

NORTHERN NEW MEXICO COLLEGE



BOARD OF REGENTS MEETING

OCTOBER 23, 2020

NORTHERN New Mexico College



NOTICE

The Board of Regents of Northern New Mexico College will hold a regular meeting on **Friday, October 23, 2020 at 9:00AM, Via Zoom.**

Join Zoom Meeting

<https://nnmc.zoom.us/j/95809712157?pwd=ampvSHlvTjRvTS8wUEoxT3dtTGRBZz09>

Meeting ID: 958 0971 2157

Passcode: 533340

One tap mobile

+12532158782,,95809712157# US (Tacoma)

+13462487799,,95809712157# US (Houston)

Dial by your location

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+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

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Meeting ID: 958 0971 2157

Find your local number: <https://nnmc.zoom.us/u/affrrrA5o>

FINAL AGENDA

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
4. HERC - Informational

IV. APPROVAL OF MINUTES

V. PRESIDENT’S REPORT AND ANNOUNCEMENTS

- A. Dr. Thom Mason, President and CEO of Triad National Security, LLC (Triad) – Informational

- B. Celebrate Northern – Informational
- C. CUP/NMICC Report – Informational
- D. NNMCC Foundation – Informational
- E. Eagle Corporation Update – Informational
- F. EaaS – Action Required
- VI. FACULTY SENATE PRESIDENT REPORT**
- VII. STUDENT SENATE PRESIDENT REPORT**
- VIII. STAFF REPORTS**
 - A. Provost & Vice President for Academic Affairs
 - 1. Approval of New Title IX Policy – Action Required
 - B. Vice President for Finance & Administration
 - 1. Fiscal Watch Reports – Action Required
 - 2. Budget Adjustment Reports (BARs) – Action Required
 - 3. Tower Lease Agreement – Informational
- IX. DEEP DIVE**
 - 1. Athletics - Informational
- X. PUBLIC INPUT**
- XI. 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 employee;
 - 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. No Items
 - (4) Real estate acquisition or disposal.
 - a. No Items
- XII. 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: October 23, 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 the Regular Meeting of September 28, 2020 and the Special Meeting of October 8, 2020 as submitted or if applicable, as amended.

NORTHERN New Mexico College



NORTHERN NEW MEXICO COLLEGE BOARD OF REGENTS REGULAR MEETING SEPTEMBER 28, 2020

A Regular Meeting of the Board of Regents of northern New Mexico College was held on Monday, September 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).

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; Frank Loera, NNMC Branch Trades Chair; Evette Abeyta, Budget Director; Sandy Krolick, Creative Director, Communications & Marketing; John Ussery, NNMC El Rito Campus Program Director; Ryan Cordova, Athletic Director/Men's Basketball Coach; Carmella Sanchez, Director of Institutional Research; Don Appiarius, Assistant Provost of Student Affairs; and Amy Pena, Executive Office Director.

Faculty Present: Ajit Hira, Tara Lopez, Mateo Frazier, Henry Moon

Others Present: Ari Levin; Tim Crone; Geno Zamora, Esq.,

I. CALL TO ORDER

Board President Martin called the meeting to order at 5:01PM.

II. APPROVAL OF AGENDA

Board President Martin stated there were no changes and if there were no changes, he entertained a motion to approve 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

Regent Velarde stated they had a great meeting for the Finance Committee. They had some good reports from staff and they will update the Board of Regents shortly. Board President Martin asked if Regent Martinez had anything to add. Regent Martinez stated they did have a good discussion

and the other thing we are going to try to work together concerning next year's filings to ensure that we get them in on time but maybe next year we vote before we get those filings filed.

2. Academic/Student Affairs Committee – Informational

Regent Swentzell stated the committee met last Thursdays and discussed the HLC 4-year assurance report and recommendations from there and the new the Title V fast track to finish goals and both of those will be discussed a little later by the Provost but it was a good meeting. Board President Martin asked Regent Martinez if he had anything to add. Regent Martinez stated he had nothing to add and it was a good conversation.

3. Executive Committee – Informational

Board President Martin stated the committee did not meet since the last Board Meeting.

4. HERC

Regent Velarde stated they discussed student regent term endings and also how to handle it when Student Regents go to a different institution and/or graduate and how to handle that. They got a little bit of insight from the one Student Regent from NMSU. He is not attending NMSU right now and is in that exact situation but is still continuing his term as student regent. They also discussed the best practices and reopening's of the different institutions. A lot of the institutions reported what we know and what we heard is a really big decline in enrollment. UNM reported they were down 22% systemwide but as we know that we are up 11% and Regent Velarde was able to report for us that we are lucky and we are very blessed to report quite the opposite from our side. They also discussed the financial reports of the HERC itself and the different incomes and expenses for the year. There is another meeting coming up for the next quarter. They will send out a request for availability.

IV. APPROVAL OF MINUTES

Board President Martin asked if there were additions or corrections to the minutes. Board President Martin entertained a motion to approve the minutes.

Regent Martinez moved to approve the minutes for August 24, 2020 Regent Meeting as provided in the packet. 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.

V. PRESIDENT'S REPORT AND ANNOUNCEMENTS

A. Celebrate Northern – Informational

President Bailey thanked everyone for doing the afternoon meeting. President Bailey gave a special congratulations to Dr. Lopez, Zeke Para and the team of people who helped with the Title V Grant we were just awarded. We are going to hear a lot about this and the fast track to graduation in a few minutes. It is the largest single grant in the 111 history of this institution and did not come without a lot of hard work and planning. The most exciting thing is we are going to be able to use

this funding to help students get to the graduation stage faster. This is super important and will have a lasting legacy for the Regents and the institution.

President Bailey stated the Engineering Technology Program had an ABEIT review in the fall. ABEIT is the national accrediting body for engineering and technology programs. We just received the results a few weeks ago since our last meeting. Glowing review, not only was it a reaccreditation, or continuing accreditation for our IT Program but it was also the new accreditation for the Electromechanical Engineering Technology Program. President Bailey gave a special thank you to Dr. Sadia Ahmed and to the students, faculty and staff at the Department of Engineering Technology for their outstanding work.

President Bailey stated regarding enrollment, it is pretty striking how challenging this is. President Bailey cannot emphasize how big of an accomplishment this was for the College to do this at this time. To be able to go up when every other single institution in the State went down and this did not happen on accident and President Bailey would like to acknowledge some teams who were important in making this happen. All of Student Services, Faculty Members, we made a concentration on continuing students and it did help in many ways. We are rewarded in some ways because we planted a flag in terms of the COVID response and were the first ones to move online in the spring and declare that we were going to stay online in the fall. Third, we had a lot of innovations, we implemented a texting platform, Signal Vine, Student Services, Advisement and Recruiters did a lot of great work. We did some different things with marketing. Our athletics staff helped out and did some innovative things collegewide. We created a chat on the website that students could send in chat questions. All of these things are important. Lastly, there were strategic decisions we were making as a College, independent of COVID that President Bailey thinks are paying off now. In terms of what we are doing in response to what the community has asked us to do. Partnerships with groups like the Local 412 Plumbers and Pipefitters, that would not have happened if we had not been pushing for the things that we needed to do with the creation of the Branch Community College, the passage of the Mill Levy, the partnership with the local school districts. All of those things would have happened independent of COVID and that had a contributing factor as well. It is a huge success story and President Bailey wants to celebrate every student, faculty and staff member at Northern for this team effort it is a team win.

B. CUP/NMICC Report – Informational

President Bailey stated both organizations are discussing challenges for the upcoming Legislative session. We expect there is going to be another budget cut. We are going to weather this more than others but it does not mean we are out of the forest. We are going to keep the belt tight as we move forward and navigate this economic challenge. With the ICC we are looking at a potential shared services project. We are exploring this and it may be presented to the Board of Regents for coming years.

C. NNMC Foundation

President Bailey stated regarding the Foundation, CRI is finishing its work on a separate project to get a full picture of our endowment accounts and fund accounts. We are going to match that with the project we have with Raiser's Edge and all of the infrastructure we have in terms of donor agreements and things going back at least 20 years. We are going to match those things up and be in a good position with the Foundation Board to lay out a strategy moving forward.

D. Eagle Corporation Update – Informational

President Bailey stated he and President Velarde met with the team Upstart for a proposal for a potential partnership. The Board of Directors had a counterproposal and they are waiting to hear back on this and will report the next steps on this.

E. El Rito Campus Update – Informational

President Bailey stated there was a great story in the Albuquerque Journal North on Sunday. The project is moving and John Ussery is at this meeting. The task President Bailey has given Mr. Ussery is to be ready to operate in January. Be able to operate the labs, the cafeteria, the dorms, etc. Obviously, we are not going to risk students, faculty and staff in this current environment. If/when we get to a place where it is safe to have a footprint on the campus, they are still getting ready for this. This includes the new greenhouse, thanks to Rio Arriba County, we had some help in getting that put up. That sits near the El Rito Senior Center. It will be used for several, including testing of the Biochar and helping out the Forrest Service. We will be doing table top gardening projects with the Seniors at the Senior Center and growing fresh organic vegetables that will be used at the Branch Community College.

