

**NORTHERN NEW MEXICO COLLEGE
BOARD OF REGENTS MEETING
MAY 29, 2018**

I. CALL TO ORDER

A Regular Meeting of the Board of Regents of Northern New Mexico College was held on Tuesday, May 29, 2018, in the Boardroom of Northern New Mexico College, Espanola Campus. Regents present: Kevin F. Powers, Dr. Robert Rhodes (Via Conference Call), D. Chris Ortega (Via Conference Call), Joshua Martinez (Via Conference Call), and Damian L. Martinez (Via Conference Call). Board President Powers called the meeting to order at 10:33AM.

Northern New Mexico College staff present: President Richard J. Bailey, Jr.; Ricky Bejarano, Vice President for Finance & Administration; Ivan Lopez Hurtado, Ph.D., Provost and Vice President for Academic Affairs; Evette Abeyta, Budget Analyst, Donna Castro, Human Resources Director; Zeke Parra, Grant Writer; Sandy Krolick, Creative Director, Communications & Marketing; Chris Trujillo, IT; Andy Romero, Director of Facilities; Shari Jobe, HEP Director; Cheryl James, Grants Manager; and Amy Pena, Executive Assistant to the President and Board Secretary.

Faculty Present: Ellen Trabka.

Others present: Rio Grande Sun; and Jake Arnold

II. APPROVAL OF AGENDA

Board President Powers stated there is one modification on the Agenda, Executive Session, Item 3, Threatened or pending litigation subject to attorney/client privilege, Monument, this item is not needed. The Board of Regents will only need to go into Executive Session for Collective Bargaining Guidance.

Board President Powers took roll call for the meeting to know who is present: Dr. Robert Rhodes – present, D. Chris Ortega – present, Board President Powers – present in person. Regent Damian Martinez and Regent Joshua Martinez were not in attendance at this time.

Regent Ortega moved for approval of the Agenda with the Monument Case, Item 4, Subsection 3 removed. Second – Regent Rhodes. Motion passed unanimously – 3-0.

III. PUBLIC INPUT

Board President Powers stated there is public input but Ms. Shari Jobe, HEP Director will speak later in the meeting.

IV. VICE PRESIDENT FOR FINANCE & ADMINISTRATION

1. Summer Hearing Packet

Ricky Bejarano, Vice President for Finance & Administration called Andy Romero, Director of Facilities to address the Board of Regents. Mr. Bejarano stated Mr. Romero put this together with his staff and should be commended for all the work. The primary reason for this Special Meeting is the College has a submission due

to the Higher Education Department (HED). As the Board of Regents recalls the Capital Outlay was vetoed by the Governor this past session.

Regent Ortega asked for deadline to submit. Mr. Romero stated on Summer Hearings – June 1, 2018, on Bond C June 11, 2018. Mr. Romero reviewed the Summer Hearing Projects (attached).

Mr. Romero stated the College is asking for \$1.855M for this year's summer hearings and what is included is two projects. One project is infrastructure building and grounds repairs and sustainability - campus wide which will include lower AD building restroom renovations. This will be Phase II, the College already did renovations on the GE to Administration building last year, the College did not have enough to do the lower downstairs portion and this is what the College is asking on Phase II. The GE Building as well, there was a science lab renovation, the College is asking for Phase II because there was not enough money and the College would like to do another 2-3 labs if it receives appropriation for this money. The rest of it will be campus wide, it will be retaining walls that are adjacent to the parking lots. One side is on the north side of the Administration Building and the other part is on the south side of the Center for the Arts. Another campus wide project will be the exterior painting and stucco of some of the buildings. The painting is going to be with all the brick or block buildings which is the VE, Metal Trades, Library and General Ed Building. The stucco repairs will be on the Center for the Arts. This will be Phase II and the College is asking in the Phase I part, which is Bond C, that the College is going to do the highest portions of the Center for the Arts because there has been some bulging and the structure is coming apart and a portion of the stucco has fallen off. The College is addressing this on Bond C but the College is going to ask for the rest of the building to be finished just because there is not enough money to do both in one setting. Campus roof repairs, the College will be doing roof repairs in the Johnson Control Building and any others (Library), the Gym will also be redone.

Board President Powers stated Joshua Martinez has joined the Board of Regents Meeting.

Mr. Romero stated the bleachers will be redone, the old bleachers are made out of wood and there is some difficulty with them as well as they are not ADA compliant and there is not a hand rail. The fire alarm upgrade will also be done, this will be a Phase II. The College will come in on Phase I with Bond C to get as much done as possible. The College needs to make sure the buildings are safe for everyone. This is going to cost about \$830,000 or so but it is really needed.

For Project II the College is asking for extensive modification of the Education Building for Early College High School Initiatives. This project is going to initiate the College to do an addition to the Teacher Education Building. The College is asking for \$3M for this and it is to help house the Early College High School. The initiative will be to support the partnership with the Espanola Public Schools Districts and Pojoaque Public Schools.

Mr. Romero stated this is the summer hearing packet and asked the Board of Regents if they had any questions.

Regent Rhodes asked if the College is looking for severance or GO Bond money. President Bailey stated because the GO Bond Money is Bond D. This is what the College went to the hearings for was Bond C which the Governor vetoed. This is severance bond. Regent Rhodes stated sometimes they have you present your GO Bond during these hearings so they will know what is coming up.

