



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
December 9, 2021 at 2:00pm**

The hybrid meeting will be held at Room 001,  
Educational Services Center, 1780 East University  
Avenue, Las Cruces, NM and Webcast at the following  
address: <http://panopto.nmsu.edu/bor/>

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., President John D. Floros, Ph.D., Acting Provost Renay Scott, Ph.D., Vice Chancellor Ruth A. Johnston, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Roy Collins III, J.D.

**AGENDA**

The Board of Regents meeting is available by webcast through the link at <https://panopto.nmsu.edu/bor/>

A. **Call to Order**, *Chairwoman Ammu Devasthali*

**Pledge of Allegiance**, *Cadet Kabel Brooks*

1. **Confirmation of Quorum**, *Chairwoman Ammu Devasthali*
2. **Approval of the Agenda**, *Chairwoman Ammu Devasthali*
3. **Public Comment**, *Associate Vice President Justin Bannister*

B. **Approval of the Minutes**, *Chairwoman Ammu Devasthali*

1. **Regular Meeting May 14, 2021**
2. **Regular Meeting September 16, 2021**
3. **Special Meeting October 11, 2021**
4. **Special Meeting October 25, 2021**
5. **Regents' Retreat November 4-5, 2021**
6. **Special Meeting November 5, 2021**
7. **Confirmation of Prior Closed Executive Session November 5, 2021**

C. **Awards and Recognitions**, *Chairwoman Ammu Devasthali*

1. **Proclamation recognizing exceptional service provided by our front-line NMSU employees during the Coronavirus pandemic**, *Chancellor Dan E. Arvizu*
2. **Proclamation recognizing Andrew Burke for his service as Senior Vice President of Administration and Finance**, *President John D. Floros*
3. **Proclamation in memory of Bob Porter**, *Regent Dina Chacón-Reitzel*

D. **Regent Committee Reports**

1. **Real Estate Committee Report**, *Regent Dina Chacón-Reitzel*
2. **Audit and Risk Committee Report**, *Regent Ammu Devasthali*
3. **Financial Strategies, Performance and Budget Committee Report**, *Regent Christopher Saucedo*
4. **Student Success Committee Report**, *Regent Arsenio Romero*

E. **Advisory Member Reports**

1. **NMSU Faculty Senate Report**, *Chair Julia Parra*
2. **Associated Students of NMSU Report**, *President Mathew Madrid*
3. **NMSU Employee Council Report**, *Chair Joseph Almaguer*

F. **Affiliated Entity Reports** (*Deferred – written reports provided in advance*)

1. **Aggie Development Inc. Report**, *President & CEO Scott Eschenbrenner*
2. **NMSU Foundation Report**, *Vice President Derek Dictson*
3. **Arrowhead Center Inc. Report**, *Director & CEO Kathryn Hansen*

G. **Consent Items**, *Chairwoman Ammu Devasthali*

1. **Operating Agreement with DACC**, *Community College President Monica Torres*
2. **Arrowhead Bylaws Modification (Position Director)**, *Director Kathryn Hansen*
3. **Arrowhead Bylaws Modification (Non-Position (Outside) Director)**, *Director Kathryn Hansen*
4. **NMSU Las Cruces: Crime Prevention Through Environmental Design**, *University Architect Heather Watenpaugh*
5. **NMSU Las Cruces: Campus-wide Tunnel System Repairs Phase VII**, *University Architect Heather Watenpaugh*
6. **NMSU DACC: Creative Media Building at Arrowhead Park**, *University Architect Heather Watenpaugh*
7. **Grants: Walter Martinez Hall Roof Replacement**, *University Architect Heather Watenpaugh*
8. **Renewal of Special Use Permit from USDA Forrest Service in Clayton New Mexico**, *Special Assistant to the President Scott Eschenbrenner*

9. **Temporary Investments Report for the Quarter ended 09/30/2021**, *Senior Vice President Andrew J. Burke*
10. **Disposition/Deletion of Property**, *Senior Vice President Andrew J. Burke*
11. **Memorandum of Agreement between NMSU, New Mexico Energy, Minerals, and Natural Resources Department, New Mexico Highlands University, and the University of New Mexico Regarding Forest Conversation Collaboration**, *Chancellor Dan E. Arvizu*

**BREAK (10 MINUTES)**

- H. **Action Items**, *Chairwoman Ammu Devasthali*
  1. **Conferral of Degrees**, *President John Floros*
  2. **Mid-year Budget Revision Adjustment for Fiscal Year**, *Senior Vice President Andrew J. Burke*
- I. **Informational Items**, *Chairwoman Ammu Devasthali*
  1. **Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period May 15, 2021 – September 10, 2021**, *General Counsel Roy Collins, III*
  2. **Overview of Aggies Go Global**, *Professor Manoj K. Shukla, Abby Nayra and Cheyenne Stice*
- J. **Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture)**, *Cabinet Secretary & Director Jeff Witte*
- K. **Report from the NMSU System Chancellor to the Regents of New Mexico State University**, *Chancellor Dan E. Arvizu*
- L. **Announcements and Comments**, *Chairwoman Ammu Devasthali*
  1. **“Gun’s Up” – Good News for NMSU!**
- M. **Adjournment**, *Chairwoman Ammu Devasthali*



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-1**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Regular Meeting Minutes for May 14, 2021

**Requested Action of the Board of Regents:** Approval for Regular Meeting Minutes for May 14, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A





**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
May 14, 2021 at 9:00am**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

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**MINUTES**

The Board of Regents meeting is available by webcast through the link at <http://panopto.nmsu.edu/bor/>

**A. Call to Order, Chairwoman Ammu Devasthali**

The Board of Regents met in the Board Room of the Educational Services Center at New Mexico State University in Las Cruces, New Mexico on May 14 2021. Chairwoman Devasthali called the meeting to order at 9:03am.

**Pledge of Allegiance**

NMSU ROTC Cadet Jonah Haven lead the Pledge of Allegiance. Cadet Haven is studying Geomatics Engineering. Cadet Haven is a freshman and a contracted ROTC student.

**1. Confirmation of Quorum and Roll Call, Chairwoman Ammu Devasthali**

The Chief of Staff confirmed the quorum and took the roll call.

Chairwoman Devasthali, Regent Chacón-Reitzel, Regent Romero, Regent Saucedo, Regent Bitsie, Chancellor Arvizu, and President Floros were present in the Board room.

Virtually present were:

ASNMSU President Madrid

Faculty Senate Chair Parra

Employee Council Chair Almaguer

Provost Parker

Vice Chancellor Johnston

Senior Vice President Burke

General Counsel Collins

**2. Approval of the Agenda, Chairwoman Ammu Devasthali**

Chairwoman Devasthali made a motion to amend the agenda to move the action items after the lunch break and to move consent item 7, the lease for Corona Ranch to item 1 as an action item. Vice Chairwoman Chacón-Reitzel seconded the motion. All were in favor. Motion passed.

**3. Introductions, Associate Vice President Justin Bannister**

Associate Vice President Bannister introduced two guests at the meeting, Teresa Provencio Boberg and former Chancellor Gary Carruthers. Teresa Provencio Boberg is the wife of Kevin Boberg, who was honored today. Former Chancellor Gary Carruthers is in attendance for the honoring of Kevin Boberg.

Chairwoman Devasthali welcomed both Teresa Provencio Boberg and former Chancellor Carruthers as well as extending her condolences.

**4. Public Comment, Associate Vice President Justin Bannister**

Associate Vice President Bannister reported that there were a few individuals who signed up for public comment and added the disclaimer that public comment is provided so that members of the community have an opportunity to give public input to the Board of Regents. Each individual addressing the Board was asked to state their name and keep their comments to within three minutes.

Jamie Bronstein was the first individual with public commenting and stated, "I've been teaching in the history department here since 1996. As I thought about what I was going to say today, I realized that I have many concerns to bring to your attention, but the overarching theme of my comments, is that the administration, with a couple of isolated exceptions, has given NMSU employees no reason to trust them. You may have heard that the graduate employees of NMSU are unionizing under the auspices of the International Brotherhood of Electrical Workers. NMSU doesn't provide tuition remission or health care for graduate workers, a bare minimum that is provided by all competitive graduate programs. The graduate workers didn't trust that without legal pressure the administration would do the right thing. It's a matter of trust and the administration failed. You may have heard the Faculty Senate voted down the provost's proposal to merge colleges. Faculty have very real concerns about issues of tenure and promotion, the impact on students and staff, and the fact that alternative proposals that emanated from the faculty involved were completely disregarded without due consideration. Now, the proposal is being railroaded through without those concerns being answered. It's a matter of trust and the administration failed. You're all familiar with the situation that transpired in Carlsbad. For reasons that nobody could fathom, the Chancellor made the executive decision to get rid of the college presidents, breaking whatever trust existed between NMSU and the branch campuses. Policies have been instituted to shift enrollment from the branch campuses to the main campus. Sure, that makes it look like the main campus hasn't lost enrollment and that makes for pretty Power Points, but the faculty on those branch campuses wonder whether their local students, about whom they care deeply, are being sacrificed. It's a matter of trust and the administration failed. Finally, the campus administration keeps studying the campus through repeated polling, surveys, external audits and a sort of black box assessment conducted by grey associates. Then refusing to either share or explain the results, or even the intentions behind those reviews with the participants. Town halls are not dialogues. Shared governance needs to be more than just a performance of asking questions and then ignoring the answers. Regents, I would encourage you to connect directly with stakeholders beyond the administration. Be the people we can trust. Thank you for your attention."

Dr. Christopher Aiken was the next individual who gave public comment and stated, "I am Dr. Chris Aiken from

the Department of Kinesiology in the College of Education, I want to publicly state my excitement for and support of the proposed merger of the College of Education and the College of Health and Social Services. There are two main points that I want to bring up in my statement. The first is that the proposed merger will lead to increase the efficiencies across the campus and the second is that there will be increased research opportunities that I believe will lead to increased funding opportunities. As a faculty member I've had 4 department heads in 4 years and 3 deans during that time. The potential for permanent leadership is a big draw for this proposal. A dean with a vision for allied health fields as well as education will ensure that we can more fully contribute to the goals and missions of the university. Combining resources of the two colleges will allow for less overlapping curriculum and research equipment in the health fields. Currently students pursuing education and health science may take physiology, community health, and nutrition from 3 different colleges. Bringing these individuals together will make us a more efficient entity, while saving budget, which can be invested in research and student success. The allied health fields are spread across campus and faculty have to work hard to find individuals in which they may collaborate. We see that funding agencies are more supportive of interdisciplinary research; however, the connections for this research do not come from the current alignments. By combining departments like Kinesiology or Communications Disorders from the College of Education with the School of Public Health from the College of Health and Social Services will provide increased research collaborations that should lead to increased extramural funding. I've heard many of my colleagues discuss a loss of identity with this merger. We need to bring together allied health fields to create a new identity that focuses on inventive community health research and works towards improving health disparities in our community. We can do that, while also focusing on improved education and fighting for social justice across the state. Thank you for your time."

Kim O'Connell was the next person who gave public comment and stated, "I am Kim O'Connell and I am part of the Department of Kinesiology in the College of Education. I would like to first echo many of the things that were already said by Dr Aiken. He spoke very well about the importance of the merger and the positive aspects of this merger. I too would like to publicly state that I am in support of the merger between the College of Education and Health Sciences. The benefit to not just the clinical sciences programs, but also to the educational programs is significant. To bring all clinical sciences into the same school and arena allows for all allied health care students to have a better aspect with one another. It also allows for increased opportunity for inner professional education, which is something that all clinical science students need in their current preparation. And this is just the tip of the iceberg. The collaboration, not just between students, but also clinical faculty. As Dr Aiken previously stated, funding and opportunities for research are significant. I think we all have learned to understand the value of education in the healthcare arena, particularly in the last year. It has become desperately important that education is a huge part of global health and the combination of the College of Education with Health Sciences, Public Health, Communication Disorders, Kinesiology, Nursing. There's so much untapped potential here that can happen if they are brought under the same umbrella. I do believe it will require strong leadership to see this through. And the idea of permanent leadership under a new dean to lead this school is exciting and definitely something that is going to allow an increased community impact, not just here at NMSU, but across the state and potentially the nation. Thank you for allowing me to speak."

Blanca Araujo was the next person who gave public comment and stated, "I was a person who served on the task force and heard a lot of different opinions. But I am in support of the merger. I am a big proponent of change and, while I believe we are doing great things in the College of Education, I believe we can do things differently and better. The merger would allow us to head in the direction for change, which would be beneficial. Merging would allow us to learn about each other together and collaboration with other colleges would give us room for innovative and fresh ideas. I would love to see our pre-service teachers working with Social Work to learn how to promote and improve the social and emotional well-being of our K-12 public school students and their communities. I enthusiastically support the merger's focus on social justice, especially during these tumultuous times. And as a Hispanic Serving institution, NMSU should be leading

instruction and social justice, research and teaching. Partnering teacher education with social work will provide a better opportunity for pre-service teachers to learn about critical social issues at the forefront of society today, such as poverty and racism. The merger would make this possibility more accessible. Thank you for listening.”

H. Prentice Baptiste was next who gave public comment and stated, “I am H. Prentice Baptiste, a professor in the College of Education, school and teacher preparation and administration leadership. Thanks for providing this opportunity for me to share my opinions and concerns regarding the merger of the College of Education and the College of Health and Social Services and the Department Sociology to form a new college entitled the College of Health, Education and Social Transformation. My support for this merger is with some reservations. However, I am definitely not in support of another kind of proposal, which would place the College of Education in the College of Arts and Sciences. However, my support of the merger of the College of Education and the College of Health and Social Services comes with the following caveats. The merging of the two colleges must take place in the equity environment, thus faculty, staff and students must be treated equally with resources. The transition of the merger must facilitate the faculties of both colleges to have conversations for developing professional relations. It's been stated that the provost wishes to begin to search for a dean for the new college this summer with a goal of naming a dean in January for the new college. This is not a good idea. For the following two reasons, many faculty members are not available during the summer to be a part of a search for a dean. Therefore, because of their summer ties in terms of working with scholarly activities and teaching courses during the summer. Another reason that this is not a good idea is that your best candidates for a deanship for a new college are usually not available to begin in January. They are usually available at the end of a long semester, such as beginning in the summer. I would like to also add that I think that the fall semester should be devoted to provide faculty, staff and students of both colleges to begin developing a philosophy, mission and goals for the new college. My thanks to the Board of Regents providing this opportunity for me to share my support and concerns regarding the merger of the College of Education and the College of Health and Social Services. Thank you.”

Azadeh Osanloo was the final individual who gave public comment and stated, “Good morning, I'm honored to speak on request of Regent Dr. Arsenio Romero and I appreciate the invitation, given my expertise in leadership, policy, and social justice. For context, I was department head of Ed Leadership Inaugural Co-Director of T-Pal and one of the architects of T-Pal merger with together 3 departments in the College of Ed: Special Ed, Teacher Ed, and Educational Leadership. Today I want to offer some points of reference and comparison. When we created T-Pal, we were required to follow ARP 2.15A precisely and exactly. We needed to meet with all stakeholders. We met individually with staff twice. We had 10 different meetings with students disaggregated by department and by upper and lower division. We met with Graduate Council twice. We got approvals from all 3 departments individually, the college governing body, dean, associate dean's known then as A-DAC, the Deans Council and then, and only then, were we allowed to present at Faculty Senate. The Dean did not approve the proposition before department heads, as was the case this time. The hierarchy of the policy and processes allowed us to fold in stakeholders from the bottom up, gardener buy-in, consensus building, shared governance, and aim for transparency. It took almost two years. It was not perfect. It was flawed and there are still many growing pains three years later. Conceptually, the merger presented today can and might even be a great idea. Practically, this can and should have been done in a more thoughtful and inclusive manner. At the very least, it should have been done with the inclusion of the people who claims to benefit the most the students. Policy is in place for many reasons, most importantly, to protect the most vulnerable populations. On a campus, that is students, staff and early career in college faculty. When you circumvent policy, you can inadvertently harm those stakeholders. If you are aiming to create a college of social transformation, then you must consider the implications of diluting and undercutting policy that is grounded in shared governance, trust and accountability. For me the question before the board today is not if the merger is a good idea or a bad idea. The more salient question is ‘who is required to follow policy and who is not?’ Does policy only apply to certain people on this campus and what

are the long-term implications of that? And with your decision today, will you be creating a two-tiered cast system where students, staff and faculty are required to follow a strictly hierarchical and policy driven system, while others are not held to that same standard? Lastly, please know, faculty are not afraid of change. They're educators. With their teaching and research, they are agents of change. What they might be apprehensive of is a system that perpetuates inequity, inconsistency predicated in the guise of a College of Social Transformation. Again, Dr. Romero, thank you for the invitation to speak today. Madam Chair and Board, good luck with your decision."

**B. Awards and Recognitions, Chairwoman Ammu Devasthali**

**1. Proclamation in Memory of Kevin Boberg, Kathryn Hansen**

Director Hansen read the proclamation, as follows:

WHEREAS, Dr. Kevin Boberg spent more than 30 years serving New Mexico State University and was the idea man behind some of its most impactful economic development and community engagement projects; and

WHEREAS, Dr. Boberg, along with Garrey Carruthers and Kathryn Hansen, helped launch Arrowhead Center, the university's economic development and technology commercialization engine, in 2004; and

WHEREAS, Dr. Boberg was first to hold the Garrey E. and Katherine T. Carruthers Chair in Economic Development in the College of Business; and

WHEREAS, Dr. Boberg negotiated on behalf of the university to put the state's first Early College High School on the NMSU campus; and

WHEREAS, Dr. Boberg assumed the role of NMSU's vice president for economic development in 2013; and

WHEREAS, Dr. Boberg helped lead a team effort to secure the partnership deal that brought the Burrell College of Osteopathic Medicine to the NMSU campus; and

WHEREAS, he led the 2015 effort to earn a Community Engagement Classification for NMSU from the Carnegie Foundation for the Advancement of Teaching; and

WHEREAS, Dr. Boberg also led the effort to earn NMSU an Innovation and Economic Prosperity University designation from the Association of Public and Land-grant Universities; and

WHEREAS, he was a mentor for the Domenici Public Policy Conference Student Panelist program and helped create the Domenici Scholars program, guiding students as they researched and prepared questions for prominent national public policy figures, and helping create additional opportunities for them as they launched their careers; and

WHEREAS, Dr. Boberg was also generous in supporting students financially, creating the Fagin Fund Current Use Scholarship in 2015 to support undergraduate students.

NOW, THEREFORE, BE IT PROCLAIMED in official session that the Board of Regents recognizes, celebrates, and honors Dr. Boberg's work to create economic opportunity in the Borderland region and his passion for improving the lives of NMSU students.

PROCLAIMED, this 14<sup>th</sup> day of May 2021, in Las Cruces, New Mexico.

Former Chancellor Carruthers commented about Kevin Boberg, “Thank you for the opportunity to comment about Dr. Kevin Boberg. I met him when I became Dean of the College of Business. At that time, he had ideas and visions of doing something about economic development, innovation and the training of students to go into business and as a consequence in our collaboration, we began to discuss that. I went to the Rice University with a Regent, who asked him to go down there. We looked at the Rice Alliance as potentially a pattern of what we might set up at New Mexico State. Rice Alliance was a collaboration between the College of Business and the College of Engineering. The engineers would invent things. They would take it to the College of Business. They would develop business plans and pitch sheets. Then they would hold, in Houston, a large meeting in which many people would show up as potential investors. They would make their pitches and they had a number of businesses created on it. We knew we weren't Houston, but we knew we could do something in Burrell community. So, we began to work on Arrowhead Center. Kathy Hansen, Kevin Boberg, and himself created the Arrowhead Center and, in my view, that's what established Kevin Boberg in the love of his life, which was to do economic development and mentor students into economic development kinds of activities. He was quirky. He was brilliant. He was creating. He was persistent. He had some of the best ideas. He had some of the worst ideas, but he never was lacking ideas. Kevin Boberg drove the rest of us to what you now have, an Arrowhead Center and Domenici scholars and some of the other great things he did. You need to understand, he never wanted credit. When I named him chair holder of the Gary Carruthers and Catherine Carruthers chair, he did not want to do that. He did not want to go to the ceremony. When he went to the ceremony, he told me later, ‘I can't even remember what happened there. I was so nervous.’ I told him, ‘You still have the chair anyway.’ That's the kind of guy he was. He never really wanted credit for what he did. But he did so much for New Mexico State University. In my time, he's been one of the greatest contributors to the status of New Mexico State University of anybody I've ever known. Thank you for letting me say a few words about Dr. Kevin Boberg, my good friend.”

Teresa Provencio-Boberg commented about Kevin Boberg, “I would like to thank you so much for the opportunity to be here to recognize and honor Kevin. It means everything to me. So, thank you so much. It's amazing and NMSU meant everything to him, the students, his colleagues. So, thank you, Madam Chair, Madam Vice Chair, the Board and administration. Thank you so much.”

**2. Proclamation Recognizing Luke Sanchez for his Service as Regent of New Mexico State University,  
Chairwoman Ammu Devasthali**

Chairwoman Devasthali read the proclamation as follows:

WHEREAS, Luke Sanchez has served faithfully as a member of the Board of Regents of New Mexico State University for two years; and

WHEREAS, in his role as student regent, he worked closely with student government, serving as an advocate for NMSU students and promoting student success; and

WHEREAS, Luke, as a regent of the NMSU system, served on the Arrowhead Center Inc. Board of Directors and on the New Mexico Higher Education Regents Coalition, where he advocated for the formation of a student regent coalition. He was chair of the Regents Student Success Committee for one year and lead the process to revise the Regents Student Success Committee charter, demonstrating collegiality when engaging with the Regent Student Success committee as reflected in the drafting of the updated charter; and

WHEREAS, he served as secretary/treasurer of the Board of Regents during his tenure on the board and championed the recognition of staff that planned and executed commencement ceremonies and events; and

WHEREAS, his light-hearted sense of humor was a bright spot during many campus events. He danced with fellow regents, the Chancellor and former Employee Council Chair Sonia White during one of the Employee

Appreciation picnics and intended to start a regent dance team; and

WHEREAS, he participated in a marketing initiative that highlighted his NMSU Aggie Experience, a 30 second video project that has garnered more than 1.9 million views on YouTube; and

WHEREAS, he was the driving force behind the revitalization of the community garden that continues to develop into a source of fresh produce and recreational space for all students; and

WHEREAS, Luke majored in biology and was a student research scholar with NMSU's Howard Hughes Medical Institute and with the College of Arts and Sciences Discovery Scholars Program, where he worked with a team of biologists under the supervision of Jennifer Curtiss in the Drosophila (fruit fly) Research Lab. The team looked into the effects of environmental stress on eye structure and function using flies as a model; and

WHEREAS, NMSU Chancellor Dan Arvizu noted that in an act of selfless dedication to others, and preparation for his future career in medicine, Luke worked as a medical scribe at Mountain View Regional Medical Center in Las Cruces and later, during the COVID-19 pandemic, at Presbyterian Santa Fe Medical Center; and

WHEREAS, Luke graduated with a Bachelor of Science degree in biology in December 2020 and plans to attend medical school starting fall 2022; and

WHEREAS, Regent Sanchez's term on the Board ended on December 31st, 2020.

NOW, THEREFORE, BE IT RESOLVED in official session that the Board of Regents of New Mexico State University thanks and commends Luke Sanchez and wishes him great success in her future endeavors.

RESOLVED, this 14th day of May 2021, Las Cruces, New Mexico.

Regent Chacón-Reitzel commented about former Regent Luke Sanchez, "I had the privilege and the honor of serving with Luke on the Board of Regents. I wanted to take this opportunity to let Luke and the world know how much we appreciated him and his leadership. He is one of the finest young men I've ever met. You know, they say if you want something done, you give it to a busy person. There was no one busier than Luke, but he always had time to do more and that's his nature. It was a huge benefit to all of us on the board, but also to the whole university and especially the student body, which he so loved. So, we'll miss Luke, but we're so very proud of his future. I just want to remind him of a promise I coaxed out of him in a car ride one time, that when he becomes a big famous doctor that he comes back to New Mexico to take care of all of us old people. So, we're holding him to that."

Regent Romero commented about former Regent Sanchez, "Luke, I just wanted to take this opportunity also to say thank you for what you've done for NMSU and the students here. You know, when I got to meet you, it's been a little over a year now, I was so impressed with who you are. So, if you're listening today, I want you to know that. First, I want to say thank you, but I also want to say that I want to continue to follow you on your next adventure and how you're going to continue to impact this university and the state of New Mexico. Like the Vice Chair just said, I do know that you're going to continue to care for us. It's just going to be in a different way, so thank you for what you do please stay in contact with all of us, and good luck as you continue on to your life's experiences, thank you."

**C. Approval of the Minutes, Chairwoman Ammu Devasthali**

**1. Regular Meeting March 24, 2021**

Regent Romero made a motion to approve the minutes for the March 24, 2021 Regular Meeting. Regent Chacón-Reitzel seconded the motion. All were in favor. Motion passed.

**2. Special Meeting April 5, 2021**

Regent Bitsie made a motion to approve the minutes for the April 5, 2021 Special Meeting. Regent Chacón-Reitzel seconded the motion. All were in favor. Motion passed.

**3. Special Meeting April 15, 2021**

Regent Saucedo made a motion to approve the minutes for the April 15, 2021 Special Meeting. Regent Romero seconded the motion. All were in favor. Motion passed.

**4. Confirmation of Prior Executive Session of April 26, 2021**

The Board of Regents met in closed executive session at 1pm on April 26 2021. Due to the public health emergency issued by the governor, that meeting was held online. The executive session meeting was held to discuss threatened and pending litigation as permitted under the closed meeting exemption of the New Mexico Open Meetings Act NMSA section 10-15-1 subsection (H)(7). Those members of the board, who were present, were asked to certify by roll call that only matters of that nature were discussed.

Members certified by roll call that only matters of that nature were discussed, including: Regent Devasthali, Regent Chacón-Reitzel, Regent Romero, Regent Saucedo, and Regent Bitsie.

**D. Regent Committee Reports**

**1. Real Estate Committee Report, Regent Dina Chacón-Reitzel**

Regent Chacón-Reitzel gave the report for the Regents Real Estate Committee. The last meeting of the Real Estate Committee was on April 27. That was the only meeting to occur since the last Real Estate Committee report that was given to the Board on March 24. The Aggie Development Incorporated Board of Directors also met on that day. The committees heard several items, which are on the consent agenda and as action items. The committees voted to bring forward for the full Board's approval, items G-3 through G-8 on the consent agenda, with item G-8 being brought forward from Aggie Development as well as G-7 being moved as an Action item. The annual capital outlay and master planning process, five-year facility plans that is item H-5, and Assistant Vice President for Facilities and Services, Luis Campos and University Architect Heather Watenpaugh will provide a presentation and stand for questions on the process and the plan. The annual capital outlay plan is due on June 1 to the New Mexico Higher Education Department and the Regents Real Estate Committee voted to bring this item forward to the full board for approval before submitting to HED later in the month. Item G-7, the Corona Ranch project lease, was moved to action items for further discussion.

**2. Regents Audit Committee Report, Regent Ammu Devasthali**

Chairwoman Devasthali gave the report for the Regents Audit and Risk Committee. The Regents Audit and Risk Committee met on April 21 in a special meeting and approved the selection of the firm, Moss Adams, as the university's external audit services firm, contracted through a request for proposal process to perform required annual financial statement audits for the state auditor. Moss Adams has a four-year term serving as an external auditor, with a maximum renewal of two terms. The committee also heard a presentation from a co-sourced internal audit from Clifton Larson Allen, who provided an overview of enterprise risk management and detailed some upcoming internal audit activities that the firm would coordinate with NMSU audit services. The next regular Audit and Risk committee meeting is scheduled to occur on May 26 and this will be the entrance conference for the annual financial statement audit process.

**3. Financial Strategies, Performance and Budget Committee Report, Regent Christopher T. Saucedo**

Regent Saucedo gave the report for the Regents Financial Strategies, Performance and Budget Committee. The Regents Financial Strategies Performance and Budget Committee met once since the last report to the Board and that was on May 1 2021. Topics on the agenda included an overview of the budget that was made



to provide information to the new regent members on the committee. Also discussed, were the potential financial implications of the proposed college merger that is as an action item (H-1) for today's meeting. In addition, several budget related items are on the agenda for today's meeting that were also discussed, items H-2 through H-4. Materials with information for these items include additional documents that were requested at the committee meeting. The expenditure categories for I&G Athletics were included as well as some additional information comparing the budget for expenditures for 2021 - 2122.

#### **4. Student Success Committee Report, Regent Arsenio Romero**

Regent Romero gave the report for the Regents Student Success Committee. The Student Regent Success Committee met once on April 19 in a special meeting to discuss the proposed college merger of the College of Education, the College of Health and Social Services, and the Department of Sociology to create a new college to be named the College of Health, Education and Social Transformation. Part of the duties and responsibilities of the committee is to hear proposals to create, reorganize, relocate, or eliminate an academic organizational using unit, such as a college. This committee did recommend that this matter come to the full board for consideration. The Provost will provide a presentation about the proposal action item H-1. A complete set of materials was provided. Mrs. Rebecca Lescombes was welcomed as the new community member and voting member. Mrs. Lescombes attended her first meeting on April 19 and has already made an important contribution to the work of the committee. The next meeting is scheduled to occur on May 27.

### **E. Advisory Member Reports**

#### **1. NMSU Faculty Senate Report, Chair Julia Parra**

Faculty Senate Chair Parra gave the Faculty Senate report. Faculty Senate addressed 21 propositions for the report submitted. A few summary points are included in order to better represent the range of activities engaged in by the Faculty Senate and to better align with ASNMSU, the NMSU system and the Board of Regents. Several propositions were developed and passed to A) restructure senate committees and B) revise types of legislation to include bills, resolutions, memorials, as well as joint legislation under the overarching term of proposition. Additionally, an ad hoc task force is approved by the Faculty Senate to update and pilot the Faculty Talk forum in Summer 2021. Faculty Senate thanks Susan Beck for her service as Vice Chair. She was tireless in supporting the Faculty Senate during pandemic times and they welcome Amy Lanasa as incoming Vice Chair, starting May 18.

#### **2. Associated Students of NMSU Report, President Mathew Madrid**

ASNMSU President Madrid gave the ASNMSU report. ASNMSU was able to successfully hold their annual Spring Fling events, most of which being virtual as well as annual elections for President, Vice President, and Senators. President Madrid was pleased to report that he was officially re-elected by the student body to serve a second term as ASNMSU President. President Madrid introduced the incoming ASNMSU Vice President, Ethan Ortiz-Ulibarri. Vice President Ortiz-Ulibarri is a sophomore here at NMSU, who is studying agricultural business and economics.

President Madrid reported that ASNMSU is underway with transitioning to new student leadership and will hopefully have everyone hired by June 1, 2021. Following that, they will begin focusing on Fall programming, which will include welcome back events and homecoming. President Madrid recognized the hard work from everyone at Facilities and Services and Housing. As of yesterday, the replacement of appliances has officially begun and should be completed over the next few days. Xeriscaping and landscaping will also begin later this summer. Fourteen homes will be able to be completed under the current budget that was allocated through the legislative session in 2020. The rest of the homes should be completed with capital outlay funds that should be available towards the end of this year from the 2021 legislative session.

Regent Chacón-Reitzel commented that she is pleased to hear of the progress of the housing project. That project was brought before the Board of Regents a couple of years ago from a mother who was distressed of the quality of the veteran's housing that NMSU was offering at the time. It became a grassroots effort to improve the housing. The leadership was the students. Regent Chacón-Reitzel continued by stating that it was remarkable how they turned out to volunteer on those work days to do that kind of repair and updating some of those homes as well as hearing that they were at the legislature advocating for funds to further this project. Regent Chacón-Reitzel said, "I think it speaks beautifully of the leadership and the work and the sincere care that you have for fellow students, the veterans at New Mexico State University. They surely deserve a beautiful place to live, as all the students do. I commend you for the leadership in following through on that project because I think it's really remarkable what you all have accomplished. Thank you so much."

Chancellor Arvizu added that the housing project is an exemplar of student leadership and all students. There were more than 160 volunteers, most organized by Student Services organizations.

Regent Bitsie added that he commends the leadership and taking on the housing project initiative. Regent Bitsie said, "Great leaders don't set out to be leaders. They set out to make a difference. It's never about the role. It's always about the goal. That is something that's constantly seen and brought to the spotlight through ASNMSU." Regent Bitsie went on to ask if there would be any opportunities to volunteer throughout the summer. President Madrid answered that there are no current plans to hold any such events during the summer months. However, with the new student leadership and Directors of Community Outreach, they are hopeful to hold another similar event in the fall semester. President Madrid will keep the Regents posted if they can hold such an event.

Chairwoman Devasthali stated that she has heard from more than one legislature that sending students to advocate when they need something is always beneficial because they always listen to them.

President Floros recognized and welcomed the new leadership of the student body and congratulated President Madrid for his second term.

### **3. NMSU Employee Council Report, Chair Joseph Almaguer**

Employee Council Chair Joseph Almaguer gave the NMSU Employee Council report. Chair Almaguer reported that Employee Council is gearing up to start planning a 'Welcome Back Employees' event in August. Employee Council will begin planning the Employee Appreciation picnic that will occur in October. Employee Council is in communication with health experts on campus to gather ideas on how to ease the anxiety and help staff as NMSU transitions back to a more conventional semester. Employee Council's Benefits Committee is researching the benefits that NMSU offers compared to peer institutions. The goal is to become the flagship institution in New Mexico. Employee Council wants to help attract and retain employees from leaving NMSU to UTEP or UNM. Due to the benefits package that they offer, we feel that we are the employer of choice and can meet this goal with the upper administration. This will help to align with LEADS 2025 and building a robust university. Employee Council will be surveying employees on how they would like to gather in 2021 and how Employee Council can best support every employee. Chair Almaguer said, "We want employees to know that Employee Council is open for everyone and we are always looking to have more members."

### **F. Affiliated Entity Reports (Deferred, written reports only)**

Chairwoman Devasthali stated that as a result of a full agenda today, they have deferred the oral reports by the affiliated entities Aggie Development Inc, NMSU Foundation, and Arrowhead Center. The written reports for each of these organizations are in binder.

1. **Aggie Development Inc. Report**, *President & CEO Scott Eschenbrenner*
2. **NMSU Foundation Report**, *Vice President Derek Dictson*
3. **Arrowhead Center Inc. Report**, *Director & CEO Kathryn Hansen*

G. **Consent Items**, *Chairwoman Ammu Devasthali*

1. **Disposition / Deletion of Property**, *Senior Vice President Andrew Burke*
2. **Temporary Investments Report for Quarter Ended December 31, 2020 and March 31, 2021**, *Senior Vice President Andrew Burke*
3. **Las Cruces: Women's Soccer Stadium Lighting and Security Upgrades (\$575,000)**, *University Architect Heather Watenpaugh*
4. **Las Cruces: Pan American Center Video Scoreboard Improvements (\$1,000,000)**, *University Architect Heather Watenpaugh*
5. **Lease Amendment with Central New Mexico Community College at Albuquerque Center**, *Special Assistant to the President Scott Eschenbrenner*
6. **Early College High School Lease - NMSU Alamogordo**, *Special Assistant to the President Scott Eschenbrenner*
7. **Ground Lease Agreement with Maverick Inc. on the Corner of University Avenue and Las Alturas Drive**, *President & CEO of ADI Scott Eschenbrenner*
8. **Spring 2021 Degree and Certificate Conferral**, *President John D. Floros*
9. **Access to Classified Information Resolution**, *General Counsel Roy Collins III*

Regent Chacón-Reitzel made the motion to approve the consent agenda as amended. Regent Saucedo seconded the motion. All were in favor. Motion passed.

Regent Bitsie made a motion for a 10 minutes break. Regent Saucedo seconded the motion. All were in favor. Motion passed. The Board went into recess at 10:03am.

**BREAK (10 MINUTES)**

Chairwoman Devasthali called the meeting back to order at 10:13am and reported that Regent Romero stepped away, but will return.

H. **Informational Items**, *Chairwoman Ammu Devasthali*

1. **Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period March 25, 2021 through May 14, 2021**, *General Counsel Roy Collins, III*

Chairwoman Devasthali reported that there have been no updates to the ARP since the last quarterly meeting.

2. **Update on Agricultural Modernization and Educational Facilities**, *Chancellor Dan Arvizu*

Chancellor Arvizu began his report by stating that they are working with the Dean of ACES, Rondo Flores and his team, as well as a couple of regents to build an advisory council to assist with stakeholder engagement and refine the vision and future. Chancellor Arvizu asked President Floros to give an update.

President Floros gave an update regarding Phase 1 and Phase 2 of construction. Phase 1 includes the feed mill, food science learning and safety center, which includes the meat processing pilot plan, a big part of the

biomedical research building as well as demolition work. The project was advertised for bid on March 7, 2021 and closed on April 15, 2021. Currently, they are validating the bid to move forward. The start date could be as soon as June 7, 2021 with the hope that it could be completed in 363 days. The completion date would be June 5, 2022, which will allow them to schedule classes in the new building in Fall of 2022. Both sites that will be demolished are being prepared for demolition. Phase 2 includes the second part of the biomedical research building, student learning and outreach center, and other smaller projects as needed. The design services proposals were completed on May 18, 2021. The selection committee and evaluation criteria have an upcoming notification in June. They estimate that the duration of Phase 2 will be 575 calendar days with an anticipated completion date of January 2023. President Floros noted that they were following older processes and procedures that they have in place. However, as they move forward, they're going to change to what's called, 'construction manager at risk method,' which will bring the contractor into the project earlier and change things a great deal. The contractor will be involved in design. They will have a better handle on costs and feedback on construction, which will shorten the whole project timeline.

In regard to the Advisory Board mentioned by the Chancellor, most of the membership have been identified. All the members of state and AG industry are represented. There is a meeting being planned for later this summer to start board meetings.

In 2020, their agents, faculty, and staff throughout their corporate extension service have reached more than half a million New Mexicans. They have approached all kinds of topics including, economic development, community development, human nutrition and other health related issues, agriculture, food, environmental stewardship, family and child development, mental health, and family financial resources. More than half a million New Mexicans have been connected with NMSU's extension services.

The Aggie Next Step Program, which was implemented last year, strengthens the pathway from all of their 4-H students into university, particularly New Mexico State University. At this point, 4-H uses a pre-admission step in which every 4-H student that goes through a special program is pre-admitted into NMSU. It is hopeful that this is support an increase in enrollment at NMSU and 4-H. Currently, they have 40,000 people as part of the program within 4-H and 6,000 are active members. They're working with the CDC and State Department of Health to provide vaccination education all throughout the state. They're helping people administer vaccines through the Department of Health, particularly vaccine clinics with agricultural workers. The nutrition education program has reached 200,000 New Mexicans annually. Through the improved nutrition and physical program, it is estimated that the state saves about \$10 million in health-related expenses. Extension Services is holding webinars on the topic of drought and a series on ranch management.

Chairwoman Devasthali commented that she appreciated the report and is impressed with the work by Extension Services, especially in such diversity. Chairwoman Devasthali would like future reports to include an update on what Extension Services and experiment stations are doing.

Regent Chacón-Reitzel agreed with the request of a regular report from the Ag Complex and Ag Enterprise at all of the Board of Regents meetings. It's the original mission of the land grant university that we offer the extension, teaching, and research components to New Mexicans and to our students. It's important enough to ward some time on our agenda each time. Regent Chacón-Reitzel appreciated the update from the President and Chancellor on Ag Modernization and continued stating, "I would just say from the Ag community, I've been out in the state quite a bit in the last few weeks and every chance I get I try to update everybody about the exciting news on campus. They're excited to be able to see something happening. I think they've been a little impatient, maybe I have been too, to see some progress on that front. I'm glad things are moving. I'm looking forward to that committee. I think bringing all those folks together can go a long way to informing the stakeholders about all the good news on campus and where we're moving. Also, it looks to the future. I think your approach to hear what we need to hear right now, but also to be thinking about agriculture in the future is a positive thing and I am looking forward to all of that discussion." Regent

Chacón-Reitzel commented to President Floros that she is pleased that the campus and administration is allowing the projects this summer to go on and some of the camps and so forth, all within COVID standards. The New Mexico Beef Council is involved in all of them. They're sponsors for the youth ranch management camp and the US Beef Academy and the Dairy consortium, which is working with students from age 13 to college age, not only in New Mexico, but many from across the country coming for those events. There's been a long wait for those wonderful projects to come back online. Regent Chacón-Reitzel hopes that the President and Chancellor go out and attend some of those events. They're exciting teaching opportunities. Regent Chacón-Reitzel stated, "They transform students and I've seen that with all of my involvement in all of those projects. My question is, 'will we have the state 4-H conference on this campus?' It's a huge opportunity for students throughout New Mexico to come and participate in the conference. It's a big highlight for kids growing up in 4-H. I was wondering if there are plans to have it on the campus this summer. Has that decision been made? I know it's been delayed because of COVID."

President Floros answered that that information is not known at this time; however, now that vaccines have been approved for you, they'll look into that. Depending on how quickly that conference can be organized, it might be able to be accommodated.

Chancellor Arvizu added to the last conversation regarding the assets that NMSU has in agriculture and agricultural programs. The agriculture infrastructure of this country is woefully inadequate and underfunded and has been for many years. There are estimates at the national level that deferred maintenance has not been high on the priority list. There are estimates, upwards towards \$12 billion or more across the country in terms of agricultural infrastructure. The post-COVID world is different than the pre-COVID world and it provides opportunities. There is a significant opportunity with agriculture, specifically with land usage management processes that could be a tremendous help and support for things that relate to carbon management.

**I. Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture) (Deferred, written reports only), Cabinet Secretary & Director Jeff Witte**

Chairwoman Devasthali reported that the oral report from the NMDA is deferred to a written report due to a full agenda. This report will be reflected in the record for the meeting.

**J. Report from the NMSU System Chancellor to the Regents of New Mexico State University, Chancellor Dan Arvizu**

Chancellor Arvizu stated that he attended the DACC commencement drive thru and that it was a wonderful event. They had a series of those, five or six of them. Students would come in, then their names would be announced, and they walked across a small stage. They were handed a tube with a segregate diploma and they take a picture there. The family gets to drive up. There was one car per student, but unlimited occupancy in the car. Chancellor Arvizu said, "So, being good Aggies, some of ours were decorated with balloons and posters, and those kinds of things. What was so uplifting was our vehicle fleet of all pick-up trucks was exhausted last night because what happened was that people would come, the cab would have a few adults in it, then the bed of the truck would be full of kids or students. Everyone was happy about their parent or sibling or whoever that got the certificate or associate degree. It was very uplifting. Lots of tears. Lots of joy. Lots of pictures. It reminds us of why we're here and just how much this means to so many people. I thought that was an important take away for me personally."

Vice Chancellor Johnston gave an update on COVID. Vice Chancellor Johnston extended her gratitude to all Aggies over this last year, plus. People are happier. People are not having to wear masks outdoors. People are still very much concerned about safety. As COVID is winding down, they're starting to get conflicting information and are trying to sort through that as quickly as we possibly. They aren't having to spend quite as much time on COVID. Some of the committees are able to go to monthly meetings. Vice Chancellor Johnston gave a shout out to the entire university system, especially facilities and services as well as dining and housing. Vice Chancellor Johnston reported that many people have been vaccinated, but those records are held with the Department of Health.

NMSU does not have a complete and accurate count of who's been vaccinated, though they pay attention to what the state is reporting. Dona Aña county is doing well and almost every county that NMSU has a branch campus in are doing really well. A safety plan is required for all NMSU activities on an off campus, which is reviewed by Environmental Health Safety and Risk Management. They have been very successful in working with Jon Boren and 4-H and all of the ACES Groups to come up with very creative solutions so the students, faculty, and staff can be safe. They have an amazing amount of activity going on as things are opening up and people are feeling safer. The Environmental Health Safety and Risk Management Group have done well as has Aggie Health and Wellness, who has had to work with vaccines and negative testing. Faculty and the Dean of Students want to provide a normal experience for students. There's a sense of optimism around COVID. They are beginning to make plans for the fall semester. August 2<sup>nd</sup> is the date in which they want to have all services actively working. As they have learned from the pandemic, some groups have been more productive working remotely. They're looking to senior leadership to work with all their various staff areas to figure out what is the best thing for various units based on their missions. Vice Chancellor Johnston reported that there will be a town hall next week regarding 'return to campus.' Everyone is extremely creative and flexible. They are looking at their policies in terms of 'how to support people and the 'work from home' or hybrid work. There will be 800 graduates in person for the commencement today and tomorrow. There will be streaming available. The branch campuses will have some events and some of those will be streamed. There will be some pinning ceremonies or smaller group settings, all of which have been reviewed for COVID safe practices. The ticket limit is two per graduate.

Chairwoman Devasthali commented that the adaptability and creativity of the celebrations is wonderful and amazing. Chairwoman Devasthali closed her comment by saying, "there is an atmosphere of the hope of things opening up. My hope is that when we come back after the summer break, we'll really see signs of a rejuvenated and new NMSU. I'm really excited to see that."

Regent Chacón-Reitzel stated that she is aware of incentives across the country to encourage students to get vaccinated, such as scholarships. Regent Chacón-Reitzel asked if they are looking into any type of give-a-way for vaccinations.

Vice Chancellor Johnston answered that they're giving away t-shirts. The students who are vaccinated and are wearing them helps to encourage other people. There are no other plans at this time for other incentives. However, one of the things that is working well is that Lori McKee at Aggie Health and Wellness goes to where the students are: to Corbett, to the athletes, to residence halls to set up vaccination stations. That is helping quite a bit because if you see a friend get vaccinated, you're a little bit more willing to be vaccinated. As students come back to campus in the fall, we'll again go to where they are to provide vaccinations. There's a lot of debate around the United States about give-a-ways regarding equity and how to get everyone something that's safe and fair.

President Madrid added to Vice Chancellor Johnston's statement by stating that ASNMSU isn't planning on providing any promotional items for students in terms of the vaccine. President Madrid echoed some of the sentiments that Vice Chancellor Johnston shared and stated that it's something that ASNMSU has had to consider when giving away promo items to encourage students to either vote or take part in elections. However, President Madrid is open to this discussion once their new Public Relations Director begins. There will be opportunities for ASNMSU to help in that charge if it's something that they collectively feel comfortable in doing.

