I. PRELIMINARY MATTERS

Attendance:

**Board of Regents:** Regent Juan T. Lizama, BOR Chairperson; Regent Elaine Hocog Orilla, Vice-Chairperson; Regent Maria (Malua) T. Peter; Regent William S. Torres; Regent Andrew Orsini and Regent Frank Rabauliman.

**Honorary Members:** Lawrence Camacho, ASNMC President; Dr. John Griffin, Faculty Senate President; and Marie Coleman, Staff Senate Representative.

**College Staff and Faculty:** Sharon Y. Hart, Ph.D., NMC President; Galvin Guerrero, Office of Institutional Effectiveness Director/Accreditation Liaison Officer; Leo Pangelinan, Dean of Student Services; Frankie Eliptico, Office of Institutional Advancement Director; Rogelio Madriaga, CFAO; Becky Sablan, Executive Secretary; Daisy Propst, Financial Aid Director; John Cook, CNMI Archivist; Geri Willis, Learning in Communities Director; Solita Barnes, Finance Office; Kathy Palacios, Finance Office; James Kline, Languages and Humanities Department Instructor; Bobbie Hunter, Human Resources Office; Jack Kiyoshi; HRO; Matt Pastula, Library Programs and Services; Dawn Chrystal Revilla, Finance Office; Daniel Kintol, Office of Admissions and Records; Cynthia Deleon Guerrero, OAR Director; Lisa Hackskaylo, OIE Staff; and Helen B. Camacho, OIA Administrative Manager (Recorder).

**Others:** Jesse Borja, NMC Legal Counsel; Moneth Deposa, Saipan Tribune News Reporter; Dr. Cindra Smith, College Brain Trust Consultant; Dr. Walter Packard, College Brain Trust Consultant.

The Regular Meeting of the Board of Regents was called to order at 1:45 p.m. at Building D, Room No. 1, NMC Saipan Campus.

**a. Roll Call**

BOR Chairperson Juan T. Lizama called roll. Six members of the Board of Regents were present. A quorum was established. Chairperson Lizama welcomed Mr. Lawrence Camacho, newly elected ASNMC President to his first meeting as an honorary member of the NMC Board of Regents.
b. Review and Adoption of Agenda

Motion: Regent Orilla moved to adopt the meeting agenda for September 29, 2011.
Second: Regent Peter seconded the motion.
Vote: The motion passed unanimously.

c. Review and Adoption of Minutes

1. June 17, 2011 – Special Meeting
2. July 14, 2011 – Regular Meeting
3. August 17, 2011 – Special Meeting

June 17, 2011 – Special Meeting

Motion: Regent Orilla moved to adopt the June 17, 2011 Special Meeting Minutes subject to changes if needed.
Second: Regent Peter seconded the motion.
Vote: The motion passed.

July 14, 2011 Regular Meeting and August 17, 2011 Special Meeting

Motion: Regent Peter moved to adopt the July 14, 2011 Regular Meeting and August 17, 2011 Special Meeting Minutes subject to changes if needed.
Second: Regent Torres seconded the motion.
Vote: The motion passed unanimously.

Regent Torres requested to make a privileged speech. Chairperson Lizama acknowledged Regent Torres. Regent Torres expressed his appreciation to the Legislature for passing a budget that was extremely helpful to the Northern Marians College’s needs. He added that the passing of a budget was instrumental in maintaining the effort of the College Access Challenge Grant Program as well as the needs of the institution. Chairperson Lizama also thanked Regent Torres for his comments and also noted President Hart’s hard work. Regent Orsini recommended that President Hart send a thank you letter to the members of the CNMI Legislature and the Governor’s Office. Regent Torres agreed and also recommended if a resolution can be adopted to recognize these efforts.

II. PUBLIC COMMENTS - None

III. REPORTS

a. Associated Students of NMC – Newly elected ASNMC President Lawrence Camacho introduced himself and provided some comments. He indicated that members of the student governance body have not had the chance to meet but plans to provide the board with a full update at the next meeting. Regent Torres took the opportunity to provide some comments. Regent Torres indicated that he attended the investiture ceremony earlier that day. He added that he left the ceremony with the impression that the student leaders are ready to lead the institution. Regent Torres recommended and proposed that the needs of the student activities be addressed and for funding to be included in the budgetary allocation for them. Regent Orsini also noted the concern and asked if anyone was available at the next board meeting to answer the concerns raised by Regent Torres. President Hart said that the board would be fully abreast of the things in a board calendar. She also added that recently, the board adopted the Institutional Effectiveness Policy that addresses these concerns. The various units of the college will be on the board’s calendar. Regent Orilla said that we should allow the newly elected officers to settle themselves and report at the next meeting.
Break called at 2:10 p.m. on Thursday, September 29, 2011
Returned from break at 2:12 p.m. on Thursday, September 29, 2011

Chairperson Lizama acknowledges the importance of making privileged comments but believes that it should not be the basis for making decisions. Furthermore, issues and concerns should be routed through the appropriate channel.

