



The Board of Regents of the University of New Mexico

October 19, 2021; 9:00 AM

Open Session and Executive Session

Virtual Meeting¹: <https://live.unm.edu/board-of-regents>

AGENDA

- I. Call to Order, *Regent President Douglas M. Brown* TAB
 - A. Confirmation of a Quorum
 - B. Land Acknowledgement Statement
 - C. Adoption of the Agenda

- II. Approval of the Minutes of the August 19 and September 14, 2021 Special Meetings ... 1

Public Comment² [*Limit 3 minutes per comment; additional written comments sent to regents@unm.edu are welcomed.*]

Comments from Regents

- III. President’s Administrative Report, *Garnett S. Stokes* 2

- IV. Annual UNM Foundation Update 3

Jeff Todd, President & CEO, UNM Foundation, Inc.; Ryan Mummert, Chair, UNM Foundation Board of Trustees

- V. Regents’ Committee Reports

Approval of Consent Docket

Action items on Regent’s Committee agendas may be moved to the Board of Regents’ consent docket; items on the consent docket received unanimous approval in committee; per Regents’ Policy 1.2, “*Any member of the Board of Regents shall have the right upon request to remove any item from the Board’s consent agenda and place the item on the Board’s regular agenda for discussion.*”

- A. [SSTAR]* Approval of Posthumous Degrees:.....C-1
 - 1. Brandon Ray – B.S. Biology
 - 2. Michael Sanchez – B.S. Computer Science with Minor in Psychology
- B. [SSTAR] Approval of Form D’s (New Graduate Programs)
 - 1. Graduate Certificate in Elementary Education with K-8 LicensureC-2
 - 2. Graduate Certificate in Indigenous Planning.....C-3
- C. [SSTAR] & [HSSC]* Approval of Endowed Professorships (Naming Items) and Approval of Appointments to Endowed Professorships and Chairs:C-4
 - 1. Creation of the, ‘Robert M. Faxon Jr. Endowed Professor in Neuro-Oncology’
 - 2. Appointment of Dr. Sara G.M. Piccirillo, PhD as the, ‘Robert M. Faxon Jr. Endowed Professor in Neuro-Oncology’
 - 3. Appointment of Dr. Anne Greene, MD as the holder of the, ‘Dr. Irene Uhrik Boone Endowed Chair in Pediatrics’
 - 4. Appointment of Dr. Zoneddy Ruiz Dayao, MD as the, ‘Maralyn S. Budke Endowed Professor in Cancer Care Delivery’
 - 5. Creation of the, ‘Dana C. Wood Professor in Cancer Immunotherapy’