1. Greenhouse

President Bailey thanked Rio Arriba County; we had some help in getting that put up. That sits near the El Rito Senior Center. It will be used for several, including testing of the Biochar and helping out the Forrest Service. We will be doing table top gardening projects with the Seniors at the Senior Center and growing fresh organic vegetables that will be used at the Branch Community College.

The last is to connect water and power there and there could be renewable energy projects.

2. Program Director

President Bailey stated John Ussery, as part of his position funding by the \$750,000 grant from the ECMC Foundation is really the support side of things, making sure the facilities are up to speed. Dr. Frank Loera is the point person on the academic side and really getting the curriculum and labs designed and classrooms designed. It is a really powerful team and President Bailey is pleased with everything they are doing.

President Bailey opened for questions. Board President Martin stated he was speaking with Steve Maxwell with the Northern Youth Project and they are excited in getting started working in the greenhouse as soon as possible asked when the greenhouse will be opened up. President Bailey asked John Ussery if there is a rough idea of when we can get water and power hooked up in the greenhouse. Mr. Ussery stated the plumbing came by to look at it to bring in domestic water and had the backhoe on site. We are little hung up on hydrants and the like up. We are hoping to have this soon, in the next week or so. The electrician is creating the applications for grid ties and one battery tie. They are also speaking with the SFCC about demonstrating aquaponics and collaborating across many organizations. It seems to be held up a little on processing PO's and account numbers and we have gotten past this hump. We are hoping before October to have something planted and going. The Biochar and Diesel Shop will be up in in the next month as well.

Regent Martinez stated he doesn't have a question, more of a thank you and a kudos, President Bailey and Regent Martinez talk a few times a week so nobody gets to hear what they talk about, it is not really that exciting, they do talk a lot about how Robertson High School is better in football than St. Mike's. Other than that, he would like to say, because it never gets on the record, Dr. Bailey, you and your team are doing outstanding, all the positive press when he first got to the school there was zero positive press, since President Bailey has been at the school it has been a breath of fresh air that fills the lungs. Thank you to President Bailey and his entire team from the top to the bottom because you guys make us look good in front of everybody. It is really easy making decisions when you've been able to put together a great team and everybody is fired up to make Northern the best the school in the State and Regent Martinez really appreciates what they do. President Bailey thanked Regent Martinez and stated they are looking at a bunch of faces on the screen tonight, they are the ones, they are the ones making it happen. He is happy to be the one whose picture is in the paper but it really, there are a lot of people who make this work and everyone pitched in, everybody, he could not be more proud and honored to serve with this group of people. Board President Martin asked if there were any additional comments.

VI. FACULTY SENATE PRESIDENT REPORT

Faculty Senate President Dr. Anna X. Gutierrez Sisneros stated faculty Senate had a meeting on September 11th and are working with the Shared Governance Meeting. The next meeting is October 2nd and she will have more information on committee meetings and results for the next Board of Regents meeting. Board President Martin asked if there were any questions and thanked Dr. X.

VII. STUDENT SENATE PRESIDENT REPORT

None.

VIII. STAFF REPORTS

A. Provost & Vice President for Academic Affairs

1. HLC 4-Year Assurance Report, Recommendations

Dr. Lopez stated everything is informational today. The first item, on page 21, a couple of months ago, the College submitted its four-year assurance argument to the Higher Learning Commission (HLC). This document was shared with the Board of Regents, it was a document of 121 pages, that was submitted with another 200 documents to the HLC. The HLC did our review and he is pleased to let the Board know this is the best outcome that the College has received in many, many year's. When he says many, he means 10 or more. Four years ago, the HLC came to the College and we had three areas of concern and all of those have been fixed. We do not have to submit any interim reports next year or in two years. We just need to wait until their next visit in 2025. That is wonderful news for Northern. Dr. Lopez stated we got some recommendations on how to prepare better for the next cycle and those are the ones the Board will see in the package (page 17-20). Most of these are easy to be implemented and it is how we can prepare better for the next cycle. There are two Dr. Lopez would like to bring to the Board's attention because they will require some funding in the years to come. One is, they want to see how through our budget process we include professional development for full time faculty. Dr. Lopez stated in recent years, we get professional development through grants. It happens to be true for those fields that that receive money through grants (Engineering, General STEM, Nursing Programs). We do have other areas, humanities,

language and letters, teacher ed that because they typically do not get grants as the other areas, then they do not get institutional funding for professional development in the field of expertise of every faculty member. Many universities for example, offer \$1,500 awards to every faculty member to attend conferences every year. These are the types of things we do not offer at the College. The HLC is recommending that we do investments in faculty. Dr. Lopez agrees we should and it is difficult as we are living in challenging times when it comes to budget but we will have to make some decisions in the near future to allocate more funding for faculty development. The other one is the HLC considers that we need more man power in our Human Resources Department. They feel we are stretching too much in our Human Resources Department right now. This is something they are going to potentially be looking at for the next visit. These are the only two Dr. Lopez feels are more challenging because they require investment from the institution. Dr. Lopez stated on page 21, it shows how we are rated on the 22 components and we met all of them. There was only one, component 4.a. that we met with concerns and when you read the narrative it is only because we were discussing that we just established last year a new process for program review. On October of 2019, the Regents approved a new policy brought before them so we just established an enhanced better process for program review. Because it is new, we were not able to show examples of how it is working for obvious reasons. We need to provide in five year's evidence how this process is working. This is probably the best report we have received in many year's and Dr. Lopez would like to thank Carmella Sanchez, our liaison with the HLC for leading this effort. Dr. Lopez asked if there were any questions.

2. New Title V (Fast Track to Finish) Goals

Dr. Lopez stated three weeks ago we were informed by the Department of Education that we were one of the awardees for a Title V Grant. These grants are designed for Hispanic Serving Institutions under the Title V Act and our Grant has four goals. All of this has to do with making students more successful. The four goals, guided pathways, we need to really sign curriculum and establish better mechanisms to graduate students as soon as possible. This is guided by pathways. This starts when students are still in high school in Dual Credit. How do we offer those courses that when the students come to Northern how the students are going to accelerate their time to graduation? The second one, we need to improve retention rates among students and this is going to be through enhanced support and a more proactive advisement. We are going to be redesigning the way that we advise students and we are going to be redesigning curriculum so that we can expand our distance education capability. As we speak, we have applied with the HLC, so they grant Northern permission to offer fully online programs that eventually will help with enrollment. This Grant is going to allow us to develop our capacity to develop these types of programs. Lastly, there is going to be funding for faculty and staff for professional development. The Board of Regents will then see objectives are basically the indicators with numbers so when we say we have this goal, what do we mean and that is what the Board of Regents will see in those objectives. Within the next five years we have to prove to the feds that we have achieved those objectives. How are we going to do this? How are we going to make sure we accomplish this? We are going to adopt the Complete College America strategies. These are well proven research-based strategies that other institutions have tried with wonderful results dealing with populations like the ones that we serve (first generation, minority, etc.). Dr. Lopez stated in the document, page 23-24, the budget is shown and how it is allocated for the next five years. Dr. Lopez stated next year, by February, we are going to be competing for a Title III Grant, similar to this one with an emphasis on the STEM program. This grant last competition; the Grant was between \$3M and \$6M. We are going to go for this one. We just have a new record with this one but we are not going to stop there, we are going for the

next. Ricky Bejarano is going to have the challenge to spend the money but we want to have the challenge. Dr. Lopez asked if there were any questions.

3. Enrollment Report – Informational

Dr. Lopez stated as President Bailey mentioned, had a really good year in terms of enrollment. It is 11% higher compared to last year when it comes to head counts. In terms of FTEs we are 3% higher. We need to recognize, when you go to page 25, when you see the different departments, the reason why we were able to accomplish this number of students is for two main reasons, one is the partnership with the Local 412, just from that partnership we got 130 students and this was the MOU the Board approved two months ago. Dr. Lopez thanked the Board of Regents for the confidence on allowing the College to partner with the Local 412. It could probably increase, this is the pilot and Dr. Frank Loera is trying to establish a partnership with the 611, the union for Electricians and we are also trying to partner with the Air Force for online education. These partnerships will help increase enrollment, However, we cannot be blind to the fact that several of our academic departments, they went down in enrollment and that is true for the arts, biology, humanities, language and letters, math, engineering and what is going on is that this year we felt the same that higher ed is experiencing nationwide, the number of new students FTAC (Full Time Any College Students) went down. It was obvious that many students who finished high school last spring decided to postpone coming to college. Right now, the reason why you don't see it is because the 412 students made it a positive number when it comes to FTACs. If you were to remove the students, this would give the explanation of why the departments went down. What happened is continuing students grew compared to last year. We are taking seriously all this data. As we speak, we are developing strategies so we can retain better and go after those recent graduate students who decided to delay coming after college. We are going after these students. Dr. Lopez stated on page 27, that table if you go to the last columns, it is going to show percentage-wise, how enrollment changed for every New Mexico public institution within the last year. If you see the only number in black, it is Northern New Mexico College. If you go to the other one, the next column, how enrollment has changed in the last five years, for every institution in New Mexico. Despite that we are also in red, our number is the best one, if you can say it in one way, we are the ones whose enrollment in the last five years has decreased less in the entire state. This is wonderful news in terms of enrollment and the efforts put in place by faculty and staff. Dr. Lopez asked if there were any questions.