Kevin Powers stated this year, given the price of oil production seen around the State there is some anticipation that there could be some enhanced severance tax bonding capacity and the College has a good chance of getting some of this and some of this would make up for the loss of GO last year.

Board President Powers stated the Audit, Finance, Facilities Committee heard this presentation in detail on Friday and they are certainly supportive of it.

Regent Ortega asked how confident the College is if it does get the money that it will complete the projects.

President Bailey stated 3 of the 7 items in the first project the College was already ready for but the Governor did the line item veto. The College is highly confident it will complete these projects and Facilities already received initial quotes to establish ballpark figures. Once these are approved, the College will give detailed project reviews in their monthly forum. This is the Colleges overall summer hearing request and they will be broken down individually.

Regent Powers entertained a motion to approve the Summer Hearing Packet as presented.

Regent Ortega moved to approve the Summer Hearing Packet as presented. Second – Regent Joshua Martinez. Motion passed unanimously – 4-0.

2. Bond C

Mr. Romero presented Bond C (attached to the Board of Regents). These are projects the College is asking HED to approve the projects for money the College has already received. Mr. Romero stated the College has 3 years to use this money. Mr. Romero stated the he first project is the Emergency Notification System. This is campus wide and is to help to keep student safe (bomb threat, shooter, etc.) and there will be speakers in every building and there will be speakers on the exterior of the buildings. What this is, is it gives a voice alarm of what the initial situation is and what the emergency is and the voice command will instruct everyone what to do. The College had it in the past and it was hit by lightning and the College needs to get this back with all the problems going on in the world. This will be campus wide for the Espanola Campus.

Mr. Romero stated project two is the Fire Alarm Upgrade. This is phase one, the College is putting \$228,000 into this, the second phase is \$800,000. What will happen in August/September the ADA laws have changed for this to have voice commands. All buildings must have voice command and horns are no longer to be used. The strobes need to be changed and to go to voice command. The College is trying to get everything set up so the College does not have to worry about where to get the money to do this

Mr. Romero stated project three is the CFA building, exterior wall stucco repair. This is phase one, the College is asking for phase two on the summer hearings. This is the higher part of the CFA Building. This is where a section of the plaster fell off a year and a half ago and the repair is dire. If the College receives the money in the summer hearings, the College will continue to do the rest of the building because it is structurally falling apart and the College needs to make sure this building is safe for everyone.

Mr. Romero stated project four is the AD patio concrete repairs. The College has a lot of cracked concrete and concrete which has disintegrated. By doing this project there will not be any more problems with leaking into the building and ceiling tiles falling. This is going to cost \$230,000 to complete.

Mr. Romero stated the fifth project is going to be the High Tech Building. It is going to be a reroof project.

Mr. Romero stated the last project is Jaramillo Hall at the El Rito Campus. The College needs to make sure the adobes will not fail. The College knows it is not using El Rito but it must preserve the buildings.

Mr. Romero stated the six projects will total \$1M for Bond C.

Regent Rhodes asked on the Emergency Notification if there is any way people can register themselves. Mr. Romero stated the College can look into extending into this. President Bailey stated starting this fall the College will have an App that will also have emergency notification on it. Dr. Rhodes stated at the Junior College they have something called RAVE for emergency notification and sends out a text to anyone who is registered.

Regent Ortega stated he was looking at the bids and asked if they are still good. Mr. Romero stated they are.

Board President entertained motion to approve the Bond C list as presented.

Regent Joshua Martinez moved to approve the Bond C list as presented. Second – Regent Rhodes. Motion passed unanimously. Motion carries 4-0.

Board President Powers thanked Mr. Romero for his work on this.

3. Resolution – Century Bank Signatories

Mr. Bejarano stated he would like to add Dr. Ivan Lopez Hurtado as a signatory on the Bank accounts. There are occasions when the President is out and during this time the College would like the Provost to be able to sign on the accounts.

Board President Powers stated all three resolutions were all covered at the Audit, Finance and Facilities Committee Meeting on Friday and there were a few modifications and they have all been changed.

Board President Powers entertained a motion to approve the resolution to add the Provost to the signature card for the Century Bank Accounts.

Regent Ortega moved to approve resolution to add the Provost to the signature card for the Century Bank Accounts. Second Regent Rhodes. Motion passed unanimously – 4-0.

4. Resolution – President's Discretionary Account

Mr. Bejarano presented the Resolution for the President's Discretionary Account. The College needs approval to create a separate account and put that money (\$35,000) in the account.

Regent Powers stated this resolution was reviewed at the Audit, Finance and Facilities Committee. Mr. Bejarano stated there was one addition that was presented by the Finance Committee to issue and that was to add that we would issue additional guidance that specifically enumerated allowable and nonallowable disbursements, which is unusual for a discretionary fund but it makes it more transparent and a little bit more restrictive. Regent Rhodes stated this is good and another thing the College does not want to get in trouble over. Board President Powers stated this was vetted over various parties who oversee the Colleges finances to make sure this is the best practice the College can do.

Regent Powers would entertain a Motion to approve the Discretionary Account.

Regent Rhodes moved to approve Resolution for Discretionary Account. Second - Joshua Martinez. Motion passed unanimously. Motion carries 4-0

5. Resolution – Procurement and Pertaining Resolutions

Mr. Bejarano reviewed Resolution to adopt the Procurement and Pertaining Regulations, although the College is subject to the State Procurement Code, the College has to follow it statutorily but the College gets a lot of exemption from the regulations. Mr. Bejarano read the Resolution and Memo to the Board of Regents (attached). Mr. Bejarano and Cheryl James met with the person overseeing the College on the Federal Audit Level and Ms. James did a great job on that call. Mr. Bejarano thanked Ms. Cheryl James for her assistance with this and participation in the conference call. This essentially places the College at a higher level of oversight. This would be the best practice to follow for the College considering the situation it is in.