6. Appointment of Dr. Eric C. Bartee, PhD as the, ‘Dana C. Wood Professor in Cancer Immunotherapy’
 7. Creation of the, ‘Victor and Ruby Hanson Surface Professorship in Cancer Population Sciences and Cancer Health Disparities’
 8. Appointment of Dr. Shiraz Mishra, MBBS, PhD as holder of the, ‘Victor and Ruby Hanson Surface Professorship in Cancer Population Sciences and Cancer Health Disparities’
 9. Creation of the, ‘Victor and Ruby Hanson Surface Professorship in Cancer Health Disparities and Community Engagement’
 10. Appointment of Dr. Andrew Sussman, PhD as holder of the, ‘Victor and Ruby Hanson Surface Professorship in Cancer Health Disparities and Community Engagement’
- D. [HSSC] Approval of Other Naming Items:.....C-5
1. Establish the, ‘Gorvetzian Professorship Quasi-Endowment’
 2. Establish the, ‘Peter A. Winograd Research Professorship Quasi-Endowment’
- E. [HSSC] Approval of UNM Hospital Items:C-6
1. Cerner Corporation – 7 Year Initial Term Agreement e-Consent Software System (\$2,275,648)
 2. Cerner Corporation – 5 Year Agreement Cloud-Based Dictation and Transcription Platform Software (\$5,000,000)
 3. Capital Project – UNMH Crisis Triage Center Design (\$2,900,000)
 4. Capital Project – Psychiatric Emergency Services Design (\$1,750,000)
 5. Capital Project – UH Main 2nd Floor Sterile Processing Department – Decontamination Renovation (\$1,290,000)
 6. Capital Project – 1600 University Eye Clinic Renovation and Addition (\$5,750,000)
 7. Capital Project – Operational Project – UNMH Main Section 16 Roof and Skylight Replacement (\$1,225,000)
- F. [HSSC] Approval of UNM Medical Group Election of Directors.....C-7
1. Michael Richards, MD, MPA, Interim Dearn, UNM School of Medicine
 2. Aimee Smidt, MD, Department of Dermatology, UNM School of Medicine
- G. [HSSC] Approval of the Appointment of Dr. Christopher Guest, MD to the SRMC Board of DirectorsC-8
- H. [F&F]* Approval of Contracts:.....C-9
1. NMPBS – SpectraRep Agreemen
 2. NEC Enterprise Voice System Maintenance Renewa
 3. Microsoft A5 Licensing for UNM Main and Branches
- I. [F&F] Approval of Project Construction:
1. Fire Safety Improvements: Fitz Hall & BRFC-10
 2. Los Alamos Library Renovation Re-Approval.....C-11
 3. Cancer Research Facility Roof ReplacementC-12
 4. Central & Girard Site ImprovementsC-13
 5. Clinical Translational Science Center Roof Replacement.....C-14
- J. [F&F] Approval of Lobo Development Corporation Board of Directors and Reappointment of Four Non-Positional Directors:.....C-15
1. Louis Abruzzo 3. Steven Ciepiela
 2. Maria Griego-Raby 4. Rick Siegel
- K. [F&F] Approval of Appointment and Reappointment of Board Nominated Members to Harwood Foundation Governing Board:.....C-16
1. Scott McAdams 2. Karl Halpert (reappointment)

[END CONSENT DOCKET]

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

Ad Hoc Governance Committee -Regent Schwartz, Chair

Action Items

- A. Revisions to Regents Policy Manual [RPM] - Section 7.4 “Purchasing”,
elimination of the language regarding Regent approval limit **(Attachment A)**..... 4
Teresa Costantinidis, SVP for Finance & Administration
- B. Revisions to RPM – “Maintenance of the Regents’ Policy Manual”, to allow the
UNM Policy Officer to make minor changes to Regents’ Policies..... 5
(Attachment B) *Teresa Costantinidis, SVP for Finance & Administration*
- C. Revisions to RPM – Section 1.2 “Structure of the Board of Regents” and
Section 1.8 “Regent Code of Conduct and Conflicts of Interest”..... 6
(Attachment C) *Loretta Martinez, General Counsel*
 - 1. Addressing Board of Regents Officer Titles
 - 2. Establishment of a Regents’ Standing Committee on Governance
 - 3. Student Regent Leadership Stipend
 - 4. Timing on Agenda Item Requests

Audit and Compliance Committee -Regent Brown, Chair

Information Item

- Summary Notes: October 14 Meeting..... 7

Student Success, Teaching and Research Committee -Regent Rael, Chair

Action Item

- A. Approval of MOA with Albuquerque Institute of Mathematics and Science
(AIMS), *Loretta Martinez, Esq., General Counsel, Office of University Counsel*..... 8

Information Item

- B. Racial and Intersectional Micro Aggressions (RIMA) Survey at UNM -
2021 Report to the Regents, *Dr. Assata Zerai, VP for Equity & Inclusion* 9

Finance and Facilities Committee -Regent Begay, Chair

Action Item

- A. Approval of South Campus TIDD Master Development Agreement..... 10
Teresa Costantinidis, CEO, LDC; Tom Neale, Dir. Real Estate; Kelly Ward, Dir. Business Development, LDC; Jill Sweeney, Member, Sherman & Howard, LLC; Kim Murphy, Consultant, LDC; and Harry Relkin, Consultant, LDC

Information Items [for information only; no formal presentations]

- B. Quarterly Consolidated Financial Report – June 30, 2021 11
- C. UNM Main/Branches Categorization of Reserves Report FY2021 (UAP 7000)... 12
- D. UNM Foundation Fundraising and Investment Performance Report – June 30,
2021..... 13