B. Vice President for Finance & Administration

1. Fiscal Watch Reports – Action Required

Mr. Bejarano stated staff has been busy working on the audit. The State Audit has announced there will be no extensions, even at this time. The Board had approved a reconciliation with a different firm in an attempt to get us out of the disclaimer and it looks like there is a good possibility that this may happen on a modified basis. This has put a lot of strain on staff and has caused some delays but we are moving forward. Mr. Bejarano introduced Mr. Vince Lithgow, Comptroller for presentation of the Fiscal Watch Report.

Mr. Lithgow stated on page 30 of 208 is the Statement of net position (Balance Sheet), cash is about \$6.1M. Account receivables have gone up to \$2.2M and this stands to reason as students are starting classes. We have an increase in Pell for the other student grants, other assets. Capital assets remains unchanged until we finish with the audit but that number will not change a lot. Total

of assets of almost \$44M. Liabilities, major liabilities, accounts payable we had zero in July and \$22,000 in August. This stands to reason because we are getting out bills in. Net pension liabilities are about \$42.8M. We have about \$6.1M in the bank and about \$2.1M is related to funding for the Branch Community College for the Mill Levy. Mr. Lithgow stated regarding the income statement tuition and fees, the bulk is for the fall, we have received all state appropriations and other revenues as well. Revenues collected year today is about 17.3% and we should have about 16.6% so we are a little bit ahead. Expenditures are at 8.3%. They have not materialized with the exception of payroll; we have about \$1.8M in payroll. There has not been plant fund activity and it will not be seen until October or November. Page 32 is a comparison of last year at this time. On the revenue it is a nominal amount of changes. Expenses are a nominal amount, under expended from last year. There is some activity in the plant funds and those are different appropriations. The Statement of Cash Flows, we have received \$2M from tuition and fees. We have paid about \$1M for salaries and received investment earnings of about \$12,000. Cash is about \$6.1M.

Board President Martin asked if there were any questions and entertained a motion to approve the Fiscal Watch Reports.

Regent Martinez moved to approve the fiscal watch reports for the period ending August 31, 2020. 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.

2. Budget Adjustment Reports (BARs)

Mr. Bejarano introduced Ms. Evette Abeyta, Budget Director for presentation of the BARS and the next two items. Ms. Abeyta stated on page 34 of the packet there is a total number of 4 BARs for the year. In the packet there is one unrestricted BAR and it is realigning all the grant funds with balances at the end of June 30 and realigning them for July 1st for FY21. Ms. Abeyta asked if there were any questions.

Board President Martin entertained a motion to approve the BARs.

Regent Swentzell moved to approve the BARs are prepared internally through September 22, 2020 for FY21. 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.

3. Shared Services Project

Mr. Bejarano deferred to President Bailey for this item. President Bailey stated the Shared Services Project is informational only. We are exploring a partnership with SFCC, Central Community College, Clovis Community College, San Juan College, and one or two more. The idea is a shared services project so the ERP programs, out IT database infrastructure, would be seamless with all institutions. What is important is the challenges we face with the current system we use and the money we shell out to keep it operational, the incredible burden it is putting on out IT team. Even more compelling is that when you have all these institutions using the same platform then the experience for the student will be more seamless and for the student it will be much easier to navigate through matriculation to different institutions. There will be more on this in the future. The direction we got from State Legislators is pretty clear and they would like us to find more

robust ways to collaborate with each other. This is good direction and we have always needed to do this. This is the next step in the process. Board President Martin if action is required on this project. President Bailey stated not that he knows of. Ms. Abeyta stated it is included in the RPSP list and already voted on. Mr. Bejarano stated he would like to emphasize the advantage that President Bailey pointed out is the seamlessness between different users. Currently, in Banner, people only have expertise within the module in which they work (ex., purchasing, accounting, etc.). This is one of the reasons we had to move off of the Banner payroll. There were no payroll people to be had that had Banner experience. That has become more and more critical, especially in payroll, it became an impossibility. It is an Oracle based system and is very arduous. One can argue that our Accounting System is for all intents and purposes a manual system. Mr. Bejarano cannot emphasize enough how important it is going to be to move to these types of shared services. As the President pointed out, that is the direction the State wants us to move anyway overall. It will make it easier for someone to transfer from another institution to Northern and vis versa and no one will be keeper of the truth for any particular module.

4. Fiscal Year 2022 RPSP Budget Requests

Ms. Abeyta stated in the packet on page 46, these are the general fund appropriated projects we have within the institution. We have added two new projects in this. Items 1-5 were requested at flat budget when compared to FY21. These requests are for FY22, included in those are the Nursing Expansion, the Athletic Program, the Veterans Resources Center, the STEM Initiative and the Academic Program Evaluation. The two new items, each being requested at \$500,00 each is the Cannabis Tech and Industry and also the Shared Services Technology Project. Ms. Abeyta would like to defer to Dr. Lopez if he would like explain a little bit about the Cannabis Tech Industry program.

President Bailey stated this is a project that Governor Lujan Grisham and her staff are interested in exploring. This is not going to be dependent on the passage of an adult use Cannabis Bill. Right now, there are 1,700 medical cannabis workforce, it is that strong already in New Mexico. What we are developing is something that has never been done and that is a marriage between Higher Education, Department of Health and the Bureau of Regulation and Licensing. The Governor is excited about this. They have asked Northern to be the lead, the pilot for this, we are working with an entity with Seacrest and the Governor's staff at the highest levels, we are looking forward to putting this together. This will expand once we give the proof of concept and two things will happen, it is an enrollment boost for Northern and puts the State in a good position if/when the adult use cannabis passes. That workforce will grow from 1,700 to 17,000 and all employees will have a pathway through higher education to get their license. We will be at the front of the line on this.

Board President Martin asked if there were any questions and entertained a motion to approve.

Regent Swentzell moved to approve the Research and Public Service Projects and other funding requests for FY22. 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.

5. Report of Actuals – Action Required

the report pending Board approval due to the statutory deadline, next year we are going to work towards having something, even if it is a day before, so the Board has some idea of what is going to be reported to the State. Right now, we are having to report and then come back for approval. That is not uncommon due to when the statutory deadline falls but we are going to make an effort to do this earlier next year unless it is too big a strain on Ms. Abeyta but she has agreed to try.

Ms. Abeyta stated on page 85 of the packet it begins the FY20 Report of Actuals for the institution. Basically, she would like everyone to concentrate on the summary pages on Exhibit 1 which is about three pages in total. Basically, what happens is all of the exhibits will roll up to the summary and so the numbers are all calculated on this first exhibit. The first set of columns are the original FY21 budget, nothing has changed, the Board of Regents has seen this in the original operating budget for FY20. The second columns are FY20, the estimated amounts which were submitted last May along with the operating budget for FY21. In the last set of columns is what really is the Report of Actuals. This is basically a comparison to where we stand in a certain point in time for June 30 for FY20. Ms. Abeyta stated she would like to go over the revenue piece. We did come in higher as compared to the estimate of actuals by almost \$1.6M and a lot is due to the Mill Levy Revenue received in FY20. The next thing Ms. Abeyta would like to touch on is year to date expenses and they are on page 88. Our expenditures for FY20 came in a lot lower. Total expenditures at the end of the fiscal year, pending any audit entries, we came in a lot lower in expenses by between almost between \$2.5M and \$2.7M. Part of it is the Mill Levy revenue that we did not budget to spend in FY20. We did have some of the departments that actually came in much lower than estimated. In instruction and general they came in lower by almost \$1M and then public service came in lower than the estimated. The auxiliary's department came in by almost, when compared to budget by almost \$400,000. Those are some of the contributors to decrease in expenses. We did hold the line in expenditures. The bottom line, page 89 on the ending balances, the ending balances compared to the estimated were \$5.9M versus \$2.2M. The major contributor is the Mill Levy Revenue. Also, this is subject to change based on the audit and any audit adjustment. Ms. Abeyta asked if there were any questions.

Board President Martin entertained a motion to approve the Report of Actuals.

