I. Preliminary Matters

Attendance:

Board Members: Juan T. Lizama, Chairperson; Regent Elaine Hocog Orilla, Vice-Chairperson; Regent Frank M. Rabauliman, Treasurer; Regent William S. Torres; Regent Andrew L. Orsini and Regent Maria (Malua) T. Peter.

Honorary Members: Roy Greenland, Honorary Regent/Faculty Senate President; Daniel Kintol on behalf of Marie Coleman, Honorary Regent/Staff Senate President.

Staff and Faculty: Dr. Sharon Y. Hart, NMC President/Executive Secretary to the Board of Regents; Barbara Merfalen, Dean of Academic Programs and Services.

Others Present: Jesus C. Borja, NMC Legal Counsel.

The Regular Meeting of the Board of Regents was called to order at 9:36 a.m. on Wednesday, September 12, 2012, BOR Conference Room.

a. Roll Call

BOR Chairperson Juan T. Lizama called roll. Six members of the Board of Regents were present. A quorum was established.

b. Review and Adoption of Agenda

BOARD ACTION NO. 1

Motion: Regent Orilla motioned to adopt the Wednesday, September 12, 2012 regular meeting agenda.
Second: Regent Peter seconded the motion.
Discussion: None.
Vote: The motion passed unanimously.

c. Review and Adoption of Minutes

1. June 14, 2012 – Regular Meeting
2. August 16, 2012 – Regular Meeting

BOARD ACTION NO. 2

Motion: Regent Orilla motioned to adopt the June 14, 2012 and August 16, 2012 Regular meeting minutes.
Second: Regent Peter seconded the motion.


**Vote:** The motion passed unanimously.

**II. Public Comment Period:** Individuals may orally testify on items on this agenda during the Public Comment Period. Written testimony is also accepted. Testifiers are requested to limit their testimony to five (5) minutes.

1. Lawrence Camacho, a private citizen provided some comments related to Board Policy No. 401 – Residency Classification and the ASNMC Constitution. Mr. Camacho informed the board that he has gathered over 300 signatures opposing this policy. He noted several reasons for the opposition: it should be standard practice to support our military personnel; and the policy should be limited to the residents. In the matter relating to the ASNMC constitution, Mr. Camacho said that the March 2, 2011 constitution should not be used to disqualify students from participating in the upcoming ASNMC election of officers. Mr. Camacho concluded his comments by asking the board of regents to reverse the actions made by the President, the Dean of Student Services and the Office of Students and Leadership office. Mr. Camacho will be providing a written submission at the end of the day.

**III. Board Chair's Remarks**

Chairperson Lizama offered some comments. He talked about following the “Robert Rules of Order and the importance of operating in a sequential order. Chairperson Lizama indicated that issues should only be presented to the board for final resolution. Dr. Hart added that the Roberts Rules of Order also addresses the functions of committees. There was a discussion about roles and responsibilities of the committees. Regent Orsini also talked about the good of resolving issues.

Chairperson Lizama recognizes Regent Rabauliman for the budget and finance committee report.

**IV. BOR Standing Committees**

1. **Budget and Finance Committee**

   **a. Foundation Matters:** Regent Frank Rabauliman, Budget and Finance Committee chairperson provided an update. Regent Rabauliman reported that the committee met with the members of the foundation board recently. A request from the non-profit organization was made to use the Northern Marianas College name. It was a lengthy meeting and members of the committee decided to recommend to the full board that they approve the use of the name, “Northern Marianas College.” Additionally, it was also suggested that the board enter into a “Memorandum of Understanding” that will outline the parameters for which the name will be used. The draft MOU is ready for board review. The administration will present the draft to the full board at this meeting. The second item requested has to do with the transfer of funds from the foundation board to the non-profit organization. However, because the president is the expenditure authority of those funds, the committee decided to refer this matter back to the president for her disposal but to be mindful of the threshold that require board approval. The committee recommended that the president consider this request as a loan. The requester agreed with this arrangement and that it should also include interest.

   **b. Board Policy No. 202.3 – NMC Strategic Plan:** The committee is recommending approval. Because it was not reflected in the minutes, the committee would like the minutes to reflect that Board Policy No. 202.3, NMC Strategic Plan was approved at the August 17, 2012 board meeting. For the record, the board reaffirmed that the policy was approved during the August 17, 2012 board meeting. By acclimation, the board adopted the amendment to the August 17, 2012 meeting minutes.
c. **Facilities master plan:** The committee met and discussed this very important matter. An Ad-Hoc committee was established. The committee is going to be spearheaded by Dean Dave Attao. The committee recommended that we start a marketing campaign towards this effort.

d. **Board Policy No. 401 – Residency Classification:** The committee referred this policy back with changes and would be brought back to the board.

e. **Board Policy No. 402 – Student Health Classification:** The committee also referred this policy back to the President.

Regent Rabauliman concluded the budget and finance committee report. Chairperson Lizama recognizes Regent Peter, the Program Committee Chairperson.

2. **Program Committee**

Regent Maria (Malua) T. Peter, Program committee chairperson provided an update. She highlighted the following items:

a. **Some policies were misplaced in this committee.**

b. **Board Policy No. 103: Distribution of Manual** – The committee is recommending approval noting some minor changes as follows:

   i. The NMC BOR Policy Manual shall be distributed to “the student government and members of the board.”
   ii. The last sentence is stricken: “A reasonable fee covering costs shall be charged other persons or organizations that request copies of policies or the policy manual.”

Regent Peter concluded the program committee report.

3. **Ad-Hoc Committee**

Regent Elaine Hocog Orilla, Ad-Hoc committee chairperson provided a report. She highlighted the following:

a. **Board Policy No. 203.1 - President’s Authority and Responsibilities:** The committee is still reviewing this policy.

b. **Board Policy No. 203 – President Recruitment and Hiring:** This policy has been approved and adopted on August 17, 2012.

V. **WASC Accreditation Update**

President Hart provided an update on the accreditation efforts. The report was submitted in time. The board was provided their own copy. She thanked the college community for pulling together to help with the report. The team is coming in late October. The college continues to move forward in addressing the standards. A supplemental report will be submitted to the commission in December 2012. Another report was submitted on September 23, 2012 to the ACCJC that specifically address items that were outlined in the February commission letter. President Hart concluded her report but not without emphasizing that “Reaffirmation is key and central to the institution.” Chairperson Lizama recommended a thank-you letter from the board of regents for all the hardwork that went into preparing the report. There was some discussion and inquiries related to the visit and the report. President Hart will be providing another update in this regard. A formal agenda from the team is not available yet.

VI. **Old Business**
a. Foundation Matters

President Hart requested to take this item under executive session. The members agreed and moved on to the next item.

b. Board Policy for Consideration – First reading

1. Repeal of Old Board Policies – Academic Programs and Services

President Hart presented for board action to repeal existing board policies for Academic Programs & Services and Student Services. The purpose of this request is to delineate policy from procedures.

Chris Timmons, HR Director/NMC Legal Counsel reminded the board that taking action at this time would be premature because we are required to follow the Administrative Procedures Act (APA). We need to publish for comment and comments need to be received before taking action. Regent Orsini wanted clarification because the former legal counsel had indicated that the college is not required to publish its policies. Counsel Timmons agreed to look into it but also asked to hold back from taking action.

**BOARD ACTION NO. 3:**

**Motion:** Regent Torres motioned to adopt the Repeal of Old Board Policies – Academic Programs and Services.

**Second:** Regent Orilla seconded the motion.

**Discussion:** There was a discussion about the process and system in presenting matters to the board. The committee has already made its review of the policies. It was noted that any and all items have to be presented to the full board first and then the chairperson will then assign it to a particular committee.

**Vote:** The motion passed unanimously.

For the record, Eldred Sanchez arrived to join the meeting on behalf of the Honorary Regent/ASNMC President. The members welcome him to the meeting.

2. Repeal of Old Board Policies – Student Services: Tabled for next meeting.

   Lunch break called at 11:35 a.m. on Wednesday, September 12, 2012.
   Executive Session called at 11:56a.m.

**BOARD ACTION NO. 4:**

**Motion:** Regent Peter motioned to move into executive session on Wednesday, September 12, 2012.

**Second:** Regent Orsini seconded the motion.

**Vote:** There we no objections, the motion passed.

Executive session ended at 2:35p.m on Wednesday, September 12, 2012. The meeting was called back to order at 2:45p.m., and made the following board actions.

c. Foundation Matters
BOARD ACTION NO. 5:

**Motion:** Regent Orsini motioned to allow the non-profit foundation the use of the name “Northern Marianas College” for their purposes.

**Second:** Regent Rabauliman seconded the motion.

**Discussion:** Chairperson Lizama will assign a committee to work on the MOU. The review should be completed within ten days. The foundation board will be notified about the board’s decision. The proposed name of the new organization is “Friends of the Northern Marianas College Inc. Foundation.” Regent Torres apprised the board that after many discussions between the committee and the foundation board members, the committee has reached its decision to allow them to use the name “Northern Marianas College.” However, there were concerns raised such as the role and function of the new non-profit organization. The committee agreed to review the draft MOU so that these concerns are thoroughly reviewed. Chairperson Lizama assigned the Budget and finance committee to spearhead the review of the MOU.

**Vote:** The motion passed unanimously.

d. **ASNMC Constitution**

Chairperson Lizama provided some historical background on how the 2011 ASNMC constitution evolved over time. There was a debate about the validity of the 2011 version. The members agreed that because it is in policy, the regents have to approve the ASNMC constitution. There was a discussion about whether or not the board should even take action on this matter. After much discussion, the board agreed that the 2011 constitution stands.

BOARD ACTION NO. 6:

Chairperson Lizama inquired about the statement of the resolution. Here’s an excerpt of the resolution: Counsel Borja reads as follows:

“The position of the board with regard to the upcoming election is that the 2011 constitution that was in existence at that time would be the one that is the constitution of ASNMC for the purposes of the upcoming election.”

Chairperson Lizama calls for a vote on the matter of the ASNMC Constitution.

**Vote:** The motion passes.

- **Yes:** Regent Rabauliman
  - Regent Orilla
  - Chairperson Lizama

- **Abstain:** Regent Orsini
  - Regent Torres

- **Present:** Regent Peter

There was an inquiry about Regent Peter’s vote as being “present.” Counsel Borja explained that if there is an abstention of votes, then the chairperson normally would call for another vote, should there be an abstention, then the motion passes with three “Yes” votes. Regent Peter’s vote would be considered as an abstention.
e. NMC Legal Counsel

Regent Orsini provided a brief report. He indicated that the board is in agreement that it should retain its own legal counsel. President Hart provided some comments on this matter. She indicated that the institution has been looking at how to cut costs and this was one way to cut costs. Chairperson Lizama also offered some comments and believes that it is important to recognize the importance of cost saving measures.

BOARD ACTION NO. 7:

Motion: Regent Torres motioned to retain the legal counsel for the board of regents.
Second: Regent Orsini seconded the motion.
Vote: The motion passed unanimously.

For the record, Counsel Borja stated that because the statement has been made about the exorbitant legal fees that the college has incurred in the last year, he indicated that he doesn't believe that it’s from the services of the Law Offices of Jesus Borja and Matthew Smith.

BOARD ACTION NO. 8:

Motion: Regent Peter motioned to extend counsel Jesus Borja’s contract until another legal counsel is awarded.
Second: Regent Torres seconded the motion.
Discussion: There was a discussion about defining the roles of the counsels between serving the college or the board of regents. After much discussion, the board agreed that for purposes of continuity, the services of counsel Borja is extended.
Vote: The motion passed unanimously.

BOARD ACTION NO. 9:

Regent Torres requested to suspend the order of business to discuss the upcoming Joint BOR/PSS Board meeting. Counsel Borja informed the board that if the board does not recess then all discussions will be part of this meeting.

Regent Torres inquired about the legal impediment to openly state that the incoming students fro the public school system do not meet college entry level. Counsel Borja responded that he does not see any legal problems. However, we can also expect that the media and the public can view it negatively.

There were some concerns raised with the agenda items for the Joint BOR/PSS meeting. The members plan to raise some of the issues discussed in today’s meetings. Dean Bobbi Merfalen also made some comments and shared that the dialogue has already begun between NMC and PSS officials. The board will be updated regularly on this matter.

BOARD ACTION NO. 10:

Motion: Regent Orsini motioned to recess for 5:12p.m on Wednesday, September 12, 2012. The meeting will resume on Tuesday, September 18, 2012 at 9:30a.m.
Second: Regent Orilla seconded the motion.
Vote: The motion passed unanimously.
I. Preliminary Matters

Attendance:

Board Members: Juan T. Lizama, Chairperson; Regent Elaine Hocog Orilla, Vice-Chairperson; Regent Frank M. Rabauliman, Treasurer; Regent William S. Torres; Regent Andrew L. Orsini and Regent Maria (Malua) T. Peter.

Honorary Members: Roy Greenland, Honorary Regent/Faculty Senate President; Daniel Kintol on behalf of Marie Coleman, Honorary Regent/Staff Senate President.