Health Sciences Center Committee -Regent Schwartz, Chair

Action Items [See Consent Docket]

Information Item [for information only; no formal presentation]

- UNMHSC Categorization of Reserves Report FY2021 (per UAP 7000)..... 14
Ava Lovell, Sr. Exec. Officer for Finance & Admin., HSC

VI. Advisors' Comments [*limit 3 mins.*] 15

VII. Vote to close the meeting and proceed in EXECUTIVE SESSION (Roll Call Vote)

>**Break: a 10-minute break in the virtual meeting**<

- A. Discussions, and where appropriate determination, of matters subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1H(7), NMSA (1978)
- B. Discussions of bargaining strategy preliminary to collective bargaining and collective bargaining between a policymaking body and an employee bargaining unit, as permitted by Section 10-15-1H(5), NMSA (1978)
- C. Discussion of "limited personnel matters" as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) - regarding: employee appeal

VIII. Vote to Open the meeting and certification that only those matters described in Agenda Item VII. were discussed in Closed Session, and if necessary, final action with regard to certain matters will be taken in Open Session.

IX. Adjourn

¹Under the current guidelines from the Governor, and in order to slow the spread of COVID-19, the UNM Regents will meet online on the Zoom platform. Additionally, following the NM Attorney General's guidelines for Open Meetings Act compliance, public access to view or listen to Regent meetings is provided via a livestream of the virtual meeting on this public website: <https://live.unm.edu/board-of-regents>

²Public comments will be heard during the meeting. Due to the nature of online meetings and the logistics of getting speakers connected, anyone wishing to provide public comment during the meeting *must register their intent to speak before noon on Monday, October 18, 2021*. In order to sign up for public comment, please email regents@unm.edu with the subject, "Request to provide public comment at 10/19 Regents' Meeting", and include the following information:

1. First and last name
2. Email address and telephone number
3. Affiliated organization & Professional Title (if applicable)
5. Topic you would like to address

Instructions on steps to follow in order to provide public comment will be emailed to registered speakers.

Please consider submitting comments in writing to regents@unm.edu and comments will be forwarded via email to the Regents for their attention and consideration.



DATE: September 14, 2021

TO: The Regents of the University of New Mexico

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

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

Executive Summary

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

Background

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

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

Purchasing Safeguards

By Comparison – Institutional Regent Approval \$ Limits

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

UNM procurement has safeguards in place to make sure there is oversight of purchases. The University policy on purchasing governs all purchases of supplies, materials, equipment, construction and contractual services for the University and clearly stipulates that the University of New Mexico Purchasing Department will make such purchases or oversee delegations. Per the State Procurement Code statute 13-1-125, procurement less than \$60,000 is subject only to University regulations. Those regulations are summarized below.

\$0 - \$10,000	Services	Small Purchase - Delegation to trained personnel
\$0 - \$10,000	Goods	Small Purchase - Delegation to trained personnel
\$10,000 – \$59,999		Informal Purchase - Competition or knowledge of competition expected, but can be waived.
\$60,000+		State Bid Limit. Advertised, written competition required; bids or proposals are required unless an exception applies (Sole Source, Exempt from Procurement Code, etc).

Purchasing also has the option to apply Federal Procurement Thresholds on purchases made with Federal funds as outlined in Uniform Guidance.

UNM Requisition/Purchase Order Process

A Purchase Requisition is required to originate the process of purchasing goods from off-campus vendors, unless the purchase is authorized with Purchasing Card (PCard), Petty Cash or Chrome River Expense Report.

- A University department initiates a LoboMart electronic purchase requisition for a vendor in order to request that the Purchasing department place an order for goods or services on their behalf via a Purchase Order.
- LoboMart has several electronic catalog vendors which allow the end user to build a requisition from content in the vendor's website. With these vendors, users also have the ability to use a PCard as method of payment in lieu of the requisition/PO process on orders up to \$10,000. Most requisitions, however, are created without the use of integrated electronic catalog content.
- The initiating department attaches their supporting documentation to their LoboMart requisition so it can be viewed by the requisition's approvers and by the Purchasing department.
- Once created by the originating department, a LoboMart requisition routes through an electronic approval process inside LoboMart based on the indexes/funds that are to be charged. After the originating department(s) approves the requisition, it then routes to the appropriate central accounting office(s) for approval. The central accounting office is responsible for ensuring the appropriate index and account codes are used, and that the expenditure is reasonable, allocable and allowable.