President Floros began his report by stating that the past year has been treacherous and the university has done responded and acted well towards the pandemic as well as what NMSU has accomplished. President Floros congratulated Vice Chancellor Johnston, her staff, and other people who have worked throughout the year to make the university and community safer. Because of this, NMSU positivity rates have been lower than surrounding communities and the state. However, there is anxiety from people about coming back. NMSU will be coming back slowly throughout the summer. The university will be fully open on August 2, 2021. The last town hall meeting will be next week. They will be addressing that topic and provide more information. A survey to students was completed in Fall 2020. There were 4,200 students who participated. The question was, 'what kind of teaching format would you like? Face to Face, online, or hybrid?' The results of that survey were that about

half of our students wanted classes to be face to face and of the other half, it was split equally into online and hybrid. The same survey was completed a month ago for the next fall. Just over 3,000 students took part in that survey. The results were split into thirds: 1/3 Face to Face, 1/3 Online, 1/3 Hybrid. President Floros continued by saying, "This is not to be misconstrued that only a third of students are coming back for online classes. The students are coming back. They like the campus. They want to be here, but they also want the flexibility of having some of their classes' hybrid, so that if they don't want to show up this particular day in a face-to-face class that they can actually have the experience, still listen to the lecture, and so on and so forth. Or, to have the flexibility that some of their classes are online, so that they could take classes that they couldn't take otherwise. So, it's interesting how our student population has shifted and we as a university are also shifting to accommodate that. What our students want, but at the same time, we understand that the face-to-face lecturing and the ability of our students to be there physically present, have hands on experiences, in many cases make a big difference to our ability to educate those students and their ability to learn and to be successful in their life. So, this is just a little bit of information about our students." President Floros reported that they ran a poll at one of the town halls in March. Of those that responded, 91% said they were already vaccinated or planned to get vaccinated and only 9% said, 'no and I have no plans to get vaccinated.'

President Floros stated that among the many units on campus that have had a tough time this past year, Athletics is one that dealt with financial as well as physical challenges. NMSU teams couldn't compete or practice here. Although there were many limitations, they're coming out with a positive and hopeful view of the future. Faculty and staff have worked hard to do the right thing by students and the university. Many people have gone out of their way to help a student, fellow faculty/staff member, or the university. President Floros announced that Director of Creative Writing and professor, Connie Voisine, received the Guggenheim fellowship award. This is the John Simon Guggenheim Memorial Foundation that provides those fellowships to very few individuals that excel in scholarship, such as artists, writers, scientists, historians, and other scholars. It is a very prestigious award that one of faculty has received this past year for her scholarship and for her excellence in her area. NMSU will be launching the Aggie Accelerator program in August. This program is to help high school students transition to college. Students will stay on campus face-to-face to study math and English, particularly because they know that those are two tough classes for high school students, especially this year.

President Floros announced another program in which they are providing technology grants to first time students at NMSU to obtain a tablet and possibly a computer. This program is designed to help students understand the information, hardware, and information technology issues as well as to become digitally literate, improve their technological skills, and understand how to use that technology to be successful at NMSU and in the future.

Chairwoman Devasthali congratulated Connie Voisine on the prestigious fellowship award. Chairwoman Devasthali is excited to hear about the Aggie Accelerator program that will help high school students transition to college as well as pleased to hear about the technology grant that will provide students with a tablet. NMSU faculty, staff, students, and administration have done well in rising up to the challenge of COVID.

Chancellor Arvizu stated that he appreciated President Floros and his team for their investments early in digitalizing many of the processes that NMSU needed to be an expert at. Chancellor Arvizu continued by saying, "Had we not made the progress on the digital assets that we invested and on having a strategy and plan with very specific metrics that we could measure progress against we would not have been in the position to meet the challenges of the pandemic. So, I think a lot of credit goes to those early decisions because frankly, we would not have been in a position to take advantage of that. So, again, shout out to the President and the team. Very proud to be a part of this team because they do extraordinary work."

President Torres gave her report on DACC. President Torres extended her gratitude to Chancellor Arvizu for attending their graduation ceremony. It's the first of five from each of their divisions. President Torres went on to say, "I'm thinking the person he's thinking about is a young woman. My job was to welcome them to the staging area to congratulate them and to smile and point them to the picture place where they were supposed to stand for their picture. A young woman walks up and I look at her directly in the eye and said, "Congratulations, I'm so

happy for you. You could see immediately, she started tearing up, just crying and very proud of what she had done. As the Chancellor said, this is the moment we get to see 'this is why we do what we do.' So, thank you very much Chancellor for attending." President Torres reported what DACC did in terms of support during the pandemic. DACC had an iPad distribution project in which they gave iPads to students who needed them. Also, DACC faculty are doing training in 'how to use iPad apps to support instruction.' DACC started a 'Thrive at DACC website, which helps gets students to the right resources at college, the system, and the community. They increased their professional development for faculty, particularly as it came to improving the quality of online instruction. DACC enhanced their internal and external communications. They participated in a couple of major activities on equity and diversity that really helped them think about 'what it means to be an equity minded organization.' Many students who attend community colleges are in the 'at risk social and economic circumstance' category. This was exacerbated by COVID. Online instruction and services provide a tremendous amount of benefit to students. However, there are some programs and some students who need in-person interactions to succeed. Some employees thrived in a remote working environment and others struggled with it. As DACC moves forward, the two words that they're using are, 'intentional' and 'incremental.' President Torres said, "If we think about the intentionality, 'how do we balance online and in person services and instruction to meet a full range of needs that we know exists in our community?' even as the ground beneath us continues to shift, there are still tremors." President Torres reported that, effective today, she will launch at Plática on their campus or online, a formal process wrestling productively with these questions. The most critical part from her perspective is unit level discussions where they will ask them to reflect on 'who they serve, how they benefit from online services, how they benefit from in-person services, and how do they shape their services around the answers to these questions.' Their goal is to have more interactions, effective August 2<sup>nd</sup>. They're also thinking about 'what does it mean to have a productive, healthy work environment?' President Torres continued to say, "We not only need to be productive, that's expected of us as an institution, but 'how do we also become a healthy environment and support that environment for our employees?' So, all of that would lead to thinking about 'how are we using intentionality to move forward?'" Regarding the 'incremental' piece, they had a few in-person classes and services in the spring. In the fall, they'll have more in-person classes and services.

The Chancellor signed an agreement with Beyond Reality to bring a virtual augmented reality platform to the NMSU system to support teaching, learning, and workforce development. The inaugural training class is between 30 and 40 people. About 15 or 20 from DACC and about 15 or so from the College of Education at NMSU. The goal is to expand this not only to teaching and learning within the system, but to their local and regional partners to expand the use of this powerful tool for teaching, learning, and workforce development. They are doing more Integrated Education Training (IET), which integrates high school equivalency study with workforce training.

Executive Director Van Winkle acknowledged that this year has been a difficult year for everyone, but in some ways, it's magnified for the 3 smaller campuses. Executive Director Van Winkle said, "When you take into consideration of losing \$1, that's a lot different in the budget structure in the smaller campuses verses the main campus, or for example, losing one student or gaining students. Each movement, one way or another, is magnified because of the size of the campuses. The reason I suggest this is because I think it's real important to understand the work and the wonderful work that's been going on at the three smaller campuses through really difficult times." In Alamogordo, the early college academy will be established in the fall semester. Public schools will have 30-50 students in the first cohort. They've established an MOU with a group called 100% OTERO, which is a group of local interested people who are working under a model similar to the socio-ecological model from 'Anna Age Eight,' in which to remove barriers for students in order for them to get quality education regardless of their age. They will be located on campus. The Title V grant will help underserved minority students attend college and to be successful. They hired a marketing director and two Student Success Coaches. Executive Director Van Winkle said, "The local enrollment for the summer, local enrollment and I emphasize 'local' is steady and I'm happy to report that the local enrollment for the fall is up and we're hopeful that trend will continue until the beginning of the fall semester." Executive Director Van Winkle reported that return to campus is going on presently and almost the entire campus is back, in terms of staff. The completion of return to campus is August



2<sup>nd</sup>. Alamogordo, Grants, and Carlsbad have purchased a professional virtual commencement package together. Alamogordo will have their commencement at 6pm.

Executive Director Van Winkle reported that the Grants indoor Ag project will have a ribbon cutting on September 10<sup>th</sup>. Marlene Chavez-Toivanen and the Vice Presidents on that campus have been working with the local hospital to find some financial support for the campus in some of the new programming of the medical professions, such as phlebotomy. They've gained \$40,000 from the local hospital, which is fantastic for Grants. They are working on the intergovernmental agreement between NMSU Grants and NMSU Corrections. They signed an MOU with Small Wonders Daycare, which is a renewal of a contract. Local enrollment is slightly up for the summer and it's significantly up for the fall. All employees in Grants have returned to campus.

Executive Director Van Winkle reported that Carlsbad is working to become an independent campus. The final touches for the final plan for independence, which is required by the Higher Education Department, are being put into place. That should be completed by the end of May. They've been given permission by the HED Secretary to have conversations with the two business offices to begin discussing how purchasing and procurement might be transferred to the Carlsbad campus. At Carlsbad, five faculty were promoted this year and one tenured on that campus. The local enrollment numbers for Carlsbad are steady for both the summer and fall. Commencement is being held virtually on all three of these campuses and as Associate Vice President Ruth Johnston reported, there will be an in person pinning ceremony for the nursing program in Carlsbad. Carlsbad will also be having a parade today at 9pm from downtown to the campus to honor their graduates.

Chairwoman Devasthali asked if the Alamogordo campus offers GED classes. Executive Director Van Winkle answered that there is an adult education program and they award those degrees. The commencement ceremony will honor the students who have been through that program.

Chairwoman Devasthali asked if the 100% Otero is only for high school students.

Executive Director Van Winkle answered that it's for all students who are finding barriers such as food insecurity, transportation, or healthcare, to an education. This group will try to mitigate some of those problems. This program also helps non-traditional returning students. It's a community organization to help anyone who's interested in education.

Chairwoman Devasthali commented that she would like to continue involving the CEOs of the other campuses.

Regent Chacón-Reitzel stated, "I'm going back to the virtual augmented platform discussion, and it sounds exciting. It's wonderful, but I keep thinking when I see that there's so many opportunities for online education and supplementing that and making it better for our students. I'm reminded that so many of our students do not have good connectivity in the state. So, we could go far for this, but we may need to go a little further in encouraging the broad band connectivity. I was wondering if you or the other presidents in the state are involved with Higher Ed or with the state officials to encourage that. I do see an opportunity for the campus to be able to work with those students or do a survey or a poll to collect some data on how many of those students when they went home were unable to continue their education or that it was extremely limited. Coming from rural New Mexico, I recognize that that is such a barrier. So, I wonder what our role is in the university in that whole broad band issue."

Chancellor Arvizu proceeded to answer Regent Chacón-Reitzel's question. Broadband is an infrastructure issue that has been well recognized in the state of New Mexico for decades. This year in the legislative session there was a much stronger sense of urgency that something needs to be done, continue to talk about it, and study the problem. It does have challenges because it isn't strictly a public decision to make. It has to be done through the private sector because much of our broad band services are provided by private sector participants. The rules and regulations of how they participate in the development of infrastructure is what needs to be addressed. There is good connectivity in public institutions and schools. There is not good connectivity in the community of some rural areas. Chancellor Arvizu has been engaged in the network that is the former National Science Foundation

Directors and the former National Science Board Chairs. There's a group of somewhere between 12 and 15 individuals that have been called on regularly to advise on major bills that are being proposed, both in the Senate and the House. There's one called the Endless Frontiers Act, sponsored by Senator Schumer and Senator Young, who is a republican from Rhode Island, that is bipartisan. It is a massive spending bill that would create an environment for a lot of deployment of basic research SNT as well as 'how do you get that research into the marketplace, deployment, and creating regional hubs and ways in which you can establish supply chains for critical infrastructures and industries in the future?' It's an enormous bill, hundred-billion-dollar kind of bill. There is an equivalent bill in the house, the NSF Futures Bill. It is co-sponsored by representatives, Hayley Stevens, Bill Foster, and Don Buyer, three members of the House Science Community. It's less in terms of spending, but similar in terms of 'we're going to focus on science and technology, deployment, underserved communities, and infrastructure.' Additionally, the White House is pushing a couple of major pieces of legislation. One will be the budget. One will be an accompanying bill to go with it. One is called the Infrastructure Bill. The White House and the President are proposing that one. There's another one called the Family Friendly Bill. Each of those, as a starting point, are \$2 trillion dollars. New Mexico has developed a network called, the North Rio Grande Corridor Correlation or Collaboration, which is the directors to two national labs and the four universities along the Rio Grande quarter, UNM, NM Tech, NMSU, and UTEP. They've agreed to put together a plan and program that will focus on how to get regional collaboration and cooperation to be in a position to accept that huge amount of resource that may be coming our way in a regional context. There are two important meetings are coming up next week. One meeting is at the end of the week with the Legislative Finance Committee. It's going to be here on NMSU campus. It's a series of meetings that they have around the state. NMSU will be presenting. They want what the update is relating to COVID. They want to focus on 'what's the future of learning?' 'What's the new approach that we're going to look at in terms of the future of learning through the entire ecosystem?' Early childhood education through high school and post high school education. There's a strong indication that they want to add four more years to public education that the public pays for, 2 years on the early side and 2 years on the after high school side. President Biden's proposal is that all of that should be public education and should be free. It's an interesting concept and one that has a lot of similarities in things that New Mexico cares about. Where that goes, is not clear, but recognizing the movement is in that direction. They're working with Senator Ben Ray Lujan as well as Senator Martin Heinrich. There is a provision for the Community Projects Program, otherwise known as bringing back earmarks, and it's working its way through Congress. This may be a bit controversial, because they were taken out and now they're putting some earmarks back for certain circumstances. Each Senator and Congress person is asking for projects. NMSU is working with senators to say 'what do we have that we can propose that they might be able to champion on our behalf?' They each get an opportunity to submit 10 projects. NMSU is trying to be collaborative in the ways they put things forward. Key messages that Chancellor Arvizu wants to promote to the LFC next week is the idea that education should be part of each of those pieces. There are assets in the state, such as natural minerals, oil, gas, wind, solar. NMSU has an additional capacity that most states don't have in terms of federal spending and research institution with an incredible intellectual horsepower. Those are assets that this state has and NMSU needs to take those assets and put them in a package that makes us a compelling receptacle for the investment that the federal government will make if their concerns and objectives are about 'how do you harmonize who benefits from the investment that federal government makes by making sure that the underserved communities also get a piece of that action and then participating both in creating infrastructure and wealth and the opportunities and think of this as a 'jobs conversation.' It's not strictly about jobs, but right now we're recovering from a pandemic and we need to make sure that our citizens have an opportunity to either go back to work if they've been in work, to find new work if their job has gone away or to ultimately have the education to meet the needs of the new industries that are coming our way. The Bridge is the local community business leaders and they advise on 'what should the state be doing?' 'What should the university be doing?' and 'What should the community be doing?' in terms of helping economic development in the region. They've done a series of round tables. Those round tables have said, 'here is what's going on in value added agriculture, in things that relate to AI, aerospace, and space, national defense, logistics and transportation like down on the border. They concluded that there are three people looking for a job

for every job that's available. The problem is that we don't have qualified people for the ones that are demanding. So, there are needs and no expectation of how to do that. They are looking at, 'what programs do universities actually provide?' 'Are we actually doing the things that are necessary to fill those jobs that presently exist?' If not, NMSU should tailor those to make that happen. Chancellor Arvizu continued by saying, "So, as we think about the ecosystem and again, it's not just about the STEM disciplines at the higher end, it's everything, the entire ecosystem. Some of the new creative infrastructure jobs that are going to be out there don't require a four-year degree or a Ph.D. Some of them are technical kinds of things. Good jobs, but that whole ecosystem still needs to be developed. So, as we're thinking about our branch campuses, 'how do they participate in this restructuring of the investment that the national federal government will make in our local regions and out in the state partner with us. We need to think again about 'what works for us?' 'What works for New Mexico?'" One thing that is exciting is NMSU Online and On-Demand. This will give micro credentials that are necessary for certain job types, whether it be cyber security, AI, or something that relates to the normal CTE curricula. Some of those micro credentials could get a credential for a certain kind of competency and they're stackable so that you get several competencies in a broader certificate that will count toward having a degree at some point in the future. It gives more and more options for all our citizens, some who are looking for another job, some who are looking to upscale their present capabilities, or for those who are trying to enter a marketplace for jobs that don't yet exist, clean energy being one of them. They have another meeting next week with ICREW. It's a partnership we have with them. It stands for Innovation and Commercialization of the Regional Energy Workforce. NMSU has an EDA grant that has sponsored the work that this collaboration between ourselves and members of that particular community. They've had a call for proposals and we've had literally dozens of proposals that have come forward. Many of them very compelling. Some of them in the Ag world and some of them in the engineering world, some of cyber area. They have got a machinery that's starting to crank up to meet the needs of what these future opportunities are. They accommodated fairly significant budget cuts. They've had voluntary retirement programs and a few involuntary layoffs, but that has put NMSU in a budget condition that allows them to be sustainable for the future. The economy is rebounding, so they're done with budget cuts. Chancellor Arvizu said, "We still have to go through the process of refining those and we still have the process of 'how do we allocate the stimulus money, which the LFC is also asking us about. It's meeting some incredibly important gaps. Without the stimulus money, I'm not sure where we would be.'" Recurring budgets need to be one that they can afford and can build upon. NMSU is going through a budget realignment disposition so that their budget reflects their priorities."

Regent Saucedo asked Executive Director Van Winkle to elaborate on "local enrollment" and compare the steady local enrollment to the decrease in overall enrollment.

Chancellor Arvizu proceeded to answer Regent Saucedo's question. NMSU has done some accounting that is not precise or accurate for many years. NMSU has what is referred to as, 'swirl.' Any student who takes a course at any of the NMSU campuses is counted as a head count for that institution. So, in other words, if a class is offered in Alamogordo and a four-year student on the main campus takes that class, they are counted as a head count in Alamogordo and at the main campus, resulting in a duplication of head count. In some cases, they've had where a student was taking a class at three different campuses and were counted three different times. There have been reasons for why that has been done and, in some cases, it was a good thing. However, it has been done to the degree that branch campuses were teaching gen ed courses that probably should have been taught on the main campus. They have tried to correct those things in order to more precisely measure and account for. Nationally, branch campuses and two-year programs were hit incredibly hard. Something on the order of 13-14%, nationally. For underserved communities, specifically African American, Latinx, and Pell Grant eligible low-income people. Those numbers are like 20%. They're much bigger. And NMSU serves that demographic. Much of the drop that was seen in the branches was due to that factor. NMSU branch campuses focus on services that they can provide to their community, such as mill levies. They invest in their community and expect that return to that community. Early college high school is one of those kinds of things and certainly the students that are part of that community that are eligible for face to face, that's what they want to count."

Executive Director Van Winkle responded by stating, “There’s just a couple of things. The only thing that I think might have been left out of the conversation or the statement Chancellor is the student credit hours. So, what I tried to present as the local enrollment and the reason I framed it that way was because part of our funding formula is based upon student credit hours. So, for example, last summer at this time, we were still registering students from the main campus on our community college campuses and therefore, those students were allowed to take courses into the fall, which generated student credit hours. Those credit hours helped the funding formula for each of those campuses. Now that we’ve made this change to serve our more local communities as the Chancellor was describing, I’ve tried to emphasize that we’re comparing apples to oranges because we’re still using part of that main campus student credit hour as measuring against what we are looking for or the trend going into the fall. So, I simply looked at the numbers and took the main campus, who in the past had been taking classes at the community colleges, taking them out of the scenario so we could see what the ‘new baseline’ would look like for the smaller campuses. So, I’m really pleased that each of the smaller campuses are holding their own well going into the fall without the main campus student credit hours. And so, that was what I was trying to report. Now, on paper it still looks like the numbers and the enrollment are smaller at the branch campuses. Well, technically they are because we just don’t have the participation of the main campus students, but from the local standpoint, it looks like our enrollment is picking up a little bit. Now, part of it is probably because the pandemic is letting up a little. I also want to give kudos to those campuses because they’re marketing. They’re advertising to the local students the advantage of starting at a community college. And the last thing that I’ll mention is that it’s not just early college high school like the Chancellor was mentioning, but it’s all dual credit students. There’s a difference there because that adds to the numbers a bit because not everybody is in early college high school.”

Regent Saucedo stated, “Yeah, I appreciate that comment and I really like the term ‘new baseline.’ I also like that with this new baseline, it does seem the focus of the needs of that local community, whether it’s Alamogordo or Grants, which obviously have very different communities.”

Chairwoman Devasthali stated, “I just had a couple of comments. I’m excited to be part of the national conversation in terms of looking at the whole ecosystem and first of all, seeing how we can bring resources to our state, but also extending the conversation to bringing in proposals from different sectors of the economy and seeing what we can present on the national stage to say ‘this is what we need.’ I also really appreciate the fact that we are starting to pay more attention to our system as a whole and paying attention to what other needs, in terms of economic development, job creation in the communities in which our branches reside, where they live. I feel that we did not have that kind of emphasis in the past. We looked at those branches more as feeders to main campus. It’s important that those communities support those branches and therefore, they are right to expect that we will provide the kind education, be it certification, be it associate degrees, that they need in their communities to create those jobs to fulfill their needs. So, I’m excited about that. I am also very eager to learn more about this NMSU Online and On Demand. So, I’ll definitely be asking more questions of you, Chancellor at one of our updates. In terms of the ‘one-time money’ as far as the HEERF money that’s coming in, I think we all realize that it’s one term money and therefore, it’s important that we make those big investments in infrastructure for our system because we know it’s not going to keep coming. So, those big investments that we may not be able to make every year, to make that this time and use that money strategically and use it to the best advantage. So, I’m glad you’re looking at it that way as well.”

President Floros gave two updates. NMSU is not holding the large conference 4-H here on campus this summer, but there are several regional conferences, smaller sizes, that will be meeting face to face. The second update is that more than 1,000 graduating students have chosen to walk through for commencement. They’re going to hold it at the football stadium. Unfortunately, they had to make plans early on that only allow two people per student invited to come in the audience. They’ve heard some complaints about that and they sympathize with the families. They understand that this is a great time for the family to come together and celebrate. It’s just impossible for them to change at this point. We just don’t have the staff and ability to change everything logistically to have more than two people per student.

Chairwoman Devasthali stated, "Thank you. I appreciate that. I know I had some questions from parents saying, 'could we get more tickets?' We didn't know what the situation was going to be, so we had to plan for the worst-case scenario. So, I think people will understand that."

Chairwoman Devasthali moved that they recess for lunch and watching the Outstanding Graduate Virtual Reception and return at 2:30pm. Regent Bitsie seconded the motion. All were in favor. None were opposed. Motion passed.

## **BREAK FOR LUNCH AND VIRTUAL OUTSTANDING GRADUATE RECEPTION**

Chairwoman Devasthali called the meeting to order at 2:31pm.

### **K. Action Items, Chairwoman Ammu Devasthali**

#### **1. Corona Ranch Mineral Lease Extension, Special Assistant to the President Scott Eschenbrenner**

Regent Chacón-Reitzel stated, "As the Chair of the Real Estate Committee I mentioned this morning that we met on April 27<sup>th</sup>. But, I asked for this item to be moved to action because I wanted to clarify the motion and make sure it was on our Board of Regents Record. It was the wishes of and the vote of the Real Estate Committee. The motion was made that the Real Estate Committee present this item to the Board of Regents and that all the funds collected from this lease that they are referring to today go to the Corona Ranch. Regent Chacón-Reitzel moves that the lease that we are referring to today go to the Corona Ranch. I wanted to make sure that all the regents on the Board were aware of that recommendation and that motion at that Real Estate Committee on April 27<sup>th</sup>."

Assistant General Counsel Scott Field informed the regents that there is a letter, dated November 5<sup>th</sup>, 2020 from the Chancellor to Vice President Burke that directs these funds to go to the College of ACES for the furtherance of the Corona Ranch Research Mission. There is documentation of the Regents Real Estate Committee's desires and it's been taken administratively.

Regent Chacón-Reitzel stated, "I so move that the proceeds from the Corona Ranch Lease, that the lease be signed and that the proceeds go to the Corona Ranch."

Regent Bitsie seconded the motion. All were in favor and none opposed. Motion passed.

Chancellor Arvizu stated, "Madam Chair, may I make a comment? I want to make sure that I'm following explicit direction from the regents. In the case of the Corona Ranch, that project, which has been in the works for years, was negotiated with the understanding that that will be the case. That the revenues would move to the ranch itself. It would be good to know how the regents feel about other such projects. I would offer that one size does not fit all. In some cases that makes sense, in other cases that might not. So maybe there needs to be some sort of a discussion maybe at the Real Estate Committee regarding that policy and any amendments that we want to make on that policy because I know there'll be other things that'll be coming up in the future. That one was already set in motion and pre-determined based on previous discussions and previous commitments, but that's not true of things going forward. It might be worth it to have a conversation regarding 'what is the desire and strategic approach that you all can endorse? I can offer that we could bring you a proposal or two, maybe some options and then you can look at that from the perspective of 'what makes sense for the institution?' So, I just wanted to leave that as a place holder, just so that there's no confusion on what we're going to do next time around. I didn't follow through on the administrative solution to that one, but for the expectation and understanding that it already has been negotiating. Going forward, that's a clean slate. So, maybe we can talk about that."

Chairwoman Devasthali stated, "Thank you Chancellor and I think that's a very good point because the land holdings for the university are for the benefit of the entire system and sometimes it can apply to one thing and other times to something else. So, there is no one size fits all."

Regent Chacón-Reitzel stated, "Madam Chair. I have a comment. I think the reason I wanted to clarify is that the Corona Ranch has put forth some proposals for some research and education opportunities to expand and they've been working on that Corona Ranch. I know because I've been there and I'm familiar with that facility and the research that they do. I would say that this ranch, the ranch manager went out and came up with this project and sought this project. We're asking our Ag entities and the College Ranch, the Corona Ranch, and some of the others to almost be self-sustaining because they have so much need and are not receiving a lot of funding. So, I think it's important to encourage them when they seek these types of projects to allow them to keep it because it's not about having a load of money that's not put to good use. Certainly, they have been trying to get money and find ways to do the research and the education projects that they can grow on that facility. So, I think it's important that they're self-sustaining. That's why I think it's so important these funds stay there. There's so much more need than there are resources."

Chairwoman Devasthali stated, "Agreed. And I think this is a good topic for discussion and we should make sure that it gets on the agenda."

**2. Proposal to merge the College of Education, the College of Health and Social Services, and the Department of Sociology, to create a new college to be named the College of Health, Education and Social Transformation, Provost Carol Parker**

Provost Parker stated that NMSU has a tremendous opportunity right now for the university that has not previously been there and that has to do with the fact that we're in a point in time where the leadership of the College of Education and the College of Health as well as a number of the faculty administrators in those units as well as the Department of Social Services are interim. That means that the decision whether to administratively merge these units or not would allow us to move forward with the emerged college and hire a new dean who could provide leadership for this unit in a way that would be very little disruption. If NMSU doesn't do this now, this opportunity is not likely to come around again for many years. They perceive that there are a number of opportunities that would be at hand if these schools joined forces and had a unified mission and vision. It would position what are currently small units in a way, by coming together, where they would become larger. They would have something to scale and would become much stronger in terms of their ability to contribute to the research mission, in terms of growing enrollment in their programs and contributing to our community. Fundamentally, health and education are critical components of improving the quality and conditions of life in our region. These disciplines share that in common.

Provost Parker continued by saying, "I want to assure you that this is functionally an administrative merger only. There is no proposal that would impact any of the current programs, any of the current academic holds of the faculty, none of the current standards for faculty hiring, none of the current standards for faculty promotion and tenure, contrary to some information that you have heard. Literally, it is an administrative merger. Combining disciplines and fields of study in a transdisciplinary way is a trend that has been occurring in higher ed for the last two decades or more."

Provost Parker stated that in the context of combining health and education for example, she can point to five examples that she's aware of other universities where they merged health and education and had good outcomes from doing so. Utah State University did such a merger almost 13 years ago and their dean reported to Dean Pichon that through the course of developing this proposal they subsequently received \$15 million worth of grant awards by putting together interdisciplinary grant teams and successfully competing for now. One of the main benefits that we will immediately receive is aligning all these related disciplines under a single dean. Currently, the units in the proposal report to three different deans and they do a lot of collaboration of course, but those administrative boundaries add extra layers to navigate. They have upwards

of 42 distinct health programs across the system of NMSU for example. They want to foreground and solidify an emphasis on health.

Provost Parker said, "Earlier today we heard the Chancellor talk about a lot of funding opportunities that are available that are coming on the horizon and certainly health and education and social transformation, social welfare is definitely going to be good candidates for extramural funding and this repositioning will make us more competitive I believe in seeking those funds." Provost Parker stated that it also will allow NMSU to redouble its efforts in terms of collaborating with the Burrell College of Osteopathic Medicine. The merger will fundamentally make the units more financially sustainable. This merger would eliminate one dean position as well as probably a couple of associate dean positions. They want to shift those savings into more faculty to try to grow enrollment in these units. There are benefits to students. There will be more opportunities for experiential learning and to create novel multi-disciplinary degrees in the future. There certainly should be more opportunities for interdisciplinary undergraduate research as well as graduate research and thus more funding support for our graduate students.

Provost Parker stated that there are benefits to the faculty by helping with their collaboration across disciplines and the expectations it will allow to field interdisciplinary research proposals. Those same benefits will accrue to graduate students in particular when they work on those proposals. Provost Parker stated that there are benefits to the community. They anticipate that there will be additional funding opportunities for community-based research and community engagement. They have a group of faculty who have been putting together a proposal, which has the potential for several million dollars in funding that would benefit the work faculty and students are doing in the regions to improve health and education outcomes. These are the grand challenges that they've identified in LEADS 2025. Fielding teams to work on these problems requires multi-disciplinary and trans-disciplinary approaches and of course education and health feature prominently in their goals. They put together a taskforce in early 2020. It identified a number of opportunities within the community where NMSU could contribute to improving outcomes. That taskforce has yet to be operationalized. They know there are additional opportunities there, but they are looking for a decision on this proposal, which will determine how they move forward and tackling some of the opportunities that the taskforce identified. Data from the department of public health and state of Wisconsin shows that health outcomes, the clinical care of people receive, are only influenced about 20% of one's health outcomes. Also, 40% of one's health outcomes are influenced instead by social and economic factors, including their educational attainment levels. Their aspirations are for more community-based research in these fields, a community-based research center, probably or possibly associated with this new college and hopefully funded by some extramural funding. This would go a long way in helping NMSU retain their Carnegie designation of a community engaged university.

Provost Parker continued by stating that these units are small. Some units have as few as nine or ten or eleven faculty and they have their own faculty administrator. It's hard to say 'what is the proper size of a department?' That's an esoteric debate Provost Parker has had years with individuals. A unit could be too small, potentially and not yet traction or it could also be too big and begin to fragment and not retain cohesion. It's quite expensive to have leaders from multiple departments. There will be 135 regular faculty involved in this merger. There are two larger colleges, Arts and Sciences and Consumer Environmental Sciences. There are several much smaller colleges. If Education and Health were combined, they would move up, becoming well balanced. There are opportunities for economies at scale. They have eliminated a lot of administrative barriers. It would be more cost effective. For example, right now if you measure the cost from faculty to dean ratio, the dean in education costs three times more per faculty member than does Arts and Sciences. Health and Science costs five times more than does Arts and Sciences. So, in total by doing this shift and by eliminating one dean and two associate deans we will save \$660,000 and that can be invested back into the new college and into new faculty lines to support the growing and enhanced mission of the unit. This will create a higher profile college that can attract a lot of attention. NMSU can market and recruit students in new ways. They can create new interdisciplinary programs. So, unbalanced, I see an upside for the academic

programs themselves in the future. Similarly, there's quite a big upside on the research mission. Deans Cooper and Pichon have worked hard in the last many months looking at how they could improve their grant proposal submittal rate if they joined forces. Currently, being small colleges, they don't have the staff, the depth of staff that they need to fill very large proposals for one thing or to do as many proposals as they might like. They have discovered that if they work together and shared staff, they believe that they would begin to be able to support very large proposals and more importantly increase the amount of the awards. Right now, they receive about a million dollars a year between them in indirect cost recovery. If they were to double the amount of their rewards, they could expect to have more like \$2 million a year in indirect costs recovery. This is part of a repositioning and taking advantage with a few moves where they can change the financial profile of these units. Currently, the units in the aggregate are contributing about \$2 million in gain off their SCH delivery. They would like that to be more. They want to grow enrollment. If they eliminate those administrative positions, they save \$660,000 there. If they double their indirect cost recovery, hopefully within a few years and, of course, Nursing is in this unit, and they have already acted to provide a tuition differential, which should yield more than \$640,000 a year as well, suddenly they're up \$2.3 million above where they are now, just by doing a little bit of repositioning in a thoughtful way. That makes these units much stronger. There were many meetings. A webpage was created and published accruing information and all times. A taskforce led by Deans Cooper, Pichon, and Pontelli were instrumental in getting input. That taskforce consisted of faculty from all the units affected. All the listening sessions and focus groups that they held are on the webpage. There were 208 who people attended those sessions and 184 people responded to their survey. The outcome of that was, in fact, a significant revision of the proposal. Before the proposal was formally written, Provost Parker did a survey of 138 individuals, faculty members and staff. They were given five options and asked which was their top choice and second choice. When they analyzed the results of that, there definitely is support for this merger. There were different perspectives between health and education. For example, the top choices of the faculty of the health disciplines, 69% of them said their top choice is to be together in a single college, all these units that focus on health. The faculty would like to be in a college together instead of split across two; however, they were divided on how to do that. So, 30% of the faculty in total favored the merger, 39% favorite combining all of the health, but not joining forces with education. In other words, 39% of them would prefer that education stay separate and much smaller than it is now. In comparison, the faculty in the education fields were evenly split, 42% of them supported the merger as proposed 42% wanted no change at all. Sociology very strongly favored joining the new college. In response to this, and in response to the task force, Provost Parker modified it and made this into a very simple proposition. No impact to any of the students in enrolled majors. No impact in any accreditation or HED authorization concerns. No impact in anyone's promotion and tenure. No faculty positions eliminated. No staff positions eliminated, except potentially three of the currently interim faculty administrators. Therefore, Provost Parker proceeded and submitted the formal proposition as required by the policy to the Faculty Senate on January 28. Faculty Senate proceeded to get input itself, as required by the policy. It was referred to the scholastic Affairs Committee. There have been additional webinars and did a survey. The Faculty Senate survey of the faculty in the affected units showed support for the proposal, 62 of the faculty favored it, 33 did not. We had 12 abstain and 21 not vote. The Deans Council unanimously recommend approval. The scholastic Affairs Committee of the Senate recommended 'do pass' with amendment. Faculty Senate did not recommend passage based on their procedural concerns. The President recommends approval and the Chancellor recommends approval.

Provost Parker continued by saying, "There were no procedural defects in this process. And this process is governed, of course, by the Regent Policy Manual itself and by the ARP. Initially rules and procedures, in this instance, Chapter 2 Number 15, which governs creating new academic units. Okay, specifically as to new colleges, the Faculty Senate needs to make a recommendation, the deans and the Chancellor. The criteria that 2.15 spells out for propositions for new colleges was very carefully followed and in every requirement in that policy is in the proposition that was submitted. I note also that section 2.15 states at the very beginning that an attitude of flexibility and reality and feasibility needs to be maintained into in applying these criteria.



Now, specifically, there is an issue in Appendix 2.15A and that is the process that you heard described this morning by Professor Osanloo and that is not required. That is not a mandatory process. And as I mentioned when T-Pal was created, that was a much more ambitious project because it involved changing the tenure homes for faculty, whereas my proposal does not require that. I first spoke with the Senate last fall about the process and that 2.15A, in my opinion, was inapplicable because on its face, it clearly was applying to different circumstances than we had here. I, in fact, went to the General Counsel's office and obtained an opinion on that. As Provost, I am the Rule Administrator of this policy. I'm responsible for its execution, implementation, and interpretation. My opinion was that that appendix did not apply and it was not mandatory. The General Counsel's office confirmed that and I know that General Counsel Collins is here with us today if you would like to have any further discussion on that. I can assure you, process was proper and, as I mentioned, the process was very thorough and went on for months. People had dozens of opportunities to weigh in. The deans were integral to this process. The deans had numerous meetings with the faculty in their department level meetings. I do have the deans with me today to present if you have any questions on the input they received. So, in an effort to be helpful I have proposed a potential motion for the board to consider, if you find that of value."

Chairwoman Devasthali asked Provost Parker what input was provided by students and if there were any forums with students from these colleges and sociology. Provost Parker responded that they did not hold separate student forums, but they were initially invited to some of the listening session with the task force. This was because the focus of the merger is on the administrative component. It was assumed that colleges were talking to their students about it. ASNMSU was not approached.

President Floros added that what the Provost is suggesting is purely an administrative change. The effect on students will be minimal, if any. If they do make changes as they go forward, they will go back out to faculty, staff, and students.

Chairwoman Devasthali asked, "How is the staff affected by this at this point? There won't be any impact on the staff?"

President Floros stated, "There will be no impact on the staff. The impact may be they will have to join forces in some offices because both colleges are very small. And they may have one or half an individual that does this particular task. Now, they may have a full individual dedicated or two or whatever the case. The major change we're putting in front of you is elimination of administrative position. Elimination of one of the deans and possibly some associate dean positions and that's really the only change and the name and bringing those two colleges together in an administrative structure that will be more efficient."

Regent Romero stated, "Madam Chair, if I could maybe make a couple of detailed questions along that frame. We've heard that we're looking at possibly being able to minimize the number of deans, possibly associate deans. I know that there's other support staff within that structure. So, across the two colleges, how would they be affected. I think if I'm hearing you right, there may be some joining of forces. One of my concerns is, 'is anybody at risk of losing their position or moving their positions? I'm thinking of some of the office support staff, some of the HR type of staff. What do some of those other support staff look like, as we start to combine these colleges?"

Provost Parker stated, "If I may, and I might ask Deans Cooper and Pichon add to this as well because they've been working and thinking about this. I would imagine that there will be growth in these colleges. Staff will be needed. We have no need to reduce any staff position to save additional money as a result of this merger. The university went through the budget realignment process last fall and into early spring semester. Both the College of Education and the College of Health Sciences, as they currently exist, submitted their permanent budget reductions and none of those included any staff elimination that I'm aware of. I believe they were all based on eliminating vacant positions. Deans, do you have anything to add or perhaps give the example of the combined forces supportive research and how the staff will be deployed?"

Dean Cooper stated, "Good afternoon, everyone. This is actually a case of strength in numbers. The current budgets and the colleges are crippling. We can we can really only afford marginal initiatives. The numbers of staff are not sufficient to run the needed infrastructure and the services. So, definitely the staff aren't going to be going through eliminations because we have looked at models with combining colleges, we're actually going to be much more productive. So, with that productivity and like Provost Parker mentioned, the proposals in IDC, we've developed models that can better serve the faculty to actually include more staff to get specialists that they really need in the areas. I think the repositioning is going to enhance the services with combining the talent that we already have, but we've also planned a model in sharing. For example, a research center that we will add more talent by other staff that will be much needed that both colleges have not ever had and that's why we have marginal numbers."

Regent Romero stated, "I've seen this model evolve over time and I've seen definitely some of the strengths be added to it as we've gone through this process. Along the same lines, my question still is 'what is this model going to look like?' You talked about some of the models that are out there. And I'm curious on a couple of things, are there some examples of what the organizational chart is going to look like as we join these colleges? And one of the bigger questions that I've continued to ask is, as we look for a dean, I don't mean this literally, but who is this person going to be? What kind of strengths are they bringing? As we are starting to combine really different areas when it comes to education, but also on the side of nursing and medical sides of things. Let me rephrase that. Are there some examples of what those models look like when it comes to an organizational chart? What is that job description going to look like?"

Provost Parker stated, "We have an exemplar in our meeting this afternoon. We have Dean Pontelli, who heads up a multi-disciplinary college with 24 departments currently spanning arts, humanities, social science, and the physical sciences, where he himself is a computer scientist. So, the org chart, I would refer you to 'what does Arts and Sciences look like?' You have a dean and two associate deans. One for academics, one for research, and below that you have the departments and research centers and all of the rest. I will definitely use the services of a national search consultant for a search like this. It's vitally important that we find somebody who has a track record getting extramural funding and/or foundation support for community-based research. That's the kind of experience that we must have. It's not negotiable. I believe this opportunity will be very compelling to individuals who understand this energy between these fields and are themselves attracted to opportunities to build and create and grow. So, in other words, I want a builder and I want somebody who can elevate the research and community-based components of these programs. Those are the parts right now, as Dean Cooper mentioned those are the types of programming that these smaller units are more challenged to do currently. They're definitely producing their degrees for teaching, of course. They are producing doctoral and master's students, but we need to grow that and by joining forces they will have more capacity to provide the infrastructure to create those initiatives. So, that's what we will be looking for in the dean. And you might find it surprising, but there are individuals, and I can think of a couple of them that I myself have met over the years networking at conferences. There are individuals who have health and education in their background. It's actually not that uncommon. Because there are all of these connections that pre-exist in between these fields. So, it's not essential that we find somebody who has a foot in both camps, if you will, but it is essential that we find somebody who can elevate this new unit in concert with our goals in our strategic plan of growing enrollment and getting R-1 designation."

Regent Romero stated, "Provost, as you are talking about this national search for a dean, in your mind, who will be with you along that journey to be able to make some of those decisions? How do we continue to get that feedback from our local staff and faculty? And Madam Chair as discussed, even students. What's your idea for what that team is going to look like to help with that decision-making process?"

Provost Parker stated, "It will be similar to any dean search advisory committee. We'll have representation from every academic unit. That is per policy. That's not negotiable. There shall be representation from every academic unit. There will be representation of staff as well. There will be representation of students, typically

at least one undergraduate and one graduate student representative. There will be members of the community on the search. The dean searches are typically chaired by another dean, one of the other deans in one of our colleges. I anticipate that would be the case as well. And, as I mentioned, we will use the resources of the search consultant and recruiter. This is vitally important because it's highly likely our dean does not know yet that they want this job. We need the recruiters who contact and persuade them to take a look and share with them the opportunities that are here that they may not know of. That's a lot of work and that's why we use consultants for these high-profile searches. The best people are highly desirable and highly likely are already very happily employed somewhere. And that's what I want. I want somebody who's very successful, very much in demand and then we have to convince them that there's a wonderful opportunity here if they would join NMSU and that's what the recruiters help us with. Otherwise, we're just fishing with ads and that certainly is inadequate to get the caliber of person I believe we will attract by this opportunity. This is exciting. It's novel. The University has positioned itself. We have ambitious goals that will attract ambitious people, who want to help move the needle and who are very interested in health, educational attainment and social transformation and social justice and community-based work. I saw Dean Pichon had her hand up. I'm not sure if she wanted to add something."

Dean Pichon stated, "It was to address some issues regarding the staffing in the office, but I don't know if you need additional information on that at this time."

Regent Romero stated, "I think the clear picture I have of what that's going to look like. I think that would definitely help me for sure of what that organizational chart's going to look like, not just from the deans associate deans, but even just the overall organization of what those departments may look like. Do you have any additional information?"

Dean Pichon stated, "The information that I was going to add was to ease your concerns about the staffing. One of the things that has happened during the pandemic is that we've lost some positions and in our conversations with the College of Health is that we've found that if we're able to combine, we call our office Educational Research and Budgeting and they call their office Finance, but what we're learning is that if we can pull our resources together, we don't necessarily feel the impact of some of the losses that we've had because we can repurpose some of the positions that we have and individuals can be cross trained in particular areas, and so we have learned that through this process of talking with one another, and this is to provide support for faculty regarding research opportunities that we can become more efficient and likely be able to increase our budgets. We've also not been able to hire a digital person in our college because of budget constraints; however, when talking with that Dean Cooper, what we learned was we could take half of our salary for that position, half of her salary for that position for an individual. So, we're beginning those practices of really seeing how we can work more efficiently together. And what I am seeing is that there will not necessarily be a loss of administrative staff or support in being able to do this. The real elimination would be at the deans' level, which wouldn't necessarily impact the students, the faculty or the staff."

Chairwoman Devasthali stated, "Provost Parker, I want to go back to the reference you made to the College of Arts and Sciences here at NMSU. I am from that college, well I graduated from that college. And I know that, in fact when I was there it was probably more than 24 departments. It is a huge college. It's really hard to wrap your arms around all of the departments and some of the departments are small and some are larger. Oftentimes the larger departments tend to attract more attention than the smaller ones. So, I want to go to, and I cannot read these page numbers, I think it is 170. It's regular faculty who would be included in the new college. It gives the numbers here. I'm looking at the different departments, and I can see the natural synergy between some of them. For instance, nursing, counseling and education psychology, social work, even kinesiology, communication disorders, public health. I can see all of these being so related, then I look at education leadership and administration with six faculty and that is a very small number, so this person that you would hire to be the dean will have to be somebody who is, not just that they have the domain expertise, but has to be somebody who would be able to bring all of these disparate departments together and give

them equal attention and importance. I wonder if some of the reticence on the part of some of the faculty, particularly from education, maybe because they would be a very considerably smaller piece of this college. So, perhaps some kind of reassurance that everybody will get an equal opportunity to participate in this search would go a long way towards bringing people along, because it is after all about, not a top-down kind of thing, but bringing people along so everybody has by in."

Provost Parker stated, "A couple of points of clarification perhaps. The slide on page 170 is a headcount, if you will, by discipline. It does not reflect the current administrative organization. For example, curriculum and instruction, which includes special ed in that headcount and educational leadership and administration. Those together create what we have referred to as T-Pal, Teacher Prep and Administration Leadership, were merged over the course of last four years into a school. So, they used to be departments. Through that process, they became the school of T-Pal. T-Pal has a director, currently interim. If we proceed with this merger and we have one Dean to unify these units, that school of T-Pal would need to fill that directorship. So, T-Pal would have its own director, instead of a department head. This is in response, also to Regent Romero's wanting to know what the org chart would look like. Now the dean and the associate deans at the top, if you will, and then each of these units have a head of some sort and we have a school of public health. Currently, they have a director. They have been led administratively by the Director of Social Work, the School of Social Work, so that director's doing double duty currently because obviously there's a total of 24 faculty and they're quite related. We have the directorship of T-Pal, which constitutes C-28 34 faculty, nursing is 33. We start to see that the further organization below the dean does create some cohesiveness. So, I just want to make sure that it's clear, this is a headcount by field of study. It's not a reflection of how they're currently organized. So, sociology is smallish, sociology, communication disorders are really the two smallest in units, who currently have separate leadership. Was that fully responsive to your question? Oh, you also mentioned representation on the search and, yes, absolutely. It would be my preference, my goal, to have the disciplines represented on the search. Not merely to have the way they're currently organized, in other words, because Public Health and Social Work share a director right now. I would not propose that they only get one representative. I think both of those disciplines would want to have their own representative. That still is a reasonable sized community for a dean. We only have about nine disciplines here, so that's not that many."