Regent Powers stated the Audit, Finance and Facilities Committee discussed this at length and in terms of the resolution, the language was beefed up a little bit and the last sentence where the Board of Regents is hereby repealing any policies, procedures or other guidance that was issued by the College for whatever period of time that it would have been done that would have altered or come into conflict with the State Code. This makes it much easier for the College to comply and what they need to comply with in terms of procurement. It removes any kind of stigma that the College is trying to circumvent State Procurement Regulations.

Regent Ortega stated he whole heartedly supports this. There is so much you hear about people bending the rules regarding procurement and this locks it up and if the College follows this it is in good shape. He asked if Mr. Bejarano was going to send this out to everyone and how the College will be doing business going forward. Mr. Bejarano stated this is the next step and the College is going to align itself to the statutes and regulations. Regent Ortega stated this is good and thanked Mr. Bejarano.

Board President Powers stated pages 110-304 is the portion of the packet that pertain to this.

Board President Powers entertained a motion to approve this Resolution.

Regent Ortega moved to adopt the Resolution pertaining to Procurement Regulations for Northern New Mexico College including all regulations published and made to that in the future. Second – Regent Rhodes. Motion passed unanimously – 4-0.

6. College of Nursing and Health Sciences and GIS Course Fees

Mr. Bejarano stated this is an increase in fees to cover costs and is not an increase in tuition or a method to generate additional fees. All this does is allow the College to recoup what the College's payout is. Mr. Bejarano stated Dean Trabka is in attendance to answer any questions from the Board of Regents.

Board President Powers stated there is one major fee that changed considerably – EMT Certification. Mr. Bejarano stated this jumped from \$100 to \$184. Ms. Trabka stated this class has not been offered in a long time. This covers the cost of their curriculum and certification fees. The curriculum was owned by the EMS Academy in Albuquerque. The College does not really have a choice, if it wants to offer the course, it has to have the fee. Putting it in a student fee allows the students to use their financial aid to pay the fee.

Board President Powers stated this is a pass through and every year this has to be done to line up with new fees.

Mr. Bejarano stated the other additional fees are for background check and fingerprinting. Regent Powers stated basically on page 307 there is an NURS 400 – total of \$91. Ms. Trabka stated it is considered to be a new fee because it has not been done for the BSN but has been done for the ASN. It is in the same category where it is a fee that is being charged to the College by a third party vendor and the College is recouping costs.

Regent Rhodes asked if drug testing is done. Dean Trabka stated depending on the agency, drug testing may be done and students cover this fee.

Regent Joshua Martinez asked if this was for the Nursing Program. Board President Powers stated it is.

Mr. Bejarano stated there is one other fee mentioned in the memo – GIS Fee and the Provost will speak about this. Dr. Lopez stated it is a similar fee, it is a new fee. In the course GIS/GPS and in order to make this competitive for students in terms of workforce, College is adding this exam. This exam has a cost of \$225 but it might go up by the end of the summer and the College is requesting this fee to pay for the exam and students can include this fee in financial aid.

Board President Powers stated this is another passthrough but considered new because it is a new test for students.

Board President Powers stated he would entertain a motion to adopt the resolution.

Regent Rhodes moved to approve the fee schedule for this coming year as submitted. Second – Regent Ortega. Motion passed unanimously – 3-0. Regent Joshua Martinez left the meeting.

7. Resolution – Mileage and Per Diem Act and Appertaining Regulations

Mr. Bejarano stated Ms. Shari Job, HEP Director would like to offer public input for this item. Mr. Bejarano read the memo for this (attached). The yearly audit of Northern New Mexico College similar to the Procurement Code, for 6-30-17 contained a finding classified as significant deficiency and noncompliance for violation of the Per Diem and Mileage Act. This was a repeat finding. In addition, the forensic review conducted by the McCard Firm also found several issues of noncompliance. Of special note should be the impact that this finding has had and could have on federal funding current and future. After lengthy discussion with auditors as well as review of the recommendations of the auditors within this finding in addition to discussion with federal authorities pertaining to their concerns, staff believes that the best course of action similar to the Procurement Code that NNMC follow both sections 10-8-1 to 10-8-8 Per Diem and Mileage Act as well as any appertaining regulations and future amendments to either the statutes or regulations. We recommend the College cease the adoptions of policies and/or procedures that conflict with either the Statutes or Regulations and that reads Procurement Code but it should read to the Per Diem and Mileage Act and Regulations.

Regent Powers stated this is very similar to the Procurement Code, he College is adopting the statute and regulations verbatim according to the State as opposed to having any kinds of variance from that to have to try to explain to others and deal with. Mr. Bejarano stated he would like to add both the Procurement Code and Mileage and Per Diem Act where the College does have policies and procedures, a number of them conflict

in both areas so that is another reason for following the Act and Regulations as recommended by the Auditors and Forensic Reviewers.

Board President Powers stated before the Board of Regents gets to any questions Shari Jobe would like to speak to the Board of Regents.

