

NORTHERN NEW MEXICO COLLEGE



BOARD OF REGENTS MEETING

MAY 27, 2020

NORTHERN New Mexico College



NOTICE

The Board of Regents of Northern New Mexico College will hold a regular meeting on **Wednesday, May 27, 2020 at 1:30PM, Via Zoom.**

Join Zoom Meeting

<https://nnmc.zoom.us/j/92202640511?pwd=L01wZ3JlYm9OakFFNW1CTk1EmVzQT09>

Meeting ID: 922 0264 0511

Password: 479907

One tap mobile

+13462487799,,92202640511# US (Houston)

+16699006833,,92202640511# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 922 0264 0511

Find your local number: <https://nnmc.zoom.us/j/ace94os003>

REVISED FINAL AGENDA

ADDING ITEM VIII.A.5 and VIII.A.6

PUBLISHED AT LEAST 72 HOURS IN ADVANCE OF THE MEETING

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. COMMENTS FROM THE BOARD**
 - A. Board of Regents Subcommittee Reports
 - 1. Audit/Finance/Facilities Committee – Informational
 - 2. Academic/Student Affairs Committee - Informational
 - 3. Executive Committee – Informational
- IV. APPROVAL OF MINUTES**
- V. PRESIDENT'S REPORT AND ANNOUNCEMENTS**
 - A. Celebrate Northern – Informational
 - B. CUP/NMICC Report – Informational
 - C. NNMC Foundation – Informational
 - D. Eagle Corporation Update – Informational
- VI. FACULTY SENATE PRESIDENT REPORT**
- VII. STUDENT SENATE PRESIDENT REPORT**

VIII. STAFF REPORTS

- A. Vice President for Finance & Administration
 - 1. Fiscal Watch Reports – Action Required
 - 2. Budget Adjustment Reports (BARs) – Action Required
 - 3. Nepotism Policy – Action Required
 - 4. Equal Employment Policy – Action Required
 - 5. Audit Contract – Action Required
 - 6. Addendum to the Tuition for RN to BSN Nursing Courses – Action Required
- B. Provost & Vice President for Academic Affairs
 - 1. Instructional Live Streaming Lecture Capture Policy – Action Required

IX. PUBLIC INPUT

X. EXECUTIVE SESSION

- (1) Limited personnel matters related to the hiring, promotion, demotion, dismissal, assignment, resignation, or investigation or consideration of complaints or charges against an employer;
 - a. No Items
- (2) Bargaining strategy preliminary to collective bargaining
 - a. No Items
- (3) Threatened or pending litigation subject to the attorney-client privilege in which the College may be a participant; and
 - a. Henrietta Trujillo Case
- (4) Real estate acquisition or disposal.
 - a. No Items

XI. ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA), physically challenged individuals who require special accommodations should contact the President's Office at 505-747-2140 at least one week prior to the meeting or as soon as possible.

Office of the President

NORTHERN New Mexico College



MEMORANDUM

To: Board of Regents,
Northern New Mexico College

From: Richard J. Bailey, Jr., Ph.D.
President

Date: May 27, 2020

Re: Board of Regents Meeting Minutes

Issue

Northern New Mexico College (NNMC) provides, on a monthly basis, Board of Regents Minutes from the previous month for approval.

Recommendation

Staff recommends that the Board of Regents approve the attached Board of Regents Minutes for April 27, 2020 and May 13, 2020 as submitted or if applicable, as amended.

**NORTHERN NEW MEXICO COLLEGE
BOARD OF REGENTS REGULAR MEETING
APRIL 27, 2020**

I. CALL TO ORDER

A Regular Meeting of the Board of Regents of northern New Mexico College was held on Monday, April 28, 2020, Via Zoom. Regents Present: Michael A. Martin (Via Zoom), Erica Velarde (Via Zoom), Porter Swentzell (Via Zoom), Damian Martinez (Via Zoom), Tomas Rodriguez (Via Zoom). A Roll Call Vote was taken of the Board of Regents. Board President Martin – present, Regent Swentzell – present, Regent Martinez – present, Regent Velarde – present. Regent Tomas Rodriguez - present.

Northern New Mexico College Staff Present: President Richard J. Bailey, Jr. (Via Zoom), Ph.D.; Ricky Bejarano, Vice President for Finance & Administration (Via Zoom); Ivan Lopez Hurtado, PhD, Provost & Vice President for Academic Affairs (Via Zoom; Vince Lithgow, Comptroller, John Ussery, El Rito Campus Director (Via Zoom); Sally Martinez, Executive Assistant to the Provost & Vice President for Academic Affairs; Shari Jobe, HEP Director; Sara McCormick, Recruiter/Admissions; Don Appiarius, Assistant Provost; and Amy Peña, Executive Office Director.

Faculty Present: Ajit Hira, PhD

Others Present: Ari Levin, Rio Grande Sun Reporter. Geno Zamora, Ortiz & Zamora

Board President Martin called the meeting to order at 1:01PM.

II. APPROVAL OF AGENDA

Board President Martin entertained a motion for approval of the Agenda. **Regent Swentzell moved to approve the Agenda as presented. Second – Regent Velarde. A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. Motion passed unanimously.**

III. COMMENTS FROM THE BOARD

A. Board of Regents Subcommittee Reports

1. Audit/Finance/Facilities Committee

President Martin asked for Regent Velarde to report. President Bailey stated Board President Martin asked for a report on the Audit/Finance/Facilities Committee. Regent Velarde stated it was a good meeting and everything is on track as usual.

2. Academic/Student Affairs Committee – Informational

Regent Swentzell stated all items discussed in committee will be discussed later on in the Agenda. President Bailey stated everyone wanted to congratulate Regent Swentzell for his promotion at IAIA. We are all very proud of Regent Swentzell, there was an article in the Albuquerque Journal Business Section this morning. Regent Velarde congratulated Regent Swentzell.

3. Executive Committee – Informational

Board President Martin asked Regent Martinez if he has anything to discuss regarding Executive Committee. Regent Martinez stated he was getting every other syllable from President Martin and asked if he is the only one having that problem. President Bailey stated he is not the only one. Regent Martinez asked if Board President Martin could log back in. President Bailey stated if that did not work, Board President Martin could call his cell phone and they could work it out that way. Board President Martin joined the meeting Via Conference Call.

4. HERC

Board President Martin asked Regent Velarde to report on HERC. Regent Velarde stated it was a great meeting. They had a couple of good presentations, one from Deputy Secretary Carmen Lopez who gave thanks to the institutions for helping out during the COVID-19 time. The Governor's office had reached out to many of the institutions for freezer space for food distribution for CYFD and all institutions reached back out and are working with the Governor's Office. She thanked all the institutions for working together and with their communities. She also mentioned a website called restartnm.org which will focus towards students now that we have a bad economy and when jobs fall off we get an interest in higher education. She wants to focus on popular programs such as Education, Tech Trades, Nurses, etc. at each institution. She also talked about the New Mexico Opportunity Scholarships that are going to be given by the Lumina Foundation. This is something we can look up on the website for HED. That was pretty much her presentation. The group was given given a great presentation by David Abbey, LFC discussing the upcoming special session at the end of June, loss of revenue, loss of employment, what future budgets will look like. They talked about how we know it is a pipe dream, we still have to submit budgets on May 15th on the prior budget and will have to redo it once, maybe twice or even three times before we get to a landing place. He did talk about the 2022 budget is about a 15% deficient according to today's and it is about \$1B less than today's budget. We are short on today's budget about \$400M-\$500M. He did discuss the Federal funds, the stimulus. Regent Velarde did discuss this with the Audit/Finance/Facilities Committee regarding the federal stimulus funds that are available for both students and higher education institutions. Regent Velarde received an update and this is something that Ricky Bejarano can update the Board of Regents on later in the meeting. Marc Saavedra gave a CUP update. He will be sending Regents daily updates on the to share information on the information they are getting regarding it. The new President of HERC is Regent King from New Mexico Tech. She did ask David Abbey and Marc Saavedra about the Governor's COVID Task Force and the fact that there is not a Regent on that task force. Marc will communicate this with the task force, that that was something that was questioned. There was also a question regarding Student Regents. There are a lot of institutions are losing their Student Regents and they don't have one to take their place.