Regent Martinez moved to approve the Report of Actuals. 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. DEEP DIVE

1. NNMC Strategic Direction – Informational

President Bailey stated the Strategic Direction is in the packet is in the packet and shared with all attendees. President presented the NNMC Strategic Direction (attached). BP Martin asked if there were any questions.

X. PUBLIC INPUT

Dr. Hira stated he will keep his input short. He would like to read a few lines of words and this is honor of the passing of Justice Ginsburg. The words are lovely, dark and deep but I have promises to keep and miles to go before I sleep and miles to go before, I sleep. Dr. Hira stated he just realized he loves heroes and that was a hero because she hung on to the last minute. He hopes that everybody agrees with his sentiment here that that was a true act of courage for her to stay alive. The other thing Dr. Hira wants to mention again, he guesses the hero's theme again, he doesn't know if anybody has suggested that should have an NNMC Alumni Hall of Fame. Dr. Hira asked if anybody wanted to say anything about this. What he is thinking of, he graduated from the University of Texas at Arlington, they used to have a park named after the students, then one of their students died in (inaudible), so they have a building named after her. Dr. Hira stated he is not being that ambitious, just a few pictures would be nice, that is all he has to say. President Bailey and Board President Martin thanked Dr. Hira.

XI. EXECUTIVE SESSION

Board President Martin entertained a motion to enter into Executive Session only for the purpose for the items listed on the Agenda.

Regent Martinez moved to go into executive session to discuss those items on the Agenda which the only item is Collective Bargaining Negotiations. 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 entered into Executive Session at 6:26PM.

Regent Martinez moved to return from Executive Session and affirmatively stated the only thing discussed in Executive Session was collective bargaining negotiations. 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 returned from Executive Session at 7:06PM

XII. 2020-21 NEGOTIATED REVISIONS TO NFEE COLLECTIVE BARGAINING

Regent Martinez moved to approve the 2020-2021 negotiation revisions to NFEE Collective Bargaining Agreement including Articles 20 and 36 of the Faculty CBA. 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.

President Bailey stated he would like to thank Tim Crone for his leadership, for everything he has done with the union. It is known around the State the relationship Northern Union has with the Administration is the strongest in the State and that is credit to Mr. Crone. President Bailey also thanked Mr. Zamora for the time commitment to this. Both sides came with good faith efforts. Both are committed to improving the institution and the lives of everyone who commits heartfelt service to our students. Mr. Zamora thanked everyone for the opportunity.

XIII. ADJOURNMENT

Board President Martin entertained a motion to adjourn.

Board President Martin moved to adjourn. 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.

The Board of Regents adjourned at 7:06PM.

APPROVED:

Michael A. Martin, Board President

Erica Velarde, Vice President

**NORTHERN NEW MEXICO COLLEGE
BOARD OF REGENTS SPECIAL MEETING
OCTOBER 8, 2020**

A Special Meeting of the Board of Regents of northern New Mexico College was held on Monday, October 8, 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).

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); Sally Martinez, Executive Assistant to the Provost & Vice President for Academic Affairs; and Amy Pena, Executive Office Director.

Others Present: Ari Levin, Rio Grande Sun

I. CALL TO ORDER

Board President Martin called the meeting to order at 11:02AM.

II. APPROVAL OF AGENDA

Board President Martin entertained a motion to approve 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.

1. Executive Session

Regent Martinez moved to enter into closed session pursuant to the Open Meetings Act to discuss those items on the agenda which is the Melissa Velasquez Case. 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.

President Bailey asked if Amy Peña, Sally Martinez and Ari Levin to exit the meeting as the Board is going into Executive Session. Amy Peña stated Sally Martinez and Ari Levin can be placed in a waiting room while the Board of Regents are in Executive Session. President Bailey asked Ms. Martinez and Mr. Levin if they can be placed in the waiting room while the Board entered into Executive Session. Both agreed. Sally Martinez and Ari Levin were placed in the waiting room and Amy Peña left the meeting.

The Board of Regents entered into Executive Session at 11:04AM.

Board President Martin entertained motion to return from Executive Session. At this time, Sally Martinez, Ari Levin and Amy Peña rejoined the meeting.

Regent Martinez moved to return from Executive Session and affirmatively stated the only those matters listed on the agenda concerning Melissa Velasquez were discussed in Executive Session. 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 returned from Executive Session at 12:09PM.

2. Possible Action on Executive Session

None.

3. Adjournment

Board President Martin entertained a motion to adjourn.

Regent Swentzell moved to adjourn. Second – Regent Martinez – second. 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 12:11PM.

APPROVED:

Michael A. Martin, Board President

Erica Velarde, Vice President

Office of the Provost

NORTHERN New Mexico College



MEMORANDUM

To: Board of Regents - Northern New Mexico College

From: Ivan Lopez, Provost and VPAA

Date: October 23, 2020

Re: Changes to the current Title IX Policy

Issue

As a Title IV funding recipient, Northern is required to adopt the Federal (U.S. Department of Education) changes to the Title IX regulations.

Overview

The attached document incorporate changes to the policy. These few changes to the existing Title IX policy at NNMC were drafted by the Title IX Coordinator with the collaboration of the Office of Equity and Diversity and reviewed by the Ortiz & Zamora legal team.

Recommendation

I recommend the Board of Regents approve the changes to the Title IX policy to comply with the Federal Regulations.

NNMC Title IX Policy

If you have experienced sexual harassment, including sexual assault as defined in this policy, you have a variety of options available to you. You may report this crime to the police, pursue administrative investigative options, seek supportive measures and seek confidential resources.

You have the choice of submitting an informal complaint or a formal complaint at the College. Both choices include tailored supportive measures to assist in providing you with the support needed to continue learning and/or working at NNMC. A formal complaint initiates an investigation while an informal complaint does not. You can also speak with a confidential resource to explore your options before making your decision.

Section 1 of this policy provides additional information on what to do if you experience sexual harassment, including sexual assault.

General

Northern New Mexico College prohibits discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title IX of the Education Amendments of 1972; the NNMC Student Code of Conduct; and this policy.

NNMC is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, NNMC has developed policies and procedures that provide a fair, prompt, and impartial process for those involved in allegations of harassment or discrimination on the basis of protected class status. NNMC values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in what is often a difficult time for all involved.

For the purposes of this policy, sexual harassment, dating violence, domestic violence, and stalking are collectively referred to as “sexual harassment.” Sexual harassment subverts the mission of the College and threatens the careers of students and employees.

As more fully described in Section 8, this policy applies to allegations of sexual harassment made by person or against another student, staff, or faculty member that occur within the course of a NNMC program or activity. If the circumstances giving rise to the allegations are related to NNMC educational programs or activities, this policy may apply regardless of the affiliation of the parties to Northern New Mexico College. The College is committed to responding promptly and fairly to every allegation of sexual misconduct. This policy addresses conduct that may be covered by Title IX and the Student Code of Conduct. Allegations may be covered by one or more of the aforementioned laws/policies.

Sexual harassment may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the reporting party (Complainant) is involved in an intimate or sexual relationship. Individuals who have experienced sexual misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the campus resource offices or community resources referenced in Section 2 of this policy. A report of sexual harassment will be taken seriously and addressed in accordance with NNMC policies and procedures.

Title IX Coordinator

The institution's **Title IX Coordinator**, oversees the College's compliance with Title IX (including sexual harassment and sexual misconduct). The Title IX Coordinator is located in the Montoya Administration Building. The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to investigation, resolution, and implementation of remedies and supportive measures to stop, remediate, and prevent discrimination under this policy. The Title IX Coordinator, designees, and individuals within the Title IX team act with independence and authority free from bias and conflicts of interest.

To raise concerns involving bias or conflict of interest of the Title IX Coordinator, please contact the Provost or the President. Concerns of bias regarding any other Title IX staff member should be raised with the Title IX Coordinator. This policy includes information for students, staff, and faculty on resources available following an act of sexual misconduct, including NNMC responses, supportive measures, education and prevention programs, and possible disciplinary sanctions.

1. Procedures to Follow if You Experience Sexual Harassment Including Sexual Assault

If you are in immediate danger, please dial 911 for assistance.

If you are the victim of a sexual assault but not in immediate danger, you may report this to the Title IX Coordinator, the Office of Equity and Diversity and/or the local police. You may also want to call a trusted family member or a friend, as well as access local support services (noted below).

For the reasons set forth below, it is important for victims of sexual assault to seek medical attention. In the local area, you can contact SANE (Sexual Assault Nurse Examiners) in Santa Fe at the Christus St. Vincent Regional Medical Center at 505-913-4999 or 505-989-5952 (emergency); in Taos contact 575-751-8990 or 575-758-8883 (emergency) for information about receiving a sexual assault examination. SANE services include a physical assessment, emergency contraception, injury documentation, forensic photography, and evidence collection up to five days after the sexual assault. SANE Programs offer medication for sexually transmitted infections (STI) up to 30 days after the assault. Services are available 24 hours a day, provided at no cost, and are confidential. No ID is required. Individuals can receive a SANE exam without filling a police report. If you have serious injuries, seek emergency medical attention at a hospital. You can also contact the Rape Crisis Center: in Santa Fe, it is the Solace Crisis Treatment Center at 505-988-1951; in Taos contact the Community Against Violence at 575-758-8082 x117 and 575-758-9888 (crisis line).