Regent Bitsie stated, "I have two questions, well I guess just one. It tags along with what Regent Romero and what Regent Devasthali said about the search for the dean itself. That's one of my biggest anxieties is the process in the search of the dean and incorporating faculty in that process somehow. One of my biggest fears about this is, I would hate to see a dean come in who is extremely qualified, but who doesn't have the vision of the faculty and brings in their own vision. And I think that can happen, in fact if faculty are not involved in the process. That's one of my biggest anxieties is bringing in a dean who butts heads with the faculty. That goes along to my second question. I imagine that these two colleges have somewhat differences in their tenure process. How is this merger going to affect professors who are currently in that process, who have applied for tenure, who have been here for four or five years? And now, if this college merges, how is this going to affect their tenure process in any way because I imagine the two colleges are a little bit different in terms of qualifications?"

Provost Parker stated, "With regard to the dean search, what you described is the definition of a successful search. We don't want to hire someone who does not have the soft skills, the people skills to build consensus to move the college forward as a collective. So, it's always a concern in any search for leadership. Are they a good fit, if you will, for the culture? So, that's why you have broad representation on the search advisory committee, so that they can vet all of the candidates and we have extensive vetting that goes on in multiple layers and interviews and extensive background checks and reference checks. It's quite helpful having the consultants involved in that. But, beyond that in terms of reference checks, I personally always make my own reference calls for anyone who reports to me. So, it's critically important that we hire someone who's a good fit because if we don't have someone in the current pool, we keep looking. We don't settle. We have in our leadership right now, obviously the colleges want permanency, but we aren't going to compromise or settle."

We have to get the right person and the other thing you mentioned, promotion and tenure. We have three layers of review. We have the department review and every department has their own promotion and tenure standards that the faculty put together, which are sanctioned by the dean and by me. They operate under those. So, those stay in force and are going to be fully applicable to anybody who's currently on the tenure track or anyone's who hired while those are enforced. The faculty change them from time to time. The colleges have their own level of review and the college proposals will potentially become unified or we could continue to have distinctions for field of study or discipline, but that would be something that the faculty would decide as a group. It's not something that's imposed on them. I see that prompted a couple of deans to put their hands up."

Regent Saucedo stated, "I'm going to ask in a second here that you discuss appendix 15 to the material and I ask that because this is some of the supplemental information that the Finance Committee asked that you provide and before you do that though, I want to at least explain my thought process and why at the committee level I asked for this information. I appreciate that it was provided and I'm interested in it. At our last meeting, we talked about differential tuition and we looked at engineering. We also looked at nursing and one of the slides presented to us was what I remembered being, essentially national statistical cost per student for each discipline. And I went back and I was correct in that it was a national group, in other words, it was not NMSU specific. But as I mentioned at that meeting, what was striking to me the next degree, if you will, up for possible differential tuition was education. I even stated at that time that it seemed to me that education was a very poor candidate for differential tuition. In other words, I do not think it's a good idea to raise tuition for teachers or elementary teachers or what have you. So, at least in my mind that says, 'what do we do to help bring the cost down, but that was speculation. So, I asked for basically a breakdown, if you will, of tuition and fees for the various programs as being proposed. So, if you could, Madam Provost, could you please talk about appendix 15 because I found it very useful and I appreciate you providing the committee's request. And maybe starting with page 323 and 324."

Provost Parker stated, "Certainly, happy to do so. Let me get to page 323. While I do that, I will say that I completely agree with you. I don't think that education programs are good candidates for tuition differentials. No one should infer from looking at a snapshot in time the amount of tuition that comes out of a given unit that they are a candidate for differential. The chart that you mentioned references some data, called the Delaware Cost Study and it showed that the most expensive programs to produce were nursing and engineering, nursing being the highest, then business, but education was right behind business, which often surprises people. What those programs have in common are very high standards for accreditation. And of course, engineering and education have licensure requirements as well. They have experiential learning requirements as well. All of those are labor intensive, if you want to use that expression. It requires more faculty to produce those degrees because the students get more high touch, if you will. So, with that as background and assurances no one wants education to have a differential. What we do as a university is, 'if everybody had to live on what they earned' or 'what they raised,' we wouldn't need a university. We just have a wide array of separate colleges, who could go their own way. By joining forces, we have the ability to supplement the revenue that some programs generate because it's important to our mission. It's important to our community and certainly education is extremely important to our community, our region, our state and our nation. So, we augment the revenue that comes in through tuition. So, what Appendix 15 represents is a very narrowly focused slice of data from the most recently completed fiscal year that shows how much revenue the programs in this new college generated just from tuition and fees and then how much of that we actually netted. After we made certain tuition discounts and we also have institutional aid. As a university, we put about \$20 million a year in I&G into additional scholarships. So, these data track every student. We aren't looking at data by department per say, we're looking how much every student who took a class that was offered by these departments, how much we paid, how much we netted. And then, we also subtract the instructional costs, which is essentially the salaries of faculty, not including any research grant buy out. A lot of faculty will buy out some of their teaching mode with grants. So, if there was any kind of grant buy out, it

was not included because that's a different source of revenue. Oh, you were wanting to look at the units that were in fiscal year 20 at least. They were not covering their direct costs of instruction with the revenue they directly generated. We have three units in this proposed college. Of the nine units, three of them require additional subsidy. Those are the educational units, curriculum and instruction, the educational disciplines, educational leadership and nursing, which we discussed previously. Then, the other six are running a positive contribution to the university. So, they're helping generate revenue that we can use for our other operating costs or even, we're not currently budgeting this way, but we are researching and analyzing whether we will start to set up our colleges as cost centers so that they can be more in control of their outcomes. You want to put together a college that is as self-sufficient as possible. In looking at these nine disciplines, we see that if they are combined they would be able to support each other and they will still show positive contribution of more than \$2 million adjust from the tuition and fees that we'll net. Is that responsive to your question, regent?"

Regent Saucedo stated, "I appreciate that and yes, it is. The main question I had in my mind is if in fact curriculum and instruction and educational leadership and administration in fact were run as a deficit. I appreciate that. I find that rather relevant."

Provost Parker stated, "If I may, the point to take away from this is that it would be unwise in my opinion to create a small college of just education. That's why I'm proposing the merger. There's a lot in common in these fields. The health faculty need and want to be combined in a unit. I do not favor allowing health to continue, but moving all of the health units out of education over to health sciences and leaving education stand alone. They are much stronger together. Much stronger together than they would be with that configuration. That would be a pretty bad configuration for education, but even as it is there much stronger together than if we leave them in their current configuration either."

Chairwoman Devasthali stated, "Before we go on to the next question, I want to make sure if the deans had something that they wanted to add to the previous conversation. I don't want to go too far along. Do they still want to add something? Dean Pontelli, was it?"

Dean Pichon stated, "Thank you. I wanted to respond to Regent Bitsie's comment about promotion and tenure. We are guided in the colleges by ARP Chapter 9 with regard to our promotion and tenure documents and we have to update those on a regular basis and usually what happens is if new faculty come in, they come in under the document that's in place in the college or in the department. That usually follows them. If there are any changes to the document, the individual usually has the opportunity to elect to stay with the one that they came in under or they may like to move to the newer document that's in place, and so we do have structures in place that address that. And, as I stated, documents in the department level, at the College level, are revised regularly. Usually, every three years and the ones at the department level are driven by the department, and the one at the College level is driven by all of the departments within the college. That's what I wanted to add in regard to that."

President Floros stated, "Thank you Madam Chair. I just wanted add a couple of comments to some of the questions that I heard. Provide an additional perspective. You're all asking very insightful questions and we have a lot of information that we probably did not even put it in front of you. Recently, this crossed my desk of the top 10 departments in the university in terms of students and when you compare that top 10 departments in terms of students, 10 years ago 2010 and 2020, education had two departments in that list. It was elementary education and secondary education, both in the top 10. Ten years later, in 2020, none of those were part of the top 10 list. Now, we've lost a lot of students at the university as you all know. We shrunk about 20 plus, maybe 25% from the high of 18,500 students on the main campus and down to 14.2 back in 18. Some of those colleges have lost more than others and education is one of them. Now we have a responsibility and the state is really pushing us hard to recruit a lot more students into our educational programs because we need more teachers, elementary. We need more teachers and middle school and high

school. Obviously, we have a responsibility to respond to that and raising tuition is not one of those ways, but putting that combined college in a position to have more flexibility financially. It will provide for more of those opportunities to recruit and maybe in a few years to create more programs that are more liked or more attractive to prospective students, particularly when it comes to education and health related issues. We have examples, nationally of universities that have gone down this path. They combine those colleges of health related and education related disciplines. Now that those new colleges, years later, they're really thriving in terms of students as well as in terms of research and outreach. So, this was one of the things I wanted to say.

President Floros continued saying, "The other part of it was the issue of the cost of each one of our units. Recently, I presented a picture in my update of the overall budget of the university and if you listen to that you will know that the university today has less money than 10 years ago, that's overall budget. We have roughly about \$500 million as our Las Cruces campus budget and that's what we had 10 years ago. We declined in terms of enrollment; therefore, less tuition. We declined in terms of state support; therefore, less money coming from the state. We declined in terms of research and our competitiveness there. So, less money coming into that way. So, we have declined, over time, with the exception of the last couple of years, where we turn things around. We didn't grow enrollment yet, but we stopped reducing enrollment. We brought in additional money from students, from tuition and fees. We brought in additional money from the state until last year, when they took it all back. We've brought in additional money from research, which has really contributed significant in the growth but we're back up to about \$500 million. When you look at the College of Education it's suffering, just like the College of Health and Social Services, just like all of our colleges are suffering, but the suffer is not uniform. Some colleges have lost a lot more students, but not as many faculty and staff. Other colleges have actually not lost many students as matter of fact, maybe they have grown, but they lost faculty and staff. So, we're trying to readjust a lot of those things as we move forward. And the final note, I wanted to say about PNT and you heard the Dean speak about PNT and how we're going to hire the new dean. The PNT process is pretty well outlined. We're not changing anything in that respect. The faculty will not be going to see any changes in their PNT process, just like the staff were not you know should not worry about losing their job because of this merger. The hiring of the new dean, we have a procedure in place to hire not only this particular dean or any dean. Any position that we have, we put together search committees that are representative that we try to address all the issues out there. We include faculty, staff, and students. We include other colleges in this particular case that are overlap or have interest in this new college. All this is going to take place and I just wanted to provide my assurance that this will happen in that respect as well. The final thing I wanted to say is, regardless of what decision you make, we need to move. We need to hire one dean or two deans because both of these colleges have been in turmoil for long enough. So, that's another urgency issue that I wanted to put in front of you. We need a decision, one dean or two deans, one college or two. We need to move forward."

Regent Chacón-Reitzel stated, "I do see the potential for this merger and I certainly appreciate all the work that has been done and consideration given to this merger and the research. It's apparent that the health units that are spread across the campus would benefit from this merger. It sounds like there's a split in the faculty in education, but there are some definite advantages for education. I think what was mentioned was the research. Also, the fact that perhaps this college is being supplemented by the rest of the university, which that's fine. That's not a problem. That happens. It's an important mission. There's certainly an important need for educators in the state. There is a huge gap in what we need to produce in the way of teachers. I'm also encouraged by the fact that, if I understand that slide correctly, that every land grant university in the nation, has this sort of thing, except for one has this model of the health sciences with education, and I think that encourages me to say that this is a successful model. What I see here is probably some trust issue, but not trust issue, that we've heard earlier. I think it's just the education college saying 'we don't want to be lost' in this college. There's such an important need. How do we assure that this education college and that the importance of this mission in educating the future teachers in the state are not lost? How

do we assure the faculty and students that this won't happen? I think we can all see the potential, but if the potential is never realized that's what everybody's worried about. It's always the devils in the details. I guess I'm sitting here thinking, us as regents, the state, faculty, students, that this will be a good move for the education college because I think you've really provided a very compelling case as to why this merger is needed administratively and so forth. There's this mistrust that maybe it's just some reassurance that we need that this will be a priority when it's in the larger college and not by itself. I don't know who could answer, if that's Dean Pichon or if that's Provost Parker or maybe the President, but I guess, I just want to hear something and I want some assurance for the education faculty and for those that of course across the state care about this."

Provost Parker stated, "I think one of the best descriptions of what has to happen next was provided by Professor Baptiste this morning from education. He described, actually, the next steps that would occur. There has to be, next, conversation, convenings, facilitated or otherwise where the people in this new unit, this new college, come together and start to form their own mission, principles, and values as a new unit. That process will be critically important and it's my intention to provide robust support for that process. That's how they will establish trust and start to see the outlines of their future. There's kind of a chicken and egg component to this. It's been a little difficult to forge ahead conversations like that because this merger hasn't been endorsed. I know some have said, 'well we need to have all that conversation first.' I'm thinking, 'how can we have that conversation until we have the green light to do it.' Because otherwise, it's just an academic discussion. So, that's been a little awkward, but that's absolutely what will happen this coming year and in years to come. It will take several years to create the vision of what the faculty, staff, and students will do together. The lead dean hire will be important because we'll start that this year, but they need to take up the mantle and then continue forward with the faculty."

Dean Pichon stated, "I would just add that I think we're starting these conversations now. We're trying to understand better what our benchmarks are, what our impact has been within the K-12 community as well as figuring out what are our next best steps moving forward. We've been in touch with our community partners regarding initiatives that we can be working on. Just the other day, I received an e-mail from one of our donors in the college and he wanted to talk about whether or not we would be interested in working toward an Early Childhood Center of Excellence and Research. We have a donor, who's already participating and we have the Glass Institute. So, how do we build momentum around initiatives like this? How do we encourage more of these initiatives to come forward? So, I think that's going to be a part of our conversation and I think it's something that needs to happen for education to continue to survive and thrive is that we have to become more innovative in our ideas about moving forward and as some of the other faculty mentioned earlier, the opportunities for growth are so great, especially when we start collaborating with other units as Dr. Blanca had mentioned earlier about working with social work. We have, also, our Autism Diagnostic Center in there. We have our counseling programs in there. How do we get all of these individuals working together? How do we generate excitement among our undergraduate students about educational opportunities? I think we have the opportunity for those conversations, especially as we move further away from interim leadership to permanent leadership because I think that people will begin to see the light at the end of the tunnel and they'll be able to get re-excited about moving forward."

Chairwoman Devasthali stated, "Thank you Dean Pichon. I want to say, Provost Parker, that all the information that you have provided to us has been very useful. I don't really see a lot of objection to this merger. I think there's a sense of anxiety among the regents about how the process is going to work. I'm really heartened to hear you say that the process will happen within. That the stakeholders of these colleges that are going to merge and the departments that's going to merge, it is they that will bring forward the process. It will not be something that's imposed upon them. It is something that they will come up with themselves and therefore will be more acceptable to everybody. I want to ask Regent Romero if he has any other questions?"



Regent Romero stated, “Madam Chair, I think I’m ok. I think through our conversation we’ve answered a lot of it. I know I do have some questions and thoughts about how the process works. I think much of it will be worked out as we move forward. I got a lot of thoughts down and I think when we’re ready, I might have an idea for a motion.”

Faculty Senate Chair Dr. Parra stated, “I absolutely appreciate this conversation and the in-depth questions that have been addressed. I too am heartened at the information that we received today and I would actually recommend to faculty to watch what has occurred today. I think that many of their questions might be answered and they would be more informed as to how this is proceeding and so on. I do think that there are a couple of issues at hand, the feasibility of the merger and I do think that faculty trust and confidence is something that we should not ignore though. I understand the refute that this is a minority of faculty issue. I would ponder that though this might be true, does that mean it should be ignored? I posit that the answer is absolutely not, this would be a micro invalidation. Something is going on. If it is ignored, it festers. I posit that this is happening now, and I recommend that we all step up to work on this, I am personally dedicated to supporting how to figure this out and what we need to do and again I thank everyone for this really intense conversation.”

Chairwoman Devasthali stated, “Thank you Dr. Parra. I agree with you that we should not ignore any of the concerns, no matter how minor we might think it is, but it is very important to pay attention to all concerns, so they don't grow into bigger concerns.”

Chancellor Arvizu stated, “I appreciate the robustness of this conversation. I appreciate that it's been discussed at two of our regent committees. You have taken this issue extremely seriously, as we have. I think that it exposes some of the challenges that we’re all facing. Among the most important ones, I think trust and accountability, because we spent a lot of time at the very beginning putting ourselves in position to have a strategy, objectives, and a set of metrics that we could measure to understand progress, and a willingness to make the necessary pivots and accommodations as conditions change.”

Chancellor Arvizu continued by saying, “I’ll take you back to my inaugural speech when I first got here. I made three statements and in those statements I said, my vision for this institution is we all recognize we are all trying to make the institution better. We’re all on the same page in terms of our ultimate outcomes. We want it to be a vibrant university that we’d like to call it ‘the flagship’, but certainly the idea that it continues to have greater entanglement. Three of the things that I wanted to see done was, first challenge the status quo, ‘just because it’s always been done like that,’ let’s not fall into the trap of ‘that’s the way we do it here.’ Let’s examine all the assumptions that have gotten us to those previous decisions and go forward. The second thing and you’ve heard me say these words is, ‘explore the art of the possible.’ In other words, let’s think creatively about what the kinds of things are we can do. And I think in this process you’ve seen some creative ideas. Seeing the Provost start with a plan and adjust that plan as input provided additional context. I think that’s important. Also said, ‘let’s, as an institution, act like entrepreneurs.’ The three key things that entrepreneurs do first of all, is they think big, they try small and fail fast. Meaning, that as conditions warrant, you pivot, change, make the accommodations. So, I think those philosophies are still alive and well. We’re going to refine our strategy and our plan. But frankly it has served us exceptionally well for the first three years and now we say, ‘Ok, conditions are different. Post-pandemic. What does that mean for our KPIs and all the things that we’re focused on.’ So, I see this as one of those issues. Clearly there’s work to be done and there’s work to be done in terms of relationship building. I think you’ve all challenged us in ‘what are the roles of both the regents and of the administration and of the faculty in the context of providing the services that we all care about, which is ‘how do we make sure that we meet the needs of our students?’ And that is ultimately our focus. The impact of meeting the needs of the students is we get greater economic vitality, economic development, job creation, and we make the institution and the environment better. All of those things lead me to conclude that we really need to examine what we have inherited in terms of the RPM, Regents Policy Manual, and the ARP, Administrative Rules and Procedures. Quite frankly, I think there’s a little

bit of confusion sometimes because policy has crept into that document. The role of the regents is to set policy. The role of the administration is to implement the policy that the regents have set. And ultimately the faculty can provide input so that we get the right frame of mind in terms of the decisions that we make. I see that practiced today. I see it in this particular conversation. I want to relate to you that the philosophy that we've come in with has not changed. We are still actively interested in making sure that we make this institution the best that it can be and that means bringing everybody along. Now, we all know that not everybody agrees on every topic. We've learned that we have a very polarized society. Our Aggie community, to some degree, is divided in terms of values and perspectives around a variety of issues. This one is more of an administration level. Now, we can quibble with the policy or the process that has been brought to the floor. 'What does it really mean and have we followed those?' I would implore you to look at the merits of the case. What is actually contextually the most important thing for the institution? Forget process for a minute and just think, 'what are the outcomes that we're looking for and is this step moving in the direction to help us get those out. I want to be clear about the fact that we're going to follow the direction of the regents. Regents set the policy and administration implements that. Collectively we all care about the institution, but we all have our roles and responsibilities. When we talk about shared governance, I think we need to have a conversation. I think that there are in fact, some disconnects in terms of 'what people believe are the tenants of shared governance.' I don't think that we ought to retreat from that as a conversation. We need to have that conversation and we need to have it in a way in which every voice is heard and ultimately evaluated so that we have good decision quality information on which to proceed. Again, we won't bring everybody along because not everybody will agree on everything. I think, people of good will, who have the same objective of what we want to accomplish in institutional strategies. So, I just want to lay that philosophical piece out there. Hopefully it will help provide some additional flavor for 'what are we doing to build the trust relationship?' I think we do have motivations that are aligned, but there's work to be done relative to roles and responsibilities and I know that we will have that conversation at a future time. I wanted to bring in there to punctuate the point that this decision made today and the urgency that the President has suggested is important because it helps us move forward. We have an understanding that we do care."

Chairwoman Devasthali stated, "Thank you Chancellor. I agree with the part about the processes, but I think that we need to apply that in an equitable manner. If we are willing to overlook certain things in the process on one side, then we shouldn't hold, say the faculty, to process on the other side. So, we have to apply that standard in an equitable way."

Vice President Ortiz-Ulibarri stated, "I have a statement on behalf of President Madrid, if that's ok that I read it to everyone. He said that he personally supports the merger, but he understands the concerns of the faculty, namely the Faculty Senate, in the sense that the policy wasn't followed, to the extent that it should have been. He also continued to say "I don't know if there is a reason enough that the savings would be reinvested in students and, ultimately, making sure that the curriculum is improved, then I would understand." And same goes for me. I completely agree."

Regent Saucedo stated, "Actually I think it touches on this point as well and perhaps this is more a pointer, even a question for Counsel on clarification. I've heard process. However, what I've also heard and certainly perceived is a communication issue, perhaps more than anything else. I see that perhaps different as process. When I think of process, I think, ultimately, is the question properly before this Board. I have heard nothing to say that it's not. I have looked at the ARP myself. I've looked at the appendix, but more importantly, I understood that this was raised to counsel and that it is properly before us. Perhaps a clarification on that issue is necessary as General Counsel does advise the Board. I say that because I want to make sure we're not confusing words or terms here. Lack of communication, I get it. I've heard that and certainly appreciate those comments and I think everyone in this room has heard that and understands that's very different than, 'is it properly before us?' I see those as two very different things. So, Madam Chair, if appropriate maybe we could hear from Counsel to tell us if it is properly before us."

General Counsel Collins stated, “Madam Chair, Regents Saucedo, and members of the Board, this question is not exactly one of first impression. However, it is of somewhat difficult in articulating in this setting. This office has refrained from chiseled sides as much as trying to understand exactly what the intent was in the policy as written to the extent that the policy administrator proceeded in the way that the policy administrator described it today. It seems clear that there was communication, whether there was a sense of need for approval as opposed to advice from the Faculty Senate is yet another issue. My understanding, fundamentally, on the Regents Policy Manual is that the role of the Faculty Senate is essentially advisory. It’s not that you search the role of the regents. In fact, it’s one that you consult and gain the brain trust that’s available and Faculty Senate in particular as you implement these plans, but certainly as it’s written there is a role to the extent that Faculty Senate was consulted. I’m not really sure what the remaining questions is.”

Regent Saucedo stated, “I think that answers the question for me. I will tell that is the way I read the appendix as well. In other words, Faculty Senate is advisory. So, I see that as this question is before and I haven’t heard anything contrary to that. Again, recognizing communication was clearly an issue here and I wanted to take out the ‘perhaps’ because I’ve heard it enough to conclude that communication was an issue. That being said, I thought it was important to point out that we make sure that we understand what we’re talking about and what we’re voting on.”

Regent Romero stated, “I’m going to start by giving some of my thoughts and move into the motion. Then with the motion I’ll be talking about some additional proposed requirements. First, I want to say thank you to the Chancellor, President, Provost and for the wonderful presentation today. I have spent many hours reflecting on this and I’ve gotten to see this presentation evolve over time. I can see that evolution happen to where many of the details and questions are being answered. I also think about how this is going to support me in my day job when it comes to the need for strengthening the College of Education for the output for elementary teachers, secondary teachers. That’s information I know about, but every time I hear about it, it intrigues me because I need those teachers. I need them, greatly. There’s not nearly enough to be able to fill the demand and the need. I’m reflecting on that slide about some of the staff in those colleges, specifically the department for SPED teachers. That’s one of the smaller departments in the College of Education and I know that on a regular basis that we’re lucky if we have one or two come out with a degree from that and they’re very highly sought after. Some of the questions that I’ll be having, not only as a regent, but as a public education employee throughout our state, is ‘how will this merger be able to support more teachers coming out to support those departments?’ So, I agree that we have a tremendous opportunity in front of us to join these colleges. I’ve seen this proposal evolve over the last few months. One of the Board’s responsibilities is to create policy with the expectation that that policy is followed by all. I do recognize that this policy, at times, can be interpreted differently. However, policy that leaves out key stakeholders does not adhere to transparency and can undermine the integrity of shared governance. This points to disconnect and I think that’s the communication piece. Moreover, the fact that students and staff were left out is a concern to me. The NMSU community needs to be brought along during these types of initiatives. So, with that I’d like to make a motion that the Board of Regents of New Mexico State University proceed to approve the creation of The College of Health, Education, and Social Transformation that would be effective July 1, 2021, but with also doing the following: that I do recommend that a steering committee be created and established that will be comprised of students, staff, and faculty. I’d also like to see a detailed organizational chart and a job description for the dean. Together, this steering committee will be the body for the proposed merger and have regular updates to the Board of Regents. As we move toward the search for the dean, that same committee must include students, both undergraduate and graduate, staff college track as well as tenured and untenured faculty. There must be an inclusive representation by all.”

Regent Chacón-Reitzel stated, “I’ll second that motion.”

Chairwoman Devasthali stated, “Thank you Regent Chacón-Reitzel. Any discussion?”

Regent Saucedo stated, "I have a question Madam Chair. Regent Romero, I just want to be clear, the job description, would that be, per your motion, approved by the steering committee?"

Regent Romero stated, "Yes sir. I believe so. In my thinking that's exactly what I'm thinking."

Regent Saucedo stated, "And the steering committee, would include students, faculty, and would that be staff as well? And obviously administration?"

Regent Romero stated, "Correct."

Regent Saucedo stated, "What role would the regents have with that if any?"

Regent Romero stated, "I think as we move forward to this process, in my mind, I've been able to see this evolve over time. I'd like to continue to be part of the conversation when it comes to those updates. I'm interested in the details of how this moves forward. I'm still interested in what expertise this team is going to bring. I have some other questions about, and I think they're going to be answered. I think these are all things that are going to happen, but like accreditation for the colleges, 'what does that look like?' I have some questions about how we're going to see the increases for the output and expectations for each of these colleges. I mentioned special education because that is a department that needs to be given attention and is needed by our state to be able to work with our students across New Mexico. So, I think that the regents can definitely continue to be part of the conversation and get those regular updates to see how this is going. I think what I've heard is that the Provost talked about this being something that would be implemented over years. So, what I don't want to see is that we vote on this today, and then we don't hear about it again. I want to be able to be continually updated on how things are going."

Chairwoman Devasthali stated, "I agree with Regent Romero that we need updates on how this is going because this is too important of a merger for us, not to be at least updated on a regular basis about how it's going, not that we want to be part of the committee on anything to get the updates."

Regent Saucedo stated, "Madam Chair, may I? First of all, thank you Regent Romero. I appreciate that answer and I can tell you why I agree with the steering committee. I agree with the steering committee idea, the composition of the committee, and so on and so forth. Updates, I would appreciate something clear as to, at some point in time, 'are we going to be voting on something yay or nay?' In other words, I prefer clear lines of where we are, what we vote on, what we do not. Putting in the motion the steering committee and the job description seems appropriate to me, but then we turn it over, if you will. So, I guess the continued updates seems appropriate but without decision making, I'm not sure what that is. In other words, 'the purpose of it.' But at the same time, to have then decision making, I'm not sure what we're approving. So, I'm looking for clarification on that, if you don't mind."

Regent Romero stated, "I think I understand what you're saying. Maybe the updates don't need to be part of the motion. It's just maybe an agreement that we have to be able to get those updates."

Chairwoman Devasthali stated, "Yeah, I think we should clarify the motion because the updates are something that we will want, but it's not something that needs to go into the motion."

Regent Saucedo stated, "And I'm comfortable with that. Thank you."

Regent Romero withdrew his motion and stated a new motion, "I make a motion that the Board of Regents of New Mexico State University to approve the creation of the College of Health, Education, and Social Transformation that would be effective July 1, 2021 and through that motion we also create a steering committee that would be comprised of students, staff, and faculty. Within that, some of the work that they will be doing is creating a detailed organizational chart and job description of the dean."

Regent Chacón-Reitzel stated, "I'll second that."

Chairwoman Devasthali asked, "Any further discussion?"

Regent Saucedo stated, "I apologize, I just thought of another one. I think it's a good idea to clarify this now as opposed to later. Two points, is this steering committee advisory only? Is that correct? Also, with the job description, approved by the committee, advisory or does the committee approve?"

Regent Romero stated, "My first thought to that is the steering committee needs to be able to be a part of that process and have some teeth into what they're doing. I do believe that we have faculty, staff, and students that could contribute to this in a positive way. My first thought is that, no it's not just advisory. They would help do the work to make this happen. Thoughts about that?"

Chairwoman Devasthali stated, "I just worry that that's tying the hands of the Provost too much, by making it so prescriptive. I would rather have the advisory committee that makes the recommendations and approves the job description."

Regent Bitsie stated, "Madam Chair, with the advisory committee subject, if they were not an advisory committee, something that I would want to see is that the faculty and staff get compensated for their time, if it's not just an advisory committee and they have input. The faculty and staff, if they're not just an advisory committee, and has some authority behind it I would want to see these faculty and staff compensated for their time."

Chairwoman Devasthali stated, "Thank you Regent Bitsie. Go ahead Regent Chacón-Reitzel."

Regent Chacón-Reitzel stated, "I think we will be tying the hands of our administration if we get too detailed on this. I think 'advisory' means that they're included in the discussion as to what that dean's position looks like. I mean, what will work for them, they're included in the discussion. They're not the search committee, which the search committee is an entirely different ballgame. I think that they could be very effective in the advisory committee for that purpose of giving everybody an opportunity to participate in that decision to deal with some of those issues and the concerns that we're hearing today. I think we need to be really careful not to be too restrictive and not allow the administration and those professional folks that do these things all the time and not give them the leeway to do that. I don't think we want this so scripted. We want advisory and to me and that says, 'they provide that input and then that search committee makes those decisions.'"

Chairwoman Devasthali stated, "I agree with that. I want the advisory committee to provide input, but I don't think they should be the ones making the decision and saying, 'this is what we want you to do.'"

Regent Romero stated, "Madam Chair, Vice Chair, just for point of discussion is that we're calling this a steering committee and that's the term I used. When I think of steering committee, this is a committee that helps make decisions and helps guide the conversation and what the actual outcomes and plan is going to be. So, with that, I think this gets back to the other issue that we have here is that there's been a disconnect with bringing along some of the staff, faculty, and of course students. I think what my attempt here is to be part of this community in the decision-making process. I'm just going to push back a little bit on that and say that I think that there is a need for a steering committee to actually have the ability to make some of those decisions, along with the Provost."

Chairwoman Devasthali stated, "So, when we put it in the motion as a steering committee in answer to Regent Saucedo's question, we're talking about a steering committee that has, as you said, more teeth to it, than an advisory committee. So, we're making a distinction between steering committee and advisory committee."

Regent Saucedo stated, "Madam Chair, if I may make a comment and perhaps a friendly amendment, which may not be friendly. They don't work. I appreciate Regent Romero's comments. I also agree that the communication issue is something that needs to be addressed. I heard that today. In my opinion, everybody heard that today. The steering committee I think has teeth in that the message of the communication issue

was heard. So, in my opinion, the committee and its work, its opinions will be heard. Perhaps, and I wouldn't expect to be followed exactly, but I would think, this is almost a challenge, to say 'please involve others.' So, here's my friendly amendment and please reject it if you think I'm going too far. Instead of a steering committee, we phrase it and it be an advisory committee and have that power of being an advisory committee."

Chancellor Arvizu stated, "Madam Chair, may I offer a perspective? What I'm hearing you all debate has to do with trust and accountability. I think what you're suggesting is maybe some things relative to communication and relative to making certain that all voices are heard are maybe some deficiencies in the process. I think there would be people on the side of the Provost's team that people would disagree with. I will accept that as a legitimate mechanism to try to deal with. I will invite the regents to think about the meeting we had not too long ago in Albuquerque that talked about roles and responsibilities. The roles of regents are to set policy and to think about who should implement that policy. That's what you're asking us to do. The role of the administration is to implement the policy. When you get into the role of having decisions taken out of the administrators' hands, then you've taken on responsibility to make that decision. So, I resonate with questions that Regent Saucedo was asking because it does begin to cross the line a little, in my estimation. I'll speak candidly. Again, we will follow your guidance, not that there's going to be any push back from us, but I suggest that how we hold administration accountable for implementing your strong desires. That we improve communication and the input from the various stakeholders. That clearly can be done through a body, whether you call it a steering group or an advisory body is less important in semantics, than it is 'what is their role?' And if their role is to make the decision, then that is different than their role is to ensure what is being brought forward before the decision process is actually implemented has passed your desire. Then you have a couple of choices, one is to take that decision personally back to the regents or to trust the administration to follow through on making sure that your desires are met. What I can offer is that, we will slavishly follow those desires. But I strongly suggest that you let us do that. It's 'we trust the administration to do this.' If we're not following your guidance, then I think it is time to call us on the carpet and say, 'We didn't expect that. We didn't want that to happen and it seems like you've ignored us' or something of that nature. So, I think there's a couple of ways to handle this. I think one of the ways is to have those updates at the committee meetings. If something alarms you, then you talk to the administration. If it looks like it's on the right track, then 'objective met.' You keep your role as a body whose job it is to make sure that the policy that you desire is being followed. It's our responsibility to make sure we're meeting your needs. And again, your primary role is policy, hire and fire and if I'm not following your instructions precisely, then there's a conversation we need to have. So, I would just offer, give us an opportunity to think this through and be better at communication and making sure all the voices are heard and to give you regent updates in the committees and perhaps even at the full board so that you are comfortable that we're headed down the right track and that you put some milestones that say, 'milestone x' or 'milestone y' we're going to do an evaluation. At that point, you get an opportunity to review and suggest where we are. So, I'm thinking out loud to some degree, but wanted to include that pretty important element of 'what are our collective roles and responsibilities?' and 'how can we accomplish those without compromising what I think are important tenants of how administrations and the board should be done. So, thank you for the opportunity say something."

Chairwoman Devasthali stated, "Thank you Chancellor. So, where are we with the motion? We are in the discussion phase now."

Regent Romero stated, "First, I want to say thank you to the Chancellor. I think he was getting his ideas out. I think that's what my intent was here too, to get some ideas out and what we've heard today. Also, with Regent Saucedo with your amendment, I could agree with that. I think that it's important that we have the voices through this process and I do trust the leadership. I think we have two issues here. We've got this wonderful idea of combining the colleges and we have an issue of shared leadership. And as I've been going through this process, I've been thinking about how these two issues are being put together and how can we

separate them and hopefully have them move forward as combining the colleges and improving the shared leadership that opportunities. So, I would be ok with your amendment.”

The Chief of Staff restated the motion with that in mind, “The Board of Regents move approval of the proposed merger of the College of Education, College of Health and Social Services and Department of Sociology to create a new college named the College of Health, Education, Social Transformation effective July 1, 2021 provided that an advisory committee be formed consisting of faculty, staff and students to help formulate job description and also develop an organizational chart for implementation to include regular updates to the Board of Regents.”

Chairwoman Devasthali stated, “So, we have a motion and a second. All in favor say ‘I.’ There’s no opposition, so motion passes.”

### **3. Corona Ranch Extension Lease Agreement**

Assistant General Counsel Field had a point of order and stated that it wasn’t clear whether or not a vote was taken on the extension of the Corona Ranch Mineral Lease and suggested to withdraw any pending motion and make a new motion, just so the record could be clear as to how the board would like to proceed on that extension.

The Chief of Staff restated the motion from Regent Chacón-Reitzel, “Board of Regents moves approval of the Corona Ranch Mineral Lease Extension provided that the revenues are directed back to the Corona Ranch.”

Regent Saucedo seconded the motion.

All were in favor. Motion passed.

### **4. Transfer of Uncollectible Accounts to Inactive Status, Senior Vice President Andrew Burke**

Senior Vice President Burke requested approval of the transfer of uncollectable accounts receivable to reserve for inactive accounts for fiscal year 2020- 2021. State law precludes the university from writing off uncollectable accounts. Accordingly, they request approval to transfer accounts deemed uncollectable in the amount of \$2,860,000 and change. This is in the binder on page 333 to the reserve for inactive accounts. The amount transferred is offset by recovery from prior year transfers of about \$1.2 million, resulting in a net impact of \$1,638,966 to the reserve for inactive accounts. In addition, they assessed 570 about \$3,000 in deferred payment charges. The total uncollectable accounts transferred represent approximately 1.98% of the related tuition housing and other fee revenue. Page 334 includes a comparison between the current fiscal year right off and the previous fiscal year right off and the transfer to inactive status has gone down from 3.1 million the previous year to 2.8. The different payment charges have also gone down. \$602,000 to \$570,000 in recoveries from prior year transfers has gone up significantly actually, \$832,000 to \$1,187,000. So, it’s the net of those numbers that ends up being right off. In the middle of that particular page, it indicates transfers compared to the total student charges for about 10 fiscal years, maybe a bit more. The transfer percentage peaked in 2012-2013 at 2.76% and it’s down to about 1.98%. Of the \$2.8 million over all of the transfer to inactive status, about 2/3 of its tuition. The next largest piece is related to auxiliary services.

Regent Chacón-Reitzel made a motion to approve the transfer uncollectable accounts receivable to reserve inactive accounts for the fiscal year 2020-2021.

Regent Saucedo seconded the motion. All were in favor. Motion passed.

### **5. Final Budget Revision Adjustment for Fiscal Year (BAR), Senior Vice President Andrew Burke**

Senior Vice President Burke requested approval of budget adjustment requests (BARs) for FY20-21. These are submitted to the Higher Education Department on an annual basis. They request approval from the Board of Regents to adjust their expenditure budget authority to align with our estimated actuals to adhere to the rules

of New Mexico Higher Education Department and state statutes. The majority of the adjustments and their significant amounts are intended to provide spend authority to monitor each of the functional categories or basic fund groups within their budget and if by chance an amount on the expenditure side was exceeded in a basic fund group, they would end up with an audit finding. Much of the document and amounts that are shown are procedural to provide spend authority and not necessarily a true reflection of how they will end up in terms of fiscal results. There are unrestricted and restricted BARS for each campus showing revenues, expenditures, transfers, and balances. Restricted BARS show anticipated HEERF expenditures and incorporate lost revenue amounts for auxiliaries and athletics. That's the process they're using to account for and build HEERF dollars into our budget as they report them out as expenditures at the end of the fiscal year. They're including the HEERF 1 and the HEERF 2 in these BARS on the restricted side. On the Las Cruces campus on the unrestricted side, one item of note is a transfer from I&G to Financial Aid of \$900,000 approximately. This was a transfer, budget wise, from graduate assistant budgeted to Financial Aid to provide scholarships to grad students during the fiscal year. There's also a slight change from what was presented at the May 1<sup>st</sup> RFSPBC meeting. The state needed to sort out whether a \$120,000 state appropriation was non-recurring or recurring. Interestingly enough non-recurring appropriations that come out of legislative session were able to be recorded in the current fiscal year; therefore, that spending can start a little early. They made one adjustment to the Carlsbad campus.

Regent Saucedo asked Senior Vice President Burke why the HEERF money was placed in the particular category that it was. It seems like it can and will be used for different purposes as appropriate with its restricted use.

Senior Vice President Burke responded that with the HEERF guidance that is coming up from the Department of Education, there are some options for lost revenue that's a little bit different and in some cases, there is revenues that is included in the BARS related to that. The restricted increase in both revenue and expenditures for the HEERF dollar show up in instruction and that is the classification that the HEERF dollars they've received have been placed within by the Department of Education. Rather than spreading those HEERF dollars, they carry them the way their classified by the federal government. The expenditures will show up there, but there will be different purposes for those funds. The Chancellor mentioned interest in ICT infrastructure and those will be captured there as they move forward to expand, particularly the HEERF 3 dollars that they just found out what their amount about this week.

Chairwoman Devasthali stated, "Thank you. That clarification helps. Does anybody have any other questions? If there are no more questions, I would like a motion for approval of the budget adjustment request for 2020-2021."

Regent Saucedo made a motion to approve the budget adjustment request for 2020-2021 and it was seconded by Regent Bitsie. All were in favor. Motion passed.

Regent Bitsie made a motion for a 5-10 minute recess. Regent Chacón-Reitzel seconded the motion. All were in favor and none were opposed. Motion passed.

Chairwoman Devasthali called the meeting back to order at 5:10pm.

## **6. FY2022 Operating Budgets, Senior Vice President Andrew Burke**

Senior Vice President Burke requested approval of the operating budgets for 2021-2022 and in this case, it's for their five campuses: Las Cruces, Alamogordo, Carlsbad, Dona Ana, and Grants. They submit individual budgets to the state and Higher Education Department for approval. On the summary page, there is a list of the total expenditures, which include both current funds and plant funds. The comparisons, tables, and graphs that we are providing are to the original budget that was approved for FY21. The governor and the legislature approved a budget that included a salary increase and some additional funds through the formula. The comparisons are to that original budget. The comparisons do not include the reduction that occur in the



June session of the legislature. The sources and uses document for the Carlsbad campus, the \$120,000 state appropriation adjustment was made since they put it in for FY21. It's taken out for FY22. The current funds for both unrestricted and restricted for the Las Cruces campus totals \$499.8 million. When plant funds are added, because they have a couple of larger projects from NMDA and College of ACES, there is an additional \$46 million. The total for the current funds is \$597,508, with an additional plant fund of \$66,966 million. The overall budgets that they're asking for approval is \$664,474,577. According to the pie charts, 82% of the opposed expenditure budget is at the Las Cruces campus, with Dona Ana being the next largest percentage at 11% and the three smaller community colleges making up the difference. On slide 6 in this presentation, you can see there's some slight differences in tuition fees. This is the combined campus and state appropriations that are being shown as declining again to the original budget that was approved. They've got some adjustments to private used grants and contracts, about 12%. In looking at the combined campuses and separating out the Las Cruces campus the tuition differential amount is included, so it's up slightly. They relate to the overall combined campuses. There are declines related to the state appropriation reduction and the comparison to the FY21 budget. Research is at 22% and \$110 million of the budget. Public service is at \$51 million. There is a lot of financial Aid, which is at \$79 million. This is for all campuses. There are three budgets that are about the same size, auxiliaries, intercollegiate athletics, and independent operations or (NMDA). The academic services fee of \$4 million that was discussed at the last meeting has been removed from the sources and uses. The total sources at \$9.7 million.

Senior Vice President Burke commented on the nursing and engineering differential tuition listing to Regent Saucedo's questions and Provost Parker's analysis about the College of Education. There is probably a disproportional, compared to others, number of graduate programs. If those numbers are disaggregated they might look a little different from undergraduate.

Senior Vice President Burke went on to say that the uses include \$4 million in compensation, investment in the Foundation of \$900,000, and \$1.25 million set aside for strategic investments. A small investment, but the first investment out of the permanent I&G budget for Graduate Assistant Scholarships in the amount of \$400,000. They bring in IDC at \$16 million. They had transfers out for deferred building renewal and equipment. The athletics transfer comes out of here. For instructional and general budget, the unrestricted side totals 77% for expenditures by category and compensation. One big change that was made, due to the Foundation agreement, was the removal approximately \$2 million worth of compensation. That's why there is an increase in supplies and expense. Computer services are heavily weighted on the comp side. The percentage of comp is much higher than 76% the amounts that would be included because of this switch related to the Foundation and the amount of comp within computer services are considered. The unallocated amount of \$14 million, which is a large amount, is due to the process we use. About half of it is sources and uses. Those funds are allocated. Also, there are contractual arrangements for advising and recruitment that they tend to pool there before they are allocated out, just under \$2.5 million at the beginning of the fiscal year. There are incentives built into the budget, approximately \$2 million for instructional, online courses, as well as for the summer session. They have some prior year investments included of about \$1 million and as part of the internal budget process. They do position management, which makes up the difference. They're going to work more on our internal budget model. This slide indicates the percentage of instruction verses the other basic fund groups or functional categories for the I&G budget at 60%. That's a pretty respectable number in terms of an allocation to instruction. ACES is by far, a big amount as well as Arts and Sciences and PSL at \$23 million. This categorizes where research dollars are coming from within the university. On the public services side, \$26 of the \$51 million is in CES, so that bodes to the importance of cooperative extension service and the significant contributions it makes. College of Education is the next big public service provider in terms of budget and programs at \$9 million. They did some reductions in professional salaries and they've got some increases in supplies and expenses. In looking at the ten or so auxiliary budgets that they have rolling up as summary units in their HED budget. The overall budget, including the unrestricted and restricted funds is about \$20.9 million.

Regent Saucedo requested that Senior Vice President Burke write down expenditures for student aid for the next committee meeting. There was a \$5 million increase this past year. Regent Saucedo asked where that is coming from.

Chief Budget Officer Kim Rumford stated that \$2 million of it is in the Pell grant, on the Pell grant line item for the main campus. Another million dollars is in New Mexico Success Lottery Scholarships. Other state programs are about \$2 million worth. It's all the Pell grant and state aid adjustments. The only change to the unrestricted side, which is the additional investment of \$500,000 that the regents approved last month for the graduate scholarships. The rest of the changes are unrestricted in either Pell or state programs.

Regent Saucedo stated, "That's the only question I have. Dr. Burke, we talked during committee and we agreed we'd work on this in future committees. I'm looking at pages 11 and 12 or 387 and 388. Basically, with tuition and fees for undergrads and grads by credit hour and semester and what we were discussing was basically, some information as to the number of students paying the resident rate or the Texas rate or the non-resident rate. How many students are actually paying full non-resident rate as opposed to one of the other rates? And Dr. Burke, you made a comment, which I appreciate, you mentioned that looking at the College of Education it would be of interest to us if we were to see the graduate and undergraduate numbers. I think you expressed that the graduate numbers are a significant percentage of that group. Would that be possible in future meetings to take a look at that, not only, in other words, the numbers for the university as a whole that are paying these rates, but break them down a little bit. It sounds like perhaps that information is available, am I correct?"

Senior Vice President Burke stated, "Chair Devasthali, Regent Saucedo, the analytical work is being provided by an outside consultant. As we work with them we could certainly look to part some things out. I think your broader question is 'how many students are in a particular tuition category?' And that is something we can certainly do by graduate and undergraduate and discern. I've seen those numbers and we just need to come up with a report format that will be easy to explain that will show, as an example, international students. I think we have more at the graduate level than the undergraduate level and they tend to be the students we have that pay full ride either with sponsorship with their home country or otherwise. So, I think as a team we'll be able to come up with a report that will show that information and correlate a little bit to these rates that you're seeing on the tuition and fee tables. We can work on that."

