MINUTES OF THE
BOARD OF REGENTS
Special Meeting
Monday, March 15, 2010
Continued on March 23, 2010
3:30 p.m.

I. PRELIMINARY MATTERS

Attendance:

Board of Regents: Chairperson Janet Han King, Regent Maria (Paz) C. Younis, Regent Elaine Hocog Orilla, Regent Frank Rabauliman, Regent Andrew Orsini, Regent Maria (Malua) T. Peter, and Regent Charles Cepeda.

Honorary Regents: Daniel Kintol, Student Regent Representative; Clarice Arriola, Staff Senate President; Frank Sobolewski, Faculty Senate Representative.

College Staff and Faculty: Lorraine T. Cabrera, NMC Interim President; Stacey Demapan, ASNMC Secretary; Frankie Eliptico, OIA Director; Henry Hofschneider, CFAO; Skep Palacios, Finance Office; Ray Mafnas Muna, Office of Institutional Effectiveness; Joyce Taro, Academic Programs and Services; Tee Abraham, Dean of COMPASS; Dr. John Griffin, Business Department Chair; Daisie Camacho, Director of Information Technology; Shirley Sablan, Office of Institutional Advancement; and Helen Camacho, Office of Institutional Advancement (Recorder).

Others: John Aguon and Rawlen Mantanona, NMC Counsel (Cabot Mantanona); Brien Sers Nicholas, Counsel for Dr. Carmen Fernandez; Vince Babauta, Attorney General’s Office; Ed Buckingham, Attorney General; Rose Igitol, Private Citizen; Junhan Todeno, Marianas Variety; Haidee Eugenio, Saipan Tribune; Moneth Deposa, Saipan Tribune.

The Special Meeting of the Board of Regents was called to order on March 23, 2010, at 2:50 p.m, in the BOR Conference Room, Northern Marianas College.

A. Roll Call

Chairperson King called roll call. Seven members of the Board of Regents were present. Chair King also recognized the presence of Ed Buckingham, Attorney General.

Regent Cepeda indicated that the legal counsel for the College is not present. He asked who would be representing the College and how was the counsel selected.
Chairperson King explained that the Board had a series of executive sessions discussing the retainer for a legal counsel to specifically handle the matter of President Fernandez. Furthermore, Mr. Aguon was retained through the President's Office.

Regent Cepeda recommended that the Board calendar and discuss this particular matter at an official board meeting. He further stated that the retainer of a legal counsel was never calendared in an official board meeting.

Regent Peter was concerned that the hiring of the legal counsel may not be legal or proper. She then requested the presence of Jesse Borja, NMC Legal Counsel, to address some of her questions relating to policy issues affecting some personnel matters.

Chairperson King said that there is a legal counsel present that would be able to address her concerns. Otherwise, the board may be able to address Regent Peter’s concerns later in the agenda.

Regent Peter asked if the action to retain Counsel Aguon during executive session is legal or ethical. Counsel Aguon explained that their contract was reviewed for legality. She also asked the Attorney General if this action is legal or ethical.

Ed Buckingham explained that the contract was reviewed by his office for legal sufficiency and affixed his signature on the contract.

Regent Peter was not satisfied with the responses and felt that the action made to hire a legal counsel in executive session and not in an open meeting is neither legal or ethical.

II. PUBLIC COMMENTS
None.

II. OLD BUSINESS
A. Personnel Matters
Chairperson King asked her fellow regents if anyone wished to move into executive session in order to confer with the legal counsel on matters concerning or directly relating to Dr. Carmen Fernandez.

Motion: Regent Younis moved to move into executive session.
Second: Regent Orsini seconded the motion.
Discussion: Regent Cepeda raised some concerns that because there may be other matters that the Board may discuss, he felt that it is not necessary to make the motion specific.

Regent Younis indicated that in lieu of the ongoing issue of the suspended President, the board should make the issue of the suspension of Dr. Carmen Fernandez a priority and should focus on this issue alone.

Chairperson King mentioned that before the board goes into executive session, it should at least state the purpose of its executive session.

John Aguon, NMC Legal Counsel, indicated that the board can go into executive session without specifically stating the reason for doing so.

After much discussion, Regent Younis rescinded her earlier motion.
Motion: Regent Orilla moved to go into executive session.
Second: Regent Rabauliman seconded the motion.
Vote: Unanimous.

IV. EXECUTIVE SESSION
(At any time during the scheduled meeting the Board of Regents may be required to enter into executive session to discuss matters deemed privileged and confidential)

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Honorary Regents: Stacey Demapan, Student Regent Representative; Clarice Arriola, Acting Staff Senate President; and Larry Lee, Faculty Senate President.

College Staff and Faculty: Lorraine T. Cabrera, NMC Interim President; Mindy Park, ASNMC Treasurer; Frankie Eliptico, OIA Director; Henry Hofschneider, CFAO; James Deleon Guerrero, Media Services; Leo Pangelinan, Dean of Student Services; Melena Slaven, Director of Rehabilitation and Human Services Program (RHSP); Lourdes Villazon, RHSP; Les Ogumoro-Uludong, Community Development Institute; Joyce Taro, Academic Programs and Services; Daisie Camacho, Director of Information Technology; Skep Palacios, Budget Analyst-Finance Office; and Helen Camacho, Office of Institutional Advancement (Recorder).

Others: John Aguon and Rawlen Mantanona; NMC Legal Counsel (Cabot & Mantanona) and Brien Sers Nicholas, Counsel for Dr. Fernandez.

The Special Meeting of the Board of Regents was called to order on March 4, 2010, at 3:46p.m, in the BOR Conference Room, Northern Marianas College.
B. Roll Call

Chairperson King called roll call. All seven members of the Board of Regents were present.

III. NEW BUSINESS
A. Personnel Matters

Motion: Regent Orsini moved to afford Dr. Carmen Fernandez a hearing (as stated in her contract) on Monday, April 5, 2010, at 2:30p.m.
Second: Regent Peter seconded the motion.
Vote: The motion passed unanimously.

Excused Absent: Regent Cepeda

Regent Peter wanted to know whether the hearing would be strictly between the suspended President Fernandez and the Board of Regents or be open to the public.

John Aguon, Legal Counsel, indicated that because there will be personnel matters discussed, the hearing will be closed to the public and will only be between President Fernandez and the members of the Board.

IV. ADJOURNMENT

Motion: Regent Orsini moved to adjourn the meeting.
Second: Regent Orilla seconded the motion.
Vote: Unanimous.

The meeting adjourned at 5:37p.m. on March 23, 2010.