- It is important for individuals who have experienced sexual harassment, in particular sexual assault, to understand the steps to take to preserve evidence for possible use later to support a criminal case.
- The sooner you file a report of sexual assault, the better the chances that helpful evidence can be collected to support a criminal case, that you will be able to convey a clear account of what happened, and that police will be able to identify and speak with witnesses.
- You may file a report of sexual assault and/or receive a sexual assault medical examination immediately and then decide at a later date if you want to pursue filing criminal charges. SANE can provide the forensic medical exam, free of charge, in a comfortable environment facilitated by nurses specially trained in sexual violence and intimate partner violence cases.

2. Resources Following an Act of Sexual Harassment

There are several resource options for students at NNMC. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support and counseling, and officially reporting an incident are listed in Appendix A. Each resource can assist a person to access the full range of services available. Students accused of committing an act of sexual harassment may obtain confidential and anonymous support and counseling through the College Counselor. The Title IX Coordinator can share more information.

3. Confidential Resources

NNMC employees are Responsible Employees as described in Section 9 of this policy. Responsible Employees are not confidential resources and must report allegations of sexual misconduct as described in Section 9. If you are unsure if you are a responsible employee, please contact the Title IX Coordinator. Only the school counselor is recognized by the institution as a confidential resource and exempt from reporting allegations of sexual misconduct.

The College encourages individuals who have experienced sexual harassment to report the incident so that they get the support they need and the College can respond appropriately. NNMC recognizes that such individuals may want to speak confidentially with someone on campus before deciding whether to report the incident to the police. As such, the Title IX Coordinator has designated certain offices on campus as confidential and exempt from mandatory reporting obligations pursuant to Section 9 of this policy. Any campus offices that wish to be designated as confidential should contact the Title IX Coordinator and discuss training and data requirements, as well as enter into a memorandum of understanding that describes the confidential status and data reporting obligations.

4. Retaliation

It is a violation of NNMC policy to retaliate against any person who engages in protected activity. Protected activity includes complaining of or reporting sexual misconduct, testifying, assisting, or participating in an investigation or proceeding regarding an allegation of sexual misconduct. Concerns that a student, staff, or faculty member has threatened to retaliate or has retaliated against a student, complainant and/or witness, should be reported promptly to the Title IX Coordinator. A staff, faculty member, or student who retaliates against a person who makes a complaint of sexual misconduct, reports, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual misconduct, or seeks assistance from Equity and Diversity, may be subject to disciplinary action.

Protected activity under this policy also includes reporting an incident that may implicate this policy, participating or declining to participate in the grievance process, supporting a Complainant and Respondent, or assisting in providing information relevant to an investigation.

5. Supportive Measures and Remedies

NNMC offers and implements appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are confidential, non-disciplinary, non-punitive, individualized services offered as appropriate and without fee or charge to the parties to restore or preserve access to NNMC's educational program or activity, including measures designed to protect the safety of the parties or the educational or work environment, and/or to deter harassment or retaliation.

The Title IX Coordinator promptly provides supportive measures or details on seeking or receiving supportive measures to the parties upon receiving a notice of complaint. See the [Title IX Grievance Procedure](#)

Upon a Respondent's finding of responsibility, the Complainant may also be provided with remedies to maintain their equal access to the working and learning environment. Upon the finding of responsibility, remedies include disciplinary measures for the Respondent.

5.1 Emergency Removal

NNMC can act to remove a Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Team (TAT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator or their designee prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 2 business days of the Respondent receiving notice, objections to the emergency removal will be deemed waived. A

Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. Appeals are heard by the Title IX Coordinator, or his/her supervisor (or designee), but the removal is implemented immediately.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the emergency removal meeting.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

NNMC will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions include, but are not limited to: removing a student from housing, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

6. Definitions of Sexual Harassment

Sexual harassment is the umbrella category NNMC uses for sexual misconduct, including sexual harassment, sexual assault, stalking, and dating and domestic violence, each of which is defined below. Acts of sexual harassment may be committed by any person upon another person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

6.1 Sexual Harassment Generally

Sexual harassment as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- The provision of an aid, benefit, or service contingent upon an individual's participation in unwelcome sexual conduct (**quid pro quo** sexual harassment);
- Unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education or activity (**hostile environment** sexual harassment). In determining whether a reasonable person would consider the behavior to be objectively offensive, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

Mere offensiveness alone is not enough to create a hostile environment. Whether a hostile environment exists is determined by considering all the circumstances, including the following:

- The degree to which the conduct affected one or more student's education, employment, or their attempt to participate in NNMC's program or activity.
- The nature, scope/severity, frequency, duration, and location of incident or incidents.
- The identity, number, and relationships of persons involved.
- The inherent nature of the higher education environment, such as inherent power differentials.

While sexual harassment often takes place under circumstances where a power differential between the persons involved exists, this policy recognizes that sexual harassment also may occur between persons who are considered peers. Additionally, the prohibition against sexual harassment applies regardless of the genders of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of the Northern New Mexico College community, such as contractors or visitors. Regardless of the source, the College does not tolerate this kind of behavior and is committed to maintaining an environment free from sexual harassment.

Sexual harassment is especially serious when it threatens relationships between students and faculty. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a faculty member or supervisor can have a decisive influence on a student's or student worker's success and future career at the College and beyond.

6.2 Sexual Assault

Sexual Assault falls under the following categories and definitions:

6.2.1 Sex Offenses, Forcible

Any sexual act directed against the Complainant without the Complainant's consent, including instances where the Complainant is incapable of giving consent.

- Forcible Rape. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- Forcible Sodomy. Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object. To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will (non-consensually) or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- Forcible Fondling. The touching of the private body parts of another person (genitals, buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.

6.2.2 Sexual Offense, Non-Forcible Sexual Intercourse

- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape. Sexual Intercourse with a person who is under the statutory age of consent.

6.3 Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

6.4 Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- To categorize an incident as domestic violence, the relationship between the responding party (Respondent) and the Complainant must be more than both parties living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6.5 Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Course of conduct means two or more acts, including but not limited to: acts in which the stalker directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to threaten a person or interferes with a person's property.

Complete Definitions

For complete definitions of the crimes of sexual assault, domestic violence, dating violence, and stalking under New Mexico law, see "New Mexico Definitions of Violence Against Women Act: Crimes" in Section 16 of this policy.

7. Jurisdiction

This policy applies to the education or work programs and activities of NNMC, as well as to conduct that takes place on the campus or on property owned or controlled by NNMC, at NNMC-sponsored events, or in buildings owned or controlled by NNMC or NNMC's recognized student organizations. The Respondent must be a current member of the Northern New Mexico College community at the time of the incident in order for this policy to apply. If the Respondent withdraws from the College immediately after the incident or before resolution of the Title IX process, the process will still proceed.

If the Respondent is unknown or is not a member of the NNMC community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Even if the Respondent is not a member of the NNMC community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, NNMC may take other actions as appropriate to protect the Complainant against third-parties, such as barring individuals from NNMC property and/or events.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Please see the [NNMC Title IX Grievance Procedure](#) for more information regarding the institutional Title IX process for accepting jurisdiction and notifying the parties involved.

7.1. Off-Campus and Online Conduct

Conduct that occurs in the United States but off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or another NNMC policy such as the Student Code of Conduct. If off-campus sexual harassment occurs within the context of a NNMC program or activity or has continuing adverse effects that create a hostile environment on campus or within a NNMC education program or activity, the College shall take other supportive measures and may investigate the conduct.

7.2 Online Conduct

This policy is written and interpreted broadly to include online and cyber manifestations of any other of the behaviors prohibited in this policy when those behaviors occur in or have an effect on NNMC's education program and activities, or use NNMC networks, technology, or equipment.

While NNMC may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, the College will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another member of the Northern community.

Any online postings or other electronic communications by students including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of NNMC's control (e.g., not on NNMC networks, websites, or between NNMC email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Off-campus harassing speech by employees, whether online or in person, subjects the employee to discipline pursuant to the faculty handbook.

8. Consent

The Northern New Mexico College has adopted the following definition of consent:

Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on NNMC to determine if its policy has been violated.

Sexual activity will be considered to have occurred "without consent" if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does

not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one's responsibility to obtain consent.

Under New Mexico law, age impairs a person's ability to make an informed decision to willingly engage in sexual activity with an adult.

Additionally, a relationship between a faculty or staff member and a student may not be considered consensual if the faculty or staff member holds a position of power over the student.