Regent Saucedo moved to approve the operating budget for fiscal year 2021-2022. Regent Romero seconded the motion. All were in favor. Motion passed.

**7. Annual Capital Outlay and Master Planning Process, Five Year Facilities Plan, Associate Vice President Luis Campos, University Architect Heather Watenpaugh**

Vice President Campos requested approval of the 5-year Capital Plan that is required by the stated Higher Education Department.

University Architect Heather Watenpaugh continued with the presentation and stated that the 5-year Capital Outlay Plan is required for approval for HED for summer hearings. The top three projects that will be presented at the summer hearings include a replacement of Thomas and Brown for the College of Engineering. The total cost is a \$25 million request. This includes, removing Thomas and Brown and replacing it with a multidisciplinary learning lab to support all of the colleges. The second request is a nursing expansion for health and education renovations in O'Donnell Hall and Health and Social Services. That request is a \$15 million request. The third priority for the Las Cruces campus is for the Chemistry building. It is an HVAC and ventilation upgrade for code compliance. This is a \$5 million request. For the community colleges, they are a 5-year facility plan. The top requests for the community colleges are all infrastructure upgrades, except for the request for Carlsbad, which is new construction. Alamogordo is for the Fine Arts roof replacement and some repairs to that facility at \$1.5 million. The request for Carlsbad is a \$4 million request for a new facility,

a vocational trade center building, an energy building that will be combined with \$4 million from institutional funds and \$4 million from industry funds for a total of \$12 million request. There is \$4 million of it coming from the state, a \$12 million project. DACC has two requests, both infrastructure and improvements in their master plan. One is at the Espina campus for \$650,000 and the other is at Sunland Park Center roof replacement for \$500,000. At the Grants campus, they're looking to make code upgrades to the interior of Martinez Hall. Martinez Hall improvements and the Small Business Development Center roof for a total of \$1.5 million. This year they had 20 meetings that included 40 stakeholders. They identified themes that aligned with the Strategic Plan and came up with their Aggie identity and then met with the Provost. In February, they presented to the President's Executive team and discussed their findings. In March, they shared their information with UAC. In April they shared this larger presentation with Regents Real Estate and they're here in May seeking approval of the 5-year facility plan, which is required by the state, in order to make the June 1<sup>st</sup> deadline, which is the summer hearing submittal and all of the forms are listed there. After that, they have a July 1<sup>st</sup> deadline where they take the information that was submitted for the summer hearings and input it into DFA's website for all of the campuses, including NMDA. At the end of July or early August, they have the actual summer hearings. This year that will be on August 13<sup>th</sup> and in mid-August, as a follow up to the summer hearings, they have a re-submittal process with HED for the summer hearing documentation. So, just briefly, the three projects that they'll be presenting for the Las Cruces campus include replacement facility physically in the same location as the Thomas and Brown, so they will abate it, demolish it, and replace it with a state-of-the-art facility from maker spaces, multi-use labs, and on the second-floor capstone and lab spaces. The overall square footage will be reduced. Nursing Expansion for Health and Education, they are focusing on the needs for nursing and HHS. They will be creating a nursing skills simulation lab, expanding to 1<sup>st</sup> and 2<sup>nd</sup> floor, and looking at required renovations at the rest of that facility and O'Donnell Hall for their space needs. The last of the top three priorities for the Las Cruces campus is the Chemistry Building HVAC and ventilation upgrades including fume hoods. This is a band-aid fix for that facility in order to be able to safely teach chemistry courses in that facility.

Regent Chacón-Reitzel made a motion to approve the 5-year facilities plan, NMSU projects, and all capital lists. Regent Romero seconded the motion. All were in favor. Motion passed.

**L. Announcements and Comments, Chairwoman Ammu Devasthali**

**1. "Gun's Up" – Good News for NMSU!**

Regent Chacón Reitzel gave a Gun's Up to the NMSU graduates.

Regent Saucedo gave a Gun's Up to Tennis, Golf, Baseball, Softball, and Volleyball teams. They were record setting champs and made the tournament.

Regent Romero gave a Gun's Up to the graduates of NMSU.

Chairwoman Devasthali gave a Gun's Up to the Aggie Family for doing a terrific job over the past year.

**M. Adjournment, Chairwoman Ammu Devasthali**

Chairwoman Devasthali entertained a motion to adjourn the meeting. Regent Bitsie motioned to adjourn. Regent Chacón-Reitzel seconded the motion. Meeting was adjourned at 5:43pm.

**Meeting Minutes Approved on December 9, 2021 by the New Mexico State University Board of Regents.**

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer

DRAFT



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-2**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Regular Meeting Minutes for September 16, 2021

**Requested Action of the Board of Regents:** Approval for Regular Meeting Minutes for September 16, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
September 16, 2021 at 9:00am**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., President John D. Floros, Ph.D., Provost Carol Parker, J.D., Vice Chancellor Ruth A. Johnston, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Roy Collins III, J.D.

**MINUTES**

The Board of Regents meeting is available by webcast through the link at <https://panopto.nmsu.edu/bor/>

**A. Call to Order, Chairwoman Ammu Devasthali**

The Board of Regents met in the Board Room of the Educational Services Center at New Mexico State University in Las Cruces, New Mexico on September 16, 2021. Chairwoman Devasthali called the meeting to order at 9:03am.

**Pledge of Allegiance, Cadet Dzaki Sukarno**

Cadet Dzaki Sukarno lead the Pledge of Allegiance. Cadet Sukarno is studying Agricultural Business with an emphasis in Agricultural Marketing. Cadet Sukarno is minoring in Aerospace Studies through the ROTC.

**1. Introductions**

**Introduction of Teresa Maria Linda Scholtz, Vice President of Equity, Inclusion, and Diversity, President John Floros, Ph.D.**

President Floros introduced the new Vice President for Equity, Inclusion, and Diversity, Dr. Teresa Maria Linda Scholtz. Vice President Scholtz comes from the University of California in Santa Cruz as the Chief Diversity Officer and has extensive experience in academia, first as a faculty member, then as an administrator. Vice President Scholtz joined NMSU on August 1, 2021. Vice President Scholtz will lead NMSU in their efforts in equity, inclusion, and diversity.

Vice President Scholtz added that NMSU is well positioned as a land grant institution as well as a Hispanic and minority serving institution to work with the state and communities in higher education. Vice President Scholtz noted that in the past year and a half faculty are requesting more professional education in this area to ensure that they are best serving their students. Vice President Scholtz also noted the importance of how we think about students with disabilities and returning military students because all of those identities intersect. NMSU is well positioned to talk as a system about what it means to be serving as well as how to diversify faculty on campus. As work on 4.1 of the Strategic Diversity Plan is being done, they will be thinking about data that informs the work they have ahead of them as well as data that they need to collect to help inform the Strategic Diversity Plan and the data that they will need to collect as they are working through the

action plans to ensure that they are leading students towards social mobility and success.

**2. Confirmation of Quorum, Chairwoman Ammu Devasthali**

The Chief of Staff confirmed the quorum and took the roll call.

Chairwoman Devasthali, Regent Chacón-Reitzel, Regent Romero, Regent Bitsie, Chancellor Arvizu, and President Floros were present in the Board room.

Virtually present were:

Regent Saucedo

Provost Parker

Vice Chancellor Johnston

Vice President Burke

General Counsel Collins

**3. Approval of the Agenda, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel moved to approve the agenda as presented. The motion was seconded by Regent Romero. All were in favor and none opposed. The motion passed.

**4. Public Comment, Associate Vice President Justin Bannister**

Associate Vice President Bannister reported that no one had signed up for public comment.

**B. Approval of the Minutes, Chairwoman Ammu Devasthali**

**1. Regular Meeting May 14, 2021 Deferred**

**2. Special Meeting June 16, 2021**

Regent Chacón-Reitzel made a motion to approve the minutes as presented. Regent Bitsie seconded the motion. All were in favor and none opposed. The motion passed.

**3. Regents' Orientation June 22-23, 2021**

Regent Romero made a motion to approve the minutes as presented. Regent Chacón-Reitzel seconded the motion. All were in favor and none opposed. The motion passed.

**C. Awards and Recognitions, Chairwoman Ammu Devasthali**

**1. Proclamation Recognizing Shane Cunico for Completing the 2021 Tour Divide, Chairwoman Ammu Devasthali**

Chairwoman Devasthali described Shane Cunico's accomplishment of the 2021 Tour Divide and read the proclamation.

WHEREAS, Shane Cunico has faithfully served New Mexico State University's Physical Science Laboratory as a subject matter expert in electronic warfare for nearly two years; and

WHEREAS, Cunico along with retired New Mexico Department of Agriculture Standards and Consumer Services Division Director, Raymond Johnson, competed in the 2021 Tour Divide - an annual self-supported cycling race that follows the world's longest continuous mountain bike trail from the Canadian border to southern New Mexico and;

WHEREAS, on the 11<sup>th</sup> day of June 2021, Cunico began the approximate 2,500-mile tumultuous journey from Eureka, Montana to Antelope Wells, New Mexico. Throughout the race, he bore harsh weather conditions and experienced more than 200,000 feet of elevation gain and loss while traveling across five U.S. states; and

WHEREAS, in a great test of endurance, discipline and resilience, Cunico completed the 2021 Tour Divide, arriving in Antelope Wells, New Mexico 31 days after his grand departure.

NOW, THEREFORE, BE IT PROCLAIMED in official session that the Board of Regents of New Mexico State University recognizes and celebrates Shane Cunico for the spectacular achievement of completing the 2021 Tour Divide.

PROCLAIMED, this 16<sup>th</sup> day of September 2021, in Las Cruces, New Mexico.

**2. Proclamation Recognizing Raymond Johnson for Completing the 2021 Tour Divide, Chairwoman Ammu Devasthali**

Chairwoman Devasthali described Raymond Johnson's accomplishment of the 2021 Tour Divide and read the proclamation.

WHEREAS, Raymond Johnson spent 26 years faithfully serving the New Mexico Department of Agriculture (NMDA) as an inspector, assistant division director and division director of NMDA's Standards and Consumer Services Division before his retirement in 2021; and

WHEREAS, Johnson along with Shane Cunico, NMSU Physical Science Laboratory subject matter expert in electronic warfare, competed in the 2021 Tour Divide - an annual self-supported cycling race that follows the world's longest continuous mountain bike trail from the Canadian border to southern New Mexico; and

WHEREAS, on the 11<sup>th</sup> day of June 2021, Johnson began the approximate 2,500-mile tumultuous journey from Eureka, Montana to Antelope Wells, New Mexico. Throughout the race, he bore harsh weather conditions and experienced more than 200,000 feet of elevation gain and loss while traveling across five U.S. states; and

WHEREAS, in a great test of endurance, discipline and resilience, Johnson completed the 2021 Tour Divide, arriving in Antelope Wells, New Mexico 31 days after his grand departure.

NOW, THEREFORE, BE IT PROCLAIMED in official session that the Board of Regents of New Mexico State University recognizes and celebrates former NMDA employee, Raymond Johnson for the spectacular achievement of completing the 2021 Tour Divide.

PROCLAIMED, this 16<sup>th</sup> day of September 2021, in Las Cruces, New Mexico.

**D. Regent Committee Reports**

**1. Real Estate Committee Report, Regent Dina Chacón-Reitzel**

Regent Chacón-Reitzel reported that the Regents Real Estate Committee and Aggie Development Incorporated (ADI) board met once since the last update was provided to the Board of Regents. On August 26, the committee reviewed several capital outlay projects from Facilities and Services that is on the consent agenda, including items G-2 through G-7. The Real Estate Committee also recommended bringing forward a couple of utility easements renewals for board approval as agenda items G-8 and G-9.

There was significant discussion about a couple of items that are on the agenda for the board's approval, including a purchase agreement for the Santa Fe ranch, which is item G-10, and a proposal to apply 100% of the rental income from Pattern Energy for Fiscal year 2022 and 2023 to the Corona Range and Livestock



Research Center for capital improvements. This is item G-11 on your agenda.

The Real Estate Committee recommended that all of these items be brought before the board for consideration.

During the ADI meeting on August 25, the board of directors was provided with several updates regarding potential real estate transactions, but no items from ADI are being brought forward to the board for consideration.

There were no questions about the report.

**2. Audit and Risk Committee Report, Regent Ammu Devasthali**

Regent Devasthali reported that the Regents Audit and Risk Committee met twice since the last report to the Board on May 14, 2021. The first meeting occurred on May 26 and the purpose of the meeting was to hold the external audit entrance conference. Moss Adams conducted the entrance conference and provided an overview of the audit process and introduced the committee to members of their team. The roles and responsibilities of the auditor, the audit committee, and management were discussed and a timeline was provided. The final presentation of the audit to the Audit Committee is expected by mid-October and the submission of the audit to the New Mexico Office of the State Auditor is expected by November 1.

Also, during the May 26 meeting, Clifton Larson Allen (CLA), which is NMSU's co-sourced internal audit partner, provided an overview of Enterprise Risk Management and described the internal audit project plan and reviewed some current projects. Finally, the internal audit team provided the internal audit annual report.

The second meeting occurred on August 25 and the committee heard a series of presentations from different NMSU departments about activities conducted in their respective areas. The first presentation was a report from the Office of Institutional Equity (OIE) that focused on changes made by OIE that resulted from updated Title IX regulations that occurred last year. Also, there was an update from Information and Communication Technologies (ICT) regarding the ongoing efforts to strengthen cybersecurity at NMSU. CLA also provided an update on the Internal Audit Plan and updates on the status of current projects. The committee welcomed Interim Chief Audit Officer, Rick Rivas, to his first audit and risk committee meeting and he provided an overview of current internal auditor projects.

There were no questions about the report.

**3. Financial Strategies, Performance and Budget Committee Report, Regent Christopher Saucedo**

Regent Saucedo reported that the Financial Strategies, Performance and Budget Committee met once on August 25, 2021. Three areas were covered. The first was a report by Provost Parker on faculty compensation. The report was an update on two separate analysis that are underway. The first will be an internal analysis of compensation rates to determine whether all faculty are receiving comparable pay for comparable work. The second, which is also underway, but not yet complete, is an external comparison of NMSU FY 2021 compensation rates with those of other similar public research universities to ascertain whether and NMSU's current faculty salaries are competitive in the marketplace. The second area that they covered was discussed by Vice President Burke, who gave an informative presentation regarding enrollment by residency and tuition waiver status. Finally, Government and Community Relations office presented a FY 23 Non-I&G budget request, which they reviewed and recommended that it be presented to the Board for consideration of approval.

There were no questions about the report.

**4. Student Success Committee Report, Regent Arsenio Romero**

Regent Romero reported that the Regents Student Success Committee met twice on May 27, 2021 and August 26, 2021, since the last report to the board. At the May 27 meeting they welcomed a new member to the committee, Amy Himelright, who serves as Director of Mental Health and Academic Counseling at Las Cruces Public Schools. Regent Romero appreciated the chair's appointment of Ms. Himelright to fill the vacancy for a community member seat. At this meeting there were several updates provided about the college merger and also about enrollment and campus life for Fall 2021. Community colleges provided update reports.

At the August 26 meeting, Vice President Scott gave a report regarding enrollment and discussed some recruitment and retention strategies with the committee. DACC President Torres reported that their enrollment head count is down by 8%. DACC is hiring Success Coaches who will advocate for students and help them navigate the university system. The Alamogordo campus headcount enrollment is down by 2.9%. They recently received \$3 million in a Title V grant to be used over the next 5 years. They have two Student Success Coaches and are hiring a third. To help address the needs that the pandemic has presented, they are bringing back mental health resources to campus. The Carlsbad campus headcount enrollment is up by 7.8%. Their focus has been on improving customer service for their student body as well as building engagement with students. The Carlsbad campus is starting a food pantry. Enrollment at the Grants campus is up by 7.9%.

Vice President Scott provided a report on academic advising and the scholarship process. Different types of aid were discussed, including the different forms of tuition waivers. As was reported at that time, enrollment is 4% lower this fall semester than last fall semester. Most of the drop is from the traditional freshmen population. The graduate student population has remained the same; however, the non-traditional adult learner population is growing. Enrollment for NMSU-O is up by 12.8%. The Student Success office is in the process of a re-recruiting campaign in which they continually reach out to students who have left in hopes to recruit them back. There were 62% of students who received aid. Most scholarships are technological or through the Foundation. The Student Success office is in process of centralizing advising for undergraduate students.

There were no questions about the report.

## E. Advisory Member Reports

### 1. NMSU Faculty Senate Report, *Chair Julia Parra*

Faculty Senate Chair Parra reported that Faculty Senate held a New Senator Orientation and the first full senate meeting of the year on September 2, 2021. Faculty Senate Chair Parra thanked Chairwoman Devasthali for accepting the invitation to join them. Proposition 1-21/22 was introduced, which is a proposal to amend Administration Policy Rule 4.61 Transfer Credit for Prior Learning. Also, they all participated in the Building a Shared Governance Mindset activities and shared that information. They heard the compensation packet projects update. Faculty Senate committees are working on their current assignments as well as a visioning what the revised structure is going to look at look like moving forward. Input related to that is welcomed.

There were no questions about the report.

### 2. Associated Students of NMSU Report, *President Mathew Madrid*

President Madrid reported that ASNMSU had 20 Crimson Kickoff events in the month of August to help set students off on the right foot to begin the semester with energy and enthusiasm to be back on campus. Those events were coordinated by more than 10 departments and offices across the campus. Between all of those events, there were 2,600 students who participated. The student body has demonstrated a lot of enthusiasm to be back on campus and engaged in student events. Their current focus is on homecoming as it approaches.

There were no questions about the report.

### 3. **NMSU Employee Council Report, Chair Joseph Almaguer**

Employee Council Chair Almaguer reported that they have had 2 Employee Council meetings this academic year; one on August 12, 2021 and the other on September 9, 2021. At the meeting on August 12, they met with Vice President Scholtz. Members gave feedback on issues of diversity, equity, and inclusion. The date for the Employee Appreciation Picnic has been set for October 14, 2021. Employee Council extends their invitation to the Board of Regents to attend. There have been multiple discussions among faculty and staff on compensation and benefits. Employee Council is underway with their compensation study, which will be completed in December 2021. Also, they are in the process of a benefits review, which will be completed within 60 days to be presented to President Floros.

There were no questions about the report.

## F. **Affiliated Entity Reports**

### 1. **Aggie Development Inc. Report, President & CEO Scott Eschenbrenner**

President Eschenbrenner reported that the Aggie Development Board met on August 26. They went over 3 items. The first item was the Maverick Convenient Store Project. According to Maverick's update, they have completed approximately 2/3 of their civil plans. They expect to have their traffic impact analysis study completed tomorrow. They are having challenges with getting engineers for their ultra-survey. ADI has approved the site plan and will assist Maverick with their permitting process with New Mexico Department of Transportation. The 120-day feasibility period will be up on October 9<sup>th</sup>; however, an extension period is expected because of the challenges with the ultra-survey. The Director of Golf, Jason White, gave a presentation. They had a robust discussion regarding the southern access road for the parcel because it would be close to one of the greens on the golf course. They've been working with Director White on ideas how to solve that problem. They'll move through that closer as they move past the feasibility period. There are several benefits that will come out of it. First, they will pick up an extra 2 acres of developable land that is high above the golf course. The funding will come out of Aggie Development infrastructure funds that they have remaining from sales of other lands. The senior community partner, Trilogy, pulled out of their project. They had been working with him for 3 years. They sited challenges with COVID-19 and starting a new project 1,500 miles away from where their primary focus is in their four-state region. President Eschenbrenner reported that he has been in conversation with one of their former board members, Bill Sherriff, who has initiated conversations with other partners, some that are located within the region. They are excited about the opportunity and hopeful that this will pave the way with another relationship and continue those efforts. Trilogy stated that they are willing to pass on all their due diligence information to any other interested parties. Lastly, they are working on a letter of intent and have moved through the ground lease phase, which is for a 3,500 square foot parcel land off of Triviz and next to the Sleep Inn Hotel.

There were no questions about the report.

### 2. **NMSU Foundation Report, Vice President Derek Dictson**

Vice President Dictson reported that this has been a good year for the endowment, giving and investments. The last report from their investment advisor was August 11, 2021. The balance of the long-term investment pool, which comprise our endowment, was almost \$227 million. That was up by slightly more than \$54 million from June 30, 2020 when it was valued at \$172.7 million. The annualized returns for the past several years is listed in the report. The year-to-date net return for 2021 has been 13%. The one year analyzed return for FY 21 was 31% and since inception in 1983 the endowment is grown an annualized rate of 8.72%. Over the past several months, the Foundation Board and Investment committee has gone through an extensive search for an investment advisor. They selected Angeles Investment Advisors to serve as the Outsource Chief Investment Advisor, effective yesterday, September 15, 2021. Fundraising across the country is going very

well and NMSU is following along with that. They measure their fundraising results based on calendar year. As of today, they have raised \$25.6 million for 2021. It's comprised of 17,000 gifts from 5,000 donors. The average donor has given slightly more than \$5,000 this year. The largest gift was in the amount of \$2.9 million. In 2019, they raised almost \$24 million. In 2020, they raised \$18 million. NMSU has approximately \$31 million in available spendable gift funds that could be utilized immediately. Approximately \$3.8 million of that is spendable for scholarship funding. The Foundation will be hosting some in person homecoming activities this year on September 24 and 25, 2021, which includes the homecoming parade, Golden Aggies Celebration, Alumni tailgate, Distinguished Alumni Awards Banquet, and other events.

Chairwoman Devasthali asked, "Do you have a development officer that's based in Albuquerque?"

Vice President Dictson replied, "Yes, ma'am. We certainly do. Connor Adams joined us in January of this year. He was previously at the University of New Mexico and the Bosque School. He is full time based out of Albuquerque."

Chairwoman Devasthali asked, "Ok, and that is working out well in terms of outreach?"

Vice President Dictson answered, "Yes, we have a tremendous number of alumni and donors up there, so it's nice to have someone within easy driving distance."

Chairwoman Devasthali responded, "Great, thank you. Thank you for your report."

There were no other questions about the report.

### **3. Arrowhead Center Inc. Report, Director & CEO Kathryn Hansen**

Director Hansen reported that the Arrowhead goals align with NMSU LEADS 2025. They enhance entrepreneurial experiential learning K through 16, align with LEADS Goal 1, engage with private and public sector to increase participation in NMSU research and innovation, Goal 2. They offer services and programs across the state and region supporting LEADS Goal 3. They strive to operate efficiently and effectively supporting LEADS Goal 4 for a robust university system.

The Arrowhead Center held a Native Innoventure Ag camp this summer, which helped native youth create sheep and cattle ranch management plans. They partnered with the NMSU Indian Resource Development in the College of ACES and the Vet Teaching Hospital at Navajo Tech to do these camps. They will be holding two similar camps next summer. Arrowhead is working with the Colleges of Engineering and ACES to integrate entrepreneurship and the various classes and learning venues. Arrowhead has a partnership with the College of Engineering Ag Innovation Space. They have been helpful in letting them design and develop prototypes for startup ventures and experience design and development experience for students. Pictured in the report, are two prototypes developed in the Aggie Innovation space. These are inventions from 2 NMSU students. Another new opportunity is the Nusenda Fintech Lab, supported by a recent gift of 1.5 million to Arrowhead, which was part of a larger gift to NMSU. This lab will serve as an incubator for financial technology or known as Fintech Innovations and will encourage student innovators and entrepreneurs in this field. Highlights from their entrepreneurship outreach efforts include their Sprint business accelerators. They ran 5 of them this summer: Energy sprint, Native American sprint, Outdoor Rec sprint, Women's Entrepreneur sprint and a General Business sprint in Las Cruces. All of these sprints emphasize customer discovery and helping the participants to pivot to validate their customer base or to pivot their products. Design and construction activities in Arrowhead Park include work on a new building, which will serve as the Burrell Library and Student Services building. There is ongoing construction at the El Paso Electric Solar project. There will be a ribbon cutting event for this solar project. It is scheduled for September 23, 2021. Design is underway for the Dona Ana Community College Creative Media Technology building as well as the roads and utilities funded by the Economic Development administration. Included in the report is one of their Arrowhead Innovation fund portfolio companies called Build with Robots. It's growing and is located in Albuquerque. They've grown

from 2 to 17 employees and they have their robots, which do sanitizing at the Sunport airport in Albuquerque. They have done an economic impact analysis on Arrowhead, their programs and assets, such as the park. They're completing their report they're for FY21 as well as analyzing their individual programs and their contribution to their impact. Also, they have open applications for the 2021 Entrepreneur Hall of Fame Award for alumni. They were awarded a \$600,000 grant from the Minority Business Development Agency, so they can continue and expand their work in supporting Native American businesses in New Mexico.

There were no questions about the report.

G. **Consent Items, Chairwoman Ammu Devasthali**

1. **Non-I&G Funding Requests, Associate Vice President Ricardo Rel**
2. **NMSU Alamogordo: Physical Plant Building Renovations, University Architect Heather Watenpaugh**
3. **NMSU Grants: Martinez Hall Renovations, Exterior Stucco, University Architect Heather Watenpaugh**
4. **Las Cruces: Agricultural Science Center Renovations, University Architect Heather Watenpaugh**
5. **Las Cruces: Economic Development Administration (EDA) Arrowhead Park Development Roadway, University Architect Heather Watenpaugh**
6. **Las Cruces: Pan American Center Lounge and Suites, University Architect Heather Watenpaugh**
7. **Las Cruces: Zone 2200 Medium Voltage Infrastructure Improvements, University Architect Heather Watenpaugh**
8. **El Paso Electric Easement Renewal at Doña Ana Community College in Sunland Park, Special Assistant to the President Scott Eschenbrenner**
9. **El Paso Electric Easement Renewal at Pan AM Plaza Shopping Center, Special Assistant to the President Scott Eschenbrenner**
10. **Santa Fe Ranch Purchase Agreement, Special Assistant to the President Scott Eschenbrenner**
11. **Corona Ranch Revenue Agreement, Special Assistant to the President Scott Eschenbrenner**
12. **Temporary Investments Report for the Quarter ended 06/30/2021, Senior Vice President Andrew J. Burke**
13. **Disposition/Deletion of Property, Senior Vice President Andrew J. Burke**
14. **Proposal for naming room 103 in the Animal Nutrition and Feed Manufacturing Facility, the Ruttle-Hallford Office, Vice President University Advancement Derek Dictson**

Regent Chacón-Reitzel made a motion to approve the consent agenda as presented. Regent Romero seconded the motion. None were opposed. The motion passed.

H. **Action Items, Chairwoman Ammu Devasthali**

1. **None**

I. **Informational Items, Chairwoman Ammu Devasthali**

1. **Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period May 15, 2021 – September 10, 2021, General Counsel Roy Collins, III**

Chairwoman Devasthali stated that the report is a summary of revisions to the ARP. This report was submitted in advance of the meeting. General Counsel Collins and Associate General Counsel Lisa Warren

were present to answer any questions. There were no questions about the report.

**2. 2021-2022 Doña Ana County Head Start Continuation Grant Application, *Principal Investigator Magdalena Pando***

Chairwoman Devasthali stated that the continuation grant application was provided in advance of the meeting. Dr. Magdalena Pando was present to answer any questions. There were no questions about the report.

**J. Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture), *Cabinet Secretary & Director Jeff Witte***

Secretary and Director Witte acknowledged the accomplishments of Shane Cunico and Raymond Johnson.

Secretary and Director Witte thanked the regents and Chancellor Arvizu for the Tour of the Vet Diagnostics Laboratory. They enjoyed showcasing the operation and hosting guests.

Ag Day will be during homecoming. They are partnering with NMSU Foundation, alumni, College of Aces, and the Department of Agriculture. They expect a big turnout for the event and invite the regents to attend. They will have a kickoff at noon and hospitality tent that will serve food. There will be 30 to 40 booths and activities. College students will be showcasing some other activities as well.

NMDA's metrology lab has been recognized as Mass Echelon 1 designation. NMDA is 1 of 8 in the nation. Director Witte acknowledged the work of Clay Ivy and Ryan Rust in obtaining the designation. NMDA has been participating in a program that Governor Lujan announced to help the chili harvest, Chili Labor and Incentive Program. The program is being administered through NMSU. Thus far, they have paid out \$420,000 to 1,004 employees. The program is beneficial in getting chili out of the fields and in consumers' hands. Last weekend, NMDA hosted The Battle of the Salsas contest at the fair. The 1<sup>st</sup> place winner went to Bossy Gourmet, 2<sup>nd</sup> place went to 505 Green Chili Hot, and 3<sup>rd</sup> place went to Gilly Loco Ghost Peppers. On Monday, NMDA hosted the Green Chili Cheeseburger Challenge. The 1<sup>st</sup> place winner went to Oso Grill in Capitan, NM and 2<sup>nd</sup> place went to Big Mike's Burgers and More from Belen, NM.

Regent Chacón-Reitzel extended a thank you to Secretary and Director Witte for hosting the Tour for the Vet Diagnostics Laboratory. In addition to the tour, his able leadership in handling the very important vet lab.

Chairwoman Devasthali and Regent Romero also extended a thank you to Secretary and Director Witte for hosting the Tour for the Vet Diagnostics Laboratory.

**K. Report from the NMSU System Chancellor to the Regents of New Mexico State University, *Chancellor Dan E. Arvizu***

Chancellor Arvizu recognized that this month is Hispanic Heritage Month as well as homecoming next week. On September 21 at 2pm, Chancellor Arvizu will deliver the State of the University System Address. Chancellor Arvizu will cover the topics, 'Where we are' and 'Where we're going.' The ribbon cutting for the El Paso Electric Aggie Power Project will be on Thursday at 1pm. Also, there will be alumni events, a distinguished alumni event, and the Golden Aggie luncheon. A new Energy Economy Lecture Series will kickoff next week. Their first speaker is Kelly Tomblin, the CEO of El Paso Electric. CEO Tomblin will give her perspectives on local electricity, technology, and where the industry is headed. Also scheduled for next week are alumni meetings, advisory board meetings as well as other meetings. Chancellor Arvizu asked Vice Chancellor Johnston to give an update on COVID.

Vice Chancellor Johnston reported that masking indoors is critical since Governor Lujan extended the mask mandate. Everyone on campus has been following the indoor mask mandate and many are wearing their mask outdoors as well. There are 33 active cases across the system. All of them are at either the main campus or DACC. COVID information is communicated through the weekly newsletter and website that is updated daily. The plan,

self-reporting, direction, and reporting issues or concerns are included on the website. Vice Chancellor Johnston said, "We now have a policy, 16.32, that's provisional that gives the health and safety protocols for what we're going to do now that we are mandating vaccines and/or weekly testing for those who choose not to get vaccinated. That's going to be very, very important as we go into October. The due date is September 30 for the upload of the vax card and I'll talk about that in just a minute. And then, we go into the world of compliance. This is a condition of employment that people need to do this, like many other places." Vice Chancellor Johnston continued stated that there is a new application, as of yesterday, where people can upload their vaccination card. You take a picture of your card and upload it. There were 500 submitted yesterday, which was the first day, by the end of the day. Vice Chancellor Johnston continued by saying, "The testing piece is effective as of September 30<sup>th</sup> and what we'll be doing is asking people to show proof of negative test every Thursday by midnight because on Fridays, we will have people reviewing the reports; someone in the Dean of Students office and someone in HR and then providing information, so that we can follow up with people. There's a progressive discipline process in place for both the students as well as the faculty and staff." There is restriction information for visitors as well as vendors, so that everyone is staying safe. That is being communicated on a regular basis. There is a lot of information flowing. Questions, concerns or complaints can be sent to [covid19@nmsu.edu](mailto:covid19@nmsu.edu). They address those e-mails immediately and work very closely with the Pandemic Action Team, the Emergency COVID Team and with the support team who manages all the different aspects. Vice Chancellor Johnston closed by saying, "We're going to keep our attitudes up and keep our Aggies safe."

Regent Chacón-Reitzel asked if the 33 active cases are being tracked whether they are vaccinated or unvaccinated. Vice Chancellor Johnston answered that they are tracking whether they are vaccinated or unvaccinated. There are some breakthrough cases. Most cases are students, athletes, and residents in the resident halls.

Regent Bitsie asked how many students and employees have been vaccinated. Vice Chancellor Johnston answered that they do not know because they haven't collected the vaccination cards.

Regent Bitsie went on to ask what the plan of action is for students and employees who do not test for 2 weeks. Vice Chancellor Johnston stated that the Dean of Students will be handling all of the student issues. They will be reviewing the report and there's a progressive discipline. The first will be a warning. The second will go all the way up until someone is suspended, potentially for the rest of the semester. For employees, the action will be similar. There's a progressive discipline. Policy ARP 16.32 gives the progressive discipline, health and safety protocols, and the specific nature of how they will deal with discipline or non-compliance.

President Floros commented to that topic, there will be a difference between how students and employees are treated, including student employees. Chancellor Arvizu added, "We did think well and hard about the difference between our staff and our employees and they are actually very similar to state employees. Obviously, the governor has taken a position on that, as has the federal government. So, we're trying to stay in the mainstream of what other institutions are doing and we're close to what the general consensus is on how to approach both employees and, in our case, students. When we talk about students, we think of that a little bit differently. We pay employees. Students pay us. So, there's a there's a difference in the way you should approach that and we're trying to be as user friendly as possible, recognizing all of the complications and the changes in front of us. We're trying to stay very close to what the science is telling us and trying to be in compliance with the various authorities that we have to consider, if not to follow. So, if there's a deviation from one of those, either a CDC and FDA or a Department of Health of their guidance they're providing, we will come back and inform you of the kinds of things that we're considering. Generally speaking we're pretty close to the central part of where higher ED institutions are and it's different from state to state. We're trying to stay very well coordinated, certainly those in New Mexico, but also, I think the across our region."

There were no further questions in regard to COVID.

Chancellor Arvizu reported that last week was census date. Overall, NMSU's enrollment is down by approximately 3% across the system. Most of the drop is at the main campus and DACC. However, the three branch campuses'

enrollment is up. At-risk students are disproportionately affected by the pandemic. At-risk student enrollment is down significantly; whereas, the non-at-risk students are up. It's a significant difference. Chancellor Arvizu asked President Floros to give an update about the main campus.

President Floros said, "Thank you Chancellor, Madam Chair, members of the board. I want to paint a picture for you as to how things are going right now on our main campus in Las Cruces. I'll be the first to admit that this is a very different year. We're getting close to 2 years in the pandemic. When we started our fall semester, there were a lot of mixed signals that we were getting. We had a lot of people that were angry, apprehensive, fearful, hesitant to come back and some of those were our students, some of those were our faculty, and some of those were staff. I think with a lot of effort and help, we managed to convince most people that we have the tools to combat the pandemic. We have the ability to safely conduct our businesses in terms of teaching, in terms of research, and in terms of outreach and extension. So, we did come back and I want to thank you for allowing us to bring our students back this fall as, as it is the case in many places throughout the country. We are now into almost a month into our semester and what I hear from faculty, staff and students is a shift from fear and apprehension and stress to, although there still is stress, fear and apprehension, but there's a lot more excitement, positivity and optimism at this point, than what we were seeing earlier. Students are definitely excited to be back and I heard many, many stories from our faculty that they see that excitement in their classrooms. They feel the excitement as they have those students back in face to face classes. One faculty told me that this is the first time in his career, and he has been with us for 25 years now, that after his lecture students didn't actually leave, but they gathered around. They came up to him and wanted to introduce themselves. There's a huge element of being within groups and within colleagues and with other students and rubbing shoulders with faculty at this point. So, I think our semester is going well in terms of teaching. I think a lot of that excitement is really winning over the apprehension and the fear, but it is pretty tough. It has been tough on our faculty, staff, and tougher on our students. We are seeing a lot more mental health problems than we have ever seen before. We're putting a lot of effort into addressing many of those issues. We have a lot of things that we're doing now that we didn't do before; trying to make progress towards our strategic plan and trying to work within the pandemic restrictions has been very tough on a lot of people."

President Floros continued to say, "Here's a quick story from parents of one of our students. This letter came to me about three days ago. It's about one of our freshmen students that started down here. The family is from northern New Mexico and they decided to send their son here. They were convinced that this is the right place for them and their son. On the first day of classes, unfortunately, he was in a car accident. A lot of things happen from that point on. The letter was written to thank the university for taking good care of their son, for being there for him and small things such as, buying books and handing them to the son. They are convinced that it was the right choice. This semester he will have to continue from home. He won't be here, but next semester he's planning to be back again. I just want to tell you that we have a lot of hard-working people and a lot of hard-working faculty and staff that make this place special. This is why our students feel at home. This is why we all say that we're a family and that letter truly epitomized what that means in my mind. I want to thank the parents who took the time to write that letter. It's just one example of many such stories that I have received. What that tells me is that hard work of a lot of people out there is paying off. We are welcoming our students back. They do feel good. Faculty are finding ways to do their job as well as ever. Two rankings came out, one from Forbes and the other from US News, and both of them are ranking NMSU higher than ever before. As a matter of fact, Forbes has ranked NMSU much higher than UNM and NMTech. Now, there is a significant difference within those two rankings. Forbes is primarily based on Student Success and Social Mobility. So, take pride in that because we are doing a lot better than anybody else in the state in helping our students advance. The US News report is based on more of a traditional reputational financial type of approach and they're ranking us higher. This is evidence that we're making progress in every part of our strategic plan; student success, social mobility, research. We don't have the final numbers yet, but we expect to see another increase in our research enterprise in terms of size, but also in terms of quality. Our outreach and extension and economic development efforts are finally starting to pay off. A lot of positive things."



President Floros reported that the reduction in enrollment was not as significant as they had anticipated. Census date numbers show that the main campus was down by 2.3%. President Floros reported that they are putting a lot of effort into diversity, equity, and inclusion as well as improving IT and HR services. Provost Parker is doing a survey regarding faculty compensation. A similar study is being done with staff compensation. The state is fully aware that NMSU's compensation is not where it is supposed to be. All of the universities have come together with the state and are hopeful that next year's state budget will increase. The faculty compensation study compares NMSU faculty compensation with R1 and R2 peer institutions. In this study, they're using the 40<sup>th</sup> percentile and below comparison, rather than the average. NMSU is falling short of reaching that. NMSU has invested \$2.3 million to improve compensation this fiscal year. A million of that went as cost of living increases that NMSU gave this past year. NMSU included \$400,000 in promotional increases from one rank to another as well as \$100,000 in rotation. NMSU also included \$850,000 in market competitive adjustments. They hope to be able to continue bringing faculty compensation up, but it will take millions of dollars to become competitive with colleagues of other universities and a lot more to become an R1 institution.

Regent Romero commented by saying, "Maybe just a statement, Madam Chair, if I may. I just want to agree with everything that you're talking about. It is one thing that we've been able to all of us together and create an environment where students can come here and have a wonderful education, but it's quite another to be able to create an environment where they're safe and secure. We talked about it being a family environment. That is so true that we are here to take care of each other. We're here to support each other through the good times and the bad. So, I just want to echo that and say thank you for those comments, President."

Chairwoman Devasthali said, "I do want to say thank you very much President Floros for all the work that's being done across the system, but especially here at NMSU on campus and trying to keep our students, our faculty and staff safe. I know how much effort has gone into that, just under COVID. So, thank you. Also, 2.3 is not at all bad considering where we were last year and how things were going. We would definitely like to see that improve, but I think you have to take credit for at least bringing it up to it's 2.3. So, thank you."

President Floros stated, "Thank you Madam Chair. I do want to pass that credit on to people that actually did the work. Ruth Johnston has done a lot of work in trying to keep our campus safe and the rest of the campuses safe with a lot of people working as a part of several groups to help identify issues and resolve those issues as quickly as we can. Renay Scott, our VP for Success, is working very hard with all of her people to not only attract and bring prospective students here, but also to keep the ones we have here to come back because that's where that 2.3 that we dropped. It's across the board. Some of it is because of the lower freshmen class, but quite a bit of it is because our sophomores, juniors, and seniors didn't come back. Our guess is that many of those kids thought they could take a year off and see how things are going. So, we're hoping as the pandemic moves on to a different phase and if we become a little safer, we believe that a lot of those students will come back."

Chairwoman Devasthali stated that looking at our peer institutions that are R1 and what their faculty compensation looks like is important. NMSU is dependent on state appropriations. Without an increase in state appropriations it will be really hard to bring faculty salaries up.

President Floros agreed with Chairwoman Devasthali and stated that they, along with the other 7 public universities have agreed on that point. They want the state to take that seriously. To have a better higher education, they need better faculty and staff compensations because they're losing good people to other places.

Chancellor Arvizu reported that enrollment at the branch campuses are up. Alamogordo is up by 0.5%, which is 5 students. Carlsbad is up by 13.1%, which is 158 students. Grants is up by 11.3%, which is 78 students. A couple of graphics from DACC shows at-risk student enrollment, which includes low income, first generation, and students with children at home, is down by 40-45% from last year. While, the non-at-risk student enrollment is up by 10%. This demonstrates the difference in those who can continue to those who can't.

Chancellor Arvizu continued to report that each of those campuses have positive things going on. NMSU is going through a transition with Carlsbad, which is going positively. At the Grants campus, the big push is economic

development. Chancellor Arvizu stated that everywhere they go, when they talk to legislators and business communities, everyone cares about jobs, recovering from the pandemic, and how do we diversify, especially to places that have been hit hard by changes, transitions, in particularly to a low carbon energy economy, which nationally is an objective; however, it disproportionately affects some communities. NMSU needs to be attentive and supportive to those transitions. Through NMSU's partnership with Tri-State, they manage that many co-ops and immunities in the state that deal with energy and distribution of electricity. This allows for consideration of a controlled environment indoor farming approach. It affects water and energy usage, the entrepreneurial spirit of creating new businesses, local health, specifically regarding food deserts.

Chancellor Arvizu reported that after the latest revenue estimates for this next year is that the economy, specifically oil and gas, has come back more quickly than anyone anticipated. Therefore, there is a significant amount of revenues that could be expected for the next fiscal year. Many legislators, Speaker of the House, President Pro Tem of the Senate, and other key legislators who are on the legislative Finance and Appropriations Committee have stated to 'ask for what you want,' not 'what you need.' Chancellor Arvizu stated that staff and faculty, in particular, compensation is their number one priority and they want the flexibility from the state to allocate the money according to their priorities and the way in which they can manage staff and faculty. The second priority is deferred maintenance. There are several buildings that cost more to maintain, than to tear them down and build a new one. The master plan is important to help guide their direction. One of the ways to deal with that is that the capital outlay process would be refined and more strategic.

Chancellor Arvizu reported that the top three research universities in the state, NMSU, UNM, and NMTech believe that they have not been fully funded the way they should be. It is in part due to an understanding of the importance of research, economic development, and creating the opportunities for entrepreneurs to take technologies into the marketplace. There are a couple of things that can be done to address this issue. There is an endowment fund that allows them to offer faculty packages, which allows ways to attract more faculty. The other option is a significant amount within a pool of money for the universities as a collective research set of institutions in New Mexico to go after federal money, which they know is coming. They would have to have a financial business plan.

President Floros reported that graduate and post-doctorate numbers are up, which indicates a much more research operation. Also, research expenditures are up. President Floros gave credit to Vice President of Research and the Dean of the Graduate School as well as the deans and faculty from all of the colleges. Without their hard work, they wouldn't have the progress that they have today.

Chancellor Arvizu continued stating that it's important to get state support. Collectively, as a set of universities, it's more possible to obtain money through 'regional hubs,' which are \$10 million for 10 years, than it would be individually.

Chancellor Arvizu reported that the Governor is pushing the Opportunity Scholarship. The Governor is focused on supporting individuals who are low income and unable to go to college. NMSU is focused on how to support that. It's consistent NMSU's direction. Hopefully the discussion in Santa Fe will have a positive outcome that focuses on higher education and research because those areas would serve the state well since their focus is jobs, economic development, and aligning curricula with businesses that are established in New Mexico.

Chairwoman Devasthali asked President Floros what the research expenditure amount is. President Floros replied that it is just over \$110 million. Chairwoman Devasthali also asked how many doctoral degrees is projected to be awarded for the fall and spring semesters. President Floros does not have that number at this time. As of right now, NMSU has 47 post-doctoral researches for 2021, when a few years ago there were only 18.

Chairwoman Devasthali asked Chancellor Arvizu what can the NMSU system do to promote the Opportunity Scholarship and is there a plan apart from what CUP is doing. Chancellor Arvizu reported that it is on the agenda with CUP. The three organizations that are part of the higher education community; research institutions and comprehensive (CUP), branch campuses, and the independent community colleges are providing input regarding

the Opportunity Scholarship. Branch campuses and independent community colleges are primarily focused on two-year degrees. Comprehensive colleges and CUP are focused on four-year degrees. They are looking at the impacts of different types of opportunity. What they have not been able to do in the first two years of discussions opportunity is to set aside enough money to cover all the students that are in need. It's a question of 'how do you apply those in a way where those students who have the greatest need get the greatest benefit. That discussion is not complete. The economics and the actual financial case in each of those scenarios have not been fully developed.

President Floros reported that in answer to her previous question about doctoral degrees this year, NMSU has awarded 658 degrees for master's students, 16 Education Specialist, and 126 Ph.Ds.

L. **Announcements and Comments**, *Chairwoman Ammu Devasthali*

1. **"Guns Up" – Good News for NMSU!**

Regent Chacón-Reitzel commends the students and faculty for their cooperation and tenacity this semester. Everyone is contributing and cooperating. Guns Up!

Regent Romero said that the campus is beautiful. The buildings, classrooms, grounds are amazing and beautiful. A huge Guns Up to facilities, maintenance, and ground crews. They have done an amazing job to make sure that this campus was ready for students to come back and have gone above and beyond. It's a beautiful campus! Guns Up to them! He also recognized the new thing on campus, the Kiwibots.

Regent Saucedo gave a Guns Up to the Grants campus and the invitation last week for the opening of the Food Research Facility. It was remarkable he enjoyed it. Guns Up to the Grants campus, College of Engineering, and College of ACES. It was fantastic! Thank you!

Chairwoman Devasthali recognized the Kiwibots. Chairwoman Devasthali gave a Guns Up to the women's soccer team. They started off the season doing very well, 4-0. "They are playing today and will knock it out of the park. They are playing under lights now. Thank you, former senator, Mary Kay Papen, for that. Guns Up for our Women's Soccer Team! Go Aggies!"