Buyer Limits

Individual authorized Buyers must approve the purchase requisitions. Their limits are as follows:

Title	Limit
Sr. Purchasing Rep	\$20,000
Contracts Specialist	\$100,000
Associate Director-Finance & Admin/ Manager – Purchasing/ Sr Contracts Specialist	\$500,000 or as designated by Chief Procurement Officer**
Chief Procurement Officer	Unlimited
** See comprehensive list as noted in UNMBPP Manual 2010, Exhibit B	

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

Other Purchase Order Notes

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

ATTACHMENT 1

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

ATTACHMENT 2

Board of Regents Requests for Approval from 2016-2021



DRAFT of 09.09.21 (Redline Copy)

Regents' Policy Manual - Section 7.4: Purchasing

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

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

Policy

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

Except as otherwise provided in this manual with regard to real estate matters ([RPM 7.9](#)) and construction projects ([RPM 7.12](#)), the ~~President~~ ~~Regents~~ shall authorize the execution of contracts for the purchase of goods or services ~~costing in excess of \$54,000,000 or more per year contract.~~ A report of purchases in excess of \$5,000,000 will be presented to the Regents twice a year for review.

Implementation

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

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

Delegation of Authority

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

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

References

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

Board of Regents Request for Approval- Main Campus		
Date	Item	Cost
8/18/2016	SciQuest Software Renewal	\$ 550,000
11/15/2016	High Gradient Magnetic Resonance Imaging Scanner	1,800,000
12/13/2016	University Libraries and Health Science Library and Informatics Center-Periodical Subscriptions	3,500,000
3/13/2017	Cogeneration Turbine Unit #1 Engine Overhaul	1,000,000
3/12/2018	UNM Press Fulfillment Services-Longleaf Services, Inc.	1,290,000
10/21/2020	Nike All-Sport Agreement	1,500,000
2/16/2021	UNM Learning Management System	2,498,376
Board of Regents Request for Approval- UNMH		
Date	Item	Cost
2/11/2016	Approval of UNM Hospitals Contract with MSI Consulting, LLC, dba Surgical Directions	\$ 2,253,200
2/11/2016	Approval to Establish the Judy Putnam Dirks Quasi-Endowment Chair for Gynecologic Cancer Care,	750,000
2/11/2016	Approval of the Motion Regarding Approval of the Master Development Planning and Financial Planning for the Proposed Replacement Hospital Project	3,000,000
5/13/2016	Approval of the UNM Hospitals Contract with Cerner Corporation for Electronic Medical Record Remote Hosting Services	20,233,924
5/13/2016	Approval of the UNM Hospitals Contract with Infor (US), Inc	2,439,475
5/13/2016	Approval of the UNM Hospitals Contract with Jaynes Corporation for the Interventional Radiology Computed Tomography Repair and Replacement Project	1,000,000
5/13/2016	Approval of the UNM Hospitals Contract with Siemens Medical Solutions USA, Inc. for the Purchase of Two Bi-Plane Angiographic Rooms,	3,500,000
5/13/2016	Approval of the UNM Hospitals Contract with Medline Industries for Custom Packs..	11,000,000
12/13/2016	Approval of the UNM Hospitals Contract with Philips Healthcare Informatics, Inc	12,000,000
1/20/2017	Approval of the UNM Hospitals Contract with Covidien Sales, LLC, a Medtronic Company	11,900,000
5/11/2017	Approval of UNM Hospitals Contracts with Cerner Corporation, Siemens Medical Solutions USA, Inc., and CareFusion Solutions, LLC	Cerner- \$5,588,483.00 Siemens- \$3,385,965.00 CareFusion- \$6,847,620.00
12/12/2017	Approval of the UNM Hospitals Contracts with Eco-Tex Healthcare Linen Service Corp	1,910,372