Ms. Jobe asked if it was 35 miles from the College that there is no per diem. Mr. Bejarano stated the Regulation Portion - yes. The Regulation does state that there is not per diem for anything under 35 miles. Ms. Jobe asked if this for overnight or anything. Mr. Bejarano stated overnight, anything. In checking with different colleges, Mr. Bejarano stated colleges and universities who have essentially not adopted the regulations, they are currently exempted from the regulations, have to follow the act. The regulations give a lot of leeway and it is leeway the College thinks it can no longer afford. Ms. Jobe stated her question and Ms. James knows this well is HEP has a professional development event every year and it was always in Albuquerque. Ms. Jobe was asked to get more quotes on it. Ms. James asked Ms. Jobe to check Drury Suites, she checked Drury and it is not 35 miles from the College, so even though it is a 2 1/2 day event, she would like to know how it works for her. Ms. Jobe told Ms. James she could have gone to Taos or Albuquerque and it would have been paid for. It makes no sense in situations like that or if she lived in Santa Fe, she came to the College because her work day is 8AM-5PM and at 11:00AM she had to go to a meeting that is less than 35 miles, she goes there, the meeting lasts two hours, comes back to the College to do her day and go back home to Santa Fe, so she asked if she would not get paid for anything for any of this. Mr. Bejarano stated if Ms. Jobe is in her own car she would get paid mileage but not per diem. Also, if she goes beyond the 6 hours of the work day there is partial day per diem. Ms. James stated it is 9 hours. Mr. Bejarano stated the reality is this is what the rest of the State does, colleges and universities are under intense scrutiny. This is only one item in the code, we weren't just contradictory and tripping over ourselves just with the 25 miles, we were tripping ourselves with partial day per diem, mileage, etc. The one thing that will increase under the regulations, the State follows the federal amount for mileage if you take your own car. This will bump up from about 30 cents to 54 cents. There is going to be give and take all over the regulation and this lines us up. Mr. Bejarano stated also we have all read in the media, people are fed up with college and universities special treatment, this is a reality that the College is especially facing because of the special situations over the past couple of years. This is the reason for the proposal.

Ms. Jobe asked if she was better off going to Albuquerque. Mr. Bejarano stated if she could get it approved by her boss. Ms. Jobe stated he had approved it, yes. This is so weird to her because she is spending more money and that is okay for an auditor to say you are spending more money because you went to Taos which is a high rate, Santa Fe is a high rate but she goes to Albuquerque. Ms. Jobe stated she is on both sides of it. She does not want to take the ice chest for staff to eat. Mr. Bejarano stated it is a dilemma that everyone has faced since the beginning of time. What is different and unique for colleges is colleges and universities are under the same scrutiny as the rest of the State. Having been in and out of State government, you have to do what is in the best interest of the State and sometimes that means you drive back and forth every day. As far as the location for Ms. Jobe's event, it is a discussion that would be held with the Provost and the Federal Program person. Ms. Jobe stated, right, to find what is more reasonable and Santa Fe is most reasonable but it does not do what she needs it to do.

Board President Powers stated the idea is to put into place procedures that are well vetted and checked for discrepancies and conflicts and things like that. The College does not have a procurement department that is three people deep and we do not have the ability to really, go through and develop those kinds of policies and keep things straight, maybe like a UNM or NMSU might have. Mr. Bejarano stated the colleges and universities that do have that depth are actually having more problems right now than the College is because

of this. The College has to accept and if the College has not seen it with cutbacks and withholding of money, we are not special anymore as an industry, colleges and universities, that day is long gone and we need to tow the line. If we follow these it is simplistic, if the State changes, the College changes. The College has dug up policies all over the place on the same issue and it is all over the place. This sets us in line with the State.

Ms. Jobe asked if she is okay to have an exception. Ms. Jobe asked if she gets Dr. Lopez to sign off it is reasonable. Mr. Bejarano stated not under 35 miles. Ms. Jobe stated not under the 35 but to show the difference because this place is less than 35 but she needs all this so she has to go over the 35 and it will not be weird thing auditors will find. Ms. James stated it might be. Ms. Jobe stated this is what she is worried about. Ms. James stated she wanted to add one thing, per the auditors they wanted to make sure the College is applying consistent treatment to all travel by the College, not just federally sponsored travel.

Dr. Rhodes asked if part of this on the procurement code, there are IRS guidelines that say here is what you can and cannot do. A few years ago, that is why the procurement code changed on this under 35 miles and partial day and so on. IRS stand is a meal in your home area is one you would have had anyway. President Bailey stated he thinks this is why they also included the language and maybe this came out in the subcommittee, the language, this also binds the College to the subtle changes that happen over time to these regulations so as they change, the College will follow what the State dictates. Ms. Jobe is correct, it is substantially affecting President Bailey. We are all going to have to flex to make it work. Board President Powers stated unfortunately in Ms. Jobe's case, she made plans when the College was working under one set of guidelines and it is changing. She is probably not the only one planning travel or whatever, at some point in time it has to be changed to a date certain and changed to a specific thing and in the future Board President Powers assumes the College will know what the rules are and know what it is working under and be able to plan accordingly based on the new policy.

Mr. Bejarano stated something needs to be in effect by June 30th or the Feds will get involved. It is something that Ms. James was alluding to that there is not a difference between federal and nonfederal funding, it has to be the same.

Board President Powers asked for discussion from the Board of Regents and hearing none, he a motion to adopt the resolution which adopts the Mileage and Per Diem Act and Appertaining Regulations and repeals any previously issued policies, procedures or other guidance that NNMC may have developed over the years.

Robert Rhodes stated before voting, the Board of Regents needs to make sure the College needs to make sure a training session will be done for this. Mr. Bejarano stated Ms. James is already working on this and will be done through convocation. Regent Ortega stated people will need to be educated and need to be aware of this.

Board President Powers stated Regent Martinez joined the meeting. Regent Martinez apologized and stated the Judge kept him longer than anticipated. Board President Powers explained to Regent Martinez where the Board of Regents was in the meeting and stated he is entertaining a motion to approve the resolution.

Regent Ortega moved to motion to adopt the resolution which adopts the Mileage and Per Diem Act and Appertaining Regulations and repeals any previously issued policies, procedures or other guidance that NNMC may have developed over the years. Second – Regent Rhodes. Motion passed unanimously - 5-0.

Regent Martinez asked if Items 1-6 passed. Regent Powers stated they did pass and the Board of Regents also amended the Agenda to remove item 3 under the Executive Session since it is not needed any longer.

V. PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

1. Failing Grades

Dr. Lopez stated this is a recommendation to change the current criterion on current grades. This was a recommendation that was mentioned by the Department of Education in the recent visit to NNMC in February and when they saw the passing grade at NNMC is C and above, they told the College it is a national outlier on this one. Because of this many of the College's students have already become ineligible for Pell Grants. They recommend the College change the policy and the Faculty Senate approved that starting in Fall 2018 that grades of D plus and below are going to be considered failing grades, this means C- and above will be passing grades. This will help more students to keep Pell Grants. During the Academic Affairs Committee a question was asked if the transfer was going to be difficult for students if they moved somewhere else. By moving this forward, it is going to allow students who are transferring from other colleges in the State of New Mexico with C-, it is going to be considered a passing grade as well so it will help the College with transfers as well. Faculty Senate asked if there are specific requirements for accreditation or industrial certification they ask for different passing criteria, this will be in the catalog. Some Engineering Programs may have different as well. They will be specific to courses.

Regent Damian Martinez stated as he reads this it says D plus or below does not count for graduation or does not satisfy the criteria for a prerequisite and asked if someone took a 100 level math class to get their degree and that person gets a D+, that will not count towards graduation. Dr. Lopez stated that is correct. Regent Powers stated it wouldn't have before. Dr. Lopez stated it would not have before. Regent Martinez asked if you get a D+ in a core course, psychology and you get a D+ in psychology, the college is going to make the student go back and take the class or another course like that again in order to get their prerequisites to graduate. Regent Martinez asked what other schools make students do this. Dr. Lopez stated it varies. For example, UNM allows students to have certain (C-) as long as you do not exceed four in a program. Highlands, for example, D in general is a passing grade but in some general education programs a C is a passing grade. Regent Martinez stated he understands having a higher requirement for your major but he is talking about a course like intro to psychology that every freshman takes. Regent Damian Martinez asked if Dr. Lopez is telling him that if a freshman in college has A's and B's in all their classes except psychology and they get a D, they are going to have to retake a course to graduate and all they need to do is plug in those first two years of core courses before they get to their field of study. Dr. Lopez stated this is the case.

Regent Rhodes stated the College is already doing this, this is nothing new. The College is lowering the standard. Regent Damian Martinez stated he did not know the College was doing C minus which he would have issues with as well. Regent Martinez stated it does not make sense to him if some student gets a D in psychology and that is the only D they get and they would otherwise go to the nursing program or whatever program and passing it with the major requirements, why you would make somebody in their fourth year of school go back and take an intro to psychology course.

Regent Joshua Martinez asked if you would need to take the psychology course in order to progress in all the majors or it just in Education and Nursing. Regent Damian Martinez stated he is just thinking in generalities from his remembrance of going to college is that he had to take psychology. Regent Joshua Martinez stated right now he is a senior and he has not even taken psychology yet. Regent Damian Martinez stated he would make it simple like this, when he went to College you had to take an art or music class, so if Damian Martinez would have gotten a D in Intro to Art or Intro to Music, that he was just not really that interested in it and it was too early in the morning on a Friday, under this new change, under the current rule, even if he had a C-

he would have to retake a Music Appreciation course. Regent Damian Martinez asked if this is what he is understanding.

Board President Powers stated he believes this is what he is understanding. Regent Damian Martinez stated this just doesn't make sense to him even at a D. He understands there is reasons we take some liberal arts courses and he understands you have to take them to graduate. He does not know when a C and D became a failing grade and he can understand major requirements but if you are going to make some student retake a music appreciation course, he doesn't know if he can support that under either one of these issues.

Dr. Lopez stated when the Department of Education asked these questions, why C minus, nobody in the room was able to explain when these rules were adopted. This has been for the last 12 years and even before the Provost joined Northern, this existed. The Faculty Senate back then decided to have rigorous standards. This time, when this was presented to Faculty Senate, the Faculty did not want to consider a D as a passing grade. This was a recommendation by Faculty Senate.

Regent Martinez stated since nobody can remember why this was done to begin with and asked for a rational reason the student would need to go back and take the course if their degree does not apply to it. Why would you make them go back under a C or D to retake that course?

Dr. Lopez stated those courses are going to disappear as mandatory courses – PE Courses. The College is going to move to a new model for general education. The State is requiring independently, on the course, the State is going to require that certain student learning outcomes are achieved, quantitative analysis, sciences, communication, critical thinking, even though a course might not be in the major, it is still part of the general education core for that has to be transferrable to all universities in New Mexico.

Regent Damian Martinez asked if it is New Mexico that is saying that these are failing grades. Dr. Lopez stated no. Regent Damian Martinez stated his question again is give him a rational reason as to why the College would say a C or a D in an intro course that does not go towards a major and only is course that gets you through your first two years that everybody has to take, why a D+ or a D in general would not be a passing grade for an intro course that really does not apply. Regent Damian Martinez stated he took badminton twice, he really liked it, but badminton did not have anything to do with his major. So, given that, if he received a D in badminton, then apparently, he would not be able to graduate under this proposal.

President Bailey stated he would like to make a proposal and he thinks it could help the discussion. This specific action item pertains to a very specific recommendation that the USDOE gave the College. President Bailey proposed an analysis that says alright with the new general education requirements that the State is mandating that all colleges and universities have adopted, now we look at there are two sides, there are general education requirements and then you have the major requirements. President Bailey stated he thinks everyone is agreement that major requirements you have to meet certain thresholds in order to move forward in the major. Regent Damian Martinez question is in some of the general education requirements, if you get a D in one of those general education requirements, can that still count toward graduating and completing general education. The State is moving in a direction where they are saying general education is important because it leads to these different outcomes that we are wanting all students to graduate with in communications and some of these other areas. The College can go back to its counterparts and have the dialog that says if you get a D in one of these general education requirements can that still be enough for you to meet the State's expectations for meeting those six requirements they want all students to graduate with. President Bailey stated he thinks the model is changing.

Regent Damian Martinez stated President Bailey is talking about standards that have not been created yet, it is in the future. He is talking about what this document says and if he is reading it right, this document says right now if somebody comes in 2018 in the fall and they get a D in music appreciation and their major is in Engineering and all the other stuff they get A's in because they are wizzes at math, we have to send them back to take music appreciation because they got a D and that does not make sense to him. There is no basis for this at all.

Regent Powers stated as of today, if the Board of Regents does not adopt this, they have to get a C or better. This is making it less difficult because they can get a C- now. What Board President Powers hears Regent Damian Martinez saying is that he thinks it should be lower. Regent Damian Martinez stated as long as it is not an F it goes towards your general education courses. To him and maybe he is thinking wrong because he is not an educator, to him an F means failing, D you got by the skin of your teeth and sometimes people are not good at certain things, Regent Damian Martinez is horrible at math. He only needed one math for his major and if he had gotten a D based on this, he would not have been able to graduate. The way this is set up, essentially a failing grade is a D. It is not a failing grade, if it was a failing grade, then it would be called an F for failing. Regent Damian Martinez asked if it could be changed to say so long as it is not an F as it relates to your core courses, it will move towards graduation, because you are going to get some people who fall in this. Regent Damian Martinez stated he hates to be the person that makes that decision because he is not going to vote for this the way it is written.

Board President Powers stated he would like to figure a way out of this issue, the way he understands it this is a faculty senate issues and they have proposed this and sent it through the Provost's office for approval by the Board of Regents. If this is adopted today it will make it easier to get a passing grade. Instead of getting a full C they can get a C- and still get a passing grade and the Board of Regents will help this segment of the students. Regent Martinez stated you will help some but it is not equitable for all. Regent Powers stated the Faculty Senate needs to be part of this. Regent Martinez stated the Board of Regents can approve this criterion. Regent Joshua Martinez asked if it could be held off for a period of time and have people go back to the drawing board. Regent Powers thinks this should be approved, at least eh Board of Regents brings down the bar by a notch. By approving it the Board of Regents and asks the Faculty Senate to do some more work to look at what others are doing to make sure the College is in line with what others are doing. Regent Damian Martinez stated this is something that should have been done with everybody's input rather than bring us something and saying this is our recommendation so you must do it. As Board of Regents we are in charge of the school and their duty is to the students and this is the first time he ever heard it was a C and it is bad on him. We are not doing anybody a favor by saying a D is a failing grade. The College is not equitable on to the people who have learning issues as it relates to certain subjects. Somebody might be horrible at history but horrible at math and you are going to tell that Engineering student because you got by the skin of your teeth with a D+ in the Intro to History that you can't walk the line and continue on in your life and do bigger and great things for yourself, your family and the community. That sends the wrong, it is inconceivable to Regent Damian Martinez that we would tell some kid that has been busting his hump from four to six years that because when you were a freshman in college and you had a little bit of time on your hands and left home and you got a D in Western World, I am not going to let you graduate. These are the type of things the faculty needs to come to the Board of Regents to talk about because Regent Damian Martine is going to have heartburn anytime, we are trying to have kids graduate and that is not helping a kid graduate and Regent Damian Martinez is not saying to socially promote somebody. We can all agree in the wider scheme of things in life and your career there are some courses that you took in College that don't amount to a bucket of spit that you took in real life. Physics, for example, Regent Damian Martinez does not use Physics at all as attorney, but if he were to get a D in Physics he couldn't graduate from this institution. It makes no sense to him.

Dr. Lopez stated if the Board of Regents fails to approve this, the current policy will be a C to pass.