Regent Bitsie gave a Guns Up to professors, Dr. Terry Armstrong, Dr. Frannie Miller, Dr. Ramesh Chinnasamy, Dr. Meghan Downes, Dr. Guram Bezhanishvili, Dr. Vassilios Papavassiliou, and Dr. Gabriel Garcia and all the NMSU faculty. Regent Bitsie recognized these 7 professors specifically because these are the people he interacts with on a day to day basis. They teach him or he works with them. These professors are prime examples of what President Floros said. They read the classroom, can tell when their students are too stressed or too overwhelmed, who adjusted and are not extremely stringent and have adapted along with the course of the pandemic. Regent Bitsie said he's seen sympathy and humility from these professors. It's heartwarming to know that the faculty and staff at NMSU really do care. All faculty and staff, Guns Up!

Chancellor Arvizu gave a Guns Up to the Aggie Innovation Space for the phenomenal transformation of their facility and what it can be for the future as well as their senate, representative, and corporate supporters.

President Floros gave a Guns Up to Aggie Health and Wellness as well as their Housing staff. They have been tirelessly for almost 2 years now and have doubled their efforts since students are back, particularly with all the issues of mental health, psychological, and counseling for students. Guns Up to the Housing staff, in particular for the dorms. Guns Up!

**M. Upcoming Board of Regents Meetings, Chairwoman Ammu Devasthali**

**1. Proposed Dates:**

- **October 11, 2021 at 1 PM** – Board of Regents Special Meeting
- **December 10, 2021 at 9 AM** – Board of Regents Regular Meeting

Chairwoman Devasthali announced that the Board of Regents Special Meeting will be on October 11<sup>th</sup>, 2021 at 1pm and that the Board of Regents Regular Meeting is proposed for December 10<sup>th</sup>, 2021 at 9am; however, it may be rescheduled due to commencement events the same day.

**N. Adjournment, Chairwoman Ammu Devasthali**

Regent Romero motioned to adjourn the meeting. Regent Bitsie seconded the motion. The meeting adjourned at 11:11am.

**Meeting Minutes Approved on December 9, 2021 by the New Mexico State University Board of Regents.**

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-3**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Special Meeting Minutes for October 11, 2021

**Requested Action of the Board of Regents:** Approval for Special Meeting Minutes for October 11, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY  
BOARD OF REGENTS  
SPECIAL MEETING MINUTES  
October 11, 2021 at 1:00pm**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., President John D. Floros, Ph.D., Provost Carol Parker, J.D., Vice Chancellor Ruth A. Johnston, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Roy Collins III, J.D.

**MINUTES**

The Board of Regents meeting is available by webcast through the link at <https://panopto.nmsu.edu/bor/>

**A. Call to Order, Chairwoman Ammu Devasthali**

**1. Confirmation of Quorum and Roll Call**

The Board of Regents met in the Board Room in the Educational Services Center at New Mexico State University in Las Cruces, New Mexico on October 11, 2021. Chairwoman Devasthali called the meeting to order at 1:34pm.

Chairwoman Devasthali apologized for the delay in beginning the meeting due to technical difficulties. Chairwoman Devasthali announced that in person attendees are required to wear their mask at all times, except when taking a drink or having something to eat to ensure compliance of the public health order.

The Chief of Staff confirmed the quorum and called the roll.

Regent Bitsie, Regent Saucedo, Regent Chacón-Reitzel, and Regent Devasthali were present in the Board Room. Also present in the Board Room were Chancellor Arvizu and Vice Chancellor Johnston. Regent Romero was not in attendance.

President Floros, Provost Parker, Senior Vice President Burke, and General Counsel Collins joined virtually.

**B. Approval of Agenda, Chairwoman Ammu Devasthali**

Regent Saucedo made a motion to approve the agenda as presented. Regent Chacón-Reitzel seconded the motion. All were in favor and none were opposed. Motion passed.

**C. Confirmation of Prior Closed (Executive) Session on October 11, 2021 at 9 AM, Chairwoman Ammu Devasthali**

The Chief of Staff confirmed the prior closed executive session that the members of the Board of Regents met in closed executive session today, October 11, 2021 at 9am in Hadley Hall room 130. The executive session meeting was held to discuss the incentive compensation and evaluation for Chancellor Arvizu as permitted under the personnel matters exemption. For the New Mexico Open Meetings Act and NMSA Section 10-15-1, subsection (H)(2). All regents certified that only matters of that nature were discussed.

**D. Consent Items**

- 1. Bachelor of Arts – Music, Provost Carol Parker**
- 2. Bachelor of Arts – Linguistics, Provost Carol Parker**
- 3. Doctor of Philosophy - Applied Statistics, Provost Carol Parker**
- 4. Doctor of Philosophy - Health Equity Sciences, Provost Carol Parker**
- 5. NMSU Carlsbad: Site Drainage, Parking and Infrastructure Improvements, University Architect Heather Zack Watenpaugh**

Regent Chacón-Reitzel made a motion to approve the consent agenda as presented. Regent Bitsie seconded the motion. All were in favor and none were opposed. Motion passed.

**E. Action Items**

- 1. None.**

**F. Closed (Executive) Session**

- 1. Closed meeting to discussion the performance evaluation and objective statement for the 2021 – 2022 Academic Year for Chancellor Arvizu as permitted under the personnel matters exemption the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2).**
  - a. Quantitative Performance Targets and Goals (Objective Statement) for Chancellor Dan Arvizu for Academic Year 2021 – 2022**

Chairwoman Devasthali made a motion that the Board of Regents go into closed executive session to discuss the performance evaluation and objective statement for the 2021 – 2022 Academic Year for Chancellor Arvizu as permitted under the personnel matters exemption the New Mexico Open Meetings Act, NMSA Section 10-15-1, subsection (H)(2). Regent Chacón-Reitzel seconded the motion. The Chief of Staff took a roll call vote to go into closed executive session. All regents were in favor. The Regents went into Closed Executive Session at 1:38pm.

- 2. Reconvene in open session and take final action, if any, on such matters which shall be acted upon in open session following conclusion of the closed session.**

Chairwoman Devasthali called the Board of Regents Special Meeting back into order at 1:53pm.

The Chief of Staff confirmed the prior closed executive session that the members of the Board of Regents met in closed executive session today, October 11, 2021 at 1:38pm in Educational Service Center room 002. The closed executive session meeting was held to discuss the incentive compensation and evaluation for Chancellor Arvizu as permitted under the personnel matters exemption. For the New Mexico Open Meetings Act and NMSA Section 10-15-1, subsection (H)(2). All regents certified that only matters of that nature were discussed.

Chairwoman motioned to approve the quantitative performance targets and goals for Chancellor Dan Arvizu for Academic Year 2021 - 2022. Regent Saucedo seconded the motion. All were in favor and none were opposed. Motion passed.

**G. Adjournment, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel motioned to adjourn. Regent Saucedo seconded the motion. The meeting adjourned at 1:55pm.

**Meeting Minutes Approved on December 9, 2021 by the New Mexico State University Board of Regents.**

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer





**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-4**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Special Meeting Minutes for October 25, 2021

**Requested Action of the Board of Regents:** Approval for Special Meeting Minutes for October 25, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY  
BOARD OF REGENTS  
SPECIAL MEETING MINUTES  
October 25, 2021 at 5:00pm**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., President John D. Floros, Ph.D., Provost Carol Parker, J.D., Vice Chancellor Ruth A. Johnston, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Roy Collins III, J.D.

**MINUTES**

The Board of Regents meeting is available by webcast through the link at <https://panopto.nmsu.edu/bor/>

**A. Call to Order, Chairwoman Ammu Devasthali**

**1. Confirmation of Quorum and Roll Call**

The Board of Regents met in virtually via Zoom on October 25, 2021. Chairwoman Devasthali called the meeting to order at 5:01pm.

Chairwoman Devasthali, Regent Chacón-Reitzel, Regent Romero, Regent Saucedo, Regent Bitsie, President Floros, Vice Chancellor Johnston, Vice President Burke, and General Counsel Collins were present. Chancellor Arvizu and Provost Parker were not present.

**B. Approval of Agenda, Chairwoman Ammu Devasthali**

Regent Chacón-Reitzel made a motion to approve the agenda as presented. Regent Saucedo seconded the motion. All were in favor and none were opposed. Motion passed.

**C. Action Items**

**1. Appointment of Replacement member to NMSU LMR Board, Chairwoman Ammu Devasthali**

Ms. Dina Holcomb, outside NMSU Counsel updated the Board of Regents that there was a Labor Board meeting this afternoon. It was expected that they would have a recommendation to the Board of Regents to appoint the new neutral third position to the Labor Board. The neutral third member accepted to help out the university by covering for a faculty member for this term, not

knowing that she would have to step away from the Labor Board. The Labor Board had granted her a leave of absence; however, she chose to resign and allow the Labor Board to appoint a replacement so they could proceed with the pending petition that they have before them on the graduate students' petition. Upon meeting this afternoon, there was an unexpected action taken by the labor appointee to the Board, Mr. Larry Martinez. Mr. Martinez chose to also resign from the Board without explanation and stating that they now didn't have a full board with two vacancies. After he took that action, the meeting was adjourned. However, the state representative for ASFCME, the local union that represents staff employees, made the statement that they will be taking the position to not continue the Labor Board. Under the changes that happened to the Public Employee Bargaining Act in July 1, 2020, when those changes took effect, it gave unions the ability to stop local Labor Boards from existing. They had to affirmatively elect to continue to allow an employer to have a local Labor Board. Since there is only have the one union and ASFCME has made it clear that they're not supporting the continuation of the local labor board it appears that your local labor board is going to cease to exist on December 31<sup>st</sup> 2021.

**D. Adjournment, Chairwoman Ammu Devasthali**

Regent Romero motioned to adjourn. Regent Saucedo seconded the motion. The meeting adjourned.

**Meeting Minutes Approved on December 9, 2021 by the New Mexico State University Board of Regents.**

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-5**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Work Session Meeting Minutes for November 4-5, 2021

**Requested Action of the Board of Regents:** Approval for Work Session Meeting Minutes for November 4-5, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS WORKSESSION AGENDA**  
**Thursday, November 4, 2021**  
**Friday, November 5, 2021**

**New Mexico Farm and Ranch Heritage Museum**  
**Organ Mountain View Room**  
**4100 Dripping Springs Rd.**  
**Las Cruces, NM 88011**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chairwoman Ammu Devasthali, Vice Chairwoman Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher Saucedo, Neal Bitsie

**MINUTES**

**Thursday, November 4, 2021**

No votes or official action were be taken.

The New Mexico State University Board of Regents participated in a workshop presented by Howard Teibel, Teibel Education Consulting. Howard Teibel’s workshop focused on shared governance, including the five pillars of shared governance, structures, processes, and engagement. Good Board Governance in the 21<sup>st</sup> Century, global challenges and shared governance as it relates to LEADS 2025 and its Strategic Goals, were also presented and discussed. Also presented and discussed were fiduciary duties and principles, and transparency. Pre-pandemic norms are shifting to the emerging ‘new normal,’ which includes but is not limited to accountability and commitment to diversity, equity, and inclusion; emerging emphasis on virtual infrastructure, and fund raising focused on online degrees and services; and a lasting demand on faculty and staff work from home options. How to meet these challenges were also discussed.

**Friday, November 5, 2021**

No votes or official action were be taken.

NMSU 2022 Legislative Priorities were presented to the Board of Regents on the topics of ASNMSU Legislative priorities, Higher Education priorities, Capital Outlay, Non-Instructional and General funds, Non-Athletic Governmental Gross Receipts Tax Extension, Agricultural Experiment Station, Cooperative Extension Service, New Mexico Department of Agriculture, Athletics, Educational Television, and Research and Public Service Projects (RPSP) Expansion Requests. ASNMSU priorities included, Crime Prevention Through Environmental Design and the Completion of the Aggie Memorial. Recurring requests for Higher Education priorities include an increase I&G funding by minimum of 5% to restore FY21 cuts, 7% Compensation increase for faculty and staff, and funding to cover the employer mandated ERB contribution included in Ch. 44, Laws 2021 (SB42). The non-recurring requests for Higher Education priorities include support for wraparound services to support student success and enrollment, Research Closing Funding, Higher Education Endowment Fund, funding for critical infrastructure, deferred maintenance needs, information technology (including cyber security), dual credit funding outside the funding formula, support for enhanced funding for the opportunity scholarship for both 2- and 4-year

students and the Lottery Scholarship.

The NMSU Capital Outlay priorities are Thomas and Brown building replacement, Nursing Expansion, Health and Education renovations, and Demolition of Greek complex (HED recommendation) on the main campus. The Capital Outlay priorities at DACC include cooling tower and chiller replacement and the Sunland Park roof replacement. At the Alamogordo campus the Capital Outlay priority is the Rohovec Fine Arts Theatre Roof Replacement/Repairs and Renovation. At the Carlsbad campus the Capital Outlay priority is to build the Vocational Trades Center. At the Grants campus the Capital Outlay priority is the Martinez Hall Improvements and SBDC Roof.

Non-I&G requests were presented and are for the Agricultural Experiment Station, Cooperative Extension Service, New Mexico Department of Agriculture, Athletics, Educational Television, and Research and Public Service Projects (RSPS). RSPS requests are for the Center of Excellence for Sustainable Food and Agricultural Systems, Water Resources Research Institute, Autism Diagnostic Center, DACC Dental Hygiene Program, DACC Nurse Expansion, and Commercial Space New Mexico.

**Meeting Minutes Approved on December 9, 2021 by the New Mexico State University Board of Regents.**

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: B-6**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Chairwoman Ammu Devasthali  
NMSU Board of Regents

**Agenda Item:** Special Meeting Minutes for November 5, 2021

**Requested Action of the Board of Regents:** Approval for Special Meeting Minutes for November 5, 2021.

**Executive Summary:**

As required by the New Mexico Open Meetings Act, the board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board.

**References:**

NM Open Meetings Act §10-15-1 G.

**Prior Approvals:**

N/A



**NEW MEXICO STATE UNIVERSITY  
BOARD OF REGENTS  
SPECIAL MEETING MINUTES  
November 5, 2021 at 11:00am**

**DRAFT MINUTES \*\*\*NOT OFFICIAL – SUBJECT TO APPROVAL BY THE BOARD OF REGENTS\*\*\***

**Regents of New Mexico State University**

Chair Ammu Devasthali, Vice Chair Dina Chacón-Reitzel, Secretary/Treasurer Arsenio Romero, Christopher T. Saucedo, Neal Bitsie

**Non-Voting Advisory Members** - ASNMSU President Mathew Madrid, Faculty Senate Chair Julia Parra, Employee Council Chair Joseph Almaguer

**University Officials** - Chancellor Dan E. Arvizu, Ph.D., President John D. Floros, Ph.D., Provost Carol Parker, J.D., Vice Chancellor Ruth A. Johnston, Ph.D., Senior Vice President Andrew Burke, Ed.D., General Counsel Roy Collins III, J.D.

**A. Call to Order, Chairwoman Ammu Devasthali**

The Board of Regents met in virtually via Zoom on November 5, 2021. Chairwoman Devasthali called the meeting to order at 11:02am. To ensure compliance with the public health order, Chairwoman Devasthali reminded everyone that in person attendees should wear their mask the entire time they are meeting, except for a brief moment taking a drink or having something to eat.

**1. Confirmation of Quorum, Chairwoman Ammu Devasthali**

Chairwoman Devasthali, Regent Chacón-Reitzel, Regent Saucedo, Regent Bitsie, Chancellor Arvizu, and President Floros were present in the Board Room in the Educational Services Building. Regent Romero, Vice Chancellor Johnston, Senior Vice President Burke, and General Counsel Collins joined virtually. Provost Parker were not present.

**2. Approval of the Agenda, Chairwoman Ammu Devasthali**

Regent Saucedo made a motion to approve the agenda as presented. Regent Chacón-Reitzel seconded the motion. All were in favor and none were opposed. Motion passed.

**3. Public Comment, Associate Vice President Justin Bannister**

Associate Vice President Bannister reported that no one had signed up for public comment.

**B. Action Items, Chairwoman Ammu Devasthali**

**1. Consideration of a proposal for an athletic conference change, Chancellor Dan E. Arvizu, Athletic Director Mario Moccia**

Chancellor Arvizu introduced a proposal for NMSU to join Conference USA for all athletic sports, including FBS football. Chancellor Arvizu stated that joining the conference provides financial



stability over time and fits well in their strategic plan as well as emphasizes their strong support for student athletes and their academic performance. It also is important that the operating philosophy is that each of the chief executives of each of the institutions will be fully engaged to lead the conference from a strategic perspective further additions and directions approach of the conference will be driven by the collective core institutions. To ensure that they remain consistent and aligned with NMSU's overall strategic direction mission and the nation and direction of each of the participating universities and instruction and institutions.

Athletic Director Moccia stated that they are seeking to become a contributing all sports member of prestigious conference USA starting in July 1, 2023. NMSU has six men's sports and ten women's sports, totaling 270 student male athletes and 254 student female athletes, which is well in excess of 450 in total. Over the past 16 years, which is 32 consecutive semesters, the average cumulative GPA of all sports exceeds a 3.0 GPA. NMSU's football budget is in the middle with other university football teams at \$9.2 million as it relates to the current conference USA membership. In 2019, their average attendance was 17,905. NMSU's basketball team has been in five of the last six NCAA tournaments. Their basketball budget is in the #3 slot at \$3.3 million. During the 2019-2020 season, they averaged 6,503 in attendance and 80<sup>th</sup> in the nation. Their average RPI between 2017-2020 was 60, which would put NMSU first in this list in Conference USA. The current total athletic budget is \$27.7 million, which puts NMSU in the middle. CUSA is one of the ten conferences that make up the college football playoff. Currently, NMSU receives a CFP distribution for the football teams NCAA APR score. CUSA also qualifies for an additional distribution from CFP since they are a founding member.

Chairwoman Devasthali moves to authorize Chancellor Arvizu to sign all necessary documents and fulfill all other necessary requirements on behalf of the Regents that will allow NMSU to change conference membership to conference USA.

Regent Chacón-Reitzel seconded the motion. The Chief of Staff took the roll call vote. All were in favor. None opposed. Motion passed.

**C. Adjournment, Chairwoman Ammu Devasthali**

Regent Romero made a motion to adjourn. Regent Saucedo seconded the motion. The meeting adjourned 11:15am.

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Ammu Devasthali  
Board of Regents Chair

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Arsenio Romero  
Board of Regents Secretary/Treasurer



**NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS  
REGULAR MEETING  
December 9, 2021**

**Item B-7**

**Confirmation of Prior Executive Session – November 5, 2021**

The Board of Regents met in a closed executive session at 1:15pm on November 5, 2021 at the New Mexico Farm and Ranch Heritage Museum, Las Cruces New Mexico.

The closed executive session meeting was held to discuss the purchase and disposal of real property, pending litigation, and limited personnel matters in accordance with NMSA Section 10-15-1 H(8), NMSA Section 10-15-1 H(7) and NMSA Section 10-15-1 H(2) of the New Mexico Open Meetings Act.

Those board members who were present please certify that only matters of that nature were discussed.

Regent Bitsie \_\_\_\_

Regent Saucedo \_\_\_\_

Regent Romero \_\_\_\_

Regent Chacón-Reitzel \_\_\_\_

Regent Devasthali \_\_\_\_

**New Mexico State University**  
**Board of Regents**  
**Proclamation**

**WHEREAS**, Andrew J. Burke, will retire on December 31, 2021 as senior vice president for Administration and Finance having served with distinction since June 17, 2017; and

**WHEREAS**, he has been a good steward of the financial and physical resources during his time here at **NMSU**. Examples include the successful close of the 2019 A and B Series Bonds resulting in significant cost savings, and the disbursement of Higher Education Emergency Relief Fund; and

**WHEREAS**, Gov. Michelle Lujan Grisham appointed Dr. Burke to the New Mexico Finance Authority in 2019, which was created by the New Mexico Legislature in 1992 to finance infrastructure projects for the state's counties, cities, and certain departments of state government; and he also served as chair of the **NMFA** Audit Committee; and

**WHEREAS**, he served as a board member on Arrowhead Center, Inc., where he contributed greatly to the success of Arrowhead, serving as Treasurer for several years and ensuring sound financial management and strategies; and

**WHEREAS**, he served as co-chair on the Phase 1 budget realignment initiative leading efforts for a system-wide cost savings; and

**WHEREAS**, he served as a champion and co-chair of the **LEADS 2025** goal four team: Build a Robust University System; and its efforts are resulting in a better university for us all; and

**WHEREAS**, he served in various positions at **DACC** for 30 years before retiring in 2014, including being the longest serving vice president for business and finance where he was responsible for business and finance but also facilities, information technology and human resources; and

**WHEREAS**, he also served twice as **DACC**'s interim president and chief executive officer, which included overseeing the completion of a self-study report for the Higher Learning Commission comprehensive site visit and subsequent institutional accreditation; and

**WHEREAS**, **NMSU** President John Floros has said: "Every member of the **NMSU** Community has benefitted from the depth and breadth of Dr. Burke's knowledge and experience. His fiscally sound guidance during our recent lean times leaves us on a solid footing for the future, and we are deeply grateful for his contributions to **NMSU**."; and

**WHEREAS**, he was raised in Las Cruces, New Mexico and graduated from Las Cruces High School; and

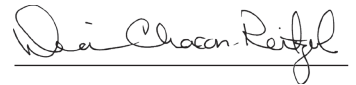
**WHEREAS**, he earned a bachelor's in business administration with honors, a master's in accounting, and a doctorate in educational administration from **NMSU**.

**NOW, THEREFORE, BE IT PROCLAIMED** in official session that the Board of Regents of New Mexico State University thanks and commends Andrew J. Burke for his dedicated service and wishes him great success in his future endeavors.

Proclaimed this 9th day of December 2021, at Las Cruces, New Mexico.



Ammu Devasthali, Chair  
Board of Regents



Dina Chacón-Reitzel, Vice Chair  
Board of Regents



Arsenio Romero, Secretary/Treasurer  
Board of Regents



Christopher T. Saucedo, Member  
Board of Regents



Neal Bitsie, Member  
Board of Regents

**New Mexico State University**  
**Board of Regents**  
**Proclamation**

**WHEREAS**, Bob “B.J.” Porter came from humble beginnings to become a legend in New Mexico’s agriculture industry; and

**WHEREAS**, Mr. Porter was the first in his Hatch Valley farming family to attend college, enrolling at what was then called New Mexico A&M to study soil science and play basketball; and

**WHEREAS**, Mr. Porter began his Aggie Basketball career as a walk-on and finished it as a four-year letterman and team captain; and

**WHEREAS**, Mr. Porter was named Distinguished ROTC Military Student and was a member of Tau Kappa Epsilon fraternity; and

**WHEREAS**, Mr. Porter earned his bachelor’s degree in soil science in 1951 and was commissioned as a second lieutenant in the U.S. Air Force upon his graduation, serving during the Korean Conflict and later being promoted to captain as a reservist; and

**WHEREAS**, Mr. Porter joined the Doña Ana County Farm Bureau in 1955, an organization he served for 15 years, where he administered the state’s largest bracero program; and

**WHEREAS**, he went on to lead the New Mexico Farm and Livestock Bureau, where he made innumerable contributions to agriculture in the state through his advocacy and tireless work to protect the livelihoods of his fellow New Mexico farmers and ranchers; and

**WHEREAS**, Mr. Porter was a proud Aggie and a lifelong supporter of New Mexico State University, serving as president of the NMSU Alumni Association and a member of the NMSU Foundation Board and Aggie Athletic Association; and

**WHEREAS**, he was also honored as an NMSU College of Agricultural, Consumer and Environmental Sciences Distinguished Alumni, an NMSU Centennial 100 Outstanding Ag Graduate, and a James F. Cole Award recipient; and

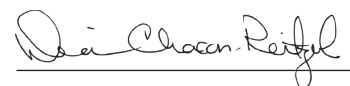
**WHEREAS**, Mr. Porter was generous in supporting students financially, creating the Bob Porter Endowed Scholarship for plant and environmental sciences students and the Bob Porter and Brenda Porter Point Guard Endowment for student-athletes with his daughter.

**NOW, THEREFORE, BE IT PROCLAIMED** in official session that the Board of Regents recognizes, celebrates, and honors Bob “B.J.” Porter’s work to advance agriculture in New Mexico and support the students of this university.

**PROCLAIMED**, this 9th day of December, 2021, in Las Cruces, New Mexico.



Ammu Devasthali, Chair  
Board of Regents



Dina Chacón-Reitzel, Vice Chair  
Board of Regents



Arsenio Romero, Secretary/Treasurer  
Board of Regents



Christopher T. Saucedo, Member  
Board of Regents



Neal Bitsie, Member  
Board of Regents



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: E-1**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Julia Parra  
Chair  
NMSU Faculty Senate

**Agenda Item:** Faculty Senate Report

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from the Faculty Senate.

**References:**

N/A

**Prior Approvals:**

N/A



## Faculty Senate

MSC 3445  
 New Mexico State University  
 P. O. Box 30001  
 Las Cruces, NM 88003-8001  
 575-646-2593  
 facultysenate.nmsu.edu

# FACULTY SENATE SUMMARY REPORT TO THE BOARD OF REGENTS FOR DECEMBER 9, 2021

## ALL PROPOSITIONS UPDATE

Proposition Number	Proposition Title	Summary	Action/Follow Up
<a href="#"><u>01-21/22:</u></a>	A Proposal to Amend Administration Policy Rule 4.61 Transfer Credit for Prior Learning	Faculty Senate Bill 01-20/21 clarifies and updates transfer credit policies found in the NMSU ARP and the NMSU Catalog.	Approved on October 7, 2021. Reviewed and approved by Administration.
<a href="#"><u>02-21/22:</u></a>	Revision to the Constitution of the Faculty Senate of NMSU to account for the creation of the College of Health, Education, and Social Transformation	To revise the Faculty Senate Constitution, to account for the creation of the College of Health, Education, and Social Transformation, formed by combining the College of Education and College of Health and Social Services. See attached document for proposed changes.	Approved on October 7, 2021 via Consent Agenda. All Faculty voting required and occurred. The vote was in favor and the edits will be made.
<a href="#"><u>03-21/22:</u></a>	Resolution for the Reestablishment of an Open Faculty Communication Forum (Faculty Talk)	To reestablish an open faculty communication forum using Yammer, to which any current NMSU faculty can freely post, be reestablished. The forum will be a venue for digital communication among faculty across the NMSU system with two purposes, and all messages must clearly serve at least one of these: [1] to share information and resources relevant to the roles and responsibilities of faculty members, and [2] to host respectful dialogue about issues germane to NMSU. The forum should allow faculty to unsubscribe or subscribe.	Approved on December 3, 2021. Will be routed to the Acting Provost and Chancellor. Administrative and technical support is requested for follow-up.
<a href="#"><u>04-21/22:</u></a>	A Resolution of No-Confidence for the President and Provost of NMSU	Delineates five key reasons and additional systemic impacts for a resolution of no-confidence in the President and Provost. Includes four requests for the Board of Regents.	Approved on November 4, 2021. Routed to Chancellor for 1) Review and Approval, and 2) to meet with FS Leadership to discuss. Chancellor has scheduled a meeting with Faculty Senate Leadership on January 12, 2022.
<a href="#"><u>05-21/22:</u></a>	A Resolution to Express Support for the NMSU Employee Vaccination Mandate	Provides support for NMSU's mandate that all employees be fully vaccinated against COVID-19.	Approved on November 4, 2021.

<u>06-21/22:</u>	Family Friendly Employer – Aligning NMSU and Las Cruces Public Schools Spring Breaks	Requests that NMSU work closely with Las Cruces Public Schools to align Spring Break scheduling each year as this is essential to keep NMSU a family friendly employer. Recognizes the efforts of Chancellor Arvizu to attempt to rectify the situation for 2022 and onward.	Assigned to University Programming Committee, December 2, 2021
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## ACTIVITIES FOR MONTHS OF OCTOBER - DECEMBER OF 2021:

### **Standing Committees**

[Standing Committees](#) continue work towards operationalizing the new Faculty Senate Committee structure. Thank you to Standing Committee Chairs - Vimal Chaitanya (Budget & Resources), Susan Beck (Curriculum & Programming), Mayra Valadez (Diversity, Equity, & Inclusion), Erik Lehnhoff (Research & Creative Activity), Tauna Cole-Dorn (Student Success), and Michael Mapp (University Planning).

*Standing Committee existing and new assignments are as follows:*

1. The Budget and Resources Committee continues discussions related to the upcoming legislative session including faculty salary requests. See [BR Committee Report Nov. 2021](#).
2. The Curriculum & Programming Committee connects with the University Program Approval Committee (UPAC) as well as other committees; they will next revisit the grading framework propositions and work. See [CP Committee Report Nov. 2021](#).
3. The Diversity, Equity, and Inclusion Committee has connected and met with Vice President of EID, Linda Scholz. Additionally, they will be continuing the conversation started in the spring regarding representation for NMSU Temp/Term/Adjunct Faculty currently not represented in Faculty Senate. See [DEI Committee Report Nov. 2021](#).
4. The Research & Creative Activities Committee continues the discussion of the Departmental Scorecard/Goalcard. See [RCA Committee Report Nov. 2021](#).
5. The Student Success Committee will be exploring ways to support the NMSU System as related to the evolving COVID-19 scenario. Chair Cole-Dorn has invited Jon Webster, COVID-19 Project Manager; Ann Goodman, Associate Vice President of Student Development and Dean of Student Success; and Amy Collins, professor of public health and DACC's COVID-19 safety coordinator to their upcoming December meeting. See [SS Committee Report Nov. 2021](#).
6. The University Planning Committee will review Proposition 06-21/22. See [UP Committee Report Nov. 2021](#).

## SPRING 2022 MEETINGS

### **Senate Meetings**

January 6, Thursday, 4:00-5:30  
 February 3, Thursday, 4:00-5:30  
 March 3, Thursday, 4:00-5:30  
 April 7, Thursday, 4:00-5:30  
 May 5, Thursday, 4:00-5:30

### **Senate Leadership**

January 27, Thursday, 4:00-5:30  
 February 24, Thursday, 4:00-5:30  
 March 31, Thursday, 4:00-5:30  
 April 28, Thursday, 4:00-5:30

### **Standing Committees**

*January Meetings:*

- Budget and Resources, January 11, Tuesday, 4:00-5:00



- University Planning, January 12, Wednesday, 4:00-5:00
- Curriculum and Programming, January 13, Thursday, 4:00-5:00
- Research and Creative Activity, January 18, Tuesday, 4:00-5:00
- Diversity, Equity, and Inclusion, January 19, Wednesday, 4:00-5:00
- Student Success, January 20, Thursday, 4:00-5:00

*February Meetings:*

- Budget and Resources, February 8, Tuesday, 4:00-5:00
- University Planning, February 9, Wednesday, 4:00-5:00
- Curriculum and Programming, February 10, Thursday, 4:00-5:00
- Research and Creative Activity, February 15, Tuesday, 4:00-5:00
- Diversity, Equity, and Inclusion, February 16, Wednesday, 4:00-5:00
- Student Success, February 17, Thursday, 4:00-5:00

*March Meetings:*

- Budget and Resources, March 15, Tuesday, 4:00-5:00
- Research and Creative Activity, March 15, Tuesday, 4:00-5:00
- University Planning, March 16, Wednesday, 4:00-5:00
- Diversity, Equity, and Inclusion, March 16, Wednesday, 4:00-5:00
- Curriculum and Programming, March 17, Thursday, 4:00-5:00
- Student Success, March 17, Thursday, 4:00-5:00

*April Meetings:*

- Budget and Resources, April 12, Tuesday, 4:00-5:00
- University Planning, April 13, Wednesday, 4:00-5:00
- Curriculum & Programming, April 14, Thursday, 4:00-5:00
- Research and Creative Activity, April 19, Tuesday, 4:00-5:00
- Diversity, Equity, and Inclusion, April 20, Wednesday, 4:00-5:00
- Student Success, April 21, Thursday, 4:00-5:00

**UPDATE SHARED BY:**

*Julia Parra, Faculty Senate Chair, [juparra@nmsu.edu](mailto:juparra@nmsu.edu)*

*Jamie Bronstein, Faculty Senate Vice Chair, [jbronste@nmsu.edu](mailto:jbronste@nmsu.edu)*

*For more information, including committee meeting schedules and supporting documentation, please visit the [Faculty Senate](#) website.*





**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: E-3**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Joseph Almaguer  
Chair  
Employee Council

**Agenda Item:** Employee Council Report

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from the Employee Council.

**References:**

N/A

**Prior Approvals:**

N/A



Employee Council  
MSC 3FAC  
ATTN: Joseph Almaguer  
Empcouncil@nmsu.edu

## EMPLOYEE COUNCIL SUMMARY REPORT TO THE BOARD OF REGENTS FOR 2021/2022

### Activites for month of October and November:

Employee Council Employee Appreciation Picnic - October 19 - Thank You Regent Devasthali for your attendance!

Working on NMSU being more family orientated: We would like for employees to be able to go see kids at a school function without having to use Sick Leave or Annual Leave. This will send a message that we truly care that they have a separate work life.

Benefits Review Team: Completed the review of Retiree Health Insurance. NMSU was the only institute out of Peers whom did not offer Retiree Health Insurance.

Benefits Director, Celeste Uzueta does not believe that retiree health insurance is a priority. I think it is a great time to take a look at this to ensure our retirees have access to healthcare even after their departure from NMSU.

I included the current pricing for 2021 and 2022. I have also included ARP 8.21. Go to page 3, section 7, Coverage After Retirement, to see the current rules on retiree health insurance. If we want to become the "flagship university" of New Mexico we must focus on how we can attract, recruit, and retain employees.

All meeting documents are available at <https://empcouncil.nmsu.edu/index/minutes/2021-minutes/>

### UPDATE SHARED BY:

Joseph Almaguer, Employee Council Chair, [jalma5@nmsu.edu](mailto:jalma5@nmsu.edu)

For more information, including committee meeting schedules and supporting documentation, please visit <https://empcouncil.nmsu.edu>

Campus	NMSU Insurance Benefits vs Peer Institutions									
	Health Insurance	Vision Insurance	Dental Insurance	Voluntary Life & AD&D Insurance	Long Term Disability	Short Term Disability	Annual Leave	Sick Leave	Paid Parental Leave	Retirement Health Insurance
New Mexico State University	X	X	X	X	X	-	X	X	-	
Colorado State University	X	X	X	X	X	X	X	X	3 Weeks	X
Iowa State University	X	X	X	X	X	X	X	X	-	X
Kansas State University	X	X	X	X	X	-	X	X	8 Weeks	X
Montana State University	X	X	X	X	X	-	X	X	15 Days	X
Oklahoma State University	X	X	X	X	X	-	X	X	-	X
Oregon State University	X	X	X	X	X	X	X	X	-	X
Texas Tech University	X	X	X	X	X	X	X	X	-	X
University of Arizona	X	X	X	X	X	X	X	X	6 Weeks	X
University of Idaho	X	X	X	X	X	X	X	X	-	X
University of Nevada – Reno	X	X	X	X	X	X	X	X	-	X
University of New Mexico	X	X	X	X	X	X	X	X	4 Weeks	X
University of Texas – El Paso	X	X	X	X	X	X	X	X	-	X
University of Wyoming	X	X	X	X	X	X	X	X	-	X
Utah State University	X	X	X	X	X	X	X	X	-	X
Washington State University	X	X	X	X	X	-	X	X	-	X
New Mexico Universities										
Eastern New Mexico	X	X	X	X	X		X	X		X
New Mexico Tech	X	X	X	X	X		X	X		X
New Mexico Highlands	X	X	X	X	X		X	X		X
Northern New Mexico College	X	X	X	X	X					X
Western New Mexico	X	X	X	X	X		X	X		X
Clovis Community College	X	X	X	X	X		X	X		X
Central NM Community College	X	X	X	X	X		X	X		X
Mescalands Community College	X	X	X	X	X		X	X		X
San Juan College	X	X	X	X	X		X	X		X
New Mexico Junior College	X	X	X	X	X		X	X		X



NMSU > Administrative Rules and Procedures (ARP) > Chapter 8 | HR-Benefits  
> 8.21 - Group Medical Insurance

## 8.21 – Group Medical Insurance

### PART 1: ELIGIBILITY

---

The university offers group medical insurance for all eligible employees.

- A. Effective July 1, 2016, eligible employees are defined as those employees working at least .75 FTE in a regular, nine-month, or term appointment position.
- B. Optional dependent coverage is also available to eligible employees.
- C. Nine -month regular employees will receive full benefits, except for unemployment compensation, during the off employment period provided they return to employment the following academic year.
- D. Eligible employees also include any employee continuously enrolled in this benefit from June 30, 2016.
- E. Employees working in a position less than a .75 FTE; temporary employees; graduate assistants; other student employees; and Cooperative Extension Service employees with federal appointments are not eligible to participate in the group policy.

### PART 2: EFFECTIVE DATE OF COVERAGE

---

Coverage is optional and is available from the date of eligible employment. Coverage is effective the first pay period after 30 days of employment. Coverage may begin on the first or sixteenth day of the month. Employees must complete and return an enrollment form to the Office of Human Resource Services department within 31 calendar days of their regular date of employment to receive this benefit.

## PART 3: ENROLLMENT PROCEDURES

---

Coverage is not automatic. Within the first 31 calendar days of employment, each eligible employee must either enroll in or waive coverage under the policy by completing an enrollment form. Details of coverage and provisions of the medical plan are available in the plan Benefit Summary.

## PART 4: PREMIUM PAYMENTS

---

Premium payments are made by payroll deduction. The university pays a percentage of the premium for the employee and, if the employee's dependents are enrolled in the plan, a percentage of their dependent premium also. Premium payments begin the pay period in which coverage begins. **Note:** A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August – May) for 9 month faculty/staff.

## PART 5: COVERAGE CHANGES

---

An employee is responsible for requesting changes to insurance coverage by completing and submitting appropriate forms in order to adjust premiums. When an employee experiences a change in status, the employee has 31 calendar days from the date of the status change to contact the Office of Human Resource Services to make coverage changes.

A. A change in status includes, but is not limited to:

1. Marriage
2. Divorce
3. Childbirth or adoption
4. Loss of prior coverage or gain of new coverage
5. Dependent no longer meeting insurance eligibility rules due to age

B. All status changes which result in an insurance coverage and/or premium change will be effective the day following the date of the change in status, except in the following cases:

1. **For a newborn or placement of child(ren) through adoption** – the coverage becomes effective the date of birth or date of placement.
2. **For divorce or legal separation** – the change is effective the day the legal documents are filed with the appropriate court.
3. **For dependent children who lose eligibility due to age** – the change is effective at the end of the month in which the dependent reaches 26 years of age.

- C. All changes that affect premiums will result in a full premium being deducted for the pay period in which the change takes place.

## PART 6: COVERAGE DURING DISABILITY

---

If any employee is terminated because of total disability, coverage may be continued in certain circumstances. Refer to the COBRA section of the medical plan Benefit Booklet for details.

## PART 7: COVERAGE AFTER RETIREMENT

---

- A. Employees hired on or after July 1, 2016 are not eligible for the retiree health insurance benefit.
- B. An employee who was hired before July 1, 2016 and who officially retires from the university and receives a monthly benefit from the Educational Retirement Board immediately upon termination of employment (those eligible under the Alternative Retirement Plan must meet eligibility rules and immediately begin receiving a benefit) may elect to continue medical insurance after retirement, providing the employee had been covered under the plan for the prior 10 consecutive years and worked in a regular employment status.
- C. Time while enrolled as an employee or as a spouse of an active employee will be counted toward the 10 years, provided there is no gap in coverage during the 10 year period.
- D. Coverage as the spouse of a retiree will not be credited toward the 10 years.
- E. The university continues to pay a percentage of the premium. When a retiree or dependent becomes age 65 and/or eligible for Medicare, all medical coverage will be moved to the Medicare Carve-Out Plan, which includes a Medicare Part D prescription plan. If the retiree or dependent enrolls in a Medicare Part D prescription plan outside the university retiree plan, they will no longer be eligible to access prescription or medical coverage through the retiree medical plan.
- F. The university reserves the right to unilaterally increase, decrease or discontinue coverages, plan provisions, and premiums.
- G. Details regarding coverage, eligibility and restrictions are available through the Office of Human Resources.

## PART 8: DEPENDENT COVERAGE AFTER RETIREMENT

---

- A. Dependents of employees hired on or after July 1, 2016 are not eligible for the retiree health plan.
- B. The following rules shall apply with respect to dependents of retirees who are eligible for the retiree health insurance benefit described above:

1. Spouses and dependent children of eligible retirees covered at the time of retirement may continue coverage after retirement.
2. New spouses of retirees acquired after retirement may be added to the plan under certain circumstances. In order to add a new spouse, an enrollment form must be completed. The new spouse may not be added until 1 year after the date of marriage; the retiree must still be living and have medical insurance coverage at the end of the 1 year waiting period and must enroll the new spouse within 31 days of the 1 year marriage anniversary. New spouse coverage begins the first day of the month following the 1 year waiting period, provided the appropriate forms have been completed and received by Benefit Services. There will be no university contributions to the new premium, and the retiree will be responsible for paying 100 percent of the premium for the new spouse's coverage. The new spouse will be eligible for surviving spouse benefits.
3. New dependent children acquired after retirement may not be added to the plan, unless he child is a newborn or a newly adopted child.
4. A retiree who rescinds retirement, returns to full-time employment, and later retires, may only continue coverage for dependent children who have been covered as a dependent for at least 10 years. Time covered under the retiree as an active employee will count toward the 10 years.
5. If coverage is discontinued by the retiree for self or any covered dependent (including spouse), retiree and/or dependent may never re-enroll.
6. Surviving spouse of a deceased retiree may continue coverage until re-marriage if he/she pays 100 percent of the premium.
7. Surviving dependent children of a deceased retiree may continue coverage until they no longer meet the rule of a dependent child under the medical plan by paying 100 percent of the premium. If coverage is terminated or dependents are removed from the plan for any reason, enrollment in the plan at a later date is prohibited.

## PART 9: COVERAGE DURING LEAVE WITHOUT PAY (LWOP)

---

During periods of leave without pay, medical insurance may be continued at the option of the employee.

- A. Continued coverage will not exceed the length of time agreed upon with the individual vendor agreements.
- B. Arrangements for timely payment of premiums must be made with the Office of Human Resource Services and the Office of University Accounts Receivable. If the employee is on LWOP for a full pay period the employee is responsible for both the university's and employee's portions of premium (except FMLA LWOP, Professional LWOP and Educational LWOP).
- C. Failure to make full payment of premiums may result in cancellation of coverage. If coverage is not continued or is cancelled during any leave without pay period, the employee will be required to re-apply for coverage through the open enrollment process or with a qualifying event. This does not apply if the employee was approved for FMLA, in which case, the employee may be reinstated

immediately upon return to work, provided the employee requests coverage from the Office of Human Resource Services within 31 days from the date of return.

## PART 10: COVERAGE AFTER TERMINATION (12-MONTH FACULTY AND STAFF)

---

Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid. The policy contains continuance in compliance with state and federal law. Complete information on these procedures is available in the Office of Human Resource Services.

## PART 11: COVERAGE AFTER TERMINATION (9-MONTH FACULTY AND STAFF)

---

When employees or faculty members do not return the next academic year, only dental and medical coverage will remain in effect until June 30<sup>th</sup>. All other insurances stop at the end of the pay period in which their regular employment ends. See the health insurance carrier's Benefit Booklet for details.

## PART 12: MEDICAL PLAN PROVISIONS

---

Details on the medical plan provisions are contained in the medical insurance carrier's Benefit Booklet.

---

### Details

**Scope:** NMSU System

**Source:** ARP Chapter 8 | HR-Benefits

**Rule Administrator:** [AVP Human Resource Services](#)



Last Updated: 06/27/2016

## Related

### Cross-Reference:

### Revision History:

2017 Recompilation, formerly Rule 7.15.05

06/27/2016 Change in Benefits approved by Board of Regents

06/21/2016 Change in Benefits approved by Chancellor

10/21/2015 former Policy 7.15.05 replicated by Board of Regents Rule as initial 7.15.05

06/20/2013 Amendment to Policy 7.15.05 approved by Board of Regents

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## ARP Contents

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[Appendices](#)

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## ARP Maintenance

The Administrative Rules and Procedures (ARP) is maintained by **University General Counsel**.

Inquiries should be directed to [gencounsel@nmsu.edu](mailto:gencounsel@nmsu.edu)

[ARP History](#)

## Policy Maintenance

The Administrative Rules and Procedures of NMSU Manual is maintained by University General Counsel.

Inquiries should be directed to [gencounsel@nmsu.edu](mailto:gencounsel@nmsu.edu).

## Proposals Under Review

Proposals for new and revised rules are available to NMSU stakeholders on the UGC SharePoint site.

[UGC SharePoint Site](#)

## Related Sites

[University General Counsel](#)[Regents Policy Manual](#)[Business Procedures Manual](#)[Other University Regulations](#)[Board of Regents](#)

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<b>RETIREES UNDER AGE 65 (&amp; Not-Medicare-Eligible)</b> <b>PREFERRED PROVIDER ORGANIZATION (PPO)</b> <b>NMSU HEALTH PLAN</b> <b>PREMIUMS BEGINNING JANUARY 1, 2022 - DECEMBER 31, 2022</b>
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<b>Retiree Under 65</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
A1. Retiree	\$ 719.02	\$ 431.41	\$ 287.61
A2. Retiree and Spouse, both under 65	\$ 1,438.08	\$ 862.85	\$ 575.23
A3. Retiree and Spouse, spouse on Medicare	\$ 1,075.52	\$ 645.31	\$ 430.21
A4. Retiree, Spouse, both under 65 with Child(ren)	\$ 2,085.25	\$ 1,251.15	\$ 834.10
A5. Retiree, Spouse, spouse on Medicare with Child(ren)	\$ 1,794.54	\$ 1,076.72	\$ 717.82
A6. Retiree and Child(ren) only	\$ 1,438.08	\$ 862.85	\$ 575.23

<b>Retiree Under 65 with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
A8. Retiree and Spouse (Under 65)	\$ 1,438.08	\$ 431.41	\$ 1,006.67
A9. Retiree and Spouse (Over 65 or Under 65 on Medicare)	\$ 1,075.52	\$ 431.41	\$ 644.11

<b>Surviving Spouse Under 65 Unless Remarried</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>SPOUSE</b>
D1. Spouse Only	\$ 719.02	\$ -	\$ 719.02
D2. Spouse and Child(ren)	\$ 1,438.08	\$ -	\$ 1,438.08
D3. Child Only	\$ 719.02	\$ -	\$ 719.02

Revised 10/14/2021

\* Retirees or Surviving Spouses under age 65 and enrolled in Medicare will have coverage only through the Blue Cross Blue Shield of New Mexico Medigap Plan G.