8.1 Incapacitation

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent. The use of alcohol or drugs can limit or prevent a person's ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that they are unable to give meaningful consent or understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. Investigators examine the record for other behavior when determining whether meaningful consent to sexual activity was or could have been given. Should the preponderance of the evidence in the record demonstrate that behaviors suggesting incapacitation were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, that evidence may demonstrate that the Respondent knew or should have known that the Complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, a person's mental, physical, or psychological disability (temporary or permanent), may impair their ability to give consent. Examples include, but are not limited to: when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

It is a defense to violation of this policy if the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

9. Reporting Suspected Sexual Harassment

All NNMC employees are considered Responsible Employees under this policy, with exception granted to the College Counselor who is a Confidential Resource. In order for the College to respond effectively to individuals who have experienced sexual misconduct, **all** NNMC staff and faculty, except as noted in Section 3, who receive information about a person who has experienced sexual misconduct must report the information to the Title IX Coordinator within 24 hours, or as soon as reasonably practicable, by calling the Assistant Provost for Student Affairs, who serves as the College's Title IX Coordinator, at (505) 692-4016, or by email at TitleIX@nmc.edu. This includes information obtained via third-party and rumors, as well as directly from the affected individual. Having knowledge of someone else reporting an incident of sexual misconduct or harassment does not fulfill reporting obligations.

It is important to recognize that the person(s) disclosing to you might be discussing an incident or occurrence that is traumatic, sensitive, and/or difficult for them to discuss. Your job is to listen without judgment; respond with respect and kindness; and listen to the person(s). If someone is in imminent harm, you should contact the Police immediately by calling 911.

In the event a Responsible Employee becomes aware of suspected sexual harassment, that individual is encouraged to refer the party to a confidential advocate or other resource available to them, as outlined in Appendix B. Responsible Employees should also notify the disclosing party that they are required to report the incident to Title IX Coordinator, but that they are not required to participate in a Title IX or Student Conduct process.

9.1 Failure to Report

Responsible Employees must share all details of behaviors listed in this policy with the Title IX Coordinator. Failure to Report is a violation of this policy and can result in disciplinary action for failure to comply.

10. Amnesty from Disciplinary Action

Northern New Mexico College encourages reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to NNMC officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the NNMC community that Complainants choose to report misconduct to NNMC officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the grievance process.

To encourage reporting and participation, NNMC applies the same policy of offering parties and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident, as noted in the [NNMC Student Code of Conduct](#).

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to the Respondent with respect to a Complainant. NNMC cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by the District Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

11. Rights of the Parties

During the investigation following a report of sexual harassment, and prior to a final determination being made through an impartial hearing, the Complainant and Respondent have equal rights to be treated with respect, dignity, and sensitivity throughout the process; to information on how the College will protect their confidentiality; and to present evidence or other information they feel relevant to the matter.

Following the investigation, the impartial hearing determination, and the imposition of sanction (if applicable), the Complainant and Respondent have equal rights to seek a discretionary review through an established appellate process.

12. Investigation and Hearing Procedures

Parties have the option of filing an informal or formal complaint with the Title IX Coordinator. An informal complaint will not trigger an investigative process but will allow a Complainant the ability to seek supportive measures. A formal complaint will include a formal investigation and will culminate in a live hearing before a hearing board or other decision maker(s). Details of the procedure can be found in the Code of Student Conduct and/or the [NNMC Title IX Grievance Procedure](#).

12.1 Disciplinary Process

After a student, faculty, or staff member has been found responsible for violating this policy following a live hearing, they will be disciplined pursuant to NNMC disciplinary policies and procedures.

Students

Under the **NNMC Student Code of Conduct**, a student who commits a violation of this Code, including an act of sexual misconduct, is subject to the following possible sanctions:

- Verbal warning - means an oral reprimand.
- Written warning - means a written reprimand.
- Probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars regarding subjects including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
- Suspension - means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time. It may be for a definite or indefinite period of time.
- Expulsion - means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
- Dismissal - means termination of student employment, either for a stated time period or indefinitely.
- Barred from campus - means being barred from all or designated portions of College property or activities.

Students living in NNMC housing are subject to the following possible sanctions for misconduct occurring in the residence halls:

- Housing reassignment - means the transfer of the student from one room to another.
- Restricted from entry into specific housing areas, dining hall, commons building, and other NNMC housing facilities.

Contract termination - means the termination of the housing contract either for a stated period of time or indefinitely.

Visitors

Under the **NNMC Student Code of Conduct**, which applies to all NNMC owned and controlled facilities and campuses (including El Rito), a visitor found to be in violation of this Code, including sexual misconduct, is subject to the following possible sanctions:

- Verbal Warning;
- Written Warning;
- Probation;
- Removal from campus;
- Barred from campus;
- The sanctions of denial of admission, readmission, or employment by the College.

Faculty

Faculty found to be in violation of this policy, are subject to disciplinary action in accordance with the faculty handbook.

Staff

Staff found to be in violation of this policy are subject to disciplinary action in accordance with the staff handbook.

13. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of sexual misconduct under this policy, even if an investigation and subsequent hearing fails to substantiate the allegation.

Notwithstanding this provision, the College may discipline employees or students when it has been determined that they brought an accusation of sexual misconduct in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.

14. NNMC El Rito Campus Information

Northern New Mexico College's El Rito campus in El Rito, New Mexico is subject to this Title IX Policy and the College's Student Code of Conduct. The El Rito campus also prohibits any act of sexual misconduct and encourages students who experience such acts to report them to the Title IX Coordinator and/or the appropriate law enforcement agency as well as to seek assistance from the same resources noted in this policy.

15. Educational Programs

NNMC recognizes the harm caused by sexual misconduct and the need to educate the College community regarding these issues, and offers educational programs to expand this education.

16. Appendices

New Mexico Definitions of Violence Against Women Act Crimes

Stalking – NMSA 1978, § 30-3A-1 *et seq.*, “Harassment and Stalking Act”

- Stalking: under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.
- “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.
- “Stalking” means knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement, or restraint of the individual or another individual. A “pattern of conduct” means two or more acts, on more than one occasion.
- “Aggravated stalking” consists of stalking perpetrated by a person:
 - who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;

- in violation of a court order setting conditions of release and bond;
- when the person is in possession of a deadly weapon; or
- when the victim is less than sixteen years of age.

Domestic Violence – NMSA 1978, § 30-3-10, et seq., “Crimes Against Household Members Act” (includes dating violence)

- Domestic violence: under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery, and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child, or person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or domestic abuse is a misdemeanor crime.
- Domestic abuse: under the Family Violence Protection Act, “domestic abuse” is defined as “an incident of stalking or sexual assault whether committed by a household member or not” resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear or bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, harassment, or harm or threatened harm to children. Under the Family Violence Protection Act, “household members” include a spouse, former spouse, parent, present or former stepparent, present or former parent in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. Violation of any provision of an order of protection issued under the Family Violence Protection Act is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both.
- Dating violence: under New Mexico’s Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

“Domestic violence” consists of assault or battery of:

- a spouse or former spouse, or
- parent, step-parent, in-law, grandparent, grandparent-in-law, co-parent of a child, or a person with whom a person has had a continuing personal relationship.
- “continuing personal relationship” means a dating or intimate relationship.
- Cohabitation is not necessary to be deemed a household member for purposes of the Crimes Against Household Members Act.

“Assault against a household member” means:

- An attempt to commit a battery against a household member; or
- Any unlawful act, threat or menacing conduct that causes a household member to reasonably believe they are in danger of receiving an immediate battery.

“Aggravated assault against a household member” means:

- Unlawfully assaulting or striking a household member with a deadly weapon; or
- Willfully and intentionally assaulting a household member with intent to commit any felony.

“Assault against a household member with intent to commit a violent felony” means any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second, or third degree, robbery, kidnapping, false imprisonment, or burglary.

“Battery against a household member” consists of the unlawful, intentional touching or application of force against a household member when done in a rude, insolent, or angry manner.

“Aggravated battery against a household member” consists of the unlawful touching or application of force against a household member with intent to injure that person or another.

Sexual Assault – Criminal Sexual Penetration (NMSA 1978, § 30-9-11), Criminal Sexual Contact (NMSA 1978, § 30-9-12), and Criminal Sexual Contact with a Minor (NMSA 1978, § 30-9-13)

“Criminal sexual penetration” is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio, or anal intercourse or the causing of penetration, to any extent and with any object, or the genital or anal openings of another, whether or not there is any emission.

- Criminal sexual penetration is a felony crime; the degree of the felony (first degree through fourth degree) depends on the age of the victim and the force or coercion used by the perpetrator.
- “Force or coercion” is defined in NMSA 1978, § 30-9-10(A) and means:
 - the use of physical force or physical violence;
 - the use of threats to use physical force or violence against the victim or another;
 - the use of threats, including threats of physical punishment, kidnapping, extortion, or retaliation directed against the victim or another; or
 - committing a criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep, or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act.

“Criminal sexual contact” is the unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast.

- Criminal sexual contact is a felony crime if perpetrated by the use of force or coercion that results in personal injury to the victim, or if the perpetrator is aided or abetted by others, or when the perpetrator is armed with a deadly weapon.
- Criminal sexual contact is a misdemeanor crime when perpetrated with the use of force or coercion.

“Criminal sexual contact with a minor” is the unlawful and intentional touching of or application of force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one’s intimate parts. “Intimate parts” means the primary genital area, groin, buttocks, anus, or breast. A “minor” is a person eighteen years of age or younger.

Footnotes:

·The Violence Against Women Act (VAWA) is a federal law originally passed in 1994 and reauthorized several times by Congress, most recently in 2013.

·Except as required by law and their professional licensure requirements such as reporting imminent danger.

·Except as required by law and their professional licensure requirements such as reporting imminent danger.

·Under certain circumstances, the allegations made may indicate that a continuing threat to the general public may be present. Under those circumstances, NNMC may be obligated to forward the allegations to the appropriate agency for investigation and/or prosecution.

As required by the federal Clery Act for statistical purposes, instances of sexual misconduct reported to entities other than those identified below as “No Disclosure Required” must be reported to the Title IX Coordinator, which works with the Clery Compliance Officer on the annual reporting of crime statistics to the College community. Such reports do not include identities and are only comprised of the nature, date, time, and general location of the incident. These reports do not serve as an official police report and do not launch a criminal or administrative investigation; these reports are purely for statistical purposes to meet Clery Act obligations.

Office of the Vice President for Finance & Administration

NORTHERN New Mexico College

MEMORANDUM

To: Board of Regents
Northern New Mexico College

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

Date: October 23, 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 September 30, 2020.

Northern New Mexico College

Statement of Net Position

(Unaudited and Unadjusted)

September 30, 2020

Assets	
Current Assets:	
Cash and Cash Equivalents	5,947,951
Short-Term Investments	-
AR - Student	1,124,460
AR - Other than student	222,661
Inventories	71,087
Prepaid Expenses	6,962
Loans Receivable, net	172,674
Total Current Assets	<u>7,545,795</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>42,722,395</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	12,676
Other Accrued Liabilities	532,059
Deferred Income	167,368
LT Liabilities - Current Portion	-
Total Current Liabilities	<u>712,103</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>43,509,790</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	(104,218)
Federal Student Loans	-
Term Endowments	-
Capital Projects	-
Debt Service	-
Related Entity Activities	(33,288)
Unrestricted	
Unrestricted without NFP	(380,008)
Net Fiduciary Position	-
Total Unrestricted (includes 6/30/20 NFP)	<u>(380,008)</u>
Total Net Position	<u>34,659,086</u>

Northern New Mexico College
Summary of Operating and Plant Funds
(Unadjusted and Unaudited)
Fiscal Year 2021

Operating Funds	FY 2021 Original Budget	FY 2021 Adjusted Budget	FY 2021 Actuals as of September 30, 2020	Percentage Earned/Spent
REVENUES				
Tuition & Misc Fees	\$ 4,131,267	\$ 4,131,267	\$ 2,174,382	52.6%
Federal Appropriations		-	-	-
State Appropriations	11,013,400	11,013,400	2,753,350	25.0%
Local Appropriations	-	-	-	-
Gifts, Grants & Contracts	6,429,072	6,429,072	2,059,587	32.0%
Endowment/Land & Perm Inc	163,525	163,525	25,793	15.8%
Sales & Services	3,086,371	3,086,371	146,957	4.8%
Other	586,701	586,701	176,068	30.0%
Total Revenue	25,410,336	25,410,336	7,336,136	28.9%
BEGINNING BALANCE	2,554,985	2,554,985	2,554,985	100.00%
TOTAL AVAILABLE	27,965,321	27,965,321	9,891,121	35.4%
EXPENDITURES				
Instruction & General	18,326,020	18,326,020	3,338,273	18.2%
Student Social & Cultural	112,072	112,072	-	0.0%
Research	38,300	38,300	8,225	21.5%
Public Service	509,780	509,780	64,274	12.6%
Internal Services	160,376	160,376	40,094	25.0%
Student Aid	4,922,633	4,922,633	1,706,646	34.7%
Auxiliary Enterprises	944,930	944,930	100,070	10.6%
Intercollegiate Athletics	573,402	573,402	119,344	20.8%
Independent Operations (NMDA)	-	-	-	-
Total Expenditures	25,587,513	25,587,513	5,376,927	21.0%
NET TRANSFERS OUT / (IN)	230,000	230,000	23,366	10.2%
TOTAL EXPENDITURES & TRANSFERS	25,817,513	25,817,513	5,400,293	20.9%
ENDING FUND BALANCE	\$ 2,147,808	\$ 2,147,808	4,490,829	

Plant Funds	FY 2021 Original Budget	FY 2021 Adjusted Budget	FY 2021 Actuals as of September 30, 2020	Percentage Earned/Spent
REVENUES AND TRANSFERS				
Required Student Fees				
Bond Proceeds				
Gifts, Grants and Contracts				
Interest Income				
State Appropriation	\$ 2,635,000	\$ 2,635,000	-	0.0%
Debt Service Transfers				
Other				
Total Revenues and Transfers	2,635,000	2,635,000	-	0.0%
BEGINNING BALANCE	-	-	-	
TOTAL AVAILABLE	2,635,000	2,635,000	-	0.0%
EXPENDITURES				
Capital Projects	2,405,000	2,405,000	-	0.0%
Building Renewal	230,000	230,000	2,562	1.1%
Internal Service Renewal/Replacement				
Auxiliary Renewal/Replacement				
Debt Retirement				
Total Expenditures	2,635,000	2,635,000	2,562	0.1%
NET TRANSFERS OUT / (IN)	(230,000)	(230,000)	(23,366)	10.2%
TOTAL EXPENDITURES & TRANSFERS	2,405,000	2,405,000	(20,804)	-0.9%
ENDING FUND BALANCE	\$ 230,000	\$ 230,000	20,804	9.0%

Northern New Mexico College
Comparison of Operating and Plant Funds
(Unadjusted and Unaudited)
Fiscal Year's 2021 and 2020

Operating Funds	FY 2021 Actuals as of September 30, 2020	FY 2020 Actuals as of September 30, 2019	Percentage Increase (Decrease)
REVENUES			
Tuition & Misc Fees	\$ 2,174,382	\$ 1,964,254	10.7%
Federal Appropriations	-	-	
State Appropriations	2,753,350	3,762,200	-26.8%
Local Appropriations	-	-	
Gifts, Grants & Contracts	2,059,587	2,199,913	-6.4%
Endowment/Land & Perm Inc	25,793	36,478	-29.3%
Sales & Services	146,957	210,741	-30.3%
Other	176,068	41,139	328.0%
Total Revenue	7,336,136	8,214,725	-10.7%
BEGINNING BALANCE	1,791,221	1,791,221	0.0%
TOTAL AVAILABLE	9,127,358	10,005,946	-8.8%
EXPENDITURES			
Instruction & General	3,338,273	3,458,916	-3.5%
Student Social & Cultural	-	8,058	-100.0%
Research	8,225	13,534	-39.2%
Public Service	64,274	182,846	-64.8%
Internal Services	40,094	52,280	-23.3%
Student Aid	1,706,646	2,149,376	-20.6%
Auxiliary Enterprises	100,070	140,497	-28.8%
Intercollegiate Athletics	119,344	137,722	-13.3%
Independent Operations (NMDA)	-	-	
Total Expenditures	5,376,927	6,143,229	-12.5%
NET TRANSFERS OUT / (IN)	23,366	21,061	10.9%
TOTAL EXPENDITURES & TRANSFERS	5,400,293	6,164,290	-12.4%
ENDING FUND BALANCE	\$ 3,727,065	\$ 3,841,656	-3.0%

Plant Funds	FY 2021 Actuals as of September 30, 2020	FY 2020 Actuals as of September 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	-	1,987,565	-100.0%
Debt Service Transfers	-	-	0.0%
Other	-	-	0.0%
Total Revenues and Transfers	-	1,987,565	-100.0%
BEGINNING BALANCE	-	-	
TOTAL AVAILABLE	-	1,987,565	-100.0%
EXPENDITURES			
Capital Projects	-	-	
Building Renewal	2,562	3,988	-35.8%
Internal Service Renewal/Replacement	-	-	0.0%
Auxiliary Renewal/Replacement	-	-	0.0%
Debt Retirement	-	-	0.0%
Total Expenditures	2,562	3,988	-35.8%
NET TRANSFERS OUT / (IN)	(23,366)	(21,061)	10.9%
TOTAL EXPENDITURES AND TRANSFERS	(20,804)	(17,073)	21.9%
ENDING FUND BALANCE	\$ 20,804	\$ 2,004,638	-99.0%