2/13/2018	Approval of the UNM Hospitals Contracts with B. Braun Medical, Inc	8,400,000
3/12/2018	Approval of UNM Hospitals Contracts with Fidelity Management Trust Company and Stryker Sales Corporation	Fidelity- \$46,116,000.00 Stryker- \$2,661,378.00
11/15/2018	UNMH request for approval of Siemens Vision 600 PET-CT Scanner	2,701,100
2/12/2019	Request for the Approval of Program Management – Modern Medical Facility	6,789,262
2/12/2019	Request for the Approval of Architect/Design – Modern Medical Facility	33,858,800
5/9/2019	Request for Approval of the Biosense Webster Catheter Agreement	1,400,000
5/9/2019	Request for Approval of the Pharmacy Coumadin Clinic	2,400,000
5/9/2019	Request for Approval of UH Main Facilities AHU 117 Replacement	473,000
9/17/2019	Approval of Zimmer US Trauma Services	1,400,000
9/17/2019	Approval of KCI Wound Care VAC Therapy	5,500,000
9/17/2019	Approval of Cerner Corporation Maternity and Fetal Monitoring Software	2,921,564
9/17/2019	Approval of Cerner Corporation Electronic Prescriptions for Controlled Substances Software System	833,280
1/24/2020	Discussion and Approval of MOU with the City of Rio Rancho relative to development of Health Sciences Rio Rancho Campus, including NMFA funding of the Orthopedic Center of Excellence	20,802,411
2/18/2020	Approval of Perfusion and ECMO Services and Supplies – CCS Perfusion Service	7,500,000
3/9/2020	CTH-Radiology-EOS Imaging Machine and Spatial Reconfiguration	525,000
3/9/2020	UH Main 2nd Floor Sterile Processing Dept. Decontamination Renovation	690,000
3/9/2020	UH Main 4th Floor Pulmonary Lab Renovation	545,000
7/14/2020	Approval of UNM Comprehensive Cancer Center Integrated Informatics System	3,022,000
7/14/2020	Agreement with Cerner Corporation: Remote Hosting Services	34,788,936
7/14/2020	Agreement with Cerner Corporation: Existing Solutions	25,218,261
7/14/2020	Agreement with LivaNova re Vagus Nerve Stimulation Therapy System	26,000,000
10/21/2020	Approval of Contract: Elekta Inc. for the Service Maintenance and Repair of Linear Accelerators- Dept. of Radiation Oncology at the UNM Comprehensive Cancer Center	2,347,850
12/9/2020	Approval of HSC Upper Plaza Collaboration Structure	
12/9/2020	Approval of UNM Hospital Items Colburn Hill	14,250,000
12/9/2020	Approval of UNM Hospital Items Telehealth Platform and Platform Software Support	2,250,000
2/16/2021	Medical Equipment Consultant	2,347,325
2/16/2021	1209 University Clinic – DOH Licensing	1,265,000
2/16/2021	2400 Tucker Clinic – DOH Licensing	2,500,000
2/16/2021	Crisis Triage	1,300,000
2/16/2021	Uptown Clinic Lease	193,600
4/13/2021	Approval of Clifton Larson Allen (CLA) services	1,917,670



DATE: September 23, 2021

TO: The Regents of the University of New Mexico

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

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

Executive Summary

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

Background

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

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

ATTACHMENT 1

Regents' Policy Manual – Maintenance of the Regents' Policy Manual DRAFT of 09.23.21
(Redline Copy)

ATTACHMENT 2

University Administrative Policies (UAP) 1100: Development and Approval of Administrative
Policies



DRAFT 09.23.21 (Redline Copy)

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

Adopted Date: 09-12-1996

Applicability

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

Policy

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

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

Implementation

Development of Policy

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

Publicity and Public Input

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

ATTACHMENT 1

[website](#). An opportunity for public input shall be provided at regular meetings during Board consideration of the policy agenda item in question, and via email at regents@unm.edu.