Staff and Faculty: Dr. Sharon Y. Hart, NMC President/Executive Secretary to the Board of Regents; Helen B. Camacho, President’s Office (Recorder).

Others Present: Jesus C. Borja, NMC Legal Counsel.

The continuation of the Regular Meeting of the Board of Regents was called to order at 9:36 a.m. on Tuesday, September 18, 2012, BOR Conference Room.

a. Roll Call

BOR Chairperson Juan T. Lizama called roll. Six members of the Board of Regents were present. A quorum was established.

II. Board Policy for Consideration

a. Board Policy No. 401 – Residency Classification

Regent Frank Rabauliman, Budget and Finance committee chairperson provided a brief update. He indicated that the committee met recently to review both policies and it was agreed upon to return them back to the president for some minor changes. The policies were amended to include the recommended language.

BOARD ACTION NO. 11:

Motion: Regent Rabauliman motioned to adopt Board Policy No. 401 – Residency Classification as amended.

Second: Regent Orsini seconded the motion.

Discussion: Roy Greenland, Honorary Regent/Faculty Senate President inquired if there is an exception already in the PPEC agreement that allows them to get NMC tuition. He also noticed that the policy does not talk about the college being a member of WICHE. Because there are still outstanding issues to be addressed, Regent Peter recommended that the policy be brought back to the committee for further review. Chairperson Lizama agreed but also noted his concerns with
the policy with regard to the “NMDI status” being used as criterion. Regent Torres offered some examples of exception, for example, the Rice case in Hawaii (Native Hawaiian).

**BOARD ACTION NO. 12:**

**Motion:** Regent Torres motioned to close discussion.  
**Second:** Regent Orilla seconded the motion.  
**Vote:** The motion did not pass.

Yes – Regent Rabauliman  
Regent Orsini  
Regent Torres  

No – Regent Orilla  
Regent Peter  
Chairperson Lizama

Chairperson Lizama referred this matter back to the committee for further review the legal issue and fiscal impact. Regent Rabauliman agreed to take on this task and also invited other members to the committee meeting.

b. **Board Policy No. 402: Student Health Insurance**  
The committee tabled this item and referred it back to the administration for further information.

c. **Board Policy No. 206.3: Budget, Audit and Finance Committee**  
The committee tabled this item and referred it back to the administration.

d. **Board Policy No. 303.3: Institutional Instructional Program Evaluation**  
The committee tabled this item for further review.

e. **Board Policy No. 203.1: President’s Authority and Responsibilities**  
The committee tabled this item and referred it back to the administration.

f. **Board Policy No. 206: Policy Introduction, Amendment, Passage & Suspension**  
The committee tabled this item for further review.

g. **Board Policy No. 206.3: Budget, Audit and Finance Committee**  
The committee tabled this item for further review.

h. **Board Policy No. 103: Distribution of Manual – Adopted.**

III. **Reports**  

a. **President’s Report** – Dr. Hart provided an update and highlighted the following (handout provided).

b. **Legislative Update**

Frankie Eliptico, ERO Director presented. He informed the board that he is going to be presenting on the “Climb Higher Initiative” at the Saipan Chamber meeting today.
Lunch Break called at 12:00 p.m. on Tuesday, September 18, 2012. Break ended at 1:00 p.m. The meeting resumed.

c. Dean of Administration Report

President Hart provided a report on behalf of the Dean of Administration. There was some discussion about salary scale and classification compensation.

d. Staff Senate – Daniel Kintol, Staff Senate Representative provided an update (handout provided).

d. Faculty Senate – Roy Greenland provided an update of recent faculty senate activities (handout provided).

e. Program Highlights – Counseling/CACG Programs

Tim Baker, Counseling Director presented on the program highlights for the Counseling/CACG Programs. He highlighted the following:

- Works to empower students
- Set academic goals and life skills
- Assist students through recruitment, retention and graduation.
- Specialized services include the CACG, Disability Support services, Career services and

IV. BOR Self-Evaluation

Executive Session was called at 3:27 p.m. on Tuesday, September 18, 2012. Executive session ended at 4:35 p.m and no actions were taken.

IV. Adjournment

**BOARD ACTION NO. 13:**

**Motion:** Regent Orilla motioned to adjourn the meeting Tuesday, September 18, 2012. The **Second:** Regent Peter seconded the motion. **Vote:** The motion passed unanimously.

The meeting ended at 4:35 p.m.