Regent Orilla requested to allow the ASNMC President, Lawrence Camacho to introduce the ASNMC Officers. Mr. Camacho listed the following individuals:

1. Keolester Buenpacifico, Vice-President
2. Lauren Jardinero, Secretary
3. Eldred Sanchez, Senator

b. Staff Senate

Marie Coleman, Staff Senate Representative, provided a brief report (handout provided). She indicated that elections are ongoing and will be providing an update at the next meeting.

c. Faculty Senate

Dr. John Griffin, Faculty Senate President, provided an update (handout provided). He highlighted the following items:

1. Current Faculty/Course Status (9/2011):
   a. 28 Instructional Faculty
   b. 46 Non-Instructional Faculty (5 required to teach courses)
   c. 39 Adjunct Faculty
   d. 234 Courses

2. Faculty concerns
   a. Policy 4020b adopted July 12, 1990 and amended July 31, 1998, established the 2-year non-renewable contract. Faculty supports changing this Policy to reflect that initial contracts will be for 2 years and subsequent contracts will be continuous and not renewed for “cause” after “due process” has been served.
   b. Implement Promotion Policy 4430, adopted 3/16/1989. This policy needs to be implemented to provide for a career path towards advancement for instructional and non-instructional faculty.

d. President’s Report

Sharon Y. Hart, Ph.D., NMC President provided an update from her President’s Report (handout provided). President Hart highlighted the following:

1. NMC Budget – Met with the Governor, Lt. Governor, Members of the Senate Committee on Fiscal Affairs, Members of the House of Representatives, also attended sessions pertaining to NMC’s FY2012 Appropriations Budget.
2. New Board Policies – The board will be able to monitor College effectiveness in meeting board policies through the Institutional Effectiveness Policy. The policy is a great way to keep the board informed.

3. Comparative Analysis - Developed peer institutions with six other community colleges to have comparative analysis against NMC.


5. Rota Trip – Visited Rota for Meetings with Rota Instructional Site staff and community members.

6. Council for Resource Development meeting - Attended the 10th Annual Presidents Fundraising Academy. Presidents will learn the essential skills to help them do a better job of fundraising and how they will manage their time to accommodate fundraising activities despite busy schedules.

7. Foundation meeting – Will be proposing a joint meeting between the Board of Regents and the Foundation Board of Directors.

8. Dialogue with Hillsborough College in Florida – interested in partnering with NMC.

9. Western Interstate Commission for Higher Education (WICHE) – Recent discussions with WICHE on possibly becoming a member. The perks of being a member include, allowing NMC students to go to any of the fifteen states with colleges under the WICHE program at a tuition rate of 1.5 percent.

10. Attended Meeting with Pacific Post-Secondary Education Council members (hosted by Chancellor Doug Dykstra and his team at the Windward Community College in Kaneohe, Hawaii).

11. Attended the Apprenticeship meeting in Hawaii – Training attended by various members of the college, 985 recognizable apprenticeship occupations.

12. Attended University of Guam’s Triton Warrior Army ROTC Recognition and Change of Command of Ceremony. Met with University of Guam President, Dr. Robert Underwood.

13. Implementation of new organization within the college:
   a. Information and Technology Director – now reporting to CFAO
   b. Human Resource Office (HRO) – now reporting to President Hart
   c. Rota and Tinian Campus Administrators – now reporting to Acting Dean Dave Attao
   d. Octavius “Skep” Palacios, Data Analyst – now reporting to OIA Director
   e. Geri Willis, Program Manager (Student Engagement, First Year Learning Experience Coordinator, Learning Community Program) – now reporting to Dean Bobbi Merfalen

President Hart concluded her report. Regent Rabauliman talked about an upcoming meeting with the Secretary of the Department of Commerce regarding the Apprenticeship Program. President Hart was not aware but is very glad to know that a meeting is coming up because it will give them an opportunity to get other agencies involved to be able to get the program up and going.