Approval and Publication of Policy

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

Corrections to Policy

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

Policy Archive

[The UNM Policy Office maintains an archive of historic versions of Regents' Policies that are available upon request.](#)



Administrative Policies and Procedures Manual - Policy 1100: Development and Approval of Administrative Policies

Date Originally Issued: 06-05-2009

Revised: 05-10-2017, 12-09-2020

Authorized by [RPM 3.1 \("Responsibilities of the President"\)](#)

Process Owner: University Policy Officer

1. General

The policies in the University Administrative Policies and Procedures Manual (UAP) have broad application throughout the University. They help ensure compliance with applicable laws and regulations, enhance the University's mission, promote operational efficiencies, and reduce institutional risk. Each of the policies includes two important elements: institutional policy and any procedures necessary for a comprehensive understanding of the intent and application of the policy. To develop effective policy, the UNM Policy Office seeks input from both subject matter experts and from individuals affected by the policy. The UNM Policy Office administers the UAP and reports to the Senior Vice President for Finance and Administration.

This policy describes the process used to develop or revise policies, solicit input, and obtain approval of policies.

2. Development of Policy

Individuals wishing to propose or revise a policy should send their request to the UNM Policy Office. The UNM Policy Office will work with subject matter experts and individuals representing areas impacted by the policy to develop a preliminary draft. The draft is then circulated for review and comment to major campus constituent groups, such as the Faculty Senate Operations and Policy Committees, Staff Council Executive Committee, and Deans' Council. At the same time, the Office of University Counsel reviews the policy for legal sufficiency. Based on the received comments, the policy draft is refined and prepared for subsequent review.

3. All-Campus Review of Policy

The refined policy draft is posted on the UNM Policy Office website for a 30-day, all-campus review and comment period. Comment periods may be shorter or longer if there is a compelling legal, administrative, or business need. The comment

period is announced on the [UNM Policy Office website](#), in the UNM News Minute, and on the UNM Policy Office listserv. The UNM Policy Office, typically in conjunction with the core group involved in the development of the draft, reviews the comments received and, as appropriate, drafts additional changes to the policy.

3.1. Process Owner

The UNM Policy Office will assign a position to serve as the process owner for the functions covered by the policy. The process owner is responsible for policy implementation and for notifying the UNM Policy Office of any proposed changes in practice that will require a policy change prior to implementing such a change. In addition, the University Policy Officer may ask process owners to periodically review applicable policies and report any necessary changes.

4. Approval and Distribution of Policy

All new and revised policies in the UAP must be endorsed by the Senior Vice President for Finance and Administration and approved by the University President in writing. Upon approval by the University President, policies are issued on the [UNM Policy Office website](#), and announced on the UNM Policy Office website, in the UNM News Minute, and on the UNM Policy Office listserv.

4.1. Dean, Director, and Department Head Responsibilities

Deans, directors, and department heads, or their designees, are responsible for:

- informing their employees of new policies or changes to existing policies; and
- ensuring that all related departmental processes, procedures, and documents are updated to reflect new or revised policies.

Instead of maintaining printed copies of the UAP, departments and other units should refer to the online version of the manual on the [UNM Policy Office website](#) to ensure that they refer to the most recent versions of the policies.

5. Minor Changes or Corrections to Policy

5.1. Minor Changes

If the University Policy Officer determines that proposed changes are minor in nature and either required by regulatory changes or necessary to conform to current practices, an abbreviated policy revision process may be used. Such changes to policy are not sent to the campus for a 30-day, all-campus review and comment period, but must still be endorsed by the Senior Vice President for Finance and Administration and approved by the University President in writing. Minor changes are announced on the [UNM Policy Office website](#), in the UNM News Minute, and on the UNM Policy Office listserv.

5.2. Corrections

ATTACHMENT 2

Without requesting written approval of each change, the UNM Policy Office may revise affected policies to correct departmental or other unit names, position titles, grammatical errors, typographical errors, Uniform Resource Locator (or URL) links, or other similar occurrences.

6. Policy Archive

The UNM Policy Office maintains an archive of historic versions of administrative policies that are available upon request.