Regent Powers stated his thinking, although this is not perfect in all of the Board of Regents eyes, it is a step in the right direction. Regent Joshua Martinez asked if not approved, when will it be addressed again. Dr. Lopez stated his concern is the Faculty is on 9 month and it will be hard to have quorum of all the committees to approve this. This means the catalog for the College has to start July 1st, which is a contract for a year. There will be major changes in 2019 because of general education. To follow the advice of HED, the College would like to have this in the catalog.

Regent Damian Martinez asked when the Department of Education came to the College with this. Dr. Lopez stated it was late February and this was voted at the April meeting with the Faculty Senate. Regent Damian Martinez stated it would have been nice to have an information on this thing in March or April in the other meetings, it now becomes an emergency because this is the first time the Board of Regents hears about it. Regent Joshua Martinez asked if it is approved today, it could be amended. President Bailey stated he recommendation would be for the Board of Regents to approve this move the needle some with the guidance from the Board of Regents that the College, to Regent Damian Martinez' point to explore the D and the role of general education and if D's can be passing grades. The College could then come back to the Board of Regents in the next two months. Regent Powers stated the Board of Regents has to be careful not to do something that will have unintended consequence down the road. Regent Damian Martinez has brought up good points and Board President Powers does now from NMSU you can get a D in a nonmajor course and it counts toward graduation and he believes this is the case there. Board President Powers stated he preference would be to approve this but give direction to the Provost to address the other concern about the D and get back to the Board of Regents with this and hopefully have action regarding this.

Regent Joshua Martinez asked what students this would apply to. Board President Powers stated it would apply to, Dr. Lopez stated it would apply to the new catalog in July. Dr. Lopez stated it would be in the 2018-2019 catalog and every course from fall 2018 on. Board President Powers stated the students would not be subject to the provisions when they entered school. Dr. Lopez stated this is per course, from now on with grades earned starting in the fall 2018. Board President Powers stated for example student A took a class this year and got a C- in that class, that student did not pass and even under this that student does not pass.

President Bailey stated when the DOE came in late February and told the College it is an outlier and it has a C as a passing grade when really most everyone else has a C-. They did not tell us D- is a passing grade, they told us C- is kind of the national standard. Is this about Pell Grants? President Bailey believes this is where their focus was. If a student gets a D in a course, does that affect that students eligibility for Pell? Dr. Lopez stated it affected the student by the student being able to repeat so many times the same course under financial aid. They cannot do the same course 20 times. This is what they saw, by getting a C-, the student will have to repeat this course and it puts their Pell in jeopardy. Regent Joshua Martinez stated it is also the GPA and one of his professors told him there are two GPAs, one for actual and one for general education. If you have them combined together and it drops below the average that will affect it. Dr. Lopez stated right now the College reports GPAs as cumulative GPA and includes all courses in the transcripts. Regent Joshua Martinez asked if a student gets a D and are able to pass the course he thinks whether they got the D or didn't get the D it is a matter of GPA affecting them. Regent Damian Martinez stated with C- being a failing grade and D being a flunking grade are we dealing with grade inflation now. Dr. Lopez stated yes, there is grade inflation all over the nation. Regent Martinez stated he only cares about the College, he does not care about the nation. Dr. Lopez stated yes, he believes there is a problem of grade inflation. When he runs the histogram, yes, it is shifted towards the A's and B's. The whole country and the College. Regent Damian

Martinez stated maybe the faculty desire to prevent an individual from graduating based on a C or a D, maybe that should be reassessed and just grade people and don't have grade inflation. Dr. Lopez stated yes.

Regent Ortega asked if there are a lot of people impacted by this. Dr. Lopez stated easily about 15%-20% of students who would be affected by a C- right now. Board President asked by this particular item that is before the Board of Regents by going from a C to a C-. Dr. Lopez stated yes. Regent Powers stated this has to come into play as to whether to approve this today. Regent Powers stated by not approving this it will hurt a considerable number of people. Whether we are helping them enough is another question. The Board of Regents needs to address this question and direct the administration to address the larger question dealing with the D. Whether or not the D can contribute toward graduation. President Bailey stated grade inflation should be reviewed as well.

Regent Ortega stated he appreciates Regent Damian Martinez words on this but he believes we are helping people.

Regent Ortega recommends approving this criterion right now and ask administration to review it and for the Board of Regents to consider this again.

Regent Ortega moved to approve moving the passing Grade from a C to a C- as recommended by the administration, USDOE and Faculty Senate and furthermore to request the Administration to review the current policies regarding D's and come back to the Board of Regents as reasonably feasible with a finding and particular action. Second – Regent Rhodes. Board President Powers -yes, Regent Rhodes – yes, Regent Joshua Martinez – yes, Regent Damian Martinez stated he is not going to vote on this item, he is going to abstain, he does not believe it fixes the problem, it exacerbates the problem. For this to be brought to the Board of Regents in May and the way it was brought to the Board of Regents is quite frankly disrespectful. Regent Joshua Martinez asked if he would be able to abstain. Board President Powers stated he could. Regent Ortega -- yes. The motion carries 3 votes for and 2 abstaining.

Regent Powers asked when this would be. Dr. Lopez stated the catalog, despite it is not a contract but we treat it as a contract with students, goes into effect for a year and this year the College will not print the catalog because the College knows important changes need to happen for 2018-2019. Faculty will be back in mid-August. These are those type of discussions that are not easy. There is a broad spectrum of faculty, opinions are very different. This is going to take a couple of months for faculty to provide a new proposal. The College will have to wait a year to publish the catalog. By November the Board of Regents could have a proposal that will go into effect for 2019-2020.