\*\* All spouses and child(ren) age 65 and over, or under age 65 and enrolled in Medicare will have coverage only through Blue Cross Blue Shield of New Mexico Medigap Plan G.

**RETIRES OVER AGE 65 OR UNDER 65 ON MEDICARE  
MEDIGAP PLAN G WITH MEDICARE PART D PRESCRIPTION PROGRAM  
NMSU HEALTH PLAN  
PREMIUMS BEGINNING JANUARY 1, 2022 - DECEMBER 31, 2022**

<b>Retiree Over 65 And Under 70</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
B1. Retiree	\$ 356.50	\$ 213.90	\$ 142.60
B2. Retiree and Spouse, spouse under 65	\$ 1,075.52	\$ 645.31	\$ 430.21
B3. Retiree and Spouse, both on medicare	\$ 713.00	\$ 427.80	\$ 285.20
B4. Retiree, Spouse, spouse under 65 with child(ren)	\$ 1,794.54	\$ 1,076.72	\$ 717.82
B5. Retiree, Spouse, spouse on medicare with child(ren)	\$ 1,432.02	\$ 859.21	\$ 572.81
B6. Retiree and Child(ren)	\$ 1,075.52	\$ 645.31	\$ 430.21

<b>Retiree Over 65 and Under 70 with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
B7. Retiree and Spouse, spouse under 65	\$ 1,075.52	\$ 213.90	\$ 861.62
B8. Retiree and Spouse, spouse on medicare	\$ 713.00	\$ 213.90	\$ 499.10

<b>Retiree 70 and Older</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
C1. Retiree Only	\$ 356.50	\$ 106.95	\$ 249.55
C2. Retiree and Spouse, spouse under 65	\$ 1,075.52	\$ 322.66	\$ 752.86
C3. Retiree and Spouse, spouse on medicare	\$ 713.00	\$ 213.90	\$ 499.10
C4. Retiree, Spouse, spouse under 65 with child(ren)	\$ 1,794.54	\$ 538.36	\$ 1,256.18
C5. Retiree, Spouse, spouse on medicare with child(ren)	\$ 1,432.02	\$ 429.61	\$ 1,002.41
C6. Retiree and Child(ren)	\$ 1,075.52	\$ 322.66	\$ 752.86

<b>Retiree 70 and Older with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
C7. Retiree and Spouse, spouse under 65	\$ 1,075.52	\$ 106.95	\$ 968.57
C8. Retiree and Spouse, spouse on medicare	\$ 713.00	\$ 106.95	\$ 606.05

<b>Surviving Spouse Over 65 or Under 65 on Medicare Unless Remarried</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>SPOUSE</b>
D4. Spouse Only	\$ 356.50	\$ -	\$ 356.50
D5. Spouse and Child(ren)	\$ 1,075.52	\$ -	\$ 1,075.52

Revised 10/14/2021

<b>RETIREES</b> <b>BLUE CROSS BLUE SHEILD of NM</b> <b>NMSU DENTAL PLAN</b> <b>PREMIUMS BEGINNING JANUARY 1, 2022 - DECEMBER 31, 2022</b>	
<b>Retiree</b>	<b>DENTAL</b>
1. Retiree	\$ 36.49
2. Retiree and Spouse	\$ 72.98
4. Retiree, Spouse, with Child(ren)	\$ 140.49
6. Retiree and Child(ren) only	\$ 76.63

<b>RETIREES</b> <b>BLUE CROSS BLUE SHEILD of NM</b> <b>NMSU DENTAL PLAN</b> <b>PREMIUMS BEGINNING JANUARY 1, 2022 - DECEMBER 31, 2022</b>	
<b>Retiree</b>	<b>VISION</b>
1. Retiree	\$ 6.66
2. Retiree + 1 (Spouse OR Child)	\$ 12.65
4. Retiree + 2 or more	\$ 18.58

<b>RETIRES OVER AGE 65 OR UNDER 65 ON MEDICARE</b> <b>MEDIGAP PLAN G WITH MEDICARE PART D PRESCRIPTION PROGRAM</b> <b>NMSU HEALTH PLAN</b> <b>PREMIUMS BEGINNING JANUARY 1, 2021 - DECEMBER 31, 2021</b>
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<b>Retiree Over 65 And Under 70</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
B1. Retiree	\$ 343.76	\$ 206.26	\$ 137.50
B2. Retiree and Spouse, spouse under 65	\$ 970.58	\$ 582.35	\$ 388.23
B3. Retiree and Spouse, both on medicare	\$ 687.52	\$ 412.51	\$ 275.01
B4. Retiree, Spouse, spouse under 65 with child(ren)	\$ 1,597.40	\$ 958.44	\$ 638.96
B5. Retiree, Spouse, spouse on medicare with child(ren)	\$ 1,314.34	\$ 788.60	\$ 525.74
B6. Retiree and Child(ren)	\$ 970.58	\$ 582.35	\$ 388.23

<b>Retiree Over 65 and Under 70 with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
B7. Retiree and Spouse, spouse under 65	\$ 970.58	\$ 206.26	\$ 764.32
B8. Retiree and Spouse, spouse on medicare	\$ 687.52	\$ 206.26	\$ 481.26

<b>Retiree 70 and Older</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
C1. Retiree Only	\$ 343.76	\$ 103.13	\$ 240.63
C2. Retiree and Spouse, spouse under 65	\$ 970.58	\$ 291.17	\$ 679.41
C3. Retiree and Spouse, spouse on medicare	\$ 687.52	\$ 206.26	\$ 481.26
C4. Retiree, Spouse, spouse under 65 with child(ren)	\$ 1,597.40	\$ 479.22	\$ 1,118.18
C5. Retiree, Spouse, spouse on medicare with child(ren)	\$ 1,314.34	\$ 394.30	\$ 920.04
C6. Retiree and Child(ren)	\$ 970.58	\$ 291.17	\$ 679.41

<b>Retiree 70 and Older with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
C7. Retiree and Spouse, spouse under 65	\$ 970.58	\$ 103.13	\$ 867.45
C8. Retiree and Spouse, spouse on medicare	\$ 687.52	\$ 103.13	\$ 584.39

<b>Surviving Spouse Over 65 or Under 65 on Medicare Unless Remarried</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>SPOUSE</b>
D4. Spouse Only	\$ 343.76	\$ -	\$ 343.76
D5. Spouse and Child(ren)	\$ 970.58	\$ -	\$ 970.58

<b>RETIREES UNDER AGE 65* **</b> <b>PREFERRED PROVIDER ORGANIZATION (PPO)</b> <b>NMSU HEALTH PLAN</b> <b>PREMIUMS BEGINNING JANUARY 1, 2021 - DECEMBER 31, 2021</b>
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<b>Retiree Under 65</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
A1. Retiree	\$ 626.82	\$ 376.09	\$ 250.73
A2. Retiree and Spouse, both under 65	\$ 1,253.69	\$ 752.21	\$ 501.48
A3. Retiree and Spouse, spouse on Medicare	\$ 970.58	\$ 582.35	\$ 388.23
A4. Retiree, Spouse, both under 65 with Child(ren)	\$ 1,817.88	\$ 1,090.73	\$ 727.15
A5. Retiree, Spouse, spouse on Medicare with Child(ren)	\$ 1,597.40	\$ 958.44	\$ 638.96
A6. Retiree and Child(ren) only	\$ 1,253.69	\$ 752.21	\$ 501.48

<b>Retiree Under 65 with New Spouse Acquired After Retirement</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>RETIREE</b>
A8. Retiree and Spouse (Under 65)	\$ 1,253.69	\$ 376.09	\$ 877.60
A9. Retiree and Spouse (Over 65 or Under 65 on Medicare)	\$ 970.58	\$ 376.09	\$ 594.49

<b>Surviving Spouse Under 65 Unless Remarried</b>	<b>TOTAL</b>	<b>UNIVERSITY</b>	<b>SPOUSE</b>
D1. Spouse Only	\$ 626.82	\$ -	\$ 626.82
D2. Spouse and Child(ren)	\$ 1,253.69	\$ -	\$ 1,253.69
D3. Child Only	\$ 626.82	\$ -	\$ 626.82

\* Retirees or Surviving Spouses under age 65 and enrolled in Medicare will have coverage only through the Blue Cross Blue Shield of New Mexico Medigap Plan G.

\*\* All spouses and child(ren) age 65 and over, or under age 65 and enrolled in Medicare will have coverage only through Blue Cross Blue Shield of New Mexico Medigap Plan G.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: F-1**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Scott Eschenbrenner  
President & CEO  
Aggie Development Inc.

**Agenda Item:** Aggie Development Inc. Report

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from Aggie Development Incorporated.

**References:**

N/A

**Prior Approvals:**

N/A



ADI BRIEFING REPORT – BOARD OF REGENTS  
December 9, 2021  
Recurring Report – Aggie Development Inc.

Maverik Convenience Store Update:

- December 9<sup>th</sup> will be the end of the 60-day feasibility period extension
- Maverik is requesting a 90-day extension due to challenges with obtaining suitable ingress/egress to the site.
  - Offering a 30-day extension with no option fee
  - 60-day option with \$5,000 non-refundable option
  - 90-day option with \$15,000 non-refundable option
- Planning for construction in August and completion in early 2023

Parcel 6 Ground Lease Update:

- Aggie Development has entered into a Letter of Intent to ground lease a 35,000 square foot parcel on Triviz Drive near the Sleep Inn Hotel. The retail tenant and ADI are negotiating a long-term ground lease for the site. The basic terms of the ground lease have been presented and approved by the ADI Board. The final step will be Board of Regents for final approval.

Hotel Update:

- Total Management Systems announced that Courtyard by Marriott on the NMSU campus has been rated in the top 1% of over 1,000 Courtyard hotels in the USA. This rating is based on guest satisfaction surveys on intent to recommend survey. Aggie Development is meeting with the ownership

group later in December to discuss expansion opportunities on the NMSU campus.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: F-2**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Vice President Derek Dictson  
NMSU Foundation

**Agenda Item:** Foundation Report

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from Foundation.

**References:**

N/A

**Prior Approvals:**

N/A



To: NMSU Board of Regents  
From: Derek Dictson, VP University Advancement, President NMSU Foundation  
Date: December 9, 2021  
Subject: NMSU Board of Regents Update

Greetings. I am pleased to present the following update on behalf of the NMSU Foundation.

**1. Endowment**

The endowment long term investment pool was valued at \$229.9 million as of September 30, 2021, compared to \$182.9 million on September 30, 2020.

Annualized Net Returns, as of September 30, 2021

1-Year	25.15%
3-Years	10.54%
5-Years	10.36%

**2. Fundraising**

As of November 18, 2021, fundraising for CY2021 totaled \$28.7 million, which is 185% of our annual goal. Over 22,000 gifts from over 6000 donors have been received in 2021. The largest gift was \$2.9 million and the average gift per donor is \$5,000.

Fundraising for CY2020 totaled \$18.0 million

Fundraising for CY2019 totaled \$23.7 million

**3. Available Gift Funds**

NMSU currently has access to over \$30 million of available, spendable gift funds through the Foundation. A quarterly report is provided to NMSU system and unit leaders, and daily reports/fund details are available to faculty and staff assigned to utilize gift funds.

**4. Assets**

Foundation total assets were \$360.3 million as of September 30, 2021.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: F-3**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Kathryn Hansen  
Director & CEO  
NMSU Arrowhead Center Inc.

**Agenda Item:** Report from NMSU Arrowhead Center Inc.

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from NMSU Arrowhead Center Inc.

**References:**

N/A

**Prior Approvals:**

N/A

**Arrowhead Center, Inc.**  
**Recurring Report to the NMSU Board of Regents**  
**December 9, 2021**

### 1.0 GOALS

Arrowhead Center's goals support the goals of NMSU LEADS and are based on our organizational mission of growing economic opportunities through entrepreneurship and innovation. Arrowhead's four goals are shown in the table below.

Arrowhead Center Goals	Corresponding NMSU LEADS 2025 Goal
(1) Strengthen student experiential learning through entrepreneurship education, practice, and application	1
(2) Enhance NMSU's research, innovation, and creativity profile through engagement with industry, government, and private partners	2
(3) Expand entrepreneurship and innovation services to communities and institutions across New Mexico	3
(4) Operate efficiently and effectively	4

### 2.0 GOAL HIGHLIGHTS

#### Student Experiential Learning (Goal 1)

**Innoventure Jr.** This fall, Arrowhead Center's Innoventure Jr. program was brought to 38 schools across the state, providing hands-on engagement of entrepreneurial learning to 9,010 elementary students. Multiple factors contributed to the increase in student participation during the fall semester. As teachers across the state and their students became more comfortable with online learning and transitioning between online and in-person learning, they showed more openness to Innoventure Jr.'s delivery mechanisms, in-person, virtual, and a hybrid of both, with the camera facing the entire class and the Arrowhead Center instructor on the screen at the front of the class. This hybrid delivery of Innoventure Jr. proved to be highly effective and safe during the beginning of the 2021-22 school year.

Innoventure Challenge reached 155 middle and high school students across the state for the first round, when 25 teams submitted oral presentations via video describing their simple prototype and creating a business plan. The first round focused on development of an automated product to improve agriculture. Of the 25 teams that competed, the first-place high school team was Sandia Prep's Sun Devils 1 who invented a robotic water hose installation system to plow, plant, and install a watering system



1<sup>st</sup> Place Winners: T or C Middle School Team Foxy

in a field, along with a trough with a hole on the bottom to plow and plant seeds. There were two first-place middle school teams. One team, from Truth or Consequences, The Foxy Rangers, through their Postbot9000 invention, created a machine that will insert pre-bought T-posts into the ground by pressing the red button piston trigger when the Postbot9000 is directly over the desired location. J. Paul Taylor Academy's team, For Farmers, also won first-place among the middle school teams with their invention of an automated onion harvester that has a sensor which identifies ripe onions and uses robotic arms to pull the onion and lift it into its storage basket.

**Studio G.** This semester, Arrowhead Center's Studio G launched a new speakers series that included networking events where successful New Mexico entrepreneurs presented tips, provided lessons-learned, and inspired our student entrepreneurs. Speakers included John Hummer – co-founder of Steinborn Realty and President of Burrell College; Joe Baffoe – President of Electronic Caregiver; David Irvin – USPTO Patent and Trademark specialist with NMSU; Summer Rose Nolen – owner of SRN Financial Services, LLC; Tammy Gray – owner of TGray & Company; and Randy McMillian – President of NAI 1st Valley Realty Inc. and owner of The Fresh Chile Company. All of our guest speakers have been in the entrepreneurial sector for 20+ years and shared their lessons learned and how they overcame failures to become successful entrepreneurs.

**Nusenda Fintech Lab.** In August 2021, Nusenda Credit Union pledged \$3 million over the next decade to establish the Nusenda FinTech Lab at NMSU's Arrowhead Center, and the Nusenda Center for Financial Capability in the NMSU Student Success Center. The Nusenda FinTech Lab is an incubator of financial technology innovation, also known as FinTech, in southern New Mexico. It also awards funding for competitive innovation and entrepreneurship events, a speaker series, and resources to encourage and facilitate the development of new FinTech innovations.

During Fall 2021, a physical space was established for the Nusenda FinTech Lab to be housed in Arrowhead Center's Genesis Complex. A kickoff event for the Nusenda FinTech Speaker Series was held in November 2021 featuring an incredible lineup of three speakers: Jason Torres, Founder and General Partner at Sana Capital; Noreen Gillen, Wealth Management Advisor, Merrill Lynch; and Dan Kimerling, Founder and Managing Partner, Deciens Capital. Significant progress was also made on the branding and design of the space and development of the FinTech resources to be offered. Strong partnerships were developed to support the Nusenda FinTech Lab through Studio G, NMSU Finance Department, and FinTech resource providers such as Constellation. Numerous events and programs are planned for Spring 2022.

#### Research, Innovation, And Creativity (Goal 2)

Arrowhead Center's Office of Intellectual Property and Technology Transfer is implementing a new approach to the LAUNCH program for 2021-2022. Phase 1 showcased a 3-hour session with legal and venture investment experts using commercialization case studies for discussion. NMSU inventor teams who attended the Phase 1 session included: Mostafa Dehghanizadeh, Catherine Brewer, and Alvaro Romero with patent pending on Bio-Based Repellent; Seyed Ali Aleali, Craig Newton, and Paola Bandini on newly issued patent for Bio-inspired Deep Foundation Pile and Anchor System; and Geoffrey B. Smith and Maurizio Tomasi with patent pending for Auger Electron Treatment Method and Composition. Other inventor teams have received the video. Phase 2, one-on-one sessions with IP/TT Director, are being conducted through November, December, and January for updates of commercialization plans and in preparation for building and executing commercialization strategies.

#### Entrepreneurship Outreach and Extension (Goal 3)

*Dana Catron, Deputy Director of Arrowhead, provides highlights of our outreach activities in this YouTube video: <https://youtu.be/osqAb72oxu0>.*

**NM FAST.** Awarded an option-year of funding in Fall 2021, NM FAST continues to provide support for New Mexico businesses seeking SBIR/STTR funding for their innovative ideas. In addition to a new Canvas course designed to introduce small businesses to the SBIR/STTR programs, and the upcoming annual New Mexico SBIR/STTR Innovation Summit scheduled for December 15th, NM FAST ran three agency-focused cohorts of

the Arrowhead SBIR/STTR Accelerator (ACSA). In collaboration with the ASCEND Hub, the National Institutes of Health (NIH) ACSA accepted 14 small businesses (57% first-time applicants and 36% underserved populations) from five different states in the IDeA Mountain West region. The National Science Foundation (NSF) ACSA accepted 12 small businesses (92% first-time applicants and 50% underserved populations) and pivoted the training, focusing more on the NSF Project Pitch process and guiding participants through the mechanics of that requirement. NM FAST also completed a cohort for the US Department of Agriculture (USDA) which had 10 participants (80% first-time applicants and 60% underserved populations), and resulted in 5 SBIR proposal package submissions from businesses that would not have otherwise submitted to this federal funding opportunity.

**NM CERG.** Arrowhead was awarded \$1M from the Department of Energy to continue work on the New Mexico Clean Energy Resilience and Growth (NM CERG) cluster, which will provide critical resources to NM startups working on clean and renewable energy technologies. Arrowhead is partnered with Los Alamos National Laboratory, Sandia National Laboratories, and the New Mexico Economic Development Department to deliver this important programming. This three-year grant will create novel tools and resources for clean-energy companies across New Mexico, and pivot current Arrowhead Center programming to have a clean-energy assistance focus, all housed within a pipeline model. Applications for this program are now open.

**Sprints.** Arrowhead ran eight Sprint accelerators in 2021, supported by the following sponsors: the City of Las Cruces, El Paso County Economic Development Department, the Department of Energy's Office of Technology Transitions, the Albuquerque Minority Business Development Center, the New Mexico Outdoor Recreation Division, Arrowhead's AIBE program, and the NM Gas Company. This year, 117 businesses participated in Arrowhead's Sprints. All Sprints emphasize customer discovery and market validation and encourage participants to interview potential customers in an effort to validate and/or pivot their product positioning and strategy.

**American Indian Business Enterprise (AIBE) Program.** This fall, Arrowhead Center's AIBE won a Minority Business Development Agency (MBDA) award totaling \$600,000 for the next two years providing continued resources to the 150+ Native American entrepreneurs who have joined since its inception in 2019. This funding will also allow AIBE to grow the number of Native American entrepreneurs serviced exponentially from today's numbers.

Our program has been integral in bringing entrepreneurs from different business for the collaborative growth of both businesses. After completing our Digital Media and Marketing cohort, Christine Serrano and Adrian Tsosie came together to bring the Tigua Farms logo to life. Christine Serrano of Ysleta Del Sur Pueblo and owner of Tigua Farms LLC, a 100-acre alfalfa farm, hired Adrian Tsosie, Diné, and owner and operator of Coat of Colors, an Albuquerque-based graphic design shop. Tsosie and Serrano created a logo that shared their Native American heritage, bringing deeper meaning to the process and logo. The vision of Tigua Farms is to foster a program for training youth, sustaining elders, and removing the threat of food insecurities on the Isleta Del Sur Pueblo for the next seven generations. Additionally, Tigua Farms will promote self-sufficiency, improve the quality of life, and preserve the cultural identity of the Pueblo. After joining AIBE, Coat of Colors opened its doors in May 2021, and continues to grow their happy clientele. The Digital Media and Marketing class is one cohort in the pipeline of entrepreneurship training that AIBE provides in partnership with New Mexico Community Capital (NMCC).



**Arrowhead Park.** Arrowhead Park continues to be an active center of growth on the NMSU campus for FY22. The NMSU and El Paso Electric solar + storage project is wrapping up construction and will go online in December of this year, supplying power to the main NMSU campus and the Research Park. The Burrell College



of Osteopathic Medicine also has their new Library and Student Services building under construction, opening in the fall of 2022. Critical infrastructure needs also continue to be a key focus for the Park, with EDA-funded roads and utilities in design, a tax increment district feasibility study in process, and a commitment for NMDOT funds to further the interchange project. The new Creative Media Technology Department building for Dona Ana Community College is fully funded and in design as the first building to be erected as part of the Park's Creative Campus development. Arrowhead Center has also partnered with the NMSU Foundation to build a new building for our groups with another 20,000 square feet available for new Park tenants. The Park has also recently added two new tenant partners with Young Guns Chile and Ampex Data Systems supporting 12 new jobs for the region.

### **3.0 ECONOMIC IMPACT STUDY**

In August 2021, Arrowhead Center and the Center for Border Economic Development prepared a study, "Economic Impact of the Santa Teresa Port of Entry and the Santa Teresa Industrial Parks," to estimate the economic benefits of the Santa Teresa Port of Entry and the Santa Teresa Industrial Parks in New Mexico and Texas. The estimated impacts included 5,849 total jobs, \$1.1 billion in economic output, \$24 billion in trade facilitated growing at a 5.8% compound annual growth rate from 2010 to 2020, and \$90 million in taxes generated. The study also found that roughly 80% of the economic benefit of the Santa Teresa Port of Entry and the Santa Teresa Industrial Parks occurs in New Mexico, with the remainder occurring in Texas. The full impact study is available at <https://arrowheadcenter.nmsu.edu/economic-and-policy-studies/>

### **4.0 BUILDING THE ENTREPRENEURIAL AND INNOVATION ECOSYSTEM**

Arrowhead Center has been tracking progress towards building an entrepreneurial and innovation ecosystem using a framework developed by the Kauffman Foundation, with six elements: risk-taking culture; talent, diverse, imaginative students; philanthropy and volunteerism; collaboration with industry; government support; and abundant capital.

Arrowhead contributed to the regional entrepreneurial and innovation ecosystem in 2021 in the following ways:

- Providing entrepreneurial experiential learning opportunities for the next generation of workforce and entrepreneurs, K-16+ (e.g., Innoventure, Studio G)
- Growing innovation and entrepreneurial ecosystems to ensure a steady stream of high-growth startups to drive job and value creation in New Mexico and the region (e.g., Sprint accelerators);
- Developing, pivoting, and scaling innovative entrepreneurship support models to address the virtual and remote work environments of the pandemic and matching technical talent and/or businesses with resources and opportunities (e.g., partnership with City of Las Cruces and El Paso County to assist local businesses in establishing/enhancing social media presence);
- Supplying investment capital to address the financial needs of entrepreneurs (e.g., Arrowhead Innovation Fund I and II, known as Audaz);
- Receiving funding to connect academic, government, and industry sectors in New Mexico to improve innovation pipelines (e.g., Department of Energy's Energy Program for Innovation Clusters and NM Clean Energy Resilience and Growth Cluster).



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: G-1**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Monica Torres,  
Community College President

**Agenda Item:** Operating Agreement with DACC

**Requested Action of the Board of Regents:** Approval for the Operating Agreement with DACC.

**Executive Summary:**

The Regents of New Mexico State University, the parent university of Doña Ana Community College, and the branch community college board (Advisory Board) enter into the agreement concerning the operation of the Community College. The Operating Agreement with DACC is adopted in accordance with the requirements of state law and founded on the desire of the parties to provide quality educational services.

**References:**

**Prior Approvals:**

AGREEMENT  
PERTAINING TO THE OPERATION OF THE  
DOÑA ANA COMMUNITY COLLEGE

BETWEEN

THE REGENTS OF NEW MEXICO STATE UNIVERSITY

AND

THE ADVISORY BOARD OF  
DOÑA ANA COMMUNITY COLLEGE

**AGREEMENT  
PERTAINING TO THE OPERATION OF THE  
DOÑA ANA COMMUNITY COLLEGE**

The Regents of New Mexico State University (Regents), the parent university of Doña Ana Community College (the Community College), and the branch community college board (Advisory Board) hereby enter into the following agreement concerning the operation of the Community College (the Operating Agreement).

This Operating Agreement is adopted in accordance with the requirements of state law and founded on the desire of the parties to provide quality educational services must be provided in accordance with the needs of the Community College service area.

**ARTICLE 1  
ADVISORY BOARD**

**A. Advisory Board Defined**

The Advisory Board consists of the local school board, or the combined local school boards, acting as a single board, situated within the local taxing district which supports the Community College. [N.M. Stat § 21-14-2(A) (1978)]

**B. Multiple School District Boards**

For Community Colleges located in counties with more than one local school district, the Advisory Board may designate a committee to act on its behalf (Advisory Committee). The Advisory Committee will consist of two representative board members from each local school board. The Advisory Board may delegate to the Advisory Committee all functions and responsibilities of the Advisory Board, except that the Advisory Board may not delegate its duty to certify tax levies or elections for tax levies.

**C. Duties of the Advisory Board**

Pursuant to state law, the duties of the Advisory Board are as follows:

1. Enter into a written agreement with the Regents, subject to biennial review by the parties and to the review and commentary of the commission on higher education;
2. Act in an advisory capacity to the Regents in all matters relating to the conduct of the Community College;
3. Approve the annual operating budget of Community College for recommendation to the Regents;
4. Certify to the board of county commissioners the tax levy; and
5. Conduct the election for tax levies for the Community College.

[N.M. Stat § 21-14-2(B) (1978)]

#### **D. Advisory Board Meetings**

The Advisory Board will meet as necessary to: (2) certify to the board of county commissioners the tax levy; and (3) conduct the election for tax levies for the Community College.

In addition, the Advisory Board, or the Advisory Committee if one has been formed, will review the annual operating budget of Community College for recommendation to the Regents, and, upon request of either party, will meet, at least once a year, with the Regents. The purpose of the joint meeting is to allow each of the parties to report to the other and make inquiry of the other on all matters relating to the conduct of the Community College.

The Regents, the Advisory Board, the Community College President, or the Chancellor of the NMSU System may request additional meetings as needed.

All meetings which include either the Regents or a quorum of any local school board will be conducted in accordance with the New Mexico Open Meetings Act. [N.M. Stat § 10-15-1 *et seq.* (1978)]

#### **E. Selection of Community College President**

In the event of a vacancy, the Regents and the Advisory Board will jointly conduct a search for qualified candidates for President of the Community College. The Regents, after consultation with the Advisory Board, will select a president for the Community College. [N.M. Stat § 21-14-2(C) (1978)]

## **ARTICLE 2 THE REGENTS**

Except as otherwise provided in this Operating Agreement, the Regents have full authority and responsibility over all aspects of the Community College, including but not limited to academic matters. [N.M. Stat § 21-14-2(D)(1) (1978)] The full authority of the Regents, under this Agreement may be delegated at the discretion of the Regents, to the Chancellor of the NMSU System.

## **ARTICLE 3 ACADEMIC MATTERS**

#### **A. Programs of Study**

As provided by state statute, the Community College will offer programs of study which have been approved by NMSU. [N.M. Stat § 21-14-2(D)(3) (1978)] Such programs will provide:

1. The first two years of college education; or
2. Vocational and technical curricula of not more than two years' duration designed to fit individuals for employment in recognized occupations. [N.M. Stat § 21-14-1(A)(1978)]

**B. Employment of Faculty**

The Regents agree to consider application of qualified local applicants before employing teachers from the local school system(s). [N.M. Stat § 21-14-2(D)(5) (1978)]

**ARTICLE 4  
FINANCIAL MATTERS**

**C. Financial Management**

The Regents will be responsible for the financial management of the Community College. The Advisory Board may review all procedures, reports and all other matters related to the financial management of the Community College.

**D. Budget Recommendation**

The President of the Community College will prepare and present to the Advisory Board a proposed annual budget including the long range plan of the college and the status of all capital outlay projects. The Advisory Board will review an annual budget for the Community College for recommendation to the Regents. [N.M. Stat § 21-14-2(B)(3) (1978)]

**E. Funding Sources**

The Community College will be financed by state appropriations, tuition and fees charged to students, grants, and gifts, and such other funds as may be made available through additional tax levies pursuant to the College District Tax Act. [N.M. Stat § 21-2A-1 (1978) *et seq.*]

The New Mexico Higher Education Department will recommend an appropriation for the Community College based on its financial requirements. [N.M. Stat § 21-14-9 (1978)]

The Community College may borrow money, through college district general obligation bonds, for the purpose of constructing and equipping buildings and to make other real property improvements. [N.M. Stat § 21-2A-6(A) (1978)] All taxes levied to pay for principal and interest on the general obligation bonds of the Community College shall be in addition to the taxes levied for operating, maintaining and providing facilities for the Community College pursuant to the College District Tax Act. [N.M. Stat § 21-2A-1 (1978) *et seq.*] The repayment of district general obligation bonds will be made in accordance with the College District Tax Act and is the general obligation of the college district. [N.M. Stat § 21-2A-7 (1978) *et seq.*] The Regents will not have any obligation to repay the bonds.

The Community College's tuition and fees will be set by the Regents. [N.M. Stat § 21-14-5 (1978)] New Mexico residents, residing outside of the Community College service area, will be assessed an out-of-district fee each semester. Non-residents of New Mexico will be assessed tuition and fees at a higher rate than residents.

## **ARTICLE 5 FACILITIES**

### **A. Acquisition of Property in Name of Regents**

All property acquired by the Community College, including all property acquired from the proceeds of a bond issue shall be taken in the name of the Regents. [N.M. Stat § 21-14-14 (1978)]

### **B. Cooperative Use of Physical Facilities**

Subject to space and other resource constraints, the Community College will share facilities in support of NMSU's bachelors and appropriate graduate programs, and the NMSU University will share facilities on the Las Cruces campus in support of the Community College's programs. [N.M. Stat § 21-14-2(D)(4) (1978)]

## **ARTICLE 6 ADDITIONAL TERMS**

### **A. Entire Agreement**

This Agreement is made pursuant to fulfill the requirements of state law and is subject to biennial review by all parties and the review and comment of the New Mexico Department of Higher Education. [N.M. Stat § 21-14-2(B)(1) (1978)] This Agreement constitutes the entire agreement between the Advisory Board and the Regents and supersedes any prior agreements, contracts or understandings, expressed or implied, oral or written.

### **B. Termination**

This Agreement may be terminated by mutual consent or by either the Advisory Board or the Regents, upon six months' notice, provided there are no outstanding general obligations or revenue bonds. If the Community College has outstanding general obligation or revenue bonds, then neither the Advisory Board nor the Regents may terminate this Agreement until the outstanding bonds are retired, except as otherwise provided by law. [N.M. Stat § 21-14-2(E) (1978); referencing N.M. Stat § 21-13-24.1 (1978)]

### **C. No Third Party Beneficiaries**

This Agreement is for the benefit of the Parties only. No rights or benefits are conferred to any third-party by or through this Agreement.

**D. Effective Date**

This Agreement will be effective and binding upon the Advisory Board and the Regents of NMSU from the date on which both of these entities have approved the Agreement as indicated by the attestation and signatures of the duly authorized representatives below.

**APPROVAL AND ATTESTATION**

**Regents of New Mexico State University**

The Regents of New Mexico State University duly approved this Agreement at an official meeting on December 9, 2021 (date).

As the duly authorized representative, I hereby attest to the truth of the foregoing statement.

Date: \_\_\_\_\_  
NMSU Board of Regents, Chair

**Branch Community College Board**

The branch community college board (Advisory Board) of Doña Ana Community College duly approved this agreement at an official meeting on November 4, 2021 (date).

As the duly authorized representative, I hereby attest to the truth of the foregoing statement.

Date: 11/4/2021

  
Name \_\_\_\_\_  
Title: DACC Advisory Board President





**Board of Regents Special Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-2**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Kathryn R. Hansen  
Director & CEO  
Arrowhead Center, Inc.

**Agenda Item:** Arrowhead Bylaws Modification (Position Director)

**Requested Action of the Board of Regents:**

1. Approve the addition of the position of Vice President for Economic Development at New Mexico State University to the Position Directors for Arrowhead Center, Inc. Board of Directors.

**Executive Summary:** Modify Arrowhead Center, Inc. Bylaws, Article III, Directors, Section 2, Number, Tenure, and Qualifications, to add a reinstated NMSU position.

With the action requested in 1. above, the list of Position Directors will be updated to read:

- the Chancellor of New Mexico State University,
- the President of New Mexico State University,
- the Executive Vice President and Provost of New Mexico State University,
- two Regents from the New Mexico State University Board of Regents (to be designated by the Board of Regents),
- the Dean of the College of Agricultural, Consumer, and Environmental Sciences at New Mexico State University,
- the Dean of the College of Arts and Sciences at New Mexico State University,
- the Dean of the College of Business at New Mexico State University,
- the Dean of the College of Engineering at New Mexico State University,
- the Vice President for Research at New Mexico State University,
- the Senior Vice President for Administration and Finance at New Mexico State University,
- the Chief Executive Officer, Arrowhead Center, Inc.,
- the Director, Physical Science Laboratory at New Mexico State University,
- the New Mexico Economic Development Cabinet Secretary,
- the Dean of the College of Health, Education and Social Transformation at New Mexico State University
- **the Vice President for Economic Development at New Mexico State University**

**References:** Arrowhead Center, Inc., Bylaws

**Prior Approvals:** Arrowhead Center, Inc. Board of Directors approval (October 7, 2021).

**Agenda Item Approved By:**

Kathryn R. Hansen  
Kathryn R. Hansen, Chief Executive Officer  
Arrowhead Center, Inc.

10/7/2021  
Date



**Board of Regents Special Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-3**

Action Item

**Presented By:** Kathryn R. Hansen

Consent Item

Director & CEO  
Arrowhead Center, Inc.

Informational Item

**Agenda Item:** Arrowhead Bylaws Modification (Non-Position (Outside) Director)

**Requested Action of the Board of Regents:**

1. Approve the addition of one Non-Position (Outside) Director for Arrowhead Center, Inc. Board of Directors and appoint Mike Rogers to this position.

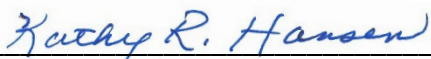
**Executive Summary:**

- Arrowhead Center, Inc. Bylaws, Article III, Directors, Section 2, Number, Tenure, and Qualifications. "A second group, referred to herein as "Outside Directors" will include individuals who are not officers or employees at New Mexico State University. Outside Directors shall hold office from the date of their appointment until the first meeting of the Board of Regents in the second calendar year following their appointment."
- Arrowhead Center, Inc., Bylaws, Article III, Directors, Section 9. Vacancies. "An Outside Director appointed to fill a vacancy arising by reason of an increase in the number of voting Directors shall serve until the first meeting of the Board of Regents of New Mexico State University in the second calendar year following the appointment."
- Mike Rogers is a former part-time Senior Project Director and full-time Chief Marketing Officer for NMSU. He is currently President and CEO at Prism Strategies Group in Truckee, California. With his background in collaborative product development, strategic thinking, and innovation, he is well-suited to assist in the guidance for Arrowhead Center, Inc. He is experienced with high-growth start-ups as well as partner development and product positioning, all key elements to support the mission of Arrowhead Center, Inc. and its diverse avenues for outreach and economic development.

**References:** See Bylaws information above.

**Prior Approvals:** Arrowhead Center, Inc. Board of Directors approval (October 7, 2021).

**Agenda Item Approved By:**

  
\_\_\_\_\_  
Kathryn R. Hansen, Chief Executive Officer  
Arrowhead Center, Inc.

10/7/2021  
\_\_\_\_\_  
Date



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-4**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Heather Zack Watenpaugh, University Architect

**Agenda Item:** NMSU Las Cruces: Crime Prevention Through Environmental Design

**Requested Action of the Board of Regents:** Approval of Crime Prevention through Environmental Design (CPTED) project.

**Executive Summary:** This project includes installation of bike storage shelters, ADA compliant walkways, ADA and safety improvements campus-wide.

**References:**

NA

**Prior Approvals:**

Regents Real Estate Committee 11/10/2021

# Board of Regents

## LAS CRUCES: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

**Heather Watenpaugh**  
University Architect

**Luis Campos**  
Associate Vice President

Facilities and Services



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# Proposed Scope of Work

## *Project Budget \$934,743*

The Crime Prevention through Environmental Design (CPTED) project includes:

- Planning for installation of several bike storage shelters on campus
- Replace existing gravel walkways between Chamisa Village and the American Indian Student Center (AISC) to provide a more direct ADA compliant connections with the student union building
- Accessibility improvements to existing building entrances campus-wide
- Safety improvements at existing transit stops, landscaping modifications, sidewalk repairs, solar parking canopies, and new site lighting for locations campus-wide to address student concerns

# Proposed Demographics



Las Cruces: Campus-wide CPTED improvements



# Proposed Project Schedule

- Completion of Design – November 2021
- Start of Construction – March 2022
- Completion of Construction – January 2023

# Funding Sources and Prior Approvals

## Project Funding — \$934,743

- FY2020 Severance Tax Bond (STB) – \$595,000
- FY2021A Severance Tax Bond (STB) – \$275,000
- FY2018A Severance Tax Bond (STB) – \$64,743

## Prior Approval

N/A



# Contact Information

Heather Watenpaugh  
University Architect  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.1360  
[hzw@nmsu.edu](mailto:hzw@nmsu.edu)

Luis Campos  
Associate Vice President  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.2101  
[campos1@nmsu.edu](mailto:campos1@nmsu.edu)

**Thank you!**

**Questions?**

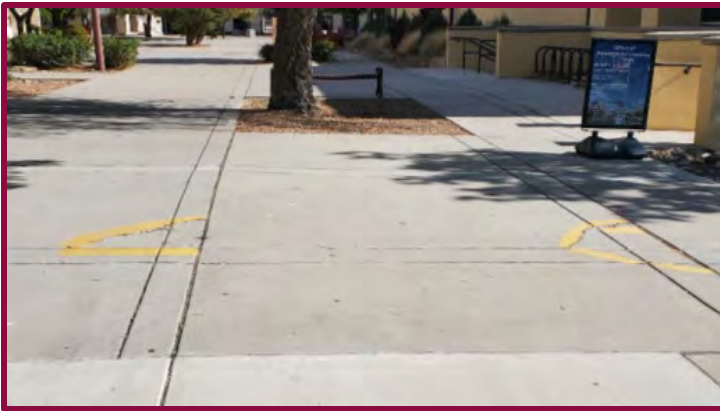


# Las Cruces: Crime Prevention through Environmental Design (CPTED)

## Supplemental Information

# Existing Conditions and Proposed Work

## Concrete sidewalk repair along South Horseshoe and International Mall



Remove and replace existing broken, cracked concrete at select locations



Remove and replace existing broken concrete trip hazards



Existing Bus Stop



New bus shelter prototype (tan)

# Existing Conditions and Proposed Work

## Street light upgrades at Cervantes Village and Sutherland Village



Existing Sutherland/Cervantes Village light fixtures



Proposed Bike Storage Shelter



New ADA path to connect housing to CCSU (dashed)



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-5**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Heather Zack Watenpaugh, University Architect

**Agenda Item:** NMSU Las Cruces: Campus-wide Tunnel System Repairs Phase VII

**Requested Action of the Board of Regents:** Approval of Campus Utility Tunnel System Repairs Phase VII project

**Executive Summary:** This project includes repairs necessary for portions of the tunnel system that are severely deteriorated and structurally unstable.

**References:**

NA

**Prior Approvals:**

Regents Real Estate Committee 11/10/2021



# Board of Regents

## LAS CRUCES: CAMPUS-WIDE TUNNEL SYSTEM REPAIRS PHASE VII

**Heather Watenpaugh**  
University Architect

**Luis Campos**  
Associate Vice President

Facilities and Services



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# Proposed Scope of Work

## *Project Budget \$3,000,000*

Based on the Structural Integrity Study of the tunnel system dated 2016, NMSU will remove and replace additional sections of the deteriorated utility system that are in imminent danger of collapse.

- The repairs are necessary to maintain the safety of students/staff/faculty as portions of the tunnel system are severely deteriorated and structurally unstable.
- The project is a continuation of a planned repairs and emergency repairs previously approved.



# Proposed Demographics



Las Cruces: Campus-wide

# Proposed Project Schedule

- Completion of Design – March 2022
- Start of Construction – May 2022
- Completion of Construction – May 2023

# Funding Sources and Prior Approvals

## Project Funding — \$3,000,000

- 2021 Severance Tax Bonds – \$3,000,000

## Related Prior Approval

- NMSU Board of Regents – Phases I-VI, 10/10/14, 5/13/16, 8/10/16, 10/5/17, 10/3/18, and 9/4/19
- Higher Education Department – Phases I-VI, 11/12/14, 5/16/19, 9/14/16, 12/13/17, 11/14/18, and 10/9/19
- State Board of Finance – Phases I-VI, 12/16/14, 12/18/18, and 11/19/19
- 2020/FY21 Yearly Capital Projects Summer Hearings

# Contact Information

Heather Watenpaugh  
University Architect  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.1360  
[hzw@nmsu.edu](mailto:hzw@nmsu.edu)

Luis Campos  
Associate Vice President  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.2101  
[campos1@nmsu.edu](mailto:campos1@nmsu.edu)

**Thank you!**

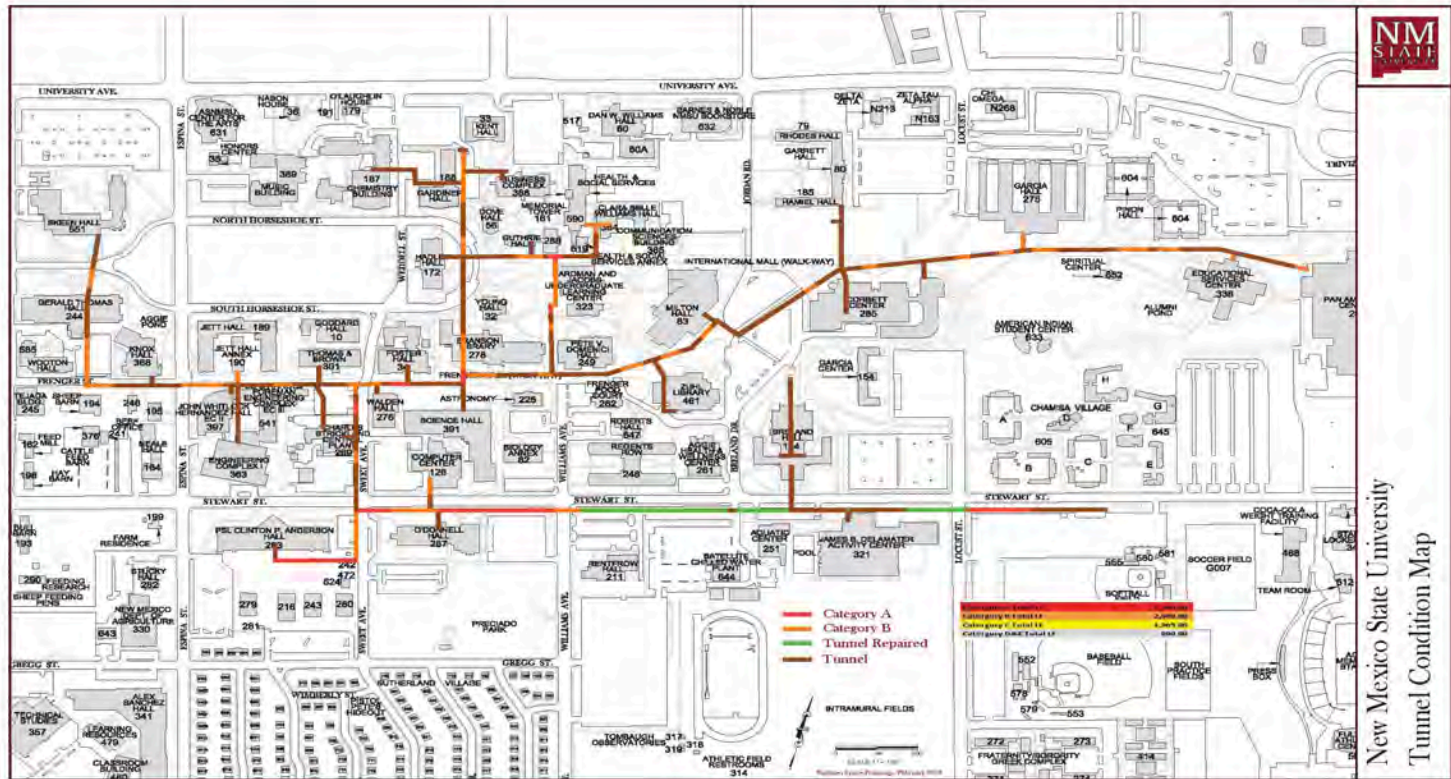
**Questions?**



# Las Cruces: Campus-wide Tunnel System Repairs Phase VII

## Supplemental Information

# NMSU Las Cruces: Campus-wide Tunnel Systems Repair Phase VII





# Existing Conditions



Degradation of Utility Tunnel wall exposed rebar



Degradation of Utility Tunnel lid exposed rebar



# Existing Conditions



Failing concrete at Utility Tunnel wall



Failing concrete and structural failure of concrete tunnel



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-6**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Heather Zack Watenpaugh, University Architect

**Agenda Item:** NMSU DACC: Creative Media Building at Arrowhead Park

**Requested Action of the Board of Regents:** Approval of the DACC Creative Media building at Arrowhead Park.

**Executive Summary:** This project includes construction of a new facility to house the DACC Creative Media Technology (CMT) program for high demand digital media production.

**References:**

NA

**Prior Approvals:**

Regents Real Estate Committee 11/10/2021

# Board of Regents

## DACC: CREATIVE MEDIA BUILDING AT ARROWHEAD PARK

**Heather Watenpaugh**  
University Architect

**Luis Campos**  
Associate Vice President

Facilities and Services



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# Proposed Scope of Work

## *Project Budget \$8,800,000*

The Creative Media Building at Arrowhead Park project includes:

- New facility to house the DACC Creative Media Technology (CMT) program geared towards high demand digital media production:
  - Multipurpose open studio and production stage
  - Digital classrooms, technology rooms, and green screen area
  - Computer labs and offices

# Proposed Building Demographics

\* Site along S. Triviz

- **Year of Occupancy:** 2024
  - **Last Expansion:** N/A
  - **Building Size:** 15,140 SF
  - **Construction Type:** Slab on grade, and structural steel frame
  - **Future Use:** Space for DACC Creative Media Technology (CMT) Program
- \*Site boundary for CMT Creative Media Building



# Proposed Project Schedule

- Completion of Design – March 2022
- Start of Construction – April 2022
- Completion of Construction – January 2024

# Funding Sources and Prior Approvals

## Project Funding — \$ 8,800,000

- 2018 Local General Obligation Bond - \$1,900,000
- 2021 Local General Obligation Bond - \$5,400,000
- 2021 General Obligation Bond – \$1,500,000

## Prior Approval

- 2019/FY21 Yearly Capital Projects Summer Hearings



# Contact Information

Heather Watenpaugh  
University Architect  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.1360  
[hzw@nmsu.edu](mailto:hzw@nmsu.edu)

Luis Campos  
Associate Vice President  
Facilities and Services  
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575.646.2101  
[campos1@nmsu.edu](mailto:campos1@nmsu.edu)



**Thank you!**

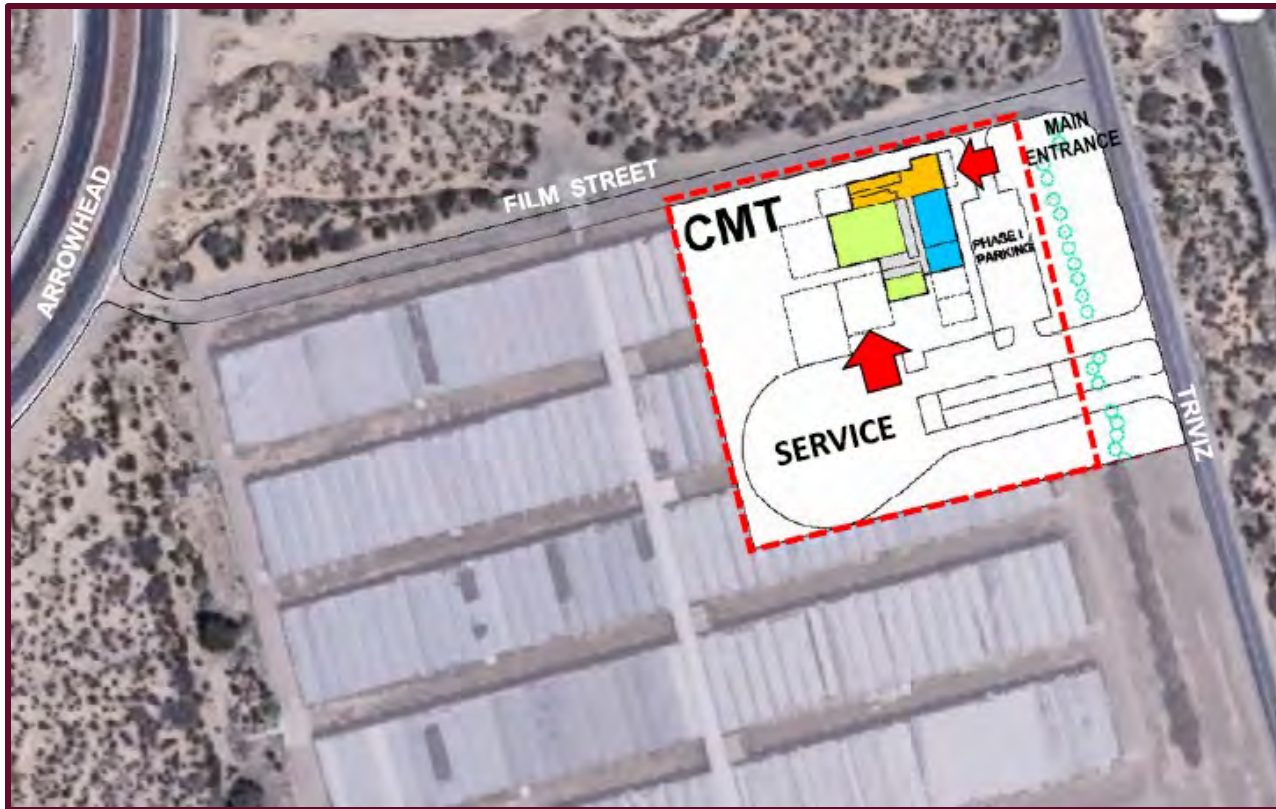
**Questions?**



# DACC: Creative Media Building at Arrowhead Park

## Supplemental Information

# Proposed Building Layout



The DACC Creative Media Technology (CMT) program's Creative Media Building will be facing Film Street to the north and will have service access from S. Triviz Drive. The building is a multipurpose open studio and production stage, digital classrooms, technology rooms, and green screen area along with computer labs and offices.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item # G-7**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Heather Zack Watenpaugh, University Architect

**Agenda Item:** NMSU Grants: Walter Martinez Hall Roof Replacement

**Requested Action of the Board of Regents:** Approval of the Grants Walter Martinez Hall Roof Replacement project.

**Executive Summary:** This project includes removal of the existing roof and installation of new roofing for approximately 75,000 square feet.

**References:**

NA

**Prior Approvals:**

Regents Real Estate Committee 11/10/2021

# Board of Regents

## GRANTS: WALTER MARTINEZ HALL ROOF REPLACEMENT

**Heather Watenpaugh**  
University Architect

**Luis Campos**  
Associate Vice President

Facilities and Services



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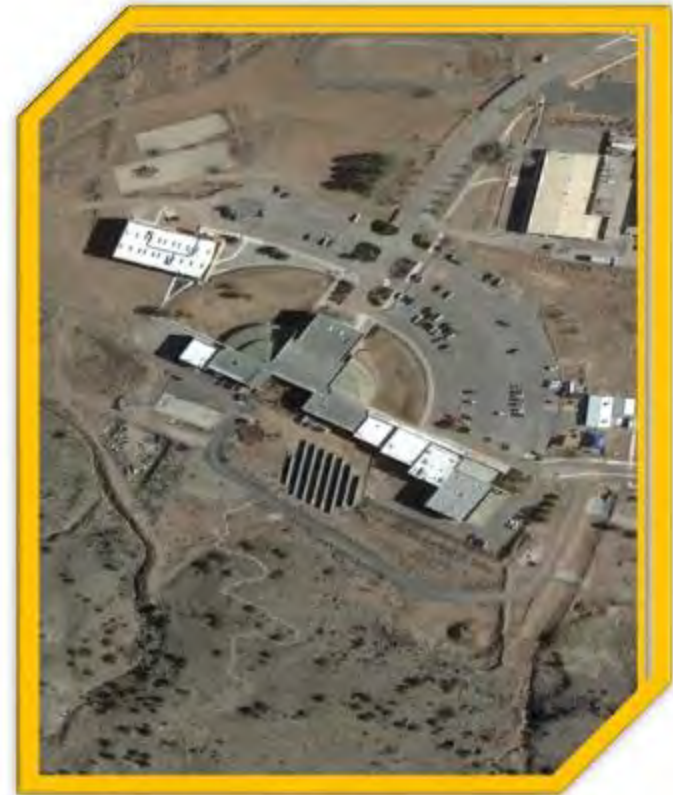
# Proposed Scope of Work

## *Project Budget \$887,500*

The Walter Martinez Hall roof replacement project includes planning, design, and construction, for the removal of the existing roofing and installation of all new roofing materials with a total roofing area of approximately 75,000 square feet.

# Proposed Building Demographics

- **Year Built:** 1976
- **Last Expansion:** 2016
- **Building Size:** 85,372 total square feet
- **Construction Type:** Concrete, CMU Block, Metal Studs and Steel Joists
- **Current Use:** Academic Programs and Administrative Offices



# Proposed Project Schedule

- Completion of Design – February 2022
- Start of Construction – May 2022
- Completion of Construction – February 2023



# Funding Sources and Prior Approvals

## Project Funding — \$887,500

- 2020 Severance Tax Bond – \$887,500

## Prior Approval

- 2020/FY21 Yearly Capital Projects Summer Hearings

# Contact Information

Heather Watenpaugh  
University Architect  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.1360  
[hzw@nmsu.edu](mailto:hzw@nmsu.edu)

Luis Campos  
Associate Vice President  
Facilities and Services  
[www.facilities.nmsu.edu](http://www.facilities.nmsu.edu)  
575.646.2101  
[campos1@nmsu.edu](mailto:campos1@nmsu.edu)

**Thank you!**

**Questions?**



# Grants: Walter Martinez Hall Roof Replacement

## Supplemental Information

# Existing Conditions



Martinez Hall main entrance roof deterioration view from the entry showing aging roof membrane



Main roof looking east displaying deteriorating and aged roof membrane

# Existing Conditions



Main roof looking south displaying deteriorating and aged roof membrane



Martinez Hall main entrance view from the top showing roof parapet deterioration and aging roof in need of replacement



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: G-8**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Scott Eschenbrenner  
President & CEO  
Aggie Development Inc.

**Agenda Item:** Renewal of Special Use Permit from USDA Forest Service in Clayton New Mexico

**Requested Action of the Board of Regents:** Approval for the Renewal of Special Use Permit from USDA Forrest Service in Clayton New Mexico

**Executive Summary:** Renewal for authorization for New Mexico State University of Rural Route 1 Box 109A Clayton Livestock Research Center, Clayton NM 88415 to use or occupy National Forest System Lands in the Cibola National Forest or Kiowa National Grassland unit of the National Forest System, subject to the terms and conditions of the special use permit. The permit covers 320 acres or 0 miles in the Sec. 22, T. 26 N., R. 36 E., New Mexico Principal Meridian.

**References:**

N/A

**Prior Approvals:**

November 10 - Regents Real Estate Committee recommended that the matter be put before the board for consideration.

Authorization ID: KIO41  
Contact Name: NEW MEXICO STATE UNIVERSITY  
Expiration Date: 12/31/2041  
Use Code: 231, 422

FS-2700-4 (VER. 03/17)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
SPECIAL USE PERMIT  
Authority: ORGANIC ADMINISTRATION ACT June 4, 1897**

NEW MEXICO STATE UNIVERSITY of RURAL ROUTE 1 BOX 109A CLAYTON LIVESTOCK RESEARCH CENTER CLAYTON NM 88415 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the CIBOLA NATIONAL FOREST or Kiowa National Grassland unit of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers 320 acres or 0 miles in the Sec. 22, T. 26 N., R. 36 E., NEW MEXICO PRINCIPAL MERIDIAN, ("the permit area"), as shown on the map attached as Appendix A. This and any other appendices to this permit are hereby incorporated into this permit.

This permit issued for the purpose of:

Construction, maintenance and use of a research station consisting of the following:

Unit K-41 - Irrigated pastures, including cattle working pens, scales, two water wells, pump systems and a center pivot irrigation system. Wells are used for livestock water and irrigation purposes.

Unit K-150 - Office/laboratory building, five mobile homes, feed mill, feed pens, barn, shop residence, water well, pump and water system, electrical distribution system, roads, parking areas, fences, and sewage treatment system.

**TERMS AND CONDITIONS**

**I. GENERAL TERMS**

**A. AUTHORITY.** This permit is issued pursuant to the ORGANIC ADMINISTRATION ACT June 4, 1897 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

**B. AUTHORIZED OFFICER.** The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

**C. TERM.** This permit shall expire at midnight on 12/31/2041, 20 years from the date of issuance.

**D. CONTINUATION OF USE AND OCCUPANCY.** This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may



prescribe new terms and conditions when a new permit is issued.

**E. AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

**F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

**G. NON-EXCLUSIVE USE.** The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

**H. ASSIGNABILITY.** This permit is not assignable or transferable.

## **II. IMPROVEMENTS**

**A. LIMITATIONS ON USE.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

**B. PLANS.** All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

**C. CONSTRUCTION.** Any construction authorized by this permit shall commence by NA and shall be completed by NA.

## **III. OPERATIONS.**

**A. PERIOD OF USE.** Use or occupancy of the permit area shall be exercised at least 365 days each year.

**B. CONDITION OF OPERATIONS.** The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national

forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

**C. MONITORING BY THE FOREST SERVICE.** The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

#### **IV. RIGHTS AND LIABILITIES**

**A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

**B. VALID EXISTING RIGHTS.** This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

**C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

**D. SERVICES NOT PROVIDED.** This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

**E. RISK OF LOSS.** The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

**F. DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or restoration of natural resources resulting from the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided

under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

**G. HEALTH AND SAFETY.** The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

**H. ENVIRONMENTAL PROTECTION.**

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

**I. INDEMNIFICATION OF THE UNITED STATES.** The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

**J. BONDING.** The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

## **V. RESOURCE PROTECTION**

**A. COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

**B. VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

### **C. PESTICIDE USE.**

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

**D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES.** The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

**E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA).** In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

**F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.**

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

**G. CONSENT TO STORE HAZARDOUS MATERIALS.** The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

**H. CLEANUP AND REMEDIATION.**

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this

requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

## **VI. LAND USE FEE AND DEBT COLLECTION**

**A. LAND USE FEES.** The use or occupancy authorized by this permit is exempt from a land use fee or the land use fee has been waived in full pursuant to 36 CFR 251.57 and Forest Service Handbook 2709.11, Chapter 30.

## **VII. REVOCATION, SUSPENSION, AND TERMINATION**

**A. REVOCATION AND SUSPENSION.** The authorized officer may not revoke or suspend this permit without the consent of the head of the agency that holds this permit.

**B. APPEALS AND REMEDIES.** Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

**C. TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

**D. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT.** Upon revocation or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## **VIII. MISCELLANEOUS PROVISIONS**

**A. MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

**B. CURRENT ADDRESSES.** The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

**C. SUPERSEDED PERMIT.** This permit supersedes a special use permit designated NEW MEXICO STATE UNIVERSITY, KIO4, dated 11/13/2001.

**D. SUPERIOR CLAUSES.** If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

**E. Cultural Resources Protection (D001RO).** The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.

**F. Native American Grave Protection and Repatriation Act (X003RO).** Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service, and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects.

**G. Nondiscrimination (B-1).**

1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended.
2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.
3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.
4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

**H. Site Plan (C-2).**

The holder shall prepare site plans to show the location of all buildings, service areas, roads, and structures. Such plans shall be on a scale of 1 inch equals 100 foot with 2 foot contour intervals. The holder is encouraged to consult with the Authorized Officer during the preparation of the site plan to ensure that it is adequate. No construction shall be undertaken by the holder prior to site plan approval.

**I. Operating Plan (C-8).**

The holder shall prepare and annually revise by 12/31/2021 an operating plan. The operating plan shall be prepared in consultation with the Authorized Officer or the Authorized Officer's designated representative and shall cover all operations authorized by this permit. The operating plan shall outline steps the holder will take to protect public health and safety and the environment and shall include sufficient detail and standards to enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. The operating plan shall identify and schedule any inspections that the holder is required to conduct at the holder's expense. The operating plan shall be submitted by the holder and approved by the Authorized Officer or the Authorized Officer's designated representative prior to commencement of operations and shall be attached to this permit as an appendix. The Authorized Officer may require an annual meeting with the holder to discuss the terms and conditions of the permit or operating plan, provide annual use reports, determine need for performance bond for construction projects and amount of bond, or other concerns either party may have.

**J. Ground Surface Protection and Restoration (D-9).**

The holder shall prevent and control soil erosion and gullying on National Forest System lands in and adjacent to the permit area resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall construct authorized improvements so as to avoid accumulation of excessive amounts of water in the permit area and encroachment on streams. The holder shall revegetate or otherwise stabilize (for example, by constructing a retaining wall) all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use.

**K. Minor Water Uses (D-27).**

This permit does not confer any water rights on the holder. Water rights are not required by State law and may not be acquired to exercise the minor water uses authorized by this permit.

**L. Fire Equipment (F-7).**

The holder shall install fire extinguishers and firefighting apparatus of types, of capacities, in numbers, and at locations approved by the Authorized Officer. This equipment shall be in readiness at all times for immediate use, and shall be tested each year, at such times as may be required by the Authorized Officer.

**M. Fire-Control Plan (F-20).**

The holder shall prepare a fire plan for approval by the Authorized Officer which shall set forth in detail the plan for prevention, reporting, control, and extinguishing of fires on the authorized areas and within the holder's area of responsibility defined on an attached map. Such plans shall be reviewed and revised at intervals of not more than three (3) years.



**N. Secondary Use Roads. (G-1).**

1. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations previously approved by the Authorized Officer.
2. Only the Authorized Officer may extend rights and privileges for use of the road constructed on the premises to other non-Federal users on the condition that such users shall pay a fair share of the current replacement cost less depreciation of the road and any reconstruction costs necessary to accommodate its use.
3. The Forest Service retains the right to use and occupy the right-of-way and to allow others to use the right-of-way in any way that is not inconsistent with the holder's existing rights and privileges after consultation with all parties involved.

**O. Protection of Endangered, Threatened, and Sensitive Species (X-8).**

The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 531 *et seq.*, as amended, or as sensitive by the Regional Forester under Forest Service Manual (FSM) 2670, pursuant to consultation conducted under section 7 of the ESA, may be identified on the ground or shown on a separate map. The map shall be attached to this permit as an appendix. The holder shall take any protective and mitigative measures specified by the Authorized Officer. If protective and mitigative measures prove inadequate, if other sites within the permit area containing threatened, endangered, or sensitive species are discovered, or if new species are listed as threatened or endangered under the ESA or as sensitive by the Regional Forester under the FSM, the Authorized Officer may specify additional protective and mitigative measures. Discovery of these areas by the holder or the Forest Service shall be promptly reported to the other party.

**P. Archaeological-Paleontological Discoveries(X-17).**

The holder shall immediately notify the Authorized Officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall leave these discoveries intact and in place until directed otherwise by the Authorized Officer. Protective and mitigative measures specified by the Authorized Officer shall be the responsibility of the holder.

**Q. Superseded Authorization (X-18).**

This authorization supersedes an authorization designated KIO4.

**R. Signs (X-29).**

Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

**S. Improvement Relocation (X-33).**

This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements,

such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the Authorized Officer.

**T. Treasure Trove (X-63).**

The holder agrees that if treasure or other antiquities are found:

1. Excavation will cease at the instant of discovery and the Forest Service will be notified so that scientific examination may be made. Excavation will not resume until approval is given in writing by the Forest Service.
2. This authorization confers no ownership rights to the treasure. All specimens found will be held in safekeeping for one (1) year while ownership is established by applicable law. Such period will be used to establish the value, for claimants to come forward, and to negotiate or adjudicate ownership.
3. The United States as the landowner has a valid claim for all or a share of the treasure trove buried on its property. In addition, if specimens found are other than money, unmounted gems, or precious metals in the form of coin, plate, or bullion, the United States may claim all of it under the Antiquities Act (16 U.S.C. 432). It is agreed that any such claims will be settled as in item 2.

**U. Performance by Holder, Successors, or Assigns (X-68).**

Notwithstanding the expiration or any renewal of this authorization or its earlier relinquishment, abandonment, or other termination, the provisions of this authorization, to the extent applicable, shall continue in effect and shall be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the authorization.

**V. Ownership of Archeological Resources (X-81).**

Archeological, paleontological, and historic artifacts and resources excavated or removed from National Forest System lands remain the property of the United States and shall be deposited in the Museum of New Mexico, Santa Fe.

**THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.**

**BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.**

ACCEPTED:

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HOLDER NAME, PRECEDED BY NAME AND TITLE OF PERSON SIGNING ON BEHALF OF HOLDER, IF HOLDER IS AN ENTITY	SIGNATURE	DATE
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APPROVED:

STEVE HATTENBACH  
FOREST SUPERVISOR

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NAME AND TITLE OF AUTHORIZED OFFICER	SIGNATURE	DATE
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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



**Board of Regents Meeting**  
Meeting Date: **December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item # G-9**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Senior Vice President Andrew J. Burke

**Agenda Item:** Approval of Temporary Investments Report for the Quarter ended 09/30/2021

**Requested Action of the Board of Regents:** Approval of the Temporary Investments Report for the Quarter ended 09/30/2021.

**Executive Summary:** The report reflects a weighted average yield of 0.28% for the quarter ended 9/30/21, compared to average one-year U.S. Treasury Bill yield of 0.08%. NMSU Administrative Rules and Procedures establish the goal to achieve a rate of return on investments at least equal to the average rate of return on the one-year U.S. Treasury Bill.

**References:**

N/A

**Prior Approvals:**

N/A

**NEW MEXICO STATE UNIVERSITY**  
**Temporary Investments Report**  
**Quarter Ended September 30, 2021**

Temporary Investments consist of funds which make up NMSU's working capital, and are used primarily to fund short-term operating liquidity needs; large cash uses in this category include the University's semi-monthly payroll, draws on construction projects and major capital acquisitions. NMSU's Office of the Senior Vice President for Administration and Finance continuously monitors sources and uses of operating capital to ensure that temporarily idle funds are optimally invested in accordance with the University's Investment Policy. Our goal is to exceed the average one-year Treasury yield for the current quarter.

<b>Total Temporary Investments (at 09/30/21)</b>	<b>\$188.28 million</b>
<b>Weighted average yield (Quarter Ended 09/30/21)</b>	<b>.28%</b>
<b>Average 1-Year Treasury yield (Quarter Ended 09/30/21)</b>	<b>.08%</b>

**Temporary Investments at 09/30/21 (cost):**

Federal Agency and Corporate Bonds	\$ 21.28 million
Treasury Notes and Treasury Bills	41.08 million
Money Market Investments	125.91 million
Other Cash	.008 million

**Breakdown of Investment Instruments (par):**

<b><u>Federal Agency and Corporate Bonds by Maturity</u></b>	<b><i>Avg Yield</i></b>	<b><i>1.54%</i></b>
Maturing within one year	\$ 10.00 million	
Maturing one-two years	4.00 million	
Maturing over two years	7.00 million	
<b><u>Treasury Notes and Treasury Bills by Maturity</u></b>	<b><i>Avg Yield</i></b>	<b><i>.29%</i></b>
Maturing within one year	\$ 30.00 million	
Maturing one-two years	7.00 million	
Maturing over two years	4.00 million	
<b><u>Money Market Investments</u></b>	<b><i>Avg Yield</i></b>	<b><i>.02%</i></b>
Wells Fargo Bank	\$ 125.91 million	



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #G-10**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Senior Vice President Andrew J. Burke, Ed.D.

**Agenda Item:** Disposition/Deletion of Property

**Requested Action of the Board of Regents:** Approval of Disposition/Deletion of Property

**Executive Summary:** The items included on the Property Disposition and Deletion Report represent tangible personal property on the university's capital asset list identified for disposition and/or deletion from the university's inventory. The university's capitalization threshold for personal tangible property is \$5,000. The attached schedule provides a summary of the detailed property report including total counts, asset cost, accumulated depreciation, and net book value.

Capital items may be disposed of and deleted from inventory after approval of the Board of Regents and appropriate notification to the Office of the State Auditor and Higher Education Department as required.

**References:**

N/A

**Prior Approvals:**

N/A

**NMSU-BoR  
Capital Property Disposition Report - Summary  
As of 11-18-2021**

Categories	Count	Total Cost	Accumulated Depreciation	Net Book Amount
Surplus	21	\$343,837.85	\$340,000.55	\$3,837.30
Surplus vehicle	6	\$148,645.00	\$79,701.73	\$68,943.27
<b>Grand Total</b>	<b>27</b>	<b>\$492,482.85</b>	<b>\$419,702.28</b>	<b>\$72,780.57</b>

**NMSU-BoR  
Capital Property Disposition Report - Detail  
As of 11-18-2021**

#	Disposition Category	Department	Barcode	Manufacturer / Model / Serial	Acquisition Date	Total Cost	Accumulated Depreciation	Net Book Amount
1	Surplus Vehicle	Central Property	U329692	VAN-8 PASSENGER CHEVROLET ASTRO 1999 G40409CHEVROLETM110061GNM19W0XB160789	3/25/1999	\$18,688.00	\$18,688.00	\$0.00
2	Surplus Vehicle	New Mexico Dept of Agriculture	U430332	2012 #809 Ford Truck Half Ton Crew Cab Pickup G85755FORDF150 4X41FTFW1ET6CKD70315	5/15/2012	\$27,245.00	\$18,163.30	\$9,081.70
3	Surplus Vehicle	New Mexico Dept of Agriculture	U436920	2014 #826 Ford X1E 3 7 V 6 FFV half Ton 4x4 White G93061FORDX1E1FTEX1EM2EKG08908	12/10/2014	\$26,485.00	\$12,359.69	\$14,125.31
4	Surplus Vehicle	New Mexico Dept of Agriculture	U439456	2016 #838 Ford F 150 Extended Cab 4x4 3.5L V6 White G97185FORDF1501FTEX1E85GKD19172	1/7/2016	\$25,409.00	\$10,163.58	\$15,245.42
5	Surplus Vehicle	New Mexico Dept of Agriculture	U440103	2016 #843 Ford F150 Extended Cab 4x4 3.5L V6 White G97085FORDF1501FTEX1E83GFB30058	3/9/2016	\$25,409.00	\$10,163.58	\$15,245.42
6	Surplus Vehicle	New Mexico Dept of Agriculture	U440106	2016 #840 Ford F 150 Extended Cab 4x4 3.5L V6 White G97093FORDF1501FTEX1E83GFB30061	3/9/2016	\$25,409.00	\$10,163.58	\$15,245.42
7	Surplus	Animal and Range Sciences	U314562	FREEZER LABSO-LOWU80300001605	5/18/2001	\$7,970.00	\$7,970.00	\$0.00
8	Surplus	Athletics Mens Basketball 3	U413777	C956i TreadmillPRECOR956IAGJYG17070051	8/10/2007	\$5,476.57	\$5,111.40	\$365.17
9	Surplus	Athletics Mens Basketball 3	U413778	C956i TreadmillPRECOR956IAGJYG17070017	8/10/2007	\$5,476.57	\$5,111.40	\$365.17
10	Surplus	Computer Science	U415942	Server New Tech Solutions NSR1UDXRSA 4NEW TECH6015T- TB801393-1	5/12/2008	\$5,781.00	\$5,781.00	\$0.00
11	Surplus	Computer Science	U422580	Sun Blade 6000 Chassis with Generation 2 midplaneSUNSUN BLADE 60000952BD1A4F	1/14/2010	\$22,290.04	\$22,290.04	\$0.00
12	Surplus	Computer Science	U414768	WORKSTATION NSR1UDXRSA 4SUPER MICRO COMPUTER INC6016TS0615TT17A13197	12/11/2007	\$5,781.00	\$5,781.00	\$0.00
13	Surplus	Computer Science	U414769	WORKSTATION NSR1UDXRSA 4SUPER MICRO COMPUTER INC6016TS0615TT17A13201	12/11/2007	\$5,781.00	\$5,781.00	\$0.00
14	Surplus	Computer Science	U414770	WORKSTATION NSR1UDXRSA 4SUPER MICRO COMPUTER INC6016TS0615TT17A13433	12/11/2007	\$5,781.00	\$5,781.00	\$0.00
15	Surplus	Computer Science	U415164	SUPER MICRO SERVER NSR1UDXRSA 4SUPER MICRO COMPUTER INC6016TS60153217B03211	1/3/2008	\$5,781.00	\$5,781.00	\$0.00
16	Surplus	Computer Science	U415221	DDR Switch SilverStorm 24 port InfiniBandSILVERSTORM9024CNV15207000DE	1/11/2008	\$19,529.52	\$19,529.52	\$0.00
17	Surplus	Computer Science	U311671	COMPUTER BRAILLE DISPLAY POWER BRAILLE 4PB40PB49810- 0134	10/26/1998	\$5,720.00	\$5,720.00	\$0.00
18	Surplus	Computer Science	U409128	Power Wulf Beowulf Cluster C PN801010POWERWULFPN801010353715	7/6/2006	\$29,267.68	\$29,267.68	\$0.00
19	Surplus	Computer Science	U410317	POWER WULF PN800250POWER WULFPN800250353711	7/6/2006	\$9,931.82	\$9,931.82	\$0.00
20	Surplus	Computer Science	U410318	POWER WULF PN800250POWER WULFPN800250353712	7/6/2006	\$9,931.82	\$9,931.82	\$0.00
21	Surplus	Computer Science	U410319	POWER WULF PN800250POWER WULFPN800250353714	7/6/2006	\$9,931.82	\$9,931.82	\$0.00



22	Surplus	Computer Science	U410320	POWER WULF PN800250POWER WULFPN800250353713	7/6/2006	\$9,931.82	\$9,931.82	\$0.00
23	Surplus	Computer Science	U413238	SUN FIRE V890 SERVER PN A53CWZ8C464GYD6SUN FIREV8900721AM0382	6/19/2007	\$104,936.90	\$104,936.90	\$0.00
24	Surplus	Industrial Engineering	U419295	3 D PRINTERDIMENSIONSST 768P09381	1/9/2009	\$23,302.46	\$20,195.50	\$3,106.96
25	Surplus	Physical Science Laboratory	U201649	SENSOR OPTICALMICRNOPTICSSI225SIA2GW	7/30/2003	\$30,295.00	\$30,295.00	\$0.00
26	Surplus	PSL Space Aerospace	U431239	Software SAVD Version 3pt2SAVD3.2	4/24/2008	\$11,400.00	\$11,400.00	\$0.00
27	Surplus	Student Radio	U335390	CONSOLE AUDIOWHEATSTONER60020653479	2/6/2003	\$9,540.83	\$9,540.83	\$0.00
<b>Total</b>						<b>\$492,482.85</b>	<b>\$419,702.28</b>	<b>\$72,780.57</b>

**Agenda Item:** \_\_\_\_\_

Date: December 9, 2021

We, the members of the Board of Regents of New Mexico State University, hereby find that each item of property included on the attached listing is:

- (1) worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use and;
- (2) considered excess to the needs of the university (all attempts will be made to salvage any usable items; the remaining items will be disposed of in accordance with the Regents policy for disposition of property) or;
- (3) the items may be deleted or transferred from inventory after the State Auditor has been informed.

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Chair  
Ammu Devasthali

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Member  
Christopher T. Saucedo

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Vice-Chair  
Dina Chacón-Reitzel

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Neal Bitsie  
Member

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Secretary/Treasurer  
Arsenio Romero



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item # G-11**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Dan E. Arvizu  
*Chancellor*

**Agenda Item:** New Mexico Reforestation Center (NMRC) Memorandum of Agreement (MOA)

**Requested Action of the Board of Regents:** Signing of NMRC MOA

**Executive Summary**

This MOA provides for the potential creation of a leading-edge New Mexico Reforestation Center (NMRC) between the State of New Mexico, Energy, Minerals, and Natural Resources Department, Forestry Division (EMNRD), New Mexico Highlands University – Department of Forestry (NMHU), Regents of New Mexico State University – College of Agricultural, Consumer and Environmental Sciences (NMSU), and University of New Mexico – Department of Biology (UNM). With the approval of this MOA, the following items will occur:

1. The proposed NMRC is ambitious and timely and will contribute to the Governor’s climate change goals.
2. Each partnering university – NMSU, NMHU, and UNM -- has critical expertise to contribute. All three universities are needed for the NMRC to succeed. Please note that the mission of the NMRC is statewide and the center will not be uniquely associated with any one university.
3. A MOA will specify roles and responsibilities for each university and EMNRD.
4. Changes to the MOA have occurred several times at all levels of each participating entity.
5. The bill introduced by Senator Woods, endorsed by the Water and Natural Resources Interim Committee on October 22, and co-sponsored by Senator Campos, will provide a good start for the NMRC. The bill would provide \$4.6 million to get seed collection started and to develop the business plan, site location, and preliminary facility design needed to make a +/- \$50 million capital investment request as part of the FY24 budget process.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #**   H-1  

- Action Item  
 Consent Item  
 Informational Item

**Presented By:** John Floros, Ph.D.  
 President

**Agenda Item:** Fall 2021 Degree and Certificate Conferral

**Requested Action of the Board of Regents:** Approval of motion to confer Fall 2021 degrees and certificates

**Executive Summary**

We request approval of the Regents of New Mexico State University to confer degrees and certificates to named candidates listed in the Fall 2021 Commencement Programs of the institution's five campuses. Conferral is contingent upon the students' satisfactory completion of the courses in which they are enrolled and meeting the requirements of the appropriate catalog. It is further contingent upon the assumption that the content of the thesis submitted by each student required to do so is original unless otherwise represented in the document.

The journey of a student through New Mexico State University is filled with caring faculty and staff, working at the front of classrooms or behind the scenes. This numbers are below, with details in the presentation.

**Fall 2021 Applicants for Degree**

<b>College</b>	<b>Applicant Numbers</b>
Alamogordo	60
Carlsbad	33
Dona Ana	522
Grants	28

<b>College</b>	<b>Applicant Numbers</b>
ACES	94
AS	340
BA	122
HEST	172
EG	141
Doctoral	49
Masters	268
<b>Total</b>	<b>1186</b>

**References:** N/A

**Prior Approvals: N/A**

**Agenda Item Approved By: N/a**



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Melody Munson-McGee  
Chief of Staff

3 Dec 2021

Date



**Board of Regents Meeting**

**Agenda Item # H-2**

**Meeting Date:** December 9, 2021

**Agenda Item Cover Page**

Action Item

**Presented By:** Andrew J. Burke, Senior Vice President

Consent Item

Informational Item

**Agenda Item:** Budget Adjustment Requests (BAR) for Fiscal Year 2021-2022

**Requested Action of the Board of Regents:** Approval of Budget Adjustment Requests (BAR) for fiscal year 2021-2022.

**Executive Summary:** To adhere to rules of the New Mexico Higher Education Department and meet State statutes, it is necessary to insure that our budgetary levels of expenditures equal or exceed the anticipated expenditures for the fiscal year. The attached BARs are for each NMSU campus unrestricted fund, and they are for the purpose of adjusting the beginning fund balances which were estimated for the 2021-2022 Operating Budget submitted in May 2021, to equal the actual ending fund balances resulting from closing the books for FY2021. Additional adjustments are to: 1) Las Cruces to reflect the FY22 Educational Retirement Board (ERB) state appropriation distribution and related allocation of expenditures, 2) Carlsbad to increase the FY22 local tax levy revenue to reflect anticipated revenue to between \$12 and \$15 Million, and 3) Carlsbad to reflect current anticipated I&G costs in FY22 to take NMSU Carlsbad to independent Southeast New Mexico College per HB212.

**References:**

N/A

**Prior Approvals:**

N/A

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

Page 187 of 214

INSTITUTION : **New Mexico State University - Las Cruces**

FY **2021-2022**

Adjustment to Fund: **Unrestricted**

Request # **1**

	<b>Current Approved Budget</b>	<b>INCREASE (DECREASE)</b>	<b>Revised Budget</b>
<b>REVENUES</b>			
Instruction and General	235,604,453	2,266,100	237,870,553
Student Social & Cultural Activities	2,722,985	0	2,722,985
Research	19,969,400	0	19,969,400
Public Service	20,257,738	0	20,257,738
Internal Service Dept.	2,232,995	0	2,232,995
Student Financial Aid	75,000	0	75,000
Auxiliary Enterprises	27,843,068	0	27,843,068
Athletics	16,193,155	0	16,193,155
Independent Operations	17,971,681	0	17,971,681
<b>Subtotal Current Funds</b>	<b>342,870,475</b>	<b>2,266,100</b>	<b>345,136,575</b>
Capital Outlay	12,465,600	0	12,465,600
Renewals & Replacements	35,000	0	35,000
Retirement of Indebtedness	2,425,623	0	2,425,623
<b>Subtotal Plant Funds</b>	<b>14,926,223</b>	<b>0</b>	<b>14,926,223</b>
<b>TOTAL REVENUES</b>	<b>357,796,698</b>	<b>2,266,100</b>	<b>360,062,798</b>
<b>BEGINNING BALANCES</b>			
Instruction and General	8,485,590	11,509,597	19,995,187
Student Social & Cultural Activities	2,510,165	339,058	2,849,223
Research	17,825,135	2,249,168	20,074,303
Public Service	11,147,000	(1,096,582)	10,050,418
Internal Service Dept.	2,594,751	1,245,493	3,840,244
Student Financial Aid	644,069	1,443,192	2,087,261
Auxiliary Enterprises	(525,411)	3,931,683	3,406,272
Athletics	(2,357,351)	(189,757)	(2,547,108)
Independent Operations	479,102	4,087,807	4,566,909
<b>Subtotal Current Funds</b>	<b>40,803,050</b>	<b>23,519,659</b>	<b>64,322,709</b>
Capital Outlay	35,931,443	(311,995)	35,619,448
Renewals & Replacements	20,643,964	606,177	21,250,141
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>56,575,407</b>	<b>294,182</b>	<b>56,869,589</b>
<b>TOTAL BEGINNING BALANCES</b>	<b>97,378,457</b>	<b>23,813,841</b>	<b>121,192,298</b>
<b>TOTAL AVAILABLE</b>			
Instruction and General	244,090,043	13,775,697	257,865,740
Student Social & Cultural Activities	5,233,150	339,058	5,572,208
Research	37,794,535	2,249,168	40,043,703
Public Service	31,404,738	(1,096,582)	30,308,156
Internal Service Dept.	4,827,746	1,245,493	6,073,239
Student Financial Aid	719,069	1,443,192	2,162,261
Auxiliary Enterprises	27,317,657	3,931,683	31,249,340
Athletics	13,835,804	(189,757)	13,646,047
Independent Operations	18,450,783	4,087,807	22,538,590
<b>Subtotal Current Funds</b>	<b>383,673,525</b>	<b>25,785,759</b>	<b>409,459,284</b>
Capital Outlay	48,397,043	(311,995)	48,085,048
Renewals & Replacements	20,678,964	606,177	21,285,141
Retirement of Indebtedness	2,425,623	0	2,425,623
<b>Subtotal Plant Funds</b>	<b>71,501,630</b>	<b>294,182</b>	<b>71,795,812</b>
<b>GRAND TOTAL AVAILABLE</b>	<b>455,175,155</b>	<b>26,079,941</b>	<b>481,255,096</b>

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Las Cruces**

FY **2021-2022**

Adjustment to Fund: **Unrestricted**

Request # **1**

	<b>Current Approved Budget</b>	<b>INCREASE (DECREASE)</b>	<b>Revised Budget</b>	
<b>EXPENDITURES</b>				
Instruction and General	184,331,786	2,266,100	186,597,886	
Student Social & Cultural Activities	3,892,841	0	3,892,841	
Research	34,222,808	0	34,222,808	
Public Service	23,045,261	0	23,045,261	
Internal Service Dept.	(1,680,589)	0	(1,680,589)	
Student Financial Aid	22,085,986	0	22,085,986	
Auxiliary Enterprises	20,787,402	0	20,787,402	
Athletics	19,913,073	0	19,913,073	
Independent Operations	17,233,985	0	17,233,985	
<b>Subtotal Current Funds</b>	<b>323,832,553</b>	<b>2,266,100</b>	<b>326,098,653</b>	
Capital Outlay	20,322,600	0	20,322,600	
Renewals & Replacements	14,418,600	0	14,418,600	
Retirement of Indebtedness	12,156,823	0	12,156,823	
<b>Subtotal Plant Funds</b>	<b>46,898,023</b>	<b>0</b>	<b>46,898,023</b>	
<b>TOTAL EXPENDITURES</b>	<b>370,730,576</b>	<b>2,266,100</b>	<b>372,996,676</b>	
<b>TRANSFERS IN (OUT)</b>				
Instruction and General	(51,272,667)	0	(51,272,667)	
Student Social & Cultural Activities	529,966	0	529,966	
Research	15,462,575	0	15,462,575	
Public Service	1,760,350	0	1,760,350	
Internal Service Dept.	(3,555,559)	0	(3,555,559)	
Student Financial Aid	22,010,986	0	22,010,986	
Auxiliary Enterprises	(7,740,296)	0	(7,740,296)	
Athletics	3,860,863	0	3,860,863	
Independent Operations	(660,005)	0	(660,005)	
<b>Subtotal Current Funds</b>	<b>(19,603,787)</b>	<b>0</b>	<b>(19,603,787)</b>	
Capital Outlay	1,142,306	0	1,142,306	
Renewals & Replacements	8,830,397	0	8,830,397	
Retirement of Indebtedness	9,731,200	0	9,731,200	
<b>Subtotal Plant Funds</b>	<b>19,703,903</b>	<b>0</b>	<b>19,703,903</b>	
<b>NET TRANSFERS</b>	<b>100,116</b>	<b>0</b>	<b>100,116</b>	
<b>ENDING BALANCES</b>				
Instruction and General	8,485,590	11,509,597	19,995,187	11%
Student Social & Cultural Activities	1,870,275	339,058	2,209,333	57%
Research	19,034,302	2,249,168	21,283,470	62%
Public Service	10,119,827	(1,096,582)	9,023,245	39%
Internal Service Dept.	2,952,776	1,245,493	4,198,269	-250%
Student Financial Aid	644,069	1,443,192	2,087,261	9%
Auxiliary Enterprises	(1,210,041)	3,931,683	2,721,642	13%
Athletics	(2,216,406)	(189,757)	(2,406,163)	-12%
Independent Operations	556,793	4,087,807	4,644,600	27%
<b>Subtotal Current Funds</b>	<b>40,237,185</b>	<b>23,519,659</b>	<b>63,756,844</b>	20%
Capital Outlay	29,216,749	(311,995)	28,904,754	142%
Renewals & Replacements	15,090,761	606,177	15,696,938	109%
Retirement of Indebtedness	0	0	0	0%
<b>Subtotal Plant Funds</b>	<b>44,307,510</b>	<b>294,182</b>	<b>44,601,692</b>	95%
<b>TOTAL ENDING BALANCES</b>	<b>84,544,695</b>	<b>23,813,841</b>	<b>108,358,536</b>	29%
<b>TOTAL EXPENDITURES, TRANSFERS, BALANCES</b>	<b>455,175,155</b>	<b>26,079,941</b>	<b>481,255,096</b>	



NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : New Mexico State University - Las Cruces

FY 2021-2022

Adjustment to Fund: Unrestricted

Request # 1

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>INSTRUCTION &amp; GENERAL:</b>			
<b>REVENUES</b>			
Tuition and Fees	93,376,409	0	93,376,409
Federal Government Appropriations	0	0	0
State Government Appropriations	121,731,400	2,266,100	123,997,500
Local Government Appropriations	0	0	0
Federal Grants/Contracts	134,000	0	134,000
State Grants/Contracts	0	0	0
Local Grants/Contracts	0	0	0
Private Gifts/Grants/Contracts	0	0	0
Endowment/Land/Permanent Fund	3,397,136	0	3,397,136
Sales & Services of Ed Activities	565,500	0	565,500
Other Sources	16,400,008	0	16,400,008
<b>TOTAL REVENUES</b>	<b>235,604,453</b>	<b>2,266,100</b>	<b>237,870,553</b>
<b>BEGINNING BALANCE</b>	<b>8,485,590</b>	<b>11,509,597</b>	<b>19,995,187</b>
<b>TOTAL AVAILABLE</b>	<b>244,090,043</b>	<b>13,775,697</b>	<b>257,865,740</b>
<b>EXPENDITURES</b>			
Instruction	110,988,908	1,308,316	112,297,224
Academic Support	18,692,661	184,544	18,877,205
Student Services	13,112,409	164,286	13,276,695
Institutional Support	22,102,535	413,358	22,515,893
Operation & Maintenance of Plant	19,435,273	195,596	19,630,869
<b>TOTAL EXPENDITURES</b>	<b>184,331,786</b>	<b>2,266,100</b>	<b>186,597,886</b>
<b>TRANSFERS (IN) OUT OF I&amp;G</b>			
Student Social & Cultural Activities	289,845	0	289,845
Research	15,848,971	0	15,848,971
Public Service	1,736,070	0	1,736,070
Internal Service Dept.	0	0	0
Student Financial Aid	21,675,986	0	21,675,986
Auxiliary Enterprises	(25,000)	0	(25,000)
Intercollegiate Athletics	3,490,663	0	3,490,663
Independent Operations	0	0	0
Capital Outlay	1,320,044	0	1,320,044
Renewals & Replacements	5,371,296	0	5,371,296
Retirement of Indebtedness	1,386,664	0	1,386,664
Non-Budgetary Exhibits:			
Endowment Fund	0	0	0
Other (from Community Colleges)	178,128	0	178,128
Other (Specify)	0	0	0
<b>NET TRANSFERS</b>	<b>51,272,667</b>	<b>0</b>	<b>51,272,667</b>
<b>ENDING BALANCE</b>	<b>8,485,590</b>	<b>11,509,597</b>	<b>19,995,187</b>

Prepared by: Kimberly G. Rumford

Date Approved by BOR

<b>For NMHD Use Only</b>	Accept	Reject	Date	
NMHD Analyst	_____	_____	___/___/___	NMHD Control # _____
NMHD Director	_____	_____	___/___/___	
<b>For DFA Use Only</b>				
DFA Analyst	_____	_____	___/___/___	DFA Control # _____
DFA Director	_____	_____	___/___/___	Agency Code _____
	Increase _____	Decrease _____	Transfer _____	

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
 BUDGET ADJUSTMENT REQUEST

INSTITUTION : New Mexico State University - Las Cruces FY 2021-2022

Adjustment to Fund: Unrestricted Request # 1

<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
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Explanation for Budget Adjustments.

1) To adjust FY22 Beginning Balances to FY21 actual ending balances.

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2) To reflect FY22 ERB state appropriation distribution and related allocation of expenditures.