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)

September 30, 2020

Cash Flows from Operating Activities	
Receipts from student tuition and fees	\$ 2,174,382
Receipts from grants and contracts	2,059,587
Other receipts	-
Payments to or on behalf of employees	(2,898,939)
Payment to suppliers for goods and services	(526,957)
Receipts from Sales and Services	146,957
Payments for scholarships	(517,774)
Other Operating Revenue	176,068
Net cash (used) by operating activities	<u>613,323</u>
Cash Flows from Non-Capital Financing Activities	
State Appropriations	2,753,350
Gifts for other than Capital Purposes	-
Private Gifts for Endowment	-
Other Non-operating Expense	-
Net Cash provided (used) for non-capital financing activities	<u>2,753,350</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	25,793
Net Cash provided by Investing Activities	<u>25,793</u>
Increase (Decrease) in Cash and Cash Equivalents	3,392,466
Cash and Cash Equivalents- beginning of year	2,554,985
Cash and Cash Equivalents- end of reporting period	<u>\$ 5,947,451</u>



MEMORANDUM

To: Board of Regents,
Northern New Mexico College

From: Ricky Bejarano, Vice President for Finance & Administration

Date: October 23, 2020

Re: Monthly Budget Adjustment Requests

Issue

On a monthly basis, Northern New Mexico College (NNMC) provides all Budget Adjustment Requests (BARs) for review and approval by the Board of Regents (BOR). Included in the packet are BARs for FY21 for the month of October, 2020.

Overview

NNMC prepares BARs on an ongoing basis to ensure the transparent management and expenditure of all restricted and unrestricted financial resources of the college follow statutory requirements, state procurement and internal budgetary guidelines. In addition to the actual BARs and supporting line -item budget information, the NNMC Finance Department, also provides a year-to-date listing of all BARs processed by the institution in the normal course of business. The various types of budget adjustments presented to the BOR for review and approval include:

- Initial Budgets (0 restricted, 0 unrestricted)
- Budget Increases (1 restricted, 0 unrestricted)
- Budget Decreases (0 restricted, 0 unrestricted,
- Budget Transfers (0 restricted, 0 unrestricted)
- Total BARs Y-T-D = 6

The Vice President of Finance and Administration is responsible for the approval of all intra-department budget transfers and regular line item budget maintenance, resulting in a net zero impact to institutional operating budgets. BOR authorization is requested for all inter-department budget transfers and budget adjustments requiring an increase or decrease in current budget authorization levels.

The Audit, Finance and Facilities Committee is responsible for reviewing all Budget Adjustment Requests prior to the monthly BOR meetings for final action.

Recommendation

All internal FY21 BARs roll up to the Institutions final restricted and unrestricted BARs which will be submitted to the Higher Education Department on May 1st. Staff recommends that the Board of Regents approve the attached BARs as prepared internally through October 15, 2020 for FY21.

Northern New Mexico College
FY21 (2020-2021)
Thursday, October 15, 2020

BAR No.	Fund Type	BAR Type	Approved	Fund	Org	Fund Title	FTE	Amount
20210000	Combined	Approved Budget	5/15/2020	11000	1005	Instruction & General	224.61	\$29,517,648
20210001	Combined	Approved Budget	8/24/2020	11000	1022	Instruction & General	0.00	(\$1,529,655)
20210002	Unrestricted	Maintenance	8/24/2020	11011	2431	Nursing Enhancement	0.00	\$0
20210003	Unrestricted	Maintenance		11000	3032	Instruction & General	0.00	\$0
20210004	Restricted	Decrease		40110	2268	SWNRCT Program USDA	0.00	(\$1,448,395)
20210005	Restricted	Increase		41101	2725	High School Equivalent Program	0.00	\$56,849
20210006	Unrestricted	Maintenance		11000	1077	Instruction & General	0.00	\$0
BAR Net Total							224.61	\$26,596,447

Northern New Mexico College

BAR Numb 20210005

FY21 (2020-2021)

Thursday, October 15, 2020

Fund Type: Restricted

BAR Type: Increase

Fun Indirect Cost Funds					
Org Provost					
Category	Account	Description	FTE	Amount	
Revenue	11303-1007-80278-131	Transfer In Indirect	0.00	\$190	
Revenue	11303-1020-80278-132	Transfer In Indirect	0.00	\$3,235	
Revenue	11303-2725-80278-105	Transfer In Indirect	0.00	\$381	
Revenue	41101-2725-54103-608	Federal Grants and Contracts Rev	0.00	\$53,043	
Total Revenue			0.00	\$56,849	
Expense	11303-1007-71951-131	Indirect Cost	0.00	\$190	
Expense	11303-1020-71951-131	Indirect Cost	0.00	\$3,235	
Expense	11303-2725-71951-105	Indirect Cost	0.00	\$381	
Expense	41101-2725-61101-105	Faculty Salaries Full-time	0.00	\$0	
Expense	41101-2725-61103-105	Faculty Salaries Adjunct	0.00	\$1	
Expense	41101-2725-61301-105	Professional Salaries-FT	0.00	\$14,403	
Expense	41101-2725-61302-105	Professional Salaries-PT	0.00	\$1	
Expense	41101-2725-61401-105	Support Staff Salaries-FT	0.00	\$17,681	

Fun High School Equivalent Program**Org High School Equivalency Prog**

Expense	41101-2725-61404-105	Overtime Pay	0.00	\$323
Expense	41101-2725-61451-105	Student Salaries	0.00	(\$2,813)
Expense	41101-2725-61505-105	Other Salaries - Temp	0.00	(\$5,999)
Expense	41101-2725-61801-105	Vacation Pay Out	0.00	\$1
Expense	41101-2725-62111-105	Medicare	0.00	\$1,804
Expense	41101-2725-62112-105	FICA	0.00	\$112
Expense	41101-2725-62121-105	Retirement - ERA	0.00	\$1,348
Expense	41101-2725-62141-105	Retiree Health Care - ERA	0.00	\$4,982
Expense	41101-2725-62151-105	Health Insurance	0.00	\$1,597
Expense	41101-2725-62152-105	Dental Insurance	0.00	(\$176)
Expense	41101-2725-62153-105	Vision Insurance	0.00	\$688
Expense	41101-2725-62161-105	Basic Life	0.00	\$133
Expense	41101-2725-62180-105	Workers Compensation	0.00	\$1,553
Expense	41101-2725-62181-105	Workers Compensation Insurance Bill	0.00	\$1,842
Expense	41101-2725-62190-105	Unemployment Compensation	0.00	\$8,569
Expense	41101-2725-62222-105	Accrued Vacation	0.00	\$0
Expense	41101-2725-62223-105	Sick Leave Bank	0.00	\$0
Expense	41101-2725-62229-105	Taxable Per Diem	0.00	\$1

Fun High School Equivalent Program
Org High School Equivalency Prog

Expense	41101-2725-71106-105	Cell Phone-Pager Expense	0.00	\$1
Expense	41101-2725-71123-105	Professional Development	0.00	\$1
Expense	41101-2725-71125-105	Resource Materials	0.00	(\$1,678)
Expense	41101-2725-71128-105	Software Purchases up to 999.99	0.00	(\$1,952)
Expense	41101-2725-71131-105	Supplies and Expense	0.00	(\$375)
Expense	41101-2725-71136-105	Test and Testing Service	0.00	(\$163)
Expense	41101-2725-71141-105	Prior Year Expense	0.00	\$1,260
Expense	41101-2725-71145-105	Purchased Services	0.00	\$1,500
Expense	41101-2725-71146-105	Licenses	0.00	\$223
Expense	41101-2725-71358-105	Student Stipends and Supplies	0.00	\$1,628
Expense	41101-2725-71359-105	Training	0.00	\$30
Expense	41101-2725-71552-105	IS Motor Pool Services	0.00	\$314
Expense	41101-2725-71555-105	IS Postage Services	0.00	\$532
Expense	41101-2725-71805-105	Grant-Project Activities	0.00	\$2,837
Expense	41101-2725-71825-105	Tuition/Fees & Book/Supplies	0.00	\$661
Expense	41101-2725-72123-105	In-State Travel	0.00	\$1,045
Expense	41101-2725-72124-105	Out-of-State Travel	0.00	\$864
Expense	41101-2725-73104-105	Electronics-Computer up to 4999.99	0.00	\$685

Fun High School Equivalent Program

Org High School Equivalency Prog

Expense	41101-2725-73114-105	Furniture-Fixtures up to 4999.99	0.00	(\$4,226)
Expense	41101-2725-80178-105	Transfer Out Indirect	0.00	\$3,806
Total Expense			0.00	\$56,849
BAR Net Total, Increase			0.00	\$56,849

Vice President for Finance and Administration

NNMC Board of Regents Representative