Regent Torres said that it would be good for the board to receive advanced notices of activities that are related to her goals and objectives so that they are constantly apprised of the institution’s progress. He added that this way the board could progress along with her. President Hart agreed and noted that the board is going to be reviewing the key Institutional Goals and Objectives. She added that the board would be able to see that her activities are directly related to these goals. Chairperson Lizama agreed and indicated that certain matters should be procedurally brought forward through the Board committees. Regent Torres recommended if the Fiscal and Legislative Committee conduct the cost analysis. Chairperson Lizama disagreed and felt that it would be best that the Program Committee take on this matter. President Hart added that the board should also have another meeting to address the CNMI Scholarship matter. Regent Torres requested to add the Western Interstate Commission of Higher Commission as an agenda item for today’s meeting so it can be addressed immediately. Chairperson Lizama asked Counsel Borja if this could be done. Counsel Borja responded that it all
depends on all of the regents by a majority vote whether or not to include the matter in today’s agenda. It should be indicated that because the current meeting is a regular one, it could be added.

**Western Interstate Commission of Higher Education**

**Motion:** Regent Rabauliman moved to add the Western Interstate Commission of Higher Education (WICHE) for today’s meeting.

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

**Discussion:** Regent Peter recommended to refer this matter to the Program Committee and to allow the President to put together a report. Regent Orilla made the same recommendation. Chairperson Lizama believed that the board agreed for the Program Committee to handle this item. Regent Torres said that at one time it was the contention of the Chair that matters are brought forward to the board and not to the committee. Chairperson Lizama indicated that he agrees with the matter being urgent, however, the process of addressing at this time would not be prudent because the President is not prepared to address it. He added that at this point in time, it would be best if the Program Committee is given the opportunity to review the WICHE matter first before it is presented to the full board for action. Regent Orsini agreed to bring the matter forward to the Program Committee.

**Motion:** Regent Rabauliman withdrew his earlier motion.

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

**Vote:** The motion passed and the motion was withdrawn.

Chairperson Lizama thanked Regent Torres for his insights and continued with the next item on the agenda.

1. **CFAO Financial Report:**

Rogelio Madriaga, CFAO provided an update (handout provided) on the current financial status of the College. CFAO Madriaga highlighted the following:

1. **Overall Statement of Revenues and Expenditures**
   a. Snapshot of NMCs funding for FY2011
   b. Relatively stable
   c. $4.3M (General: Tuition & Fees, Direct Cost)
   d. $20.78 - Voc-Ed
   e. $3.9M - Appropriations
   f. $10M – Federal
   g. $143,000 – Special
   h. Expenditures (handout provided)
      - $2.2M – General
      - $0.00 – VOC-Ed
      - $4.3M – Appropriations
      - $11.4 – Federal
      - $161,000 – Special

2. **Appropriations Budget Status**
   a. $855,000 projected shortfall (Personnel and Utilities) but because of the recent approval of the Supplemental Budget, the projected shortfall was reduced to $836,160 leaving us with a $19,000 difference.
   b. Break even as of 2011 Fiscal Year
   c. $4,328,325 - Total Revenue
   d. $3.9 Million – Tuition and Fees (inclusive of the Supplemental Budget)
3. Tuition and Fees Status
   a. No deficit

e. BOR Standing Committee Reports:

1. Fiscal and Legislative Committee
   Regent Frank Rabauliman, F&L Committee Chairperson provided an update and highlighted the following:
   
   a. Board Resolution recommended for all of the legislations that were recently passed by the Legislature. Chairperson Lizama suggested that it would be best if the committee can be responsible for overseeing the resolution.
   b. F&L Committee met on September 23, 2011 and discussed various matters. However, the committee felt that some matters are best discussed during executive session.
   c. House Bill 17-39 and House Bill 17-218 were discussed in committee and will provide a report later in the agenda.

2. Personnel Committee
   Regent Orsini, Personnel Committee Chairperson provided an update and highlighted the following:
   
   a. Personnel Committee met recently to discuss and deliberate on the Proposed Board Policies for consideration.
      