To: Board of Regents

From: Loretta P. Martinez, General Counsel

Date: October 14, 2021

Re: Recommendation for Revisions to Regent Policies 1.2 and 1.8 concerning student regent compensation, changing the status of the ad hoc governance committee to a standing committee, and other general revisions

At its October 11, 2021 meeting, the Ad Hoc Governance Committee recommended changes to the full Board of Regents regarding Regent Policies 1.2 and 1.8. The Committee had requested these changes at its September 20, 2021 committee meeting. The changes to Regent Policies 1.2 and 1.8 are summarized below as well as the Committee's recommendation to the full Board of Regents regarding compensation of the student regent beginning November 1, 2021. Redlined and clean copies of RPM 1.2 and 1.8 are attached.

With regard to RPM 1.2, key changes are recommended to the following sections:

Compensation: Amended to create an exception from the "no remuneration" rule for regents to allow the student regent to receive a leadership stipend.

Standing Committees: Inserts a governance committee into the list of standing committees.

Operations Committee: Deletes entire section due to the defunct nature of the committee.

General: Changes references to President of the Board of Regents to Chair of the Board of Regents to allow flexibility of use of the term "Chair" of the Board of Regents where preferred; states that committees have recommending powers only except for the dispensation of surplus property by either the Finance and Facilities Committee or the Health Sciences Committee.

Recommendation Regarding Student Regent Leadership Stipend:

After discussing the alternative methods for compensating student regents for their work as regents and comparing the compensation amounts of other UNM student leaders, the Ad Hoc Governance Committee recommended to the full Board of Regents that the student regent receive a monthly leadership stipend of \$2000 per month. If adopted, this stipend amount will take effect on November 1, 2021 and shall apply to each student regent upon confirmation and shall continue until the confirmation of a successor student regent, resignation of the student regent, or a cessation in active service by the student regent, whichever occurs earlier.

With regard to RPM 1.8, a change is recommended to the following section:

Section 3: Excludes the leadership stipend of the student regent from the definition of a prohibited financial interest held by a regent.

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

Adopted Date: 09-12-1996

Amended: 09-09-2003

Amended: 08-10-2004

Amended: 12-14-2004

Amended: 03-14-2005

Amended: 10-10-2006

Amended: 12-14-2010

Amended: 09-12-2014

Amended: 06-12-2015

Amended: 08-14-2015

Amended: 03-14-2016

Amended: 02-16-2021

Appointment of Members

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

Removal of Members

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

Officers

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

Regents is absent, the Board of Regents hereby appoints the Vice-~~PresidentChair~~ to serve as ~~PresidentChair~~ pro tem.

Compensation

Members of the Board are not remunerated for their services, except for the student regent, who is eligible for a leadership stipend. ~~They are, however, Regents are~~ eligible for travel reimbursement, pursuant to the University's travel reimbursement policies. (See, RPM 7.7 and UAP 4030 ("Travel").)

Conflict of Interest

Members of the Board are subject to the "Regent Code of Conduct and Conflicts of Interest Policy." (See, RPM 1.8.)

Orientation of New Members

When a new member is appointed to the Board, the member may choose to receive hard copies of the Faculty Handbook and the Regents' Policy Manual, or elect to access the manuals online at <http://handbook.unm.edu> and at <http://policy.unm.edu/regents-policies/index.html>, respectively. New members also will receive a compilation of current New Mexico statutes pertaining to the Regents. The President and Chair of the Board of Regents will arrange briefing sessions for newly appointed Regents.

Standing Committees

In order to facilitate the work of the Board of Regents, the ~~PresidentChair~~ of the Board of Regents appoints members to standing committees each year and appoints chairs and vice-chairs of each committee. The ~~PresidentChair~~ of the Board of Regents may appoint him or herself as a member of any standing committee. The ~~PresidentChair~~ of the Board of Regents shall consult with the Board of Regents concerning such appointments to committees.

Consistent with the requirements of the University Research Park and Economic Development Act ("URPEDA"), the ~~PresidentChair~~ of the Board of Regents nominates members to serve on the various boards of directors of URPEDA corporations in which the University is a member following the approved bylaws of each URPEDA corporation and nominees will be appointed to each such Board upon the vote of a majority of the Regents.

The standing committees of the Board of Regents are Audit and Compliance; Finance and Facilities; Student Success, Teaching and Research; Governance; and the Health Sciences Center (HSC). The ~~PresidentChair~~ of the Board of Regents may name other standing committees with the consent of the Board of Regents.

Each standing committee shall consist of three Regent members. ~~One Regent must be a member of both the Finance and Facilities Committee and the HSC Committee.~~ A quorum of a Regents' committee consists of a majority of the appointed members of that committee. The ~~PresidentChair~~ of the Board of Regents may designate him or

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

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

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

Consent Agenda Matters

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

Operations Committee

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

Ad Hoc Committees

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

Quorum for Meetings of the Board

Four of the seven members of the Board shall constitute a quorum for the transaction of business.

Agenda for Meetings

Items are typically considered by the appropriate Board of Regents' committee before going to the full Board of Regents. The University President is responsible for preparation of the written agenda for Board of Regents meetings; the President consults with the PresidentChair of the Board of Regents about each agenda. Copies of the agenda are distributed to the Regents, the University President, other administrators, representatives of the news media, other interested parties, and posted on the University's website.

Additions to the agenda may not be made less than 72 hours prior to the meeting, except in the case of an emergency as defined in the Open Meetings Act. The Board of Regents will consider such emergency changes to the agenda at the beginning of each meeting, but once the Board of Regents formally approves the agenda, it will be followed.

Persons or groups wishing to place an item on the agenda of the Board of Regents, whether for possible Board of Regents action or for purposes of addressing the Board of Regents about an item, must submit a letter to that effect to the PresidentChair of the Board of Regents via the University President normally not less than tenfour working days prior to the scheduled meeting. Final decisions to place items on the agenda or to refer items to committee will be rendered by the PresidentChair of the Board of Regents after consultation with the University President.

Conduct of Meetings

Parliamentary procedure shall be governed by the most current revision of Roberts' Rules of Order, except that New Mexico law or other applicable Regents' policies will govern if there is a conflict with Roberts' Rules of Order.

References

N.M. Const, art. XII, § 13 ("Board of regents")

N.M. STAT. ANN. §§ 21-1-9 ("Expenses of members of boards of regents"), 21-1-13 ("Ex officio board memberships of governor and superintendent of public instruction"), 21-7-5 ("Annual organization meeting of board; election of officers; bond of secretary-treasurer; conditions"), 21-7-6 ("President; secretary and treasurer; duties and powers") (1978)

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

Adopted Date: 09-12-1996

Amended: 07-15-2003

Amended: 09-09-2003

Renumbered from 6.4: June 9, 2004

Applicability

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

Policy

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

- b. is a partner or officer of such business entity or an employee of such business entity whose compensation is related to business transacted with the University.
4. A member of the Board of Regents will have 120 days from the date the Board of Regents approves the "Regent Code of Conduct and Conflicts of Interest Policy" ("Code") to fully comply with the Code. Each Regent will annually certify compliance with the Code on a form approved by the Regents. Each annual certification shall be filed by the Regents with the University Counsel who shall furnish a copy to the Executive Vice President for Administration. If a Regent fails to file an annual certification or fails to comply with the Code, the Board of Regents shall give written notice to the Governor of the State of New Mexico. The Regents shall make any such notice public. Violation of the Code by a Regent will be grounds for removal of that Regent pursuant to Article XII, Section 13 of the Constitution of New Mexico.
5. Members of the Board of Regents are required by the Financial Disclosure Act, Section 10-16A-1, *et seq.*, NMSA 1978, to file a report with the New Mexico Secretary of State concerning the Regent's financial interests. A copy of such report shall also be filed by the Regent with the University Counsel who shall furnish a copy to the Executive Vice President for Administration and distributed to each member of the Board of Regents. The report filed with the Vice President shall be supplemented to the extent necessary to set forth the Regent's financial interests as defined in Section 3 of this policy.

References

NMSA 1978 Governmental Conduct Act, § 10-16-1 *et seq.*; Procurement Code §§ 13-1-190, -193, -195; 21-1-17, -35; Financial Disclosure Act, § 10-16A-1, *et seq.*