B. Student Regent Scholarship

Board President Martin asked President Bailey to present. President Bailey stated on page 4 of 104 of the packet there is the memo regarding the scholarship. This was the request of Board President Martin to come up with some strategies and some possibilities. The Administration and College came up with three different possibilities. One for complete full tuition and fees, one a scholarship equivalent to tuition and one straight \$1,000 per semester. What the College is proposing for the Board of Regents consideration is something called the Northern New Mexico College Student Leadership Scholarship. It would be offered every term starting this fall to the Student Regent and to the Student Senate President. The College is recommending option two which is a

scholarship equal full tuition. The student would still be responsible for fees. This is in line with the Agreement we have with the Eight Northern Pueblos, it is the exact same scholarship that they give and the College feels this is a good strong incentive for those two student leadership positions and to recognize their service to their fellow students and the institution. President Bailey asked if there were any questions. Board President asked if there were any questions.

Regent Swentzell moved to approve that the Scholarship in the form of a full tuition waiver for the Student Member of the Board of Regents be approved. Second - Regent Velarde. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez. Regent Velarde asked if the motion included both the Regent and the Senate President. Ms. Peña stated it did not. President Bailey stated yes. **Regent Swentzell stated the recommendation is for that, he forgot to include that language in the motion and if the Board of Regents could back up for just a second and approve the motion for full tuition waiver for both the Student Regent and the Student Senate President.** Regent Swentzell thanked Patricia Trujillo for pointing that out in the chat. **This is his motion to amend it. Second - Regent Velarde.** Regent Velarde Thanked Patricia Trujillo. **A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.**

IV. APPROVAL OF MINUTES

Board President Martin entertained a motion to approve the minutes.

Regent Velarde moved to approve the minutes from the March, 2020 meeting. Second – Regent Swentzell. Regent Swentzell stated this should include the minutes from March 17th and March 23rd. There were two meetings. **A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. Motion passed unanimously.**

V. PRESIDENT’S REPORT AND ANNOUNCEMENTS

A. Creation of Northern New Mexico College Eagle Corporation

President Bailey stated on page 20 of 104 in the packet there are three decisions for consideration by the Board of Regents, all having to do with the Northern New Mexico College Eagle Corporation. It will require three separate votes so they will tackle them one at a time. Decision one for consideration by the Board of Regents is the established of the Northern New Mexico College Eagle Corporation. That includes and this will be talked about specifically in the second decision Articles of Incorporation (page 22 of 104) and the Bylaws (page 25 of 104).

The first decision in accordance with the State’s University Research Park Academy and Economic Development Act to establish the Northern New Mexico College Eagle Corporation. Board President Martin asked for questions and entertained a motion.

Regent Martinez moved to establish the NNMCC Eagle Corporation by approving the attached Articles of Corporation. Second – Regent Velarde. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

B. Appointment of Board Members to Eagle Corporation

President Bailey stated the second decision for consideration by the Board of Regents is the appointment of the Board of Directors for the Eagle Corporation. In the Articles of Incorporation on page 23 of the packet, the attorneys at Modrall Sperlring had recommended a Board of Directors of 5 individuals. The two ex-officio members recommended are the President and Chief Financial Officer for the institution, President Bailey and Ricky Bejarano. The other three members requested are two members at large and a fifth member from the Board of Regents so there is a direct connection between the Board of Regents and the Board of Directors. What the College is proposing for the Board of Regents consideration in terms of third and fourth members are Julianna Barbee, who runs the Small Business Development Center at the College and has extensive experience in marketing, business, entrepreneurship and has dedicated a large part of her career is business opportunities in our community. The other is Kathy Keith who is the Director of the Community Partnerships Office in LANL. Obviously is the community conduit for a multi-billion-dollar organization and she has ties to resources and opportunities that can greatly benefit the Corporation. That is four of five if the Board of Regents approve and then the decision for the fifth member is to determine a Board of Regents Member to round out those members. President Bailey opened it up for discussion.

Regent Martin would like to nominate Regent Velarde to serve. Regent Swentzell would second the motion but he thinks for clarity we would approve both Julianna Barbee, Kathy Keith and the Regent all in one motion. President Bailey stated the Board can make one decision to accept the entire five-member Board of Directors with one vote. Regent Martin stated he would like to make that motion. Regent Swentzell stated he would second that motion to accept all five nominees to the Board. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - Regent Martinez stated prior to voting he would like to make a comment, he would like to put his name in. He is involved in different boards and has a legal background and would like to be part of the College Corporation, just putting that on the record. He does not believe there was any comment on anyone else who wanted to throw their name in.

Board President Martin stated the Board of Regents would vote on the Regent and then on the people and asked Regent Martinez if this would be ok. Regent Martinez stated however Board President Martin wants to do it. Board President Martin stated they would go ahead and select the Regent. Nominations were as follows, Board President Martin nominated Regent Velarde. Board President Martin asked Regent Martinez if he nominated himself. He stated sure, he nominates himself. Board President Martin asked Ms. Pena to record the vote. The vote was as follows: Board President Martin - Regent Velarde, Regent Velarde - Regent Velarde, herself, thank you and thanked Board President Martin for the nomination. Regent Swentzell - Regent Velarde, Regent Martinez - abstain, Regent Rodriguez - Regent Velarde. Regent Velarde was nominated. The Board of Regents voted on the other Board Members (Julianna Barbee and Kathy Keith): Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. President Bailey thanked the Board of Regents.

President Bailey stated the next item for consideration is back to page 20 of 104 in the packet, this deals with the initial investment. Regent Martinez asked if the Bylaws needed to be worked on. There were some changes that were needed in the Bylaws and the Board of Regents only approved the Articles of Incorporation. President Bailey thanked Regent Martinez. Regent Martinez stated he could discuss what the changes needed to be. With respect to the Bylaws, they look fine except in certain sections they discussed in the finance meeting, certain things need to be changed. For instance, in Section 11 on page 5 of the Bylaws, Section 11 and 12, we need to advise

our counsel that we need to define that quorums can be made remotely much like we have within the College that we can meet remotely. Also, in Section 12, there is a term present, we need to presence to include remote presence via Zoom or telephone. The next section discussed was section 15 which was compensation to the Board, this would be page 6 of the Bylaws, we discussed we likely need a change in there to state that the compensation would be limited by state per diem and mileage rates. President Bailey stated they also stated any College employees who sit on those Board of Directors are exempt for payment to service on the Board. Regent Martinez stated on Article 6, Indemnification Clause, and he is running off his notes, under that one we need to change the Bylaws that the corporation will purchase D&O insurance, Director and Officer Insurance, for the purposes if one of the Board of Directors gets sued for something related to their work with the Corporation, there is an insurance policy that would cover the defense of that because \$300,000 isn't going to do it and you don't want to use your own operating money to cover lawsuits. The next section would be the next page which would be Article VII, Section 2 which relates to loans. We need to change the language in there that would indicate that the Board of Regents has final approval whether or not the corporation can take out a loan. President Bailey stated this would limit Board of Directors. Any time the Board of Directors makes a recommendation to enter into any kind of loan agreement would go to the Board of Regents to get any type of loan. The decision is to approve the Bylaws as recommended amended by Regent Martinez.

Board President Martin entertain a motion. Regent Swentzell moved to approve the recommendations Regent Martinez presented to amend the Bylaws and that those would take effect under Article XII, Amendments of the Bylaws. Regent Martinez stated they wouldn't take effect until the Bylaws are approved. His suggestion would be the motion would be to approve the Bylaws with the proposed amendments on those specific sections. Regent Swentzell stated he got it.

Regent Swentzell moved to approve the Bylaws with the recommended amendments made by Regent Martinez. Second - Regent Martinez. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

President Bailey thanked the Board of Regents and Regent Martins for this.

C. Investment in Northern New Mexico College Eagle Corporation – Action Required

President Bailey stated the final decision for the Eagle Corporation is an initial investment. The College is recommending an initial investment of \$300,000 from college fund balance. This will allow the Eagle Corporation to consider partnerships, contractual partnerships with the ultimate goal of diversifying the colleges revenue portfolio and ultimately make us less dependent on State funding for the annual budget. This is funding that the Board of Directors would have to make thoughtful decisions with the primary purpose of generating revenue and generating profit. This is the goal of this thing and why the Research Park Academy and Economic Development Act was initiated. That Board of Directors will act as a corporate board for that purpose and will have to take calculated risks.

Board President Martin asked if there were any questions and entertained a motion. Regent Martinez asked President Bailey how we came up with the math for the \$300,000. Regent Swentzell stated we lost President Bailey. President Bailey returned. President Bailey stated the goal was to give the corporation an amount to start. He wants to make it very clear, this is a project we had been working on for a few years. It is not a way of putting money aside for the budget crisis or anything like that. This amount will be sufficient enough for the corporation to make a solid series of decisions to explore partnerships with outside entities, nonprofit and for profit. This

also allows the College the majority of the fund balance as we are looking at the future economic crisis. This is a middle ground to give the corporation enough room to engage in those discussions and in partnerships but not so great to leave us vulnerable for the impending economic crisis. Regent Martinez thanked President Bailey.

Regent Martinez moved to approve the funding of the Eagle Corporation in the amount of \$300,000. Second – Regent Velarde. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

VI. STAFF REPORTS

A. Vice President for Finance & Administration

1. Fiscal Watch Reports

Mr. Bejarano stated the first item is the Fiscal Watch Reports and with the President's approval he will call on Vince Lithgow, Comptroller. Mr. Lithgow stated on page 40 is the Statement of Net Position. As of the end of March, we have \$5.6M in cash and cash equivalents. We have received the bulk of appropriations throughout 75% of the fiscal year. Cash has not caught up with expenditures but it will and toward the end of the fiscal year we will be in a cash position of about \$2M. Receivables are good, student receivables are down and others mainly grant related are maintaining. Non-current assets are \$35M. That is the number that gets published once in the fiscal year during the audit. We have \$9.9M in deferred outflows and that is our pension related. Other liabilities are nominal. Accounts payables, we are paying bills as we go along. Because there has been less fiscal activity, we are current with our current bills. There are some other liabilities related to capital projects we are working on. Total liabilities are about \$45.3M with another \$3.5M related to pension liabilities. On Restrictions, we have restrictions for liabilities related to capital projects. The other related party activities are the Mill Levy Revenue and it is at \$1.3M year to date and a \$7M unrestricted fund balance which will go down substantially the next month or so. Mr. Lithgow asked if there were any questions.

President Bailey stated based on the current position, this is something mentioned in the update video which will be coming out today or tomorrow, that is, the College right now is in the strongest financial position it has been in since President Bailey has been here and he would venture in the last decade. This is a testament to Ricky, Vince, Evette and the entire Business Department for what they have done to get our fiscal house in order. It has truly been revolutionary on what they have been able to do. They would be the first to say it was everyone buckled down to get our house in order over the last several years. We do have a fiscal crisis coming but we are in better shape now to handle this than we have ever been. President Bailey would like to commend them for some incredible work they have done in the past few years.

Mr. Lithgow stated regarding operating and plant funds, we have collected 88% tuition and fees, state appropriation should be at 7% and we got a \$50,000 special appropriation. Overall, we have collected 77% of revenues. We still need to record payroll information and data; liabilities and it will bring it to 70%. Compared to last year at this time we have collected 4% more revenues and have a larger appropriation. Statement of Cash flows, these are tuitions, grants, services. State appropriations at \$9.9M and balance at \$5.66M.

Board President Martin entertained a motion to approve.

Regent Martinez moved to approve the Fiscal Watch Reports as presented. Second – Regent Swentzell. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

2. Budget Adjustment Reports (BARs)

Ricky Bejarano stated there are only two BARs. The first, page 48 and 49 and the second, pages 50 and 51. They are various funding sources from which they come from. We did review them during the Audit/Finance/Facilities meeting. Mr. Bejarano requested approval.

Board President Martin entertained a motion to approve.

Regent Swentzell moved to approve the BARs as presented through April 21, 2020. Second – Regent Velarde. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

3. FY 2021 Budget – Action Required

Mr. Bejarano stated regarding student accounts receivable, we are not doing enforcement currently, payment plans have been extended and we are not collecting at this time so students do not feel such a great impact without penalty and interest. Regarding the budget, this is why Evette is not with us, she is diligently working on the budget. It will have to be worked in two ways. There will be a budget flat so when the cuts and changes come in we can do them with more flexibility and more ease and then we will do the required one which is based on HB2 without the increases and changes that came in. The reality is there will be cuts but we do not know what or where they are. The only thing that is certain is the uncertainty about it. We will all have to be very patient and work diligently to craft up a budget. As the President mentioned, it may have to be done a couple of times even after submission. There may be two special sessions one in June and another sometime in summer early fall.

President Bailey stated because he sees our legal counsel here and union partners. President Bailey would like to give thanks to them, they are going into a challenging contract negotiation discussion with this much uncertainty. Our union partners have really truly been partners this entire process with us and we are grateful for their partnership. They have a difficult task in terms of the negotiations they are embarking on but we are going to be flexible and work in act in good faith with them as we move forward and craft this budget and adjust it based on the realities of the special session.

B. Provost & Vice President for Academic Affairs

1. Revisions to the Community College Branch Faculty Handbook -Action Required

Dr. Lopez stated he has one item for action. This is based on what the Board of Regents approved at the last meeting in March. They approved the faculty handbook for the Branch Community College with the caveat that certain changes were needed to make clear the identification of the Board of Regents the President of the College. Dr. Lopez took his recommendations and suggestions to the legal team. Dr. Lopez invited Geno Zamora to explain the changes made to the

handbook. These changes were sent to the Board of Regents in an email that show the changes. Mr. Zamora stated the first time this handbook came to the Board of Regents, we had completed the HR review for everyone's subject to this, to the faculty of the Branch Community College that is subject to this faculty handbook. With feedback from the Board of Regents and board members, what became clear was that the organizational structure needed to be clean up within this. By this, he means how does the Branch Community College relate to the College and how is that flow of governance. They went back and did a second review specifically to clean up the organizational issues, the organizational structural issues and this is what the Board of Regents received in the strikethrough. Generally speaking, what it clarifies the roll of the Board of Regents, the President, the roll of the Branch Community College Director and then recognizes rather than duplicating all the supports for the Branch Community College that the College itself provides all other supports such as Provost, HR, etc. It is a summary of a lot of cleanup language and changing references from broad references of the College to appropriate Northern New Mexico College or we started referencing this specifically as the Branch Community College. It is clarification of language throughout the document and this is a summary of the totality of the changes. Mr. Zamora stood for any questions.

Board President Martin entertained a motion from the Board.

Regent Martinez moved to approve the recommendation on the College Handbook. Second - Regent Swentzell. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

VII. PUBLIC INPUT

None.

VIII. EXECUTIVE SESSION

Regent Martinez moved to enter into executive session to discuss those issues listed on the agenda which only are the annual presidential evaluation. Second – Regent Velarde. A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. The Board entered into Executive Session at 1:58PM.

President Bailey explained everyone who is on the meeting is welcome to stay on the meeting. The Board of Regents will receive from Amy a link to another Zoom meeting to log into for Executive Session. Board President Martin will call President Bailey to broadcast him from his phone to Executive Session.