      1. Board Policy No. 205.1 – Board and Employee Code of Conduct
      2. Board Policy No. 501.2 – Recruitment and Hiring Practices

3. Program Committee
   Regent Orilla, Program Committee Acting Chairperson provided an update and highlighted the following:
   
   a. Program Committee met recently to discuss the Proposed Board Policies for consideration and deliberated on Board Policy No. 203.1 – Board Meetings and Agenda.

4. Training and Development Committee
   Regent Orilla, Committee Chairperson provided an update and highlighted the following:
   
   a. Boardmanship Training with the College Brain Trust are scheduled as follows:
      1. September 29, 2011 – Boardmanship Training at 6pm in the BOR Conference Room.
      2. September 30, 2011 – 9am BOR Retreat in the BOR Conference Room.

Chairperson Lizama asked if the board would like to make any comments regarding all of the committees. Regent Rabauliman expanded on the suggestion from Regent Torres about a committee that will oversee all of the audits. Chairperson Lizama suggested for the F&L Committee’s review and deliberation of this recommendation. The committee can then forward their recommendation to the full board. Regent Torres made some recommendations and will discuss them in the Board
committee on nurturing the board’s relationship with the legislature and the executive branch. Chairperson Lizama stated that he is always willing and able to step in to assist the college in any way. President Hart also added that the college have already begun meeting with the members of the Senate Committee on Education on a quarterly basis. She also said that the members of the House of Representatives are also very interested in having quarterly meetings with the college. She went on to say that in preparation for these meetings, it would be important to meet with the chairpersons of the Education Committee of the Senate and House of Representative. This way we can have a very productive and open discussion with them. Chairperson Lizama thanked the President for her comments and also added that the board also welcomes the efforts of the students, staff and faculty in this regard.

IV. Old Business

a. WASC Accreditation Update – Galvin Guerrero, Office of Institutional Effectiveness Director/Accreditation Liaison Officer provided a brief report and noted that the staff will be presenting the various portions of the report in executive session. He added that the Commission has a very strict policy on public disclosure, and therefore, urged the board to go into executive session.

Break called at 3:14 p.m. on Thursday, September 29, 2011
Break ended at 3:23 p.m. on Thursday, September 29, 2011

Chairperson Lizama called the meeting back to order and continued with the next item on the agenda. Regent Torres recommended suspending the order of business from Old Business to New Business.

BOARD ACTION:

Motion: Regent Torres moved to suspend the order of business from Old Business of the September 29, 2011 Board Meeting agenda and move into New Business.
Second: Regent Peter seconded the motion.
Vote: The motion passed.

V. New Business:

a. NMC 2011-2012 Goals and Objectives

President Hart reported on the NMC 2011-2012 Goals and Objectives (handout provided). She highlighted the following:

1. Four Major Goals
   a. Student Success
      • Increase enrollment and retention rates.
      • Address diverse student needs.
      • Improve methods for teaching and assessing student learning.
      • Remove barriers that impede student success.
   b. Optimize Financial Resources
      • Leverage current resources.
      • Implement cost-saving measures.
      • Implement revenue/resource-generating activities.
      • Leverage the NMC brand to promote the college.
   c. Information Technology
Adopted on November 09, 2011

- Improve the utility of Information Technology.
- Improve our Student Information Management System (SIMS)
- Launch the online learning center.
- Integrate technology with student learning.

d. Focus on CNMI Workforce Needs
   - Increase job placement rates.
   - Develop partnerships with key entities.
   - Assess workforce needs.
   - Ensure program offerings to match CNMI workforce demands.

e. Accomplish Other Distinctive Objectives in an environment of continuous quality improvement
   - Reaffirmation of Accreditation

Regent Orsini wanted to know if the goals and priorities were initiated five years ago. President Hart said that these goals came from the five-year plan and when the strategic planning committee met, they felt that the five key goals that are presented today should be top priority. She also gave some examples on how to address all of the key areas. Chairperson Lizama was curious if there have been any goals and priorities presented to the board in the past. President Hart indicated that the college should have been coming to the board every year with a plan and also updating the board on how they will address or how they plan to fulfill those plans. She also added the college should be able to measure the results at the end of year.

