturday, May 13, 2023; 9:00 AM  
 Spring Break: March 12-19, 2023