President Bailey thanked everyone for their patience and asked if everyone could hear him. The attendees were able to hear President Bailey.

Board President Martin entertained motion to return from Executive Session.

Regent Martinez moved to come out of executive session and affirmatively stated only those things in the Agenda, which was the Presidents evaluation, was discussed and no decisions were made. Second – Regent Swentzell. A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. Motion passed unanimously.

IX. ADJOURNMENT

Regent Swentzell moved to adjourn. Second – Velarde. A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. Motion passed unanimously.

The Board of Regents adjourned at 2:42PM.

APPROVED:

Michael A. Martin, Board President

Erica Velarde, Vice President

**NORTHERN NEW MEXICO COLLEGE
BOARD OF REGENTS SPECIAL MEETING
May 13, 2020**

I. CALL TO ORDER

A Special Meeting of the Board of Regents of northern New Mexico College was held on Wednesday, May 13, 2020, Via Zoom. Regents Present: Michael A. Martin (Via Conference Call), Erica Velarde (Via Zoom), Porter Swentzell (Via Zoom), Damian Martinez (Via Zoom), Tomas Rodriguez (Via Zoom). President Bailey stated that Board President Martin, Regent Velarde, Regent Swentzell, Regent Martinez and Regent Rodriguez were on the line and participating Via Zoom. Board President Martin called the meeting to order at 1:32PM.

Northern New Mexico College Staff Present: President Richard J. Bailey, Jr. (Via Zoom), Ph.D.; Ricky Bejarano, Vice President for Finance & Administration (Via Zoom); Ivan Lopez Hurtado, PhD, Provost & Vice President for Academic Affairs (Via Zoom); Vince Lithgow, Comptroller, Sally Martinez, Executive Assistant to the Provost & Vice President for Academic Affairs; Stephanie Lovato, Accountant III, Grants; Evette Abeyta, Budget Director; Ryan Cordova, Athletic Director/Men's Basketball Coach; and Amy Peña, Executive Office Director.

Faculty Present: Ellen Trabka, Anne Reines, Dr. Ken Armstrong

Others Present: Tim Crone, Union Representative

II. APPROVAL OF AGENDA

Board President Martin stated the first item on the Agenda is the approval of the Agenda he would like to flip and do the International Year of the Nurse and the Midwife first and then have the discussion on the FY20/21 budget. Board President Martin requested a motion to that affect.

Regent Velarde moved to move the Nurses item prior to the Budget Item. Second – Regent Swentzell. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes., Regent Rodriguez - yes. Motion passed unanimously.

III. FY 20-21 BUDGET

Evette Abeyta, Budget Director stated she will go ahead and dive right into the budget. Ms. Abeyta stated she would give the Board of Regents a 37-foot overview of what is in the packet. Ms. Abeyta stated she knows this was an intense budget document. We are safe to call it preliminary budget to what is to come in a possible special session where we could see a reduction and more than likely will see a reduction to the overall budget. In the budget we have a total \$30,829M budgeted for FY 20/21. \$12.252M is general fund portions of that budget. Going into the document, there are the three columns, the FY20 original budget that was approved last legislative session for FY20, the middle column is the estimate of actuals for FY 20 and end of the packet are the final BARs for FY20 that will also require approval and submission to HED on May 15th. The last column is the FY21 projected budget. In the FY20 estimate of actuals we prepared the budget to the maximum budget levels for FY20, we were conservative in the revenues but maximized the expense side because of the unknown expenses we could be facing due to this COVID-19 issue. The final BARs are at the end of the packet and will match up to the estimate of actuals. We have not accounted in

the estimate of actuals for any of the CARE Act funding we received, she believes it was over \$500,000 and year to date we had distributed \$407,999. That is not reflected in these numbers and those will be picked up on the September mid-year BAR for FY21. In the FY21 operating budget what we did was we estimated flat enrollment with revenues based on the current year to date actuals plus we projected out for summer revenue. We don't know if this revenue will materialize based on enrollment. We did not include tuition increases for FY21. All departments are budgeted compared to FY20 with some adjustments based on the overall general fund allotments from HB2. Overall, we did include a 4% rounded cost of living increase to regular staff and faculty with the exception of executive staff. We did allow for an average of 6% increase to our medical insurance and 5% to our dental insurance. We did factor in a 3.5% vacancy savings rate. It amounts to \$425,000. We did shift a couple of expenses for overages into fund balance and some of that was part of the BR&R and ER&R expenses that were included in a previous Board meeting for fund balance use for HVAC systems. In FY21 we were able to maintain a 3% fund balance reserve level required by the State and currently in the FY20 ending fund balance we have budgeted showing at \$2,200M and for FY21 almost a \$2M. The 3% reserve amount is \$924,878. This budget does reflect that and if there are any cuts coming our way in a special session we more than likely see that amount reduced unless we find areas to cut. This is the overall overview of the FY21 budget. Ms. Abeyta opened the meeting for questions or comments.

Board President Martin polled the Board for questions. Regent Velarde – none. Regent Swentzell stated he knows all the work that has been done on this and he realizes there could be some changes that could be coming up and it is a lot of work and we have to adjust and he appreciates the work being done on this. Regent Martinez stated the Audit/Finance/Facilities Committee went over this budget much in a similar way and they all recognize we are playing with fake money right now because this budget will change at the special session. They also had a great conversation with Administration and our need to look and identify areas within the various departments because we may have to make cuts and administration with the funds that are ultimately given to the school and Administration is on top of it. We recognize we can't go in there with a meat cleaver, it is going to have to be surgical. We need to bring in all the department heads in to have these decisions when it comes down to how we are going to manage the budget once the State decides what the actual budget is going to be. They had a good discussion and President Bailey and his team are already and continue to worked tremendous hours and produce tremendous results and he thanks them. Regent Rodriguez - none. Board President Martin entertained a motion to approve the budget.

Regent Martinez moved to approve the FY20/21 Budget. Second – Regent Swentzell. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes, Regent Rodriguez - yes. Motion passed unanimously.

IV. INTERNATIONAL YEAR OF THE NURSE AND THE MIDWIFE

President Bailey thanked the Board of Regents for being at the meeting and stated we do have some special guests at the Board of Regents Meeting. Yesterday was the 200th Birthday of Florence Nightingale, last week was Nurses week, yesterday was International Nurses Day and 2020 is International Year of the Nurse and Midwife. We thought it was fitting not only to invite our superstars from Nursing and Health Sciences but also and this is thanks to Dr. X and the leadership in the department but to propose a proclamation for the Board of Regents consideration which declares May 12th as Florence Nightingale Day at Northern New Mexico College. That proclamation is on page 130 in the packet. President Bailey stated he would turn the floor over to the Chair of the Nursing and Health Sciences Department, Ellen Trabka.

Ms. Trabka thanked the Board of Regents for considering this proclamation. Ms. Trabka introduced Dr. Ken Armstrong who is the new Program Director for the Associate Degree Nursing Program and Anne Reines she is an Assistant Professor in the Associate Degree Nursing Program, they are present at the Board of Regents Meeting today. Ms. Trabka read the following statement.

I don't think that anyone could have predicted the events of 2020, the COVID-19 pandemic, as the decision was made by WHO to declare 2020 as the International Year of the Nurse and the Midwife, to mark the 200th birthday of the founder of modern nursing, Florence Nightingale, and to recognize the critical contribution both professions make to community and global health. Nurses and midwives play a vital role in the health of the community, and we have all been able to see this clearly during the pandemic. Nurses on the frontlines are saving lives, but some have also lost their lives.

The nursing profession has been hit hard by this pandemic. Nursing education programs have faced unprecedented challenges due to social distancing regulations, campus closures, and the lack of access to clinical sites for our students due to liability issues and a lack of PPE. Our students have had to continue their training using virtual computer based clinical simulation scenarios. Our graduating student were unable to complete their Nursing Capstone course and do their final preceptor assignment. We have had to innovate to continue to educate our nurses. In these uncertain times, we are struggling, quite frankly, to determine a clear path forward to continue educating nurses. Now more than ever we need the continued support of the college and the community to strengthen and support our local nurses.

I would like to recognize our graduating associate degree nursing students who could not be here today, because they are, at this very moment, taking their final proctored computerized exam which will determine whether they graduate this year and she added, under less than optimum circumstances they are doing remote proctoring and she hopes their internet doesn't crash. They are going to miss their pinning ceremony which is such a lovely day for them and they have worked so hard to get here. She would like to recognize them and all of the nursing students. Ms. Trabka thanked the Board of Regents for considering this proclamation and the continued support of the nursing programs.

President Bailey stated just to cap and let the Board of Regents know, Dr. Lopez and President Bailey joined Ellen, Ken and the leadership of the department and a few of their nursing students yesterday for a reciting of the oath, the nurse's oath and we took a moment of silence to pay tribute to the nurses and all of those in the healthcare profession who have lost their lives during this pandemic. It was a very thoughtful, emotional and respectful ceremony. Kudos to the Nursing and Health Sciences Department for representing us so well and for being our shining light in terms of service to others. President Bailey opened it up to the Board of Regents for questions. Board President Martin asked if there were any comments and entertained a motion for approval.

Regent Swentzell moved in support of this proclamation that is very important, especially at this time and thank you to all of Northern's staff who works on training these critical professionals who we recognize are in all times very important, especially in these times, that much more critical. Second - Regent Velarde. Regent Velarde also seconded Regent Swentzell's lovely words as well. In these times we realize, she has always known how important nurses are but I think we realize even more so during these times and how much they are putting themselves for all of our protection and all of our safety. So much love and appreciation to all of our nurses and soon to be nurses. A roll call vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - Regent Rodriguez. Motion passed unanimously.

President Bailey stated in addition to our Nursing and Health Sciences Department faculty leadership we also have with us Tim Crone who is the Union representative and has been a great partner so far. Also, all of our business staff are here and the Board of Regents will talk with all of them about the budget. In addition to Amy Pena and Sally Martinez, Ryan Cordova has joined the meeting.

V. ADJOURNMENT

Regent Martinez moved to adjourn. Second – Regent Swentzell. A roll call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes, Regent Rodriguez – yes. Motion passed unanimously.

The Board of Regents adjourned at 1:50PM.

APPROVED:

Michael A. Martin, Board President

Erica Velarde, Vice President

*Office of the President***NORTHERN New Mexico College****MEMORANDUM**

To: Board of Regents
Northern New Mexico College

From: Ricky Bejarano, CPA, CGMA
Vice President for Administration & Finance

Date: May 27, 2020

Re: Fiscal Watch Report

Issue

On a monthly basis, Northern New Mexico College (NNMC) provides an institutional financial report for Board of Regent (BOR) review and approval.

Overview

The NNMC Business Office, on a monthly basis, prepares a Fiscal Watch Report for review and discussion at the monthly Audit, Finance and Facilities Committee (AF&F) meeting. The financial report provides an overview of the institution's financial condition for all unrestricted and restricted operational funds and grants throughout the College.

The fiscal watch reports are presented in the format prescribed by the New Mexico Higher Education Department (NMHED) with titles are located at the top of the page. An additional fiscal watch report is included to provide an updated budget status report for all Budget Adjustment Requests processed through the time of the monthly AF&F meeting.

In addition, the BOR is also provided individual reports for the following financial areas summarized in the monthly institution-wide fiscal watch report:

- Unrestricted funds (11)
- Auxiliary Programs (12)
- Institutional Grants (41)
- Student Aid (42)
- Plant Funds (91)
- Capital Projects (92)

Although the NMHED requires all higher education institutions to submit fiscal watch reports on a quarterly basis, NNMC produces fiscal watch reports on a monthly basis to insure that the BOR is regularly informed about the current financial condition of the institution.

Recommendation

Staff recommends that the Board of Regents approve the Fiscal Watch Report for the period ending April 30, 2020.

Northern New Mexico College

Statement of Net Position

(Unaudited and Unadjusted)

April 30, 2020

Assets	
Current Assets:	
Cash and Cash Equivalents	5,636,906
Short-Term Investments	-
AR - Student	286,830
AR - Other than student	248,336
Inventories	71,087
Prepaid Expenses	6,962
Loans Receivable, net	135,703
Total Current Assets	<u>6,385,823</u>
Non-Current Assets	
Restricted Cash and Cash Equivalents	-
Restricted Short Term Investments	-
Investments Held by Others	-
Other Long-Term Investments	-
Prepaid Expenses	-
Capital Assets, net	35,176,600
Total Non-Current Assets	<u>35,176,600</u>
Total Assets	<u>41,562,423</u>
Deferred Outflows of Resources	
Pension Related (6/30/19 balances)	9,904,397
Total Deferred Outflows of Resources	<u>9,904,397</u>
Liabilities	
Current Liabilities	
Accounts Payable	405,208
Other Accrued Liabilities	527,849
Deferred Income	2,007,392
LT Liabilities - Current Portion	-
Total Current Liabilities	<u>2,940,449</u>
Non-Current Liabilities	
Accrued Interest Payable	-
Accrued Benefit Reserves	-
Other LT Liabilities	134,648
OPED Liability	7,889,220
Net Pension Liability	34,773,819
Total Non-Current Liabilities	<u>42,797,687</u>
Total Liabilities	<u>45,738,136</u>
Deferred Inflows of Resources	
Pension Related (6/30/19 balances)	3,504,432
Total Deferred Inflows of Resources	<u>3,504,432</u>
Net Position	
Invested in Capital Assets, net of Related Debt	35,176,600
Restricted for:	
Nonexpendable:	
Endowments	-
Expendable:	
General Activities	85,233
Federal Student Loans	286,830
Term Endowments	590,000
Capital Projects	1,487,750
Debt Service	-
Related Entity Activities	1,587,568
Unrestricted	
Unrestricted without NFP	4,362,670
Net Fiduciary Position	-
Total Unrestricted (includes 6/30/18 NFP)	<u>4,362,670</u>
Total Net Position	<u>43,576,651</u>

Northern New Mexico College
Summary of Operating and Plant Funds
(Unadjusted and Unaudited)
Fiscal Year 2020

Operating Funds	FY 2020 Original Budget	FY 2020 Adjusted Budget	FY 2020 Actuals as of April 30, 2020	Percentage Earned/Spent
REVENUES				
Tuition & Misc Fees	\$ 3,813,822	\$ 4,060,939	\$ 3,590,011	88.4%
Federal Appropriations	-	-	-	-
State Appropriations	12,692,700	12,692,700	10,627,250	83.7%
Local Appropriations	-	-	-	-
Gifts, Grants & Contracts	7,513,828	10,197,566	5,355,422	52.5%
Endowment/Land & Perm Inc	163,525	163,525	150,650	92.1%
Sales & Services	703,490	788,501	1,186,920	150.5%
Other	383,743	180,995	187,997	103.9%
Total Revenue	25,271,108	28,084,226	21,098,250	75.1%
BEGINNING BALANCE	2,228,873	2,228,873	1,997,246	89.61%
TOTAL AVAILABLE	27,499,981	30,313,099	23,095,496	76.2%
EXPENDITURES				
Instruction & General	17,105,901	19,620,084	11,351,304	57.9%
Student Social & Cultural	98,735	98,735	50,937	51.6%
Research	140,743	133,814	70,318	52.5%
Public Service	1,579,633	1,587,649	640,205	40.3%
Internal Services	177,576	177,576	147,980	83.3%
Student Aid	5,067,156	5,184,585	4,522,905	87.2%
Auxiliary Enterprises	957,028	957,028	447,457	46.8%
Intercollegiate Athletics	644,442	623,207	453,619	72.8%
Independent Operations (NMDA)	-	-	-	-
Total Expenditures	25,771,214	28,382,679	17,684,724	62.3%
NET TRANSFERS OUT / (IN)	230,000	230,000	74,966	32.6%
TOTAL EXPENDITURES & TRANSFERS	26,001,214	28,612,679	17,759,690	62.1%
ENDING FUND BALANCE	\$ 1,498,767	\$ 1,700,420	\$ 5,335,806	

Plant Funds	FY 2020 Original Budget	FY 2020 Adjusted Budget	FY 2020 Actuals as of April 30, 2020	Percentage Earned/Spent
REVENUES AND TRANSFERS				
Required Student Fees				
Bond Proceeds				
Gifts, Grants and Contracts				
Interest Income				
State Appropriation	\$ 1,987,565	\$ 1,987,565	\$ 61,738	3.1%
Debt Service Transfers				
Other				
Total Revenues and Transfers	1,987,565	1,987,565	61,738	3.1%
BEGINNING BALANCE	-	-	-	
TOTAL AVAILABLE	1,987,565	1,987,565	61,738	3.1%
EXPENDITURES				
Capital Projects	1,987,565	1,987,565	1,355,316	68.2%
Building Renewal	230,000	230,000	194,172	84.4%
Internal Service Renewal/Replacement				
Auxiliary Renewal/Replacement				
Debt Retirement				
Total Expenditures	2,217,565	2,217,565	1,549,488	69.9%
NET TRANSFERS OUT / (IN)	(230,000)	(230,000)	(74,966)	32.6%
TOTAL EXPENDITURES & TRANSFERS	1,987,565	1,987,565	1,474,522	74.2%
ENDING FUND BALANCE	\$ -	\$ -	(1,412,784)	

Northern New Mexico College
Comparison of Operating and Plant Funds
(Unadjusted and Unaudited)
Fiscal Year's 2020 and 2019

Operating Funds	FY 2020 Actuals as of April 30, 2020	FY 2019 Actuals as of April 30, 2019	Percentage Increase (Decrease)
REVENUES			
Tuition & Misc Fees	\$ 3,590,011	\$ 3,883,510	-7.6%
Federal Appropriations	-	-	
State Appropriations	10,627,250	9,459,914	12.3%
Local Appropriations	-	-	
Gifts, Grants & Contracts	5,355,422	6,086,671	-12.0%
Endowment/Land & Perm Inc	150,650	196,996	-23.5%
Sales & Services	1,186,920	519,033	128.7%
Other	187,997	210,995	-10.9%
Total Revenue	21,098,250	20,357,119	3.6%
BEGINNING BALANCE	1,791,221	1,791,221	0.0%
TOTAL AVAILABLE	22,889,471	22,148,340	3.3%
EXPENDITURES			
Instruction & General	11,351,304	12,554,832	-9.6%
Student Social & Cultural	50,937	73,678	-30.9%
Research	70,318	-	
Public Service	640,205	332,122	92.8%
Internal Services	147,980	141,449	4.6%
Student Aid	4,522,905	4,611,025	-1.9%
Auxiliary Enterprises	447,457	642,459	-30.4%
Intercollegiate Athletics	453,619	462,299	-1.9%
Independent Operations (NMDA)	-	-	
Total Expenditures	17,684,724	18,817,864	-6.0%
NET TRANSFERS OUT / (IN)	74,966	262,595	-71.5%
TOTAL EXPENDITURES & TRANSFERS	17,759,690	19,080,459	-6.9%
ENDING FUND BALANCE	\$ 5,129,781	\$ 3,067,881	67.2%

Plant Funds	FY 2020 Actuals as of April 30, 2020	FY 2019 Actuals as of April 30, 2019	Percentage Increase (Decrease)
REVENUES AND TRANSFERS			
Required Student Fees	\$ -	\$ -	0.0%
Bond Proceeds	-	-	0.0%
Gifts, Grants and Contracts	-	-	0.0%
Interest Income	-	-	0.0%
State Appropriation	61,738	487,114	-87.3%
Debt Service Transfers	-	-	0.0%
Other	-	-	0.0%
Total Revenues and Transfers	61,738	487,114	-87.3%
BEGINNING BALANCE	-	-	
TOTAL AVAILABLE	61,738	487,114	-87.3%
EXPENDITURES			
Capital Projects	1,355,316	487,114	178.2%
Building Renewal	194,172	127,954	51.8%
Internal Service Renewal/Replacement	-	-	0.0%
Auxiliary Renewal/Replacement	-	-	0.0%
Debt Retirement	-	-	0.0%
Total Expenditures	1,549,488	615,068	151.9%
NET TRANSFERS OUT / (IN)	(74,966)	(262,595)	-71.5%
TOTAL EXPENDITURES AND TRANSFERS	1,474,522	352,473	318.3%
ENDING FUND BALANCE	\$ (1,412,784)	\$ 134,641	-1149.3%

Some revenues are reported on a seasonal basis or by semester and therefore may affect the Increase/(Decrease) to Fund Balance

Northern New Mexico College

Statement of Cash Flows

(Unaudited and Unadjusted)

April 30, 2020

Cash Flows from Operating Activities	
Receipts from student tuition and fees	\$ 3,303,180
Receipts from grants and contracts	5,107,086
Other receipts	-
Payments to or on behalf of employees	(10,297,557)
Payment to suppliers for goods and services	(5,384,371)
Receipts from Sales and Services	1,186,920
Payments for scholarships	(1,097,209)
Other Operating Revenue	187,997
Net cash (used) by operating activities	<u>(6,993,953)</u>
Cash Flows from Non-Capital Financing Activities	
State Appropriations	10,688,988
Gifts for other than Capital Purposes	-
Private Gifts for Endowment	-
Other Non-operating Expense	-
Net Cash provided (used) for non-capital financing activities	<u>10,688,988</u>
Cash Flows from Capital and Related Financing Activities	
Proceeds from Capital Debt	-
Capital Gifts, Grants and contracts	-
Purchase/Construction/Renovation of Capital Assets	-
Principal Received/Paid on Capital Debt and Leases	-
Interest and Fees Paid on Capital Debt and Leases	-
Building Fees Received from Students	-
Net Cash provided (used) for capital financing activities	<u>-</u>
Cash Flows from Investing Activities	
Investment Earnings	150,650
Net Cash provided by Investing Activities	<u>150,650</u>
Increase (Decrease) in Cash and Cash Equivalents	3,845,685
Cash and Cash Equivalents- beginning of year	1,791,221
Cash and Cash Equivalents- end of reporting period	<u>\$ 5,636,906</u>



MEMORANDUM

To: Board of Regents,
Northern New Mexico College

From: Ricky A. Bejarano, CPA, CGMA
Vice President - Administration and Finance

Date: May 22, 2020

Re: **NNMC Equal Employment Opportunity and Non-discrimination
Policy 1320**

NNMC Nepotism Policy 1340

Issue – Request approval of 2 NNMC Policy Proposals

Recommendation

Staff recommends that the Board of Regents approve NNMC Equal Employment Opportunity and Non-Discrimination Policy 1320.

Staff recommends that the Board of Regents approve NNMC Nepotism Policy 1340.

Both policies have been reviewed and edited by Geno Zamora, Esquire. As well, recommendations made by Mr. Zamora were incorporated into the documents.

NNMC NEPOTISM POLICY PROPOSAL

As a political subdivision of the state, Northern New Mexico College officers and employees are covered by the Governmental Conduct Act (“GCA”). N.M. Att’y Gen. Op.06-01 (2006) (stating that state educational institutions are subject to the GCA). The GCA, in effect, prohibits covered officers and employees from engaging in nepotism. 1978 NMSA §§ 10-16-2(E), (F), 3, and 4. In addition, professional business literature is replete with best practices regarding nepotism, describing and illustrating the effects of nepotism to an organization as everything from negative to dangerous. In light of the aforementioned, it is the policy of Northern New Mexico College (NNMC) to prohibit the hiring of family members of the Board of Regents and current employees of the College.

The Merriam-Webster Dictionary defines *nepotism* as “Favoritism shown to a relative (as in the granting of jobs).” (Merriam-Webster, Inc., 2016). Oxford Dictionary defines *nepotism* as “The practice among those with power or influence of favoring relatives or friends, especially by giving them jobs.” (Oxford University Press, 2020). Black’s Law Dictionary defines *nepotism* as “Appointing unqualified relatives and friends to positions in one’s organization when an outsider might be better qualified.” (Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.)

The following definition, which is a blend of all of the previous three noted, comes from Miranda Brookins in an article for *BizFluent*, September 26, 2017 when she was completing her graduate work at the University of Baltimore. “*In the workplace, nepotism is defined as individuals showing favoritism to family members and friends by providing them with jobs or giving them promotions based on their relationships, not competence.*” (Brookins, 2017).

The following definitions should be used for purposes of this policy:

Current Employee for purposes of this policy is defined as “any person employed within any area or department of the college at the time of open recruitment or contemplated appointment by the President for any position at NNMC. This includes temporary or term positions.”

Family member is defined as any of the following: spouse, parent, child, domestic partner, brother, sister, aunt, uncle, nephew, niece, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-parent, children of domestic partner, step-brother, step-sister, grandchild, great grandchild, great grandparents, or any other person residing in the same household.

Employees whose family members (as defined above) are employed by NNMC at the date of implementation of this policy *are exempt* from this policy until one of the family members ceases employment at NNMC. Thereafter, this policy shall apply to the family member(s) remaining in the employ of NNMC. *Under no circumstances will a current employee be allowed to supervise a family member. If such a situation currently exists, NNMC will defer to the affected employees to determine which will cease employment or relocate within NNMC. If the affected employees cannot or refuse to*

make that determination, NNMC Executive Management will make the determination for the affected employees on the basis of seniority.

Any other exemption from this policy must meet the following criteria:

1. It must be demonstrated that the exemption is in best interests of NNMC;
2. That neither family member will be in the supervisory chain of command of the other; and,
3. Must be approved in writing in advance of an offering of employment by the President of the College.

Unrelated Employees that Become Family Members (as defined above) Subsequent to Employment

In cases where employees become family members subsequent to employment (through marriage, domestic partnerships, or residing under the same household), the relationship must be disclosed to the college and one of the employees must cease employment with NNMC. NNMC will defer to the affected employees to determine which will cease employment. If the affected employees cannot or refuse to make that determination, NNMC Executive Management will make the determination for the affected employees on the basis of seniority. The senior employee will be retained.

Exemptions

For family members of employees only, any other exemption from this policy must meet the following criteria:

1. It must be demonstrated that the exemption is in best interests of NNMC;
2. That neither family member will be in the supervisory chain of command of the other; and
3. Must be approved by the President of the College in writing and in advance of an offering of employment with the College.

Family members of the Board of Regents are not eligible for consideration of an exemption.

EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION POLICY (PROPOSAL)

1. Equal Employment Opportunity and Non-Discrimination Policy

Northern New Mexico College is committed to providing a working and learning environment that provides equal opportunity to all current and prospective employees. Current and prospective employees will be considered for employment, promotions, assignment of duties, training, compensation and benefits, discipline and discharge, and other job opportunities on the basis of merit, and as otherwise required by law.

In accordance with federal and state law, it is the policy of the College to prohibit unlawful discrimination and harassment against employees or applicants for employment on the basis of race, color, religion, national origin or ancestry, sex, age, physical or mental disability or handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, veteran status, or any other basis prohibited by applicable law, including Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e and the New Mexico Human Rights Act, 1978 NMSA §§ 28-1-1 through 28-1-15.

Any applicant or employee who feels that he or she has been discriminated against or harassed should report the incident to Human Resources, a supervisor, or security.

1.1 AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATIONS To ensure equal employment opportunities to qualified individuals with a disability, the College will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require a reasonable accommodation should contact Human Resources. It is the policy of the College to prohibit unlawful discrimination and to provide reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12010, et seq.

1.2 RELIGIOUS AND TRIBAL FEAST DAY REASONABLE ACCOMMODATIONS Excused absences for observance of religious holidays, including recognized New Mexico Tribal or Pueblo feast days, are permitted for employees. Requests to be away from work to participate in such observances should be submitted at least two weeks prior to the proposed absence. Planned absences for such requests may be taken as either paid vacation leave, if applicable, leave without pay, or with equivalent time worked at a time and manner agreed upon by the employee and the responsible Supervisor, Director, or Vice President. Responsible Supervisors, Directors, or Vice Presidents may make reasonable accommodations for an employee's time away from work for this purpose to the extent practical in the consideration of education, operational, and critical needs of the College.

No employee shall discriminate against any employee or other individual because of individual's religious belief or practice or any absence thereof. A refusal to accommodate is justified only when undue hardship to the College would result from each alternative of reasonable accommodation.

1.3 PREGNANCY DISCRIMINATION ACT Pregnant employees are protected from discrimination based on current pregnancy, past pregnancy, and potential pregnancy. Northern New Mexico College provides women affected by pregnancy, childbirth, or related medical conditions with the same benefits of employment (such as light duty, alternative assignments, disability leave, unpaid leave, and medical clearance procedures) as other applicants or employees who are similar in their ability or inability to work. The American Disabilities Act (ADA) also covers pregnant employees who are regarded as having disabilities.

1.4 NURSING MOTHERS Northern New Mexico College recognizes the health, family, and societal benefits of breastfeeding children. It supports all students and employees who choose to continue breastfeeding their children after they return to school or work, whether they be birth mothers, non-birth mothers, or transgender parents. The decision to continue to breastfeed when returning to school or work often depends upon the availability of a suitable place to pump or nurse and the time to do it. For these reasons, and in order to comply with federal and state law (FLSA), 29 USC § 207(r) (1)-(4) and (NMSA 1978, § 28- 20-2), the College provides lactation rooms and reasonable break periods for breastfeeding. For employees, these break periods are considered paid time.

The Second New Mexico Statute, NMSA 1978, § 28-20-1 ("Right to breastfeed"), provides that "A mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present."

1.5 HARASSMENT AND COMPLAINT PROCEDURE Sexual and other unlawful harassment is a violation of Title VII and Title IX of the Civil Rights Act of 1964, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is the College's policy to provide a work environment free of sexual and other harassment. To that end, harassment of Northern New Mexico College employees by management, supervisors, coworkers, or nonemployees who are in the workplace is prohibited. The College will take all steps necessary to prevent and eliminate unlawful harassment.

"Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or

otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

"Sexual harassment" is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its persistence and pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome physical contact, leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Quid pro quo sexual harassment occurs when a job benefit is directly tied to an employee submitting to unwelcome sexual advances. For example, a supervisor promises an employee a raise if she will go out on a date with him, or tells an employee she will be fired if she doesn't sleep with him.

Only individuals with supervisory authority over a worker can engage in quid pro quo harassment, since it requires the harasser to have the authority to grant or withhold job benefits.

The Title IX Coordinator has been designated responsibility for coordinating Northern New Mexico College's efforts to comply with and carry out its responsibilities under applicable laws prohibiting discrimination and harassment, including of Title IX of the Educational Amendments of 1972 and Title VII of the Civil Rights Act of 1964. The Director of Human Resources has been designated responsibility for coordinating Northern New Mexico College's efforts to comply with and carry out its responsibilities under applicable laws prohibiting discrimination and harassment associated with Title VII of the Civil Rights Act of 1964.