Regent Powers stated looking at this fee with the general education fees might make a lot of sense. Dr. Lopez stated this could go the other way. Right now, Highlands has a passing grade of D but for general education courses it is a C. It is backwards. This is a challenge to get all faculty aligned. Dr. Lopez thinks in the past they wanted to show that the College is going to be a rigorous college and he guesses the adoption of the C was the reason. Regent Powers asked if there is impact on accreditation. Dr. Lopez stated he does not believe it will have any impact. It may for specific programs and that is why the way the College is writing this language is that specific programs and courses may have higher passing grades. Nursing is one example. In general, Dr. Lopez has to accept that D is a passing grade in many universities and he does not believe this is going to be a problem with accreditation.

2. General Education Requirements

Dr. Lopez stated the last item for approval is the General Education Model for the College. This was adopted by the Faculty Senate to implement Part B of Trifecta, this is a Statewide initiative of general education. The proposal will include all the course and different fields that the Statewide general education curriculum that has to be the model, this has to be the way the College adopts it. This has 22 mandatory credits within certain fields. The other nine additional credits are decided by each one of the institutions and the proposal is in the Board of Regents packet (attached). This is well aligned and will give the College enough time to change every degree and certificate that is offered at the College. Each one will have to adopt the new general education model and it has to be ready for the fall 2019 catalog. Faculty Senate moved fast to adopt this and it will allow deans and chairs to work throughout the summer to present all the changes to the appropriate committees for the fall.

Regent Powers stated the administration is recommending approval of the general education requirements and asked for Board of Regents discussion.

Regent Joshua Martinez asked if the general education requirements would take place in the fall. Board President Powers stated fall of 19.

Regent Powers asked how this relates to the desire by HED for all College to get their graduation requirements down to a certain number of hours. Dr. Lopez stated this helps and is moving in the right direction. Currently general education is around 36-37 credits and this is reducing it to 31. When the State asked the College to move the degrees to 120, it was really the courses in the majors that were affected. This allows to bring specific courses back to the different disciplines or it allows the College to move those programs who could not reach the 120 from 160, now they are not going to have an excuse, they are going to be able to go down.

Regent Powers entertained a motion to approve the General Education Requirements.

Regent Rhodes moved to approve the General Education Requirements. Second– Regent Joshua Martinez. Motion passed 4-1. Regent Damian Martinez abstained.

3. Retroactive Withdrawal Policy Approval

Dr. Lopez stated this is another recommendation from the DOE and basically it means the college have a retroactive withdrawal policy. The meaning of this is currently students they have until week 13 of the semester to drop from their courses. When a student has an emergency and contacts the faculty member, the faculty member agrees to give an incomplete grade – an I. Basically, the student has extra time, up to a year to work on the missing pieces of the course. However, there are some cases where a student is completely unable to communicate with a faculty member, the faculty member has to give the student a failing grade – F. When a student does not show up for the end of the semester and does not drop on time, they receive an F. This policy will allow students to go before the Dean or Chair and be withdrawn from their courses a year after the F was given. This is only under extraordinary circumstances. They will have to show proof this happened. This will give the College to remove the F grades from the transcripts and assign a W and this will not affect financial aid. The College has less than five students per year in this situation. It makes this very clear so the students have it right. This went through the Faculty Senate and has been approved and Dr. Lopez is asking for approval.

Board President Powers stated there is recommendation to approve this and asked for any discussion.

Regent Rhodes moved to approve the Retroactive Withdrawal Policy. Second – Joshua Martinez. Motion passed 4-0-1 with Regent Damian Martinez abstaining.

VI. EXECUTIVE SESSION

Board President Powers stated that he would entertained a motion to enter into Executive Session.

Regent C. Ortega moved to enter into Executive Session pursuant to NMSA 19278 10-1-15 (H) (2)(5)(7) and (8). Second, Joshua Martinez. Board President Powers stated the one item needed to cover in this is bargaining strategy preliminary to collective bargaining to staff Collective Bargaining Guidance.

Roll Call Vote taken – Board President Powers – yes, Regent Ortega – yes, Regent Rhodes – yes, Regent Joshua Martinez – yes, Regent Damian Martinez – yes. The Board of Regents entered into Executive Session at 11:10AM.

VII. POSSIBLE ACTION ON EXECUTIVE SESSION

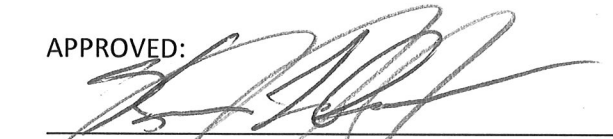
Regent Powers entertained motion to return from Executive Session.

Regent Ortega moved to return from Executive Session. Only items indicated on Agenda were discussed and no action was taken. Second – Regent Rhodes. Roll call vote – Board President Powers – yes, Regent Ortega – yes, Regent Rhodes – yes, Regent Joshua Martinez – yes, Regent Joshua Martinez – yes, Regent Damian Martinez – yes. Motion carries unanimously. The Board of Regents returned to open session at 12:58PM.

XII. ADJOURNMENT

Regent Rhodes moved to adjourn. Second – Regent Joshua Martinez. Motion passed unanimously. Motion by R. Rhodes. Second – J. Martinez. Motion passed unanimously. The Board of Regents Meeting adjourned at 1:00PM.

APPROVED:



Kevin F. Powers, Board President



Dr. Robert Rhodes, Vice President