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NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Alamogordo** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>REVENUES</b>			
Instruction and General	9,513,865	0	9,513,865
Student Social & Cultural Activities	6,360	0	6,360
Research	0	0	0
Public Service	1,000	0	1,000
Internal Service Dept.	0	0	0
Student Financial Aid	0	0	0
Auxiliary Enterprises	16,800	0	16,800
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>9,538,025</b>	<b>0</b>	<b>9,538,025</b>
Capital Outlay	1,712,971	0	1,712,971
Renewals & Replacements	0	0	0
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>1,712,971</b>	<b>0</b>	<b>1,712,971</b>
<b>TOTAL REVENUES</b>	<b>11,250,996</b>	<b>0</b>	<b>11,250,996</b>
<b>BEGINNING BALANCES</b>			
Instruction and General	1,802,299	1,664,894	3,467,193
Student Social & Cultural Activities	24,000	3,519	27,519
Research	0	0	0
Public Service	32,726	8,819	41,545
Internal Service Dept.	0	0	0
Student Financial Aid	0	195,610	195,610
Auxiliary Enterprises	80,335	55,131	135,466
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>1,939,360</b>	<b>1,927,973</b>	<b>3,867,333</b>
Capital Outlay	3,004,613	1,040,103	4,044,716
Renewals & Replacements	0	56,501	56,501
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>3,004,613</b>	<b>1,096,604</b>	<b>4,101,217</b>
<b>TOTAL BEGINNING BALANCES</b>	<b>4,943,973</b>	<b>3,024,577</b>	<b>7,968,550</b>
<b>TOTAL AVAILABLE</b>			
Instruction and General	11,316,164	1,664,894	12,981,058
Student Social & Cultural Activities	30,360	3,519	33,879
Research	0	0	0
Public Service	33,726	8,819	42,545
Internal Service Dept.	0	0	0
Student Financial Aid	0	195,610	195,610
Auxiliary Enterprises	97,135	55,131	152,266
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>11,477,385</b>	<b>1,927,973</b>	<b>13,405,358</b>
Capital Outlay	4,717,584	1,040,103	5,757,687
Renewals & Replacements	0	56,501	56,501
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>4,717,584</b>	<b>1,096,604</b>	<b>5,814,188</b>
<b>GRAND TOTAL AVAILABLE</b>	<b>16,194,969</b>	<b>3,024,577</b>	<b>19,219,546</b>

\*NMHED/DFA Approval moved to Page 3

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Alamogordo** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	INCREASE (DECREASE)	<u>Revised Budget</u>	
<b>EXPENDITURES</b>				
Instruction and General	9,292,718	0	9,292,718	
Student Social & Cultural Activities	15,267	0	15,267	
Research	0	0	0	
Public Service	12,000	0	12,000	
Internal Service Dept.	0	0	0	
Student Financial Aid	146,830	0	146,830	
Auxiliary Enterprises	47,500	0	47,500	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>9,514,315</b>	<b>0</b>	<b>9,514,315</b>	
Capital Outlay	2,899,978	0	2,899,978	
Renewals & Replacements	182,234	0	182,234	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>3,082,212</b>	<b>0</b>	<b>3,082,212</b>	
<b>TOTAL EXPENDITURES</b>	<b>12,596,527</b>	<b>0</b>	<b>12,596,527</b>	
<b>TRANSFERS IN (OUT)</b>				
Instruction and General	(221,147)	0	(221,147)	
Student Social & Cultural Activities	0	0	0	
Research	0	0	0	
Public Service	0	0	0	
Internal Service Dept.	0	0	0	
Student Financial Aid	146,830	0	146,830	
Auxiliary Enterprises	0	0	0	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>(74,317)</b>	<b>0</b>	<b>(74,317)</b>	
Capital Outlay	29,083	0	29,083	
Renewals & Replacements	182,234	0	182,234	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>211,317</b>	<b>0</b>	<b>211,317</b>	
<b>NET TRANSFERS</b>	<b>137,000</b>	<b>0</b>	<b>137,000</b>	
<b>ENDING BALANCES</b>				
Instruction and General	1,802,299	1,664,894	3,467,193	37%
Student Social & Cultural Activities	15,093	3,519	18,612	122%
Research	0	0	0	#DIV/0!
Public Service	21,726	8,819	30,545	255%
Internal Service Dept.	0	0	0	#DIV/0!
Student Financial Aid	0	195,610	195,610	133%
Auxiliary Enterprises	49,635	55,131	104,766	221%
Athletics	0	0	0	#DIV/0!
Independent Operations	0	0	0	#DIV/0!
<b>Subtotal Current Funds</b>	<b>1,888,753</b>	<b>1,927,973</b>	<b>3,816,726</b>	40%
Capital Outlay	1,846,689	1,040,103	2,886,792	100%
Renewals & Replacements	0	56,501	56,501	31%
Retirement of Indebtedness	0	0	0	#DIV/0!
<b>Subtotal Plant Funds</b>	<b>1,846,689</b>	<b>1,096,604</b>	<b>2,943,293</b>	95%
<b>TOTAL ENDING BALANCES</b>	<b>3,735,442</b>	<b>3,024,577</b>	<b>6,760,019</b>	54%
<b>TOTAL EXPENDITURES, TRANSFERS, BALANCES</b>	<b>16,194,969</b>	<b>3,024,577</b>	<b>19,219,546</b>	

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Alamogordo** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>INSTRUCTION &amp; GENERAL:</b>			
<b>REVENUES</b>			
Tuition and Fees	1,411,540	0	1,411,540
Federal Government Appropriations	0	0	0
State Government Appropriations	7,257,600	0	7,257,600
Local Government Appropriations	790,690	0	790,690
Federal Grants/Contracts	1,500	0	1,500
State Grants/Contracts	0	0	0
Local Grants/Contracts	0	0	0
Private Gifts/Grants/Contracts	0	0	0
Endowment/Land/Permanent Fund	0	0	0
Sales & Services of Ed Activities	0	0	0
Other Sources	52,535	0	52,535
<b>TOTAL REVENUES</b>	<b>9,513,865</b>	<b>0</b>	<b>9,513,865</b>
<b>BEGINNING BALANCE</b>	<b>1,802,299</b>	<b>1,664,894</b>	<b>3,467,193</b>
<b>TOTAL AVAILABLE</b>	<b>11,316,164</b>	<b>1,664,894</b>	<b>12,981,058</b>
<b>EXPENDITURES</b>			
Instruction	5,063,322	0	5,063,322
Academic Support	1,153,151	0	1,153,151
Student Services	684,403	0	684,403
Institutional Support	1,516,371	0	1,516,371
Operation & Maintenance of Plant	875,471	0	875,471
<b>TOTAL EXPENDITURES</b>	<b>9,292,718</b>	<b>0</b>	<b>9,292,718</b>
<b>TRANSFERS (IN) OUT OF I&amp;G</b>			
Student Social & Cultural Activities	0	0	0
Research	0	0	0
Public Service	0	0	0
Internal Service Dept.	0	0	0
Student Financial Aid	146,830	0	146,830
Auxiliary Enterprises	0	0	0
Intercollegiate Athletics	0	0	0
Independent Operations	0	0	0
Capital Outlay	29,083	0	29,083
Renewals & Replacements	182,234	0	182,234
Retirement of Indebtedness	0	0	0
Non-Budgetary Exhibits:			
Endowment Fund	0	0	0
Other (To Las Cruces Campus)	(137,000)	0	(137,000)
Other (Specify)	0	0	0
<b>NET TRANSFERS</b>	<b>221,147</b>	<b>0</b>	<b>221,147</b>
<b>ENDING BALANCE</b>	<b>1,802,299</b>	<b>1,664,894</b>	<b>3,467,193</b>

Prepared by: **Kimberly G. Rumford** Date Approved by BOR

For NMHED Use Only	Accept	Reject	Date	
NMHED Analyst	_____	_____	___/___/___	NMHED Control # _____
NMHED Director	_____	_____	___/___/___	
<b>For DFA Use Only</b>				
DFA Analyst	_____	_____	___/___/___	DFA Control # _____
DFA Director	_____	_____	___/___/___	Agency Code _____
	Increase _____	Decrease _____	Transfer _____	



NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION :	<b>New Mexico State University - Carlsbad</b>		FY <b>2021-2022</b>
Adjustment to Fund:	<b>Unrestricted</b>		Request # <b>1</b>
	<b>Current Approved Budget</b>	<b>INCREASE (DECREASE)</b>	<b>Revised Budget</b>
<b>REVENUES</b>			
Instruction and General	12,149,108	6,000,000	18,149,108
Student Social & Cultural Activities	105,000	0	105,000
Research	0	0	0
Public Service	214,600	0	214,600
Internal Service Dept.	105,000	0	105,000
Student Financial Aid	0	0	0
Auxiliary Enterprises	60,000	0	60,000
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>12,633,708</b>	<b>6,000,000</b>	<b>18,633,708</b>
Capital Outlay	400,000	0	400,000
Renewals & Replacements	0	0	0
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>400,000</b>	<b>0</b>	<b>400,000</b>
<b>TOTAL REVENUES</b>	<b>13,033,708</b>	<b>6,000,000</b>	<b>19,033,708</b>
<b>BEGINNING BALANCES</b>			
Instruction and General	2,187,732	4,934,155	7,121,887
Student Social & Cultural Activities	266,199	6,042	272,241
Research	0	0	0
Public Service	218,048	(74,249)	143,799
Internal Service Dept.	0	15,033	15,033
Student Financial Aid	0	132,484	132,484
Auxiliary Enterprises	806	60,495	61,301
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>2,672,785</b>	<b>5,073,960</b>	<b>7,746,745</b>
Capital Outlay	26,828,916	(245,036)	26,583,880
Renewals & Replacements	19,687,265	87,733	19,774,998
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>46,516,181</b>	<b>(157,303)</b>	<b>46,358,878</b>
<b>TOTAL BEGINNING BALANCES</b>	<b>49,188,966</b>	<b>4,916,657</b>	<b>54,105,623</b>
<b>TOTAL AVAILABLE</b>			
Instruction and General	14,336,840	10,934,155	25,270,995
Student Social & Cultural Activities	371,199	6,042	377,241
Research	0	0	0
Public Service	432,648	(74,249)	358,399
Internal Service Dept.	105,000	15,033	120,033
Student Financial Aid	0	132,484	132,484
Auxiliary Enterprises	60,806	60,495	121,301
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>15,306,493</b>	<b>11,073,960</b>	<b>26,380,453</b>
Capital Outlay	27,228,916	(245,036)	26,983,880
Renewals & Replacements	19,687,265	87,733	19,774,998
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>46,916,181</b>	<b>(157,303)</b>	<b>46,758,878</b>
<b>GRAND TOTAL AVAILABLE</b>	<b>62,222,674</b>	<b>10,916,657</b>	<b>73,139,331</b>

\*NMHED/DFA Approval moved to Page 3

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Carlsbad** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>	
<b>EXPENDITURES</b>				
Instruction and General	10,513,552	5,887,500	16,401,052	
Student Social & Cultural Activities	55,101	0	55,101	
Research	0	0	0	
Public Service	214,600	0	214,600	
Internal Service Dept.	105,000	0	105,000	
Student Financial Aid	69,708	0	69,708	
Auxiliary Enterprises	198,200	0	198,200	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>11,156,161</b>	<b>5,887,500</b>	<b>17,043,661</b>	
Capital Outlay	1,900,000	0	1,900,000	
Renewals & Replacements	500,000	0	500,000	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>2,400,000</b>	<b>0</b>	<b>2,400,000</b>	
<b>TOTAL EXPENDITURES</b>	<b>13,556,161</b>	<b>5,887,500</b>	<b>19,443,661</b>	
<b>TRANSFERS IN (OUT)</b>				
Instruction and General	(303,151)	0	(303,151)	
Student Social & Cultural Activities	0	0	0	
Research	0	0	0	
Public Service	0	0	0	
Internal Service Dept.	0	0	0	
Student Financial Aid	69,708	0	69,708	
Auxiliary Enterprises	138,200	0	138,200	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>(95,243)</b>	<b>0</b>	<b>(95,243)</b>	
Capital Outlay	445,788	0	445,788	
Renewals & Replacements	35,326	0	35,326	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>481,114</b>	<b>0</b>	<b>481,114</b>	
<b>NET TRANSFERS</b>	<b>385,871</b>	<b>0</b>	<b>385,871</b>	
<b>ENDING BALANCES</b>				
Instruction and General	3,520,137	5,046,655	8,566,792	52%
Student Social & Cultural Activities	316,098	6,042	322,140	585%
Research	0	0	0	#DIV/0!
Public Service	218,048	(74,249)	143,799	67%
Internal Service Dept.	0	15,033	15,033	14%
Student Financial Aid	0	132,484	132,484	190%
Auxiliary Enterprises	806	60,495	61,301	31%
Athletics	0	0	0	#DIV/0!
Independent Operations	0	0	0	#DIV/0!
<b>Subtotal Current Funds</b>	<b>4,055,089</b>	<b>5,186,460</b>	<b>9,241,549</b>	54%
Capital Outlay	25,774,704	(245,036)	25,529,668	1344%
Renewals & Replacements	19,222,591	87,733	19,310,324	3862%
Retirement of Indebtedness	0	0	0	#DIV/0!
<b>Subtotal Plant Funds</b>	<b>44,997,295</b>	<b>(157,303)</b>	<b>44,839,992</b>	1868%
<b>TOTAL ENDING BALANCES</b>	<b>49,052,384</b>	<b>5,029,157</b>	<b>54,081,541</b>	278%
<b>TOTAL EXPENDITURES, TRANSFERS, BALANCES</b>	<b>62,222,674</b>	<b>10,916,657</b>	<b>73,139,331</b>	



NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Carlsbad** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>INSTRUCTION &amp; GENERAL:</b>			
<b>REVENUES</b>			
Tuition and Fees	1,025,951	0	1,025,951
Federal Government Appropriations	0	0	0
State Government Appropriations	4,498,400	0	4,498,400
Local Government Appropriations	6,530,000	6,000,000	12,530,000
Federal Grants/Contracts	500	0	500
State Grants/Contracts	0	0	0
Local Grants/Contracts	0	0	0
Private Gifts/Grants/Contracts	0	0	0
Endowment/Land/Permanent Fund	0	0	0
Sales & Services of Ed Activities	0	0	0
Other Sources	94,257	0	94,257
<b>TOTAL REVENUES</b>	<b>12,149,108</b>	<b>6,000,000</b>	<b>18,149,108</b>
<b>BEGINNING BALANCE</b>	<b>2,187,732</b>	<b>4,934,155</b>	<b>7,121,887</b>
<b>TOTAL AVAILABLE</b>	<b>14,336,840</b>	<b>10,934,155</b>	<b>25,270,995</b>
<b>EXPENDITURES</b>			
Instruction	4,828,562	565,500	5,394,062
Academic Support	866,572	77,200	943,772
Student Services	1,152,555	329,000	1,481,555
Institutional Support	2,271,542	4,859,600	7,131,142
Operation & Maintenance of Plant	1,394,321	56,200	1,450,521
<b>TOTAL EXPENDITURES</b>	<b>10,513,552</b>	<b>5,887,500</b>	<b>16,401,052</b>
<b>TRANSFERS (IN) OUT OF I&amp;G</b>			
Student Social & Cultural Activities	0	0	0
Research	0	0	0
Public Service	0	0	0
Internal Service Dept.	0	0	0
Student Financial Aid	69,708	0	69,708
Auxiliary Enterprises	34,000	0	34,000
Intercollegiate Athletics	0	0	0
Independent Operations	0	0	0
Capital Outlay	66,417	0	66,417
Renewals & Replacements	139,526	0	139,526
Retirement of Indebtedness	0	0	0
Non-Budgetary Exhibits:			
Endowment Fund	0	0	0
Other (To Las Cruces Campus)	(6,500)	0	(6,500)
Other (Specify)	0	0	0
<b>NET TRANSFERS</b>	<b>303,151</b>	<b>0</b>	<b>303,151</b>
<b>ENDING BALANCE</b>	<b>3,520,137</b>	<b>5,046,655</b>	<b>8,566,792</b>

Prepared by: **Kimberly G. Rumford** Date Approved by BOR

<b>For NMHED Use Only</b>	Accept	Reject	Date	
NMHED Analyst	_____	_____	___/___/___	NMHED Control # _____
NMHED Director	_____	_____	___/___/___	
<b>For DFA Use Only</b>				
DFA Analyst	_____	_____	___/___/___	DFA Control # _____
DFA Director	_____	_____	___/___/___	Agency Code _____
	Increase _____	Decrease _____	Transfer _____	



NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Doña Ana** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>REVENUES</b>			
Instruction and General	40,741,854	0	40,741,854
Student Social & Cultural Activities	390,655	0	390,655
Research	0	0	0
Public Service	125,400	0	125,400
Internal Service Dept.	1,850	0	1,850
Student Financial Aid	0	0	0
Auxiliary Enterprises	630,025	0	630,025
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>41,889,784</b>	<b>0</b>	<b>41,889,784</b>
Capital Outlay	2,700,000	0	2,700,000
Renewals & Replacements	0	0	0
Retirement of Indebtedness	400,000	0	400,000
<b>Subtotal Plant Funds</b>	<b>3,100,000</b>	<b>0</b>	<b>3,100,000</b>
<b>TOTAL REVENUES</b>	<b>44,989,784</b>	<b>0</b>	<b>44,989,784</b>
<b>BEGINNING BALANCES</b>			
Instruction and General	1,364,350	5,634,156	6,998,506
Student Social & Cultural Activities	102,283	167,098	269,381
Research	0	0	0
Public Service	151,197	29,276	180,473
Internal Service Dept.	271,952	(148,653)	123,299
Student Financial Aid	215,080	0	215,080
Auxiliary Enterprises	104,787	80,785	185,572
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>2,209,649</b>	<b>5,762,662</b>	<b>7,972,311</b>
Capital Outlay	16,743,769	1,344,621	18,088,390
Renewals & Replacements	8,364,047	676,198	9,040,245
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>25,107,816</b>	<b>2,020,819</b>	<b>27,128,635</b>
<b>TOTAL BEGINNING BALANCES</b>	<b>27,317,465</b>	<b>7,783,481</b>	<b>35,100,946</b>
<b>TOTAL AVAILABLE</b>			
Instruction and General	42,106,204	5,634,156	47,740,360
Student Social & Cultural Activities	492,938	167,098	660,036
Research	0	0	0
Public Service	276,597	29,276	305,873
Internal Service Dept.	273,802	(148,653)	125,149
Student Financial Aid	215,080	0	215,080
Auxiliary Enterprises	734,812	80,785	815,597
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>44,099,433</b>	<b>5,762,662</b>	<b>49,862,095</b>
Capital Outlay	19,443,769	1,344,621	20,788,390
Renewals & Replacements	8,364,047	676,198	9,040,245
Retirement of Indebtedness	400,000	0	400,000
<b>Subtotal Plant Funds</b>	<b>28,207,816</b>	<b>2,020,819</b>	<b>30,228,635</b>
<b>GRAND TOTAL AVAILABLE</b>	<b>72,307,249</b>	<b>7,783,481</b>	<b>80,090,730</b>

\*NMHED/DFA Approval moved to Page 3

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Doña Ana** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	INCREASE (DECREASE)	<u>Revised Budget</u>	
<b>EXPENDITURES</b>				
Instruction and General	39,912,461	0	39,912,461	
Student Social & Cultural Activities	375,759	0	375,759	
Research	0	0	0	
Public Service	121,696	0	121,696	
Internal Service Dept.	(8,515)	0	(8,515)	
Student Financial Aid	435,243	0	435,243	
Auxiliary Enterprises	561,541	0	561,541	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>41,398,185</b>	<b>0</b>	<b>41,398,185</b>	
Capital Outlay	9,406,107	0	9,406,107	
Renewals & Replacements	2,600,000	0	2,600,000	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>12,006,107</b>	<b>0</b>	<b>12,006,107</b>	
<b>TOTAL EXPENDITURES</b>	<b>53,404,292</b>	<b>0</b>	<b>53,404,292</b>	
<b>TRANSFERS IN (OUT)</b>				
Instruction and General	(829,393)	0	(829,393)	
Student Social & Cultural Activities	(27,200)	0	(27,200)	
Research	0	0	0	
Public Service	0	0	0	
Internal Service Dept.	(90,000)	0	(90,000)	
Student Financial Aid	435,243	0	435,243	
Auxiliary Enterprises	(45,000)	0	(45,000)	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>(556,350)</b>	<b>0</b>	<b>(556,350)</b>	
Capital Outlay	257,937	0	257,937	
Renewals & Replacements	452,597	0	452,597	
Retirement of Indebtedness	(400,000)	0	(400,000)	
<b>Subtotal Plant Funds</b>	<b>310,534</b>	<b>0</b>	<b>310,534</b>	
<b>NET TRANSFERS</b>	<b>(245,816)</b>	<b>0</b>	<b>(245,816)</b>	
<b>ENDING BALANCES</b>				
Instruction and General	1,364,350	5,634,156	6,998,506	18%
Student Social & Cultural Activities	89,979	167,098	257,077	68%
Research	0	0	0	#DIV/0!
Public Service	154,901	29,276	184,177	151%
Internal Service Dept.	192,317	(148,653)	43,664	-513%
Student Financial Aid	215,080	0	215,080	49%
Auxiliary Enterprises	128,271	80,785	209,056	37%
Athletics	0	0	0	#DIV/0!
Independent Operations	0	0	0	#DIV/0!
<b>Subtotal Current Funds</b>	<b>2,144,898</b>	<b>5,762,662</b>	<b>7,907,560</b>	19%
Capital Outlay	10,295,599	1,344,621	11,640,220	124%
Renewals & Replacements	6,216,644	676,198	6,892,842	265%
Retirement of Indebtedness	0	0	0	#DIV/0!
<b>Subtotal Plant Funds</b>	<b>16,512,243</b>	<b>2,020,819</b>	<b>18,533,062</b>	154%
<b>TOTAL ENDING BALANCES</b>	<b>18,657,141</b>	<b>7,783,481</b>	<b>26,440,622</b>	50%
<b>TOTAL EXPENDITURES, TRANSFERS, BALANCES</b>	<b>72,307,249</b>	<b>7,783,481</b>	<b>80,090,730</b>	

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Doña Ana** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>INSTRUCTION &amp; GENERAL:</b>			
<b>REVENUES</b>			
Tuition and Fees	10,052,221	0	10,052,221
Federal Government Appropriations	0	0	0
State Government Appropriations	24,234,000	0	24,234,000
Local Government Appropriations	6,015,000	0	6,015,000
Federal Grants/Contracts	500	0	500
State Grants/Contracts	0	0	0
Local Grants/Contracts	0	0	0
Private Gifts/Grants/Contracts	0	0	0
Endowment/Land/Permanent Fund	0	0	0
Sales & Services of Ed Activities	41,500	0	41,500
Other Sources	398,633	0	398,633
<b>TOTAL REVENUES</b>	<b>40,741,854</b>	<b>0</b>	<b>40,741,854</b>
<b>BEGINNING BALANCE</b>	<b>1,364,350</b>	<b>5,634,156</b>	<b>6,998,506</b>
<b>TOTAL AVAILABLE</b>	<b>42,106,204</b>	<b>5,634,156</b>	<b>47,740,360</b>
<b>EXPENDITURES</b>			
Instruction	22,766,210	0	22,766,210
Academic Support	5,016,978	0	5,016,978
Student Services	3,286,806	0	3,286,806
Institutional Support	5,759,400	0	5,759,400
Operation & Maintenance of Plant	3,083,067	0	3,083,067
<b>TOTAL EXPENDITURES</b>	<b>39,912,461</b>	<b>0</b>	<b>39,912,461</b>
<b>TRANSFERS (IN) OUT OF I&amp;G</b>			
Student Social & Cultural Activities	0	0	0
Research	0	0	0
Public Service	0	0	0
Internal Service Dept.	0	0	0
Student Financial Aid	435,243	0	435,243
Auxiliary Enterprises	0	0	0
Intercollegiate Athletics	0	0	0
Independent Operations	0	0	0
Capital Outlay	192,937	0	192,937
Renewals & Replacements	235,841	0	235,841
Retirement of Indebtedness	0	0	0
Non-Budgetary Exhibits:			
Endowment Fund	0	0	0
Other (to Las Cruces Campus)	(34,628)	0	(34,628)
Other (Specify)	0	0	0
<b>NET TRANSFERS</b>	<b>829,393</b>	<b>0</b>	<b>829,393</b>
<b>ENDING BALANCE</b>	<b>1,364,350</b>	<b>5,634,156</b>	<b>6,998,506</b>

Prepared by: **Kimberly G. Rumford** Date Approved by BOR \_\_\_\_\_

For NMHED Use Only	Accept	Reject	Date	
NMHED Analyst	_____	_____	___/___/___	NMHED Control # _____
NMHED Director	_____	_____	___/___/___	
<b>For DFA Use Only</b>				
DFA Analyst	_____	_____	___/___/___	DFA Control # _____
DFA Director	_____	_____	___/___/___	Agency Code _____
	Increase _____	Decrease _____	Transfer _____	

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

Page 202 of 214

INSTITUTION : **New Mexico State University - Doña Ana** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

**Current Approved**                      **INCREASE**  
**Budget**                                      **(DECREASE)**  
**Revised Budget**

Explanation for Budget Adjustments.

- 1) To adjust FY22 Beginning Balances to FY21 actual ending balances.
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NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Grants**

FY **2021-2022**

Adjustment to Fund: **Unrestricted**

Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>REVENUES</b>			
Instruction and General	4,938,440	0	4,938,440
Student Social & Cultural Activities	10,000	0	10,000
Research	0	0	0
Public Service	1,000	0	1,000
Internal Service Dept.	2,000	0	2,000
Student Financial Aid	0	0	0
Auxiliary Enterprises	15,000	0	15,000
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>4,966,440</b>	<b>0</b>	<b>4,966,440</b>
Capital Outlay	1,710,000	0	1,710,000
Renewals & Replacements	0	0	0
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>1,710,000</b>	<b>0</b>	<b>1,710,000</b>
<b>TOTAL REVENUES</b>	<b>6,676,440</b>	<b>0</b>	<b>6,676,440</b>
<b>BEGINNING BALANCES</b>			
Instruction and General	817,372	325,001	1,142,373
Student Social & Cultural Activities	76,637	6,887	83,524
Research	0	0	0
Public Service	14,556	(1,127)	13,429
Internal Service Dept.	34,897	11,328	46,225
Student Financial Aid	0	1,000	1,000
Auxiliary Enterprises	66,778	4,140	70,918
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>1,010,240</b>	<b>347,229</b>	<b>1,357,469</b>
Capital Outlay	4,832,195	(181,737)	4,650,458
Renewals & Replacements	5,132,965	285,657	5,418,622
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>9,965,160</b>	<b>103,920</b>	<b>10,069,080</b>
<b>TOTAL BEGINNING BALANCES</b>	<b>10,975,400</b>	<b>451,149</b>	<b>11,426,549</b>
<b>TOTAL AVAILABLE</b>			
Instruction and General	5,755,812	325,001	6,080,813
Student Social & Cultural Activities	86,637	6,887	93,524
Research	0	0	0
Public Service	15,556	(1,127)	14,429
Internal Service Dept.	36,897	11,328	48,225
Student Financial Aid	0	1,000	1,000
Auxiliary Enterprises	81,778	4,140	85,918
Athletics	0	0	0
Independent Operations	0	0	0
<b>Subtotal Current Funds</b>	<b>5,976,680</b>	<b>347,229</b>	<b>6,323,909</b>
Capital Outlay	6,542,195	(181,737)	6,360,458
Renewals & Replacements	5,132,965	285,657	5,418,622
Retirement of Indebtedness	0	0	0
<b>Subtotal Plant Funds</b>	<b>11,675,160</b>	<b>103,920</b>	<b>11,779,080</b>
<b>GRAND TOTAL AVAILABLE</b>	<b>17,651,840</b>	<b>451,149</b>	<b>18,102,989</b>

\*NMHED/DFA Approval moved to Page 3

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION :	<b>New Mexico State University - Grants</b>		FY <b>2021-2022</b>	
Adjustment to Fund:	<b>Unrestricted</b>		Request #	<b>1</b>
	<b>Current Approved Budget</b>	<b>INCREASE (DECREASE)</b>	<b>Revised Budget</b>	
<b>EXPENDITURES</b>				
Instruction and General	4,631,741	0	4,631,741	
Student Social & Cultural Activities	10,000	0	10,000	
Research	0	0	0	
Public Service	3,000	0	3,000	
Internal Service Dept.	(3,500)	0	(3,500)	
Student Financial Aid	43,452	0	43,452	
Auxiliary Enterprises	15,000	0	15,000	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>4,699,693</b>	<b>0</b>	<b>4,699,693</b>	
Capital Outlay	2,160,000	0	2,160,000	
Renewals & Replacements	420,000	0	420,000	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>2,580,000</b>	<b>0</b>	<b>2,580,000</b>	
<b>TOTAL EXPENDITURES</b>	<b>7,279,693</b>	<b>0</b>	<b>7,279,693</b>	
<b>TRANSFERS IN (OUT)</b>				
Instruction and General	(303,698)	0	(303,698)	
Student Social & Cultural Activities	(5,000)	0	(5,000)	
Research	0	0	0	
Public Service	2,000	0	2,000	
Internal Service Dept.	(9,500)	0	(9,500)	
Student Financial Aid	43,452	0	43,452	
Auxiliary Enterprises	0	0	0	
Athletics	0	0	0	
Independent Operations	0	0	0	
<b>Subtotal Current Funds</b>	<b>(272,746)</b>	<b>0</b>	<b>(272,746)</b>	
Capital Outlay	13,681	0	13,681	
Renewals & Replacements	309,065	0	309,065	
Retirement of Indebtedness	0	0	0	
<b>Subtotal Plant Funds</b>	<b>322,746</b>	<b>0</b>	<b>322,746</b>	
<b>NET TRANSFERS</b>	<b>50,000</b>	<b>0</b>	<b>50,000</b>	
<b>ENDING BALANCES</b>				
Instruction and General	820,373	325,001	1,145,374	25%
Student Social & Cultural Activities	71,637	6,887	78,524	785%
Research	0	0	0	#DIV/0!
Public Service	14,556	(1,127)	13,429	448%
Internal Service Dept.	30,897	11,328	42,225	-1206%
Student Financial Aid	0	1,000	1,000	2%
Auxiliary Enterprises	66,778	4,140	70,918	473%
Athletics	0	0	0	#DIV/0!
Independent Operations	0	0	0	#DIV/0!
<b>Subtotal Current Funds</b>	<b>1,004,241</b>	<b>347,229</b>	<b>1,351,470</b>	29%
Capital Outlay	4,395,876	(181,737)	4,214,139	195%
Renewals & Replacements	5,022,030	285,657	5,307,687	1264%
Retirement of Indebtedness	0	0	0	#DIV/0!
<b>Subtotal Plant Funds</b>	<b>9,417,906</b>	<b>103,920</b>	<b>9,521,826</b>	369%
<b>TOTAL ENDING BALANCES</b>	<b>10,422,147</b>	<b>451,149</b>	<b>10,873,296</b>	149%
<b>TOTAL EXPENDITURES, TRANSFERS, BALANCES</b>	<b>17,651,840</b>	<b>451,149</b>	<b>18,102,989</b>	



NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Grants**      FY **2021-2022**  
 Adjustment to Fund: **Unrestricted**      Request # **1**

	<u>Current Approved Budget</u>	<u>INCREASE (DECREASE)</u>	<u>Revised Budget</u>
<b>INSTRUCTION &amp; GENERAL:</b>			
<b>REVENUES</b>			
Tuition and Fees	856,680	0	856,680
Federal Government Appropriations	0	0	0
State Government Appropriations	3,603,200	0	3,603,200
Local Government Appropriations	270,000	0	270,000
Federal Grants/Contracts	350	0	350
State Grants/Contracts	0	0	0
Local Grants/Contracts	0	0	0
Private Gifts/Grants/Contracts	0	0	0
Endowment/Land/Permanent Fund	0	0	0
Sales & Services of Ed Activities	0	0	0
Other Sources	208,210	0	208,210
<b>TOTAL REVENUES</b>	<b>4,938,440</b>	<b>0</b>	<b>4,938,440</b>
<b>BEGINNING BALANCE</b>	<b>817,372</b>	<b>325,001</b>	<b>1,142,373</b>
<b>TOTAL AVAILABLE</b>	<b>5,755,812</b>	<b>325,001</b>	<b>6,080,813</b>
<b>EXPENDITURES</b>			
Instruction	1,826,415	0	1,826,415
Academic Support	502,479	0	502,479
Student Services	702,760	0	702,760
Institutional Support	985,146	0	985,146
Operation & Maintenance of Plant	614,941	0	614,941
<b>TOTAL EXPENDITURES</b>	<b>4,631,741</b>	<b>0</b>	<b>4,631,741</b>
<b>TRANSFERS (IN) OUT OF I&amp;G</b>			
Student Social & Cultural Activities	0	0	0
Research	0	0	0
Public Service	2,000	0	2,000
Internal Service Dept.	0	0	0
Student Financial Aid	38,452	0	38,452
Auxiliary Enterprises	0	0	0
Intercollegiate Athletics	0	0	0
Independent Operations	0	0	0
Capital Outlay	13,681	0	13,681
Renewals & Replacements	249,565	0	249,565
Retirement of Indebtedness	0	0	0
Non-Budgetary Exhibits:			
Endowment Fund	0	0	0
Other (To Las Cruces Campus)	0	0	0
Other (Specify)	0	0	0
<b>NET TRANSFERS</b>	<b>303,698</b>	<b>0</b>	<b>303,698</b>
<b>ENDING BALANCE</b>	<b>820,373</b>	<b>325,001</b>	<b>1,145,374</b>

Prepared by: **Kimberly G. Rumford**      Date Approved by BOR

For NMHD Use Only	Accept	Reject	Date	
NMHD Analyst	_____	_____	___ / ___ / ___	NMHD Control # _____
NMHD Director	_____	_____	___ / ___ / ___	
<b>For DFA Use Only</b>				
DFA Analyst	_____	_____	___ / ___ / ___	DFA Control # _____
DFA Director	_____	_____	___ / ___ / ___	Agency Code _____
	Increase _____	Decrease _____	Transfer _____	

NEW MEXICO HIGHER EDUCATION DEPARTMENT  
BUDGET ADJUSTMENT REQUEST

INSTITUTION : **New Mexico State University - Grants** FY **2021-2022**

Adjustment to Fund: **Unrestricted** Request # **1**

<b>Current Approved Budget</b>	<b>INCREASE (DECREASE)</b>	<b>Revised Budget</b>
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Explanation for Budget Adjustments.

1) To adjust FY22 Beginning Balances to FY21 actual ending balances.

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**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item # I-1**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Roy Collins III, J.D.  
General Counsel

**Agenda Item:** Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period September 11, 2021 through November 24, 2021.

**Requested Action of the Board of Regents:** N/A. Information only.

**Executive Summary:**

In accordance with ARP 1.10, the attached report gives a brief synopsis for each revision to the Administrative Rules and Procedures of NMSU (ARP) approved by the Chancellor during the above-referenced time period.

**References:**

Rule 1.10, Part 6 G. 3. provides that a summary of the revisions to the ARP will be submitted as an informational item for the Board’s regular meetings.

**Prior Approvals:**

N/A

**Agenda Item Approved By:**

Roy Collins III, J.D.  
General Counsel

29 NOVEMBER 2021

Date



INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 09/11/2021– 11/24/2021

Revisions to the Administrative Rules and Procedures of NMSU (ARP) (<https://arp.nmsu.edu>) are developed by the relevant stakeholders, reviewed by relevant university constituencies and ultimately presented for consideration by the University Administrative Council, advisory to the chancellor. Occasionally, as warranted by the circumstances, the chancellor implements and revises administrative rules provisionally, pending more formal review/comment. Additionally, non-substantive revisions are made periodically to reformat, update or correct, as part of regular ARP maintenance, and without the above formal approval processes. (e.g. updates to job titles or office names, correcting typographical errors or hyperlinks, adding cross references). This report is submitted pursuant to ARP 1.10 (Part 6 G. 3.) to summarize the revisions made to the ARP during the period September 11, 2021 through November 24, 2021.

1. **ARP 4.81 – Degrees, Majors, Minors and Other Academic Programs of Study**, was amended by the Chancellor on September 14, 2021, as recommended by the University Administrative Council, following provisional amendment in July which had modified Appendices A and B as a first step toward streamlining the reviews required for the various types of curricular credentials and also delegating future modification to the Provost, in consultation with the UPAC. In the formal review/comment process, finalization edits made in response to feedback included requiring consultation with the Faculty Senate Chair or designee prior to modification to Appendices A and B, as well as clarifying and stylistic edits.
2. **ARP 4.61-Transfer Credit** was amended by the Chancellor on October 12, 2021, upon the recommendation of Faculty Senate (Proposition No. 01-21/22) and University Administrative Council. The amendment updates the university's transfer credit policies, including: 1) At Part 2. D., new provisions relating to transfer credit based on prior learning; 2) At Part 2 C., the provisions for periodic review of course equivalencies by Department Faculty are strengthened to require review at least every three years. 3) At Part 4 A., the policy administrator is authorized to issue standard operating procedures, which will initially be based on the procedural detail presently in the Catalog, and may be relocated for ease of amending the SOPs in the future. The Associate Provost for Digital Learning Initiatives collaborated with campus presidents and representatives from each campus regarding the new provisions relating to credit for prior learning, which will make uniform the opportunity for all campuses to award credit based on prior learning (workforce certifications and training), consistent with other institutions, which will make NMSU more competitive.
3. **ARP 16.32 - COVID-19 Health and Safety Protocols** was first enacted provisionally by the Chancellor on August 31, 2021 for the protection of the health, safety and welfare of the

members of the NMSU Community, and the surrounding local community they interface with. The new administrative rule ratifies and supplements the university's Pandemic Action Plan containing COVID19 informational updates and conditions of employment relating to maintenance of a safe academic and work environment during the COVID19 extended pandemic, published and regularly updated at <https://now.nmsu.edu/policy/index.html>. The rule provides a process to address alleged and observed violations of the rule promptly, for the protection of the university community, while still providing due process as applicable.

**ARP 16.32** was provisionally amended by the Chancellor on September 24, 2021 to address issues discovered during implementation. Those amendments included clarifying edits in Part 4 D. and E. relating to intent (clarifying violations do not require proof of mal-intent); and including coordination with the Office of the Provost for review of alleged violations [of the Covid 19 Health & Safety Protocols] by employees with faculty rank. Provisional ARP 16.32 is presently pending formal review/comment and finalization in early 2022.

4. **ARP 1.10 - NMSU System Policy Framework** was amended October 27, 2021 by the Chancellor, upon the recommendation of University Administrative Council, with an Effective Date of December 1, 2021. The rule is re-titled "NMSU System Policy Framework"; it focuses on the process for the responsible policy administrators to propose new and amended operational policy under the purview of the chancellor. The intent was to streamline the process, while also broadening opportunity for participation via publication of pending proposals and an online review/comment process. Highlights of the changes include:
  - a. The Policy Steering Committee (PSC), advisory to the Chancellor, has a more active role relating to oversight of policies in development, vetting, recommendation and approvals.
  - b. The Chancellor's office will serve as the Responsible Administrator, including maintenance of the online NMSU Policy Library, which will be modernized and broadened to provide hands on guidance for the departments.
  - c. Policy Actions are categorized into distinct Types: 1) Non- Substantive, 2) Interim, and 3) New, Amended or Repealed.
  - d. Proposals (except for Non-Substantive Corrections/Updates) will be posted to a Proposed Policy Actions on an appropriate webpage for the NMSU Community to review and comment.
  - e. The intent is for ARP content to be brief, alerting the university community to key policy and process requirements, but with procedural details set forth in corresponding Standard Operating Procedures, which may be more readily amended by the Responsible Administrators in consultation with the Responsible Offices and Stakeholders.
  - f. A Definitions section is included, but as this policy is implemented, it authorizes the relocation of all definitions into one Glossary for the entire ARP. This will cut down on repetition of defined terms throughout the ARP.
  - g. Standard Operating Procedures for this revised policy will be linked to assist the proposal sponsors in submitting their proposals for Policy Action (e.g. flow charts, templates with instructions, list of vetting groups, style guide).
  - h. Cyclic review for potential amendments to update policy will be required of the Responsible Administrators every 3-5 years.



**Board of Regents Meeting**  
**Meeting Date: December 9, 2021**  
**Agenda Item Cover Page**

**Agenda Item #: J**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Jeff Witte  
Director/Secretary  
New Mexico Department of Agriculture

**Agenda Item:** Report from the New Mexico Department of Agriculture to the Regents of New Mexico State University (Board of Agriculture)

**Requested Action of the Board of Regents:** N/A Information only

**Executive Summary:**

A quarterly recurring report to the Board of Regents from NMDA.

**References:**

N/A

**Prior Approvals:**

N/A

# NMDA

## New Mexico Department of Agriculture

### BOARD OF REGENTS REPORT

December 9, 2021

#### Southwest Border Food Protection and Emergency Preparedness Center **Grant:**

The New Mexico Department of Agriculture (NMDA) has been awarded a \$500,000 grant that will leverage the Southwest Border Food Protection and Emergency Preparedness Center (Center) to enhance existing efforts and partnerships aimed at achieving the goals of the Farm and Ranch Stress Assistance Network. In cooperation with the New Mexico Farm and Livestock Bureau, the AgrAbility Program, and Cooperative Extension Service's health and wellness initiative, the Center will use a blended approach to accomplish four specific objectives that are designed to improve behavioral health, reduce and mitigate stress, and provide positive outcomes for New Mexico's agricultural communities. The objectives include:

- Leverage existing network resources such as the American Farm Bureau Federation's Stronger Together grass roots campaign to increase local awareness and education.
- Enhance professional development opportunities by offering trainings such as Mental Health First Aid or similar courses to increase skills-based capacity to recognize and respond to stress in local communities.
- Adapt and create evidence-based stress prevention, wellness, and health promotion resources to recognize the unique cultural and traditional ways of life in New Mexico and how they are affected by stress.
- Host multiple workshops both in person and virtually to provide outreach and education regarding stress relief and wellness within different regions of the state.

Through this collaborative approach the project will augment existing efforts and develop additional resources to increase the overall wellbeing and health of New Mexico's agriculturalists.

#### **Marketing and Development:**

*HomeGrown: A New Mexico Food Show and Gift Market* - Since 2014 NMDA has partnered with the New Mexico Farm & Ranch Heritage Museum to host this signature event.

HomeGrown attracts local vendors, suppliers, shoppers, foodies, chefs, and media. Over the course of the two-day event, NMDA promotes the awareness and sales of locally grown and produced NM products just in time for the holiday shopping season. 2021 event highlights include:

- 41 Exhibitors (down due to Covid-19, wine will be back in 2022);



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- Exhibitors include a mix of New Mexico—Taste the Tradition®/--Grown with Tradition® Members, craft, and other food and beverage vendors;
- Approximately 2,100 attendees (down from 2019, cancelled 2020); and
- Five Food Demos in the Courtyard utilized the NMDA Concession Food Trailer and Chef Ambassador John Hartley.



### 2021/2022 Ad Campaign

Final preparations are concluding for the NMDA “Our Spirit” advertising series designed to “message the value and importance of New Mexico agriculture.” This marketing campaign is loosely inspired by a 2012 Ram Truck (in collaboration with FFA) Superbowl commercial and Paul Harvey’s 1978 “So God Made a Farmer Speech”. The longest form commercial can be viewed at <https://www.dropbox.com/s/gjwrx33op6gbebd/NMDA%20-%20OUR%20SPIRIT%20-%202.5%20MIN%20-%20FINAL.mp4?dl=0>. The NMDA “Our Spirit” 2021/2022 advertising plan includes:

- **Two long-form commercials** - One 2:30 min. produced primarily for in-person events, and a :90 sec in length (an edited version of the 2:30) for television. At the end of the :90 sec commercial it encourages viewers to visit the NMDA [www.elevateNMag.com](http://www.elevateNMag.com) marketing website to watch the longer form 2:30 min. video (similar to the 2012 National Ram/FFA Super Bowl Commercial).



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- **5 short-form commercials at :15 each** - The short-form commercials each focus on specific NM Ag commodities.

**Biodiesel:**

Staff continues to track and compile New Mexico biodiesel data every six months in accordance with the statute. Staff requested industry feedback and remains in communication with industry, petroleum and biodiesel, for future market analysis reports. The current biodiesel waiver expires December 15<sup>th</sup>, 2021.

**New Mexico Chile Advertising Act (NMCAA):**

A rule change proposal from NMDA to the chile industry was sent out this fall to support the processed chile products renewal registration process. The rule change process is planned for the spring of 2022.

**Chile Labor Incentive Program (CLIP):**

The program has been extended to the end of January 2022 to cover the red chile harvest. In August the state committed \$5 million to create a wage supplement program to combat concerns of a labor shortage that could have impacted the 2021 production of the state's signature crop. CLIP has supplemented wages for 2,971 New Mexico chile harvest workers since its launch and ensured a successful green chile harvest.

Claims may be made for financial assistance for labor expenses incurred through Jan. 31, 2022 or upon full utilization of allocated funds. The deadline for all applications and claims is Feb. 28, 2022.

Amount of funding available as of Nov. 23, 2021 is \$2,386,759.06.

**Hemp:**

*Regulatory Oversight -*

Under the most recent USDA rule governing US hemp production, states were provided the option to relinquish their regulatory program to USDA, or maintain regulatory oversight as a state program. New Mexico Department of Agriculture communicated the differences between a state and a USDA operated regulatory program to currently licensed hemp producers. An open discussion and input period were held to address questions and receive input from hemp producers regarding their choice to be regulated under USDA or through NMDA. Although a USDA operated hemp regulatory program offered several advantages to the growers compared to a state operated program (i.e., no licensing fee, multiyear license, on-line registration), all hemp growers that provided input requested that Secretary Witte retain regulatory oversight of hemp production within the department of agriculture.

*State Plan -*

USDA requires all states maintaining regulatory oversight of hemp production to submit their Hemp Regulatory State Plan to USDA for approval. All State Plans are required to contain specific regulatory intent for the purpose of harmonizing hemp production across the country. NMDA has submitted to USDA and received their comments regarding an initial draft of the

state plan. Department staff will incorporate USDA's comments in the state's final plan which will be submitted. Upon USDA review of final submission, staff will meet with USDA to resolve any other concerns and facilitate the approval process. The principal differences between the two plans involve a significant increase in compiling and monthly reporting of data to USDA.

*Licensing -*

During the 2021 growing season, NMDA licensed 53 hemp growers for out-door production (469 acres) and 77 growers for in-door production (10 million square feet). Seventy-eight inspections have been conducted to determine compliance with the state definition of hemp with 6 destruction notices issued for crops with THC concentrations in excess of 0.3% (exceeds THC concentrations established for hemp).

**Cannabis Regulations:**

Staff continue to provide input and participate in public meetings with the Cannabis Control Division regarding their proposed rules regulating cannabis testing. Of importance is the testing of cannabis products, specifically those destined for inhalation, for presence of pesticides not registered by NMDA for use in cannabis. Because cannabis is federally identified as a Schedule 1 narcotic, EPA is precluded from reviewing and approving pesticides for use in cannabis production. Pesticide registration for cannabis is the sole responsibility of state departments of agriculture to determine use and registrations.