A Title VII complaint shall be filed in with the Human Resources Office and will follow the procedures and timelines of either the New Mexico Human Rights Commission or the federal Equal Employment Opportunities Commission, as applicable.

A Title IX complaint shall be filed in accordance with Title IX Grievance Policy 1320 which can be obtained from the Northern New Mexico College website or directly from its Title IX Coordinator.

1.6 REPORTING MISCONDUCT COVERED BY THIS POLICY Northern New Mexico College employees and individuals associated with the College, acting in good faith, should report any observed misconduct, whether suspected or apparent. Misconduct is any activity performed by a Northern New Mexico College employee that violates state and/or federal laws or regulations, local ordinances, or College policies. Employees are to maintain the highest standards of personal and professional ethics as they conduct business on behalf of the College.

Northern New Mexico College is committed to conducting an initial review and continuing with a thorough investigation into allegations of misconduct where warranted, while protecting the rights of all involved. Misconduct should be reported as soon as reasonably possible, preferably within thirty (30) days from the time the employee becomes aware of the observed, suspected, or apparent misconduct. Report the conduct to your supervisor. If, however, there is reason to believe the supervisor may be involved in the misconduct, report the conduct to the department responsible for dealing with the conduct in question. Such offices could include the Office of Human Resources, the Office of Title IX Coordinator, etc.

1.7 RETALIATION NOT TOLERATED Retaliation is not tolerated by Northern New Mexico College and will be promptly investigated. Retaliation is any adverse action taken against an employee because that employee reported suspected misconduct. Any employee who interferes with, tries to interfere with, or retaliates against the rights of

another employee for reporting suspected misconduct or cooperating in an investigation is subject to disciplinary action up to and including termination of employment Northern New Mexico College is committed to protecting employees who report suspected misconduct in accordance with the Whistleblower Protection Act (Whistleblower Protection Act - § 10-16C-1. - N.M. Stat. Ann. § 10- 16C-1 et seq. (2012)). Where possible, confidentiality will be maintained, however, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

It is important to protect individuals from false, unsubstantiated, or inaccurate accusations. An employee who knowingly provides false information or knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation, or who knowingly provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including termination of employment.



MEMORANDUM

To: Board of Regents - Northern New Mexico College

From: Ivan Lopez, Provost and VPAA

Date: May 27, 2020

Re: Instructional Live Streaming & Lecture Capture Policy

Issue

Northern is offering more courses that required instructional live streaming & lecture capture and there is no existent policy to regulate issues like privacy & accommodations.

Overview

The attached document describes the proposed policy. It was drafted by a college committee integrated by the library director and the distance education director and review by the Ortiz & Zamora legal team.

It does not include a number yet because currently, the institution is reviewing the policy numbering system.

Recommendation

I recommend the Board of Regents approve this policy.

Instructional Live Streaming & Lecture Capture Policy

NNMC supports live streaming and lecture captures as methods for delivering educational content as well as fostering scholarship and knowledge discovery.

Live streaming, as it pertains to this policy, is defined as the streaming of digital data (such as audio or video material) that is delivered continuously and intended for immediate processing or playback.

Lecture capture, as it pertains to this policy, is an umbrella term that describes any technology that allows instructors to record what is happening in their classrooms and make it available digitally. This includes educational materials that are either pre-recorded and distributed to students ahead of time or captured during a live class session and made available for review afterward.

Any recorded and streamed instructional content made publicly available or broadcast beyond a defined course under the auspices of NNMC is required to comply with applicable laws including the Family Educational Rights and Privacy Act (FERPA); [Americans with Disabilities Act \(ADA\) of 1990](#), the [ADA Amendments Act of 2008](#), and [Section 508 of the Rehabilitation Act](#); and [U.S. Copyright Law](#).

Privacy

If only an instructor is recorded and with no video or audio of students of their participation and no use of identifiable student information, student privacy is a lesser concern. To minimize privacy issues, all recordings for courses should be placed in the College's learning management system. If an instructor plans to use the recording in a future class or for a different class during the same semester and students participate in the recording, consent is required from each student who recorded and appears by video or audio (see procedures below).

There are privacy concerns for the general student audience, identifiable individual students, and student work or presentations classified as "educational record" under FERPA. Non-classroom recordings cannot rebroadcast any student's identifying data (including images, names, and voices) without written consent from the student(s).

Procedures to protect student privacy:

- Those present in the public event should be notified the event will be recorded and/or made available on the internet.
- If the lecture will be available publicly on the internet and includes a guest speaker, student questions, or discussion, identifiable individuals must sign a consent form. The instructor of the course or organizer of the event is responsible for consent forms and must provide copies to the College's

Communications Office, as well as retain the originals for a period of four years from the date of the recorded lecture. Individuals under the age of 19 must have the form signed by a legal guardian.

- If a lecture will be made publicly available on the internet and the recording includes student presentations or group discussions, students must sign a consent form. The instructor of the course or organizer of the event is responsible for consent forms and must provide copies to the College's Communications Office, as well as retain the originals for a period of four years from the date of the recorded lecture. Individuals under the age of 19 must have the form signed by a legal guardian.

Accommodations

Live streamed content authorized by NNMC must be fully accessible, which may require offering closed captioning and audio descriptions of video material. ADA accommodations, such as closed captioning, are required if the material is disseminated and made publicly available (outside a given course) at a later date.

Procedures to plan ADA compliant streamed events or publicly broadcast at a later date:

- Students and faculty in online classes should follow the NNMC Accessibility Resource Center Policy and Procedures for classroom accommodations.
- The following statement should be included in any advertisement of a streaming event or lecture capture outside of the classroom: "If you need accommodations to access one of these upcoming events, please contact EVENT ORGANIZER".
- If an **accommodation is needed** because someone is attending the live session, the EVENT ORGANIZER will secure live captioning capability.
- Broadcasts made publicly available after the event need to ensure closed captioning is available prior to posting.

Copyright Compliance

Faculty and staff are responsible for observing copyright law including Educational Fair Use Guidelines, obtaining appropriate permission from the copyright holder, and following the College policies and procedures when incorporating third-party content into lecture captures or streamed events. In some instances, copyright-protected content (including images, text, and video) cannot be recorded as public recordings, and may not be covered under academic fair use.

Procedure for utilizing copyrighted material in a live stream or lecture capture:

- Contact the College Library if you need assistance documenting Fair Use compliance or requesting copyright permission.
- Contact the College Library if you are interested in protecting your copyright in a live stream or lecture capture situation.

Likeness Consent:

Northern New Mexico College Release of Information

I am a:

- Student of Northern New Mexico College
- Non-student of Northern New Mexico College

and I hereby give permission to Northern New Mexico College to release my name or image for educational and publicity purposes in any and all media. This means my image or name may be used in print, video, film, social media, or on the college website.

Print name _____ Date _____

If person is under the age of 19, Signature of parent or legal guardian

Please return the signed form to Northern New Mexico College's Communications Office in AD128.

(The above release may also be used as an electronic form)

Copyright Release for Instructor or Content Generator:

I hereby grant NNMC nonexclusive, royalty-free permission to publicly display TITLE OF WORK in any way that furthers the educational, research, and public service purposes of NNMC.

I represent and warrant for the benefit of NNMC that:

1. I have the full power and authority to enter into this agreement.
2. If the Work includes any photos, videos, data, interviews, or other accompanying material that is not original work by the author(s), I have properly cited them and obtained the necessary permissions to display them.
3. I have not made, nor will I make, any contract or commitment that would be contrary to the terms of this agreement. The chosen platform NNMC uses is intended to serve as a repository and dissemination tool of the scholarly and creative work of NNMC.
4. I understand I can request my work be withdrawn from the platform at any time or if it is shown that my work was submitted in breach of copyright or other intellectual property rights. A full bibliographic citation of my work is:

Name and Date: (we would have them agree to an electronic form)