Galvin Guerrero offered some comments and added that they have provided the reports in the past in regards to the annual operational plan. Chairperson Lizama wanted to know about faculty and staff involvement. Galvin said that the goals were designed so that they don’t belong to just one department, in that everyone should take ownership of these goals. He also said that every program is required to do annual reporting (a.k.a Form 1) on the progress in their department and the report is also directly tied into the operational plan. Regent Torres wanted to know if the item needs board action or is it for informational purpose. Galvin reminded everyone that these are the goals and priorities that the board will use to evaluate the president so it would be best for the board to act on it. Regent Orilla also added that the president was merely reporting on the operational plan for the simple reason that she can derive her Presidential Goals and Objectives and report back to the board by October 30.

President Hart said that she is going to provide the board with a detailed plan based from the outline provided here.

After much discussion, Regent Torres recommended approving the NMC 2011-2012 Goals and Objectives in principle at this time but it also doesn’t foreclose the board’s ability into looking further. Chairperson Lizama believes that these are the goals and objectives and thought that this is for a five-year plan. President Hart said that this is the end of the fifth year of the five-year plan.

**BOARD ACTION:**

**Motion:** Regent Torres moved to accept the NMC 2011-2012 Goals and Objectives.

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

**Discussion:** Regent Rabauliman inquired on the concerns that occur when registration comes. President Hart acknowledged the concerns and offered some changes to address them. Regent Torres noted, as a clarification, that he sees that the complimentary goals appear as though they are offsetting each other. Regent Torres made an observation of overlapping goals.

**Vote:** The motion passed.
b. Tuition and Fees Budget for 2012:

Regent Frank Rabauliman, F&L Committee Chairperson provided an update (handout provided). He highlighted some important matters:

1. $2.8M – FY2012 Projection for Tuition and Fees Budget Ceiling

   Breakdown:
   - President’s Division - $540,730
   - Academic Programs & Services - $595,461
   - Student Services - $177,091
   - Financial & Administrative Services - $617,785
   - COMPASS - $68,933

   Divisions Total - $2,000,000
   Utilities - $800,000

2. Actual Collections – CFAO Madriaga noted that it would be difficult to come up with the actual figures at this time. CFAO will provide another update.

Regent Torres reiterated that the CFAO had indicated that the system is not equipped to generate the data and it will take time for the staff to do some reconciliation. He hopes that it is understood that from this day forward that when the board asks for information that the staff should be able to provide it immediately.

Regent Rabauliman said that the committee realizes the time and effort that went into the proposed budget, with one concern being the allocation of funds to the different divisions of the college. It was reported that it was due in part from the revenue generating divisions and for this reason, perhaps the board should consider allocating more funding to themselves. He also realizes that the college cannot operate without a FY2012 Tuition and Fees Budget. Regent Torres offered some comments and was concerned to see that the students were not given enough funding resources based on the breakdown provided. President Hart talked about the “White Paper” and will be sitting down with the program review process to further develop where they should be going financially. Regent Torres said that the point in his mind, although the idea of having a comparison with peer community colleges may be great but that the true needs of NMC students should be a top priority. After much discussion, Rabauliman said that having exhausted all of the committees concerns, the F&L committee is recommending approval.

**BOARD ACTION**

**Motion:** Regent Rabauliman moved to adopt the FY2012 Tuition and Fees.

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

**Vote:** The motion passed unanimously.

c. Student Enrollment Report

Leo Pangelinan, Dean of Student Services provided an update (handout provided). He highlighted the following:

1. 1,123 Students enrolled
   1,181 Full Time Equivalency
   996 Students at Resident Tuition Rate
127 Students at Non-Resident Tuition Rate
2. 921 U.S. Citizens
3. 27 FSM, Republic of Marshalls, Republic of Palau
4. 88 Korea
5. 43 People’s Republic of China
6. 34 Philippines
7. 7 Japan
8. 2 Thailand
9. 2 Mongolia
10. 1 Nepal
11. 1 Netherlands
12. 175 International Students
13. 107 F-1 Visa Status
14. 68 Umbrella Permit

President Hart noted that the important or most vital information is that we have to take a strong look down the road. Dean Pangelinan indicated that the college is also providing the students with support by plans to conduct a survey of the 68 students with umbrella permits.

President Hart said that there was a meeting going on today with the immigration officials in relation to the visa requirements. The college plans to sit down with the students.

d. Proposed Policies for Consideration
   1. Board Policy No. 203.1 – Board Meetings and Agenda
   2. Board Policy No. 205.1 – Board and Employee Code of Conduct
   4. Board Policy No. 907 – Drug Free Workplace, Smoking Tobacco and Betel Nut Chewing

BOARD ACTION:

Motion: