I. Preliminary Matters

Attendance:

Board of Regents: Regent Juan T. Lizama, Chairperson; Regent Frank M. Rabauliman, Regent Andrew L. Orsini and Regent William S. Torres.

Excused Absent: Regent Maria (Malua) T. Peter

Honorary Members: John Cook, Honorary Faculty Regent/Faculty Senate President; Lawrence Camacho, Honorary Student Regent/ASNMC President and Marie Coleman, Honorary Staff Regent/Staff Senate President.

NMC Staff and Faculty: Sharon Y. Hart, Ph.D., NMC President; Bobbie C. Hunter, Acting Human Resource Manager; Galvin Guerrero, Office of Institutional Effectiveness Director/Accreditation Liaison Officer; Dave Attao, Dean of Administration; Barbara Merfalen, Dean of Academic Programs & Services; Frankie Eliptico, External Relations Office Director; Leo Pangelinan, Dean of Student Services and Helen B. Camacho (Recorder).

Others Present: Jesse Borja, NMC Legal Counsel

The Regular Meeting of the Board of Regents was called to order at 2:15 p.m. on Wednesday, March 14, 2012, BOR Conference Room, NMC Saipan Campus.

a. Roll Call

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

b. Review and Adoption of Agenda

BOARD ACTION

Motion: Regent Torres moved to adopt the Wednesday, March 14, 2012 regular meeting agenda. Second: Regent Orsini seconded the motion. Discussion: None. Vote: The motion passed.
c. Review and Adoption of Minutes

1. February 14, 2012 Regular meeting minutes

Tabled.

II. Public Comments 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.

None.

III. Chair’s Remarks: Chairperson Lizama thanked everyone for moving the meeting up earlier to accommodate his schedule.

IV. Reports

a. Associated Students of NMC Report

Lawrence Camacho, Honorary Student Regent/ASNMC President gave the ASNMC Report on recent student activities (handout provided).

b. Staff Senate

Marie Coleman, Honorary Staff Regent/Staff Senate President gave the Staff Senate Report on recent staff activities (handout provided).

c. Faculty Senate

John Cook, Honorary Faculty Senate Regent/Faculty Senate President gave an update on recent activities from the Faculty Senate (handout provided).

d. President's Report

In addition to items that were provided to the Board, Dr. Sharon Hart, Ph.D., NMC President reporting on the following:

1. Increase enrollment and retention rates:
2. Improve methods for teaching and assessing student learning
3. Remove barriers that impede on student success
4. Optimize Financial Resources
5. Implement revenue/resource generating activities:
6. Information Technology
7. Improve our Student Information Management System:
8. Launch the online student learning center:
9. Reaffirmation of Accreditation
10. Public Relations
Dean of Administration Financial Report

Mr. David Attao, Dean of Administration reported on the College’s current financial status and other areas of focus include the following:

• 2013 Budget Meeting with NMC is scheduled for March 16, 2012 with the Office of Management & Budget.
• 2013 Budget Request
  1. $400,000 additional funding requested compared with last year’s request
  2. 166 positions listed in this budget request.
  3. $8 Million Total Request.
  4. Capital Improvement Project documents included.
  5. $27,540.000 figures came from the Beca International Report created in 2009.
     Breakdown: School of Education, Student Center and Library buildings - $12 Million.

e. Peer Analysis

Mr. Galvin Guerrero, Office of Institutional Effectiveness Director/Accreditation Liaison Officer presented on the following Peer data. He highlighted the following information:

• CNMI Public High School Enrollment at NMC – Percentage of total graduates enrolled at NMC in 2006 was well below 25%; In 2010, enrollment has increased and closer to 50 percent in enrollment. Recruitment from the local public schools is increasing dramatically.
• Registration in General – Students were surveyed after the semester to see what they thought and how they felt about the different aspects of the registration process. The following are the results.
  Fall 2008 – Registration process was poor.
  Fall 2012 – 5% percent say it is poor.
  – 65% say it is excellent or good.
• FY Percentage of State/Local Expenditures on Higher Education

  NMC - 4 percent
  Florida - 7.70%
  Nevada - 10.8%
  New Mexico - 18%
  Ohio – 4.9%
  Peer Average – 10.35%
  US Average – 10.2%

f. Program Highlights – NMCs Expanded Focus on Adult Students

Mr. Frankie Eliptico, External Relations Office Director presented a 3-minute power point slide. Frankie informed the board that the “Climb Higher” initiative is NMC’s efforts to really attract, retain and assist adult or non-traditional students. He highlighted the following information:
• Adult students are over 25 years old.
• Currently working (full time or part-time)
• Break in educational journey
• Married or Single parents with dependents
• 16% make up the percentage of traditional students across the United States
• Growth projected over the next ten years in adult students: Between 18-24 years old the increase is only 9 percent; 25 to 34 years old is the real growth at 3 times higher; 35 years old at 12 percent and above will surpass the projections for traditional students.
• Educational attainment of individuals here in the CNMI is over 25 years old.

V. Old Business
a. WASC Matters
   1. WASC Accreditation Update

Sharon Y. Hart, Ph.D., NMC President thanked the board for attending the phone conference with members of the ACCJC. The purpose of the meeting was to improve communications with ACCJC and to more effectively prepare for our upcoming Reaffirmation Accreditation Visit. President Hart also asked the Board to complete the on-line training.

b. NMC Foundation Update

Regent Rabauliman, Budget and Finance Committee reported that the committee had a lengthy discussion with Ivan Quiachocho, Foundation President and Dave Burger, Foundation Treasurer pertaining to the Foundation Board of the Northern Marianas College. There was discussion regarding the Foundation’s need for autonomy from the Board of Regents and or the college. Furthermore, the committee further believes that the level of autonomy will be clearly demonstrated by its board members whom are members of the Board of Regents as well as the President if they were to voluntarily resign from the Foundation Board. However, in the case of the President she may sit on the Foundation Board as ex-officio member.

Regent Torres said that there is a lot more to be discussed and more steps to go but because of the time constraint the focus was limited strictly to the present situation and how it can be strengthened. The committee will still be revisiting this matter. Regent Torres said that the further review of the Foundation documents showed that the Board of Regents was responsible for the structuring of the foundation board. Regent Orsini said that in addition to the report, the committee also discussed the yearly audit and that the foundation will also be looking at hiring its own staff. Chairperson Lizama asked what the recommendation would be from the committee. Regent Rabauliman made the following motion.

BOARD ACTION

Motion: Regent Rabauliman motioned to recommend that the BOR members resign from the foundation board and the President will only serve in an Ex-Officio capacity. Additionally, the board will continue to do its duty by conducting through periodic and comprehensive reporting during regular/special meetings as deemed necessary.

Discussion: President Hart recommended that it would be strengthened through an effective Memorandum of Understanding (MOU), which will clearly outline that the foundation and board of regents are working in predetermined and pre-established rules or guidelines.
Regent Orsini also recommended including the removal or resignation of any existing employees of the college who were assisting the foundation board. Chairperson Lizama provided some background information on the history of the foundation. He suggested that we should have a separate foundation but if it is the recommendation of this committee to completely remove the membership of the regents from the Foundation board then communication needs to be made from the board to the Foundation President. Counsel Borja offered a different perspective. He said that because of the history of the current foundation, it maybe better or wiser to create a new foundation, have the current directors resign and go to the new foundation, and the current foundation become smaller, more oriented towards NMC only for the purpose of monitoring the endowment fund. After further discussion, the board called for vote of the motion.

**Vote:** The motion passed.

- Yes – Regent Rabauliman
  - Regent Torres
  - Regent Orsini

- No – Chairperson Lizama

Chairperson Lizama excused himself from the meeting to attend another function. He assigned Regent Rabauliman to preside over the meeting. The Board will call Chairperson Lizama when it is time to vote on the rest of the agenda items.

**VI. New Business**

a. Board Policy for Consideration – First Reading
   1. Board Policy No. 101 – Table of Contents for BOR Policies

   **BOARD ACTION**

   **Motion:** Regent Torres moved to adopt Board Policy No. 101 Table of Contents.
   **Second:** Regent Orsini seconded the motion.
   **Discussion:** None.
   **Vote:** The motion passed.

2. Board Policy No. 200.1 – Institutional Governance

   **BOARD ACTION**

   **Motion:** Regent Torres moved to adopt Board Policy No. 200.1 Institutional Governance for First Reading only.
   **Second:** Regent Orsini seconded the motion.
   **Vote:** The motion passed.

b. Board Policy for Consideration – Second Reading
   1. Board Policy No. 801 – Campus Facilities Planning

   **BOARD ACTION**

   **Motion:** Regent Torres moved to adopt Board Policy No. 801 Campus Facilities Planning.
   **Second:** Regent Torres seconded the motion.
   **Vote:** The motion passed.
VII. Legislative Update

1. H.B. 17-041 – To rename NMC the “Governor Carlos S. Camacho, Northern Marianas College”

Regent Torres informed the board that the committee is reporting to the full board on the recommendations. The testimony heard from the various constituent groups (Student, Staff and Faculty) of the college expressed no support of the name change of the college but also made some recommendations such as naming a building after the governor. Generally, the board will not support the name change at this point because of the position that was taken by the constituent group members. More importantly, name change is not feasible at this time because of accreditation.

**BOARD ACTION**

**Motion:** Regent Torres moved that the position of the board on this bill is that they support the intent of the bill but not the name change of the college.
**Second:** Regent Orsini seconded the motion.
**Vote:** The motion passed.

2. H.B. 17-245 – To establish the Northern Marianas Descent Institute, a non-profit public corporation for persons of Northern Marianas Descent that will establish a school and job training.

Regent Torres said that Chairperson Lizama has raised constitutional issues on this particular bill with respect to the Northern Marianas Descent exclusivity of funds and repeatedly expressed concerns over this issue. He added that the college is already meeting some of the needs that have been identified in the bill. Regent Torres suggested that we use this desire in a strategic way to ask the legislature for more funding. He recommended legal guidance on this matter.

**BOARD ACTION**

**Motion:** Regent Torres moved to refer this matter to Counsel Borja to look into the constitutionality issues of House Bill No. 17-245.
**Second:** Regent Orsini seconded the motion.
**Vote:** The motion passed.

3. Pending Bills - Basic Residency Requirement

Regent Torres informed the board that under pending bills is the “Basic Residency Requirement” bill. This is another proposed legislation coming from the college. This legislation is to enable or empower the board to promulgate regulations on residency by enabling the board to make exceptions. After considerable discussions, it was decided by the committee to make the following amendments:

1. Sunset Clause
   a. Page 2 – strike out line 9
   b. Strike out the semi colon after “herein” and put a period and strike out the rest from 9 thru 16.
   c. Further strike out the section on sunset and incorporate it in the amendment so that it is embedded in the amendment itself.
Adopted April 17, 2012

Regent Orsini noted some concerns. He said that he is concerned with discrimination issues among students. He wants to make sure that we are fair. Regent Torres responded that we might be. Regent Torres said that the fact that the legislature insisted on a sunset is an indication to the college that the legislature is not comfortable with giving us that authority and as a compromise they are including a sunset provision.

Counsel Borja noted the argument of the Board that the draft bill already addressed the concern of NMC to be able to make changes to the definition. He agreed that this was certainly an argument that could be made. However, he noted that another valid argument could be made that since the power to change the definition is not specifically stated, the power does not exist.

**BOARD ACTION**

**Motion:** Regent Torres moved to recommend the adoption to support the bill as amended.
**Second:** Regent Orsini seconded the motion.
**Vote:** The motion passed.

VIII. **Review and Adoption of Minutes** – Tabled for next meeting.

At this time, a call was placed to Chairperson Lizama to participate via phone conference to be part of the voting process. The following items were approved:

1. Foundation Update – Passed.
2. Board Policy No. 101 Table of Contents – Adopted
3. Board Policy No. 201 Institutional Governance – Passed First Reading only.
4. Board Policy No. 801 Campus Facilities Planning - Adopted
5. H.B. 17-041, to rename NMC the “Governor Carlos S. Camacho, Northern Marianas College – Passed not to support the bill.
6. H.B. 17-245, to establish the Northern Marianas descent Institute, a non-profit public corporation for persons of Northern Marianas descent that will establish a school and job training – Deferred for legal review.

IX. **Executive Session** (At any time during the scheduled meeting of the Board of Regents may be required to enter into executive session to discuss matters deemed privileged and confidential)

For the record, the board asked President Hart to prepare documentation to the effect that the board is authorizing her to process the payments for the Law Firm of O’Connor, Berman, and Dotts and Beca International.

President Hart provided the board with part A of the President’s Bi-annual evaluation. An electronic version is forthcoming.

X. **Adjournment** – The meeting ended at 6:30 p.m. on Wednesday, March 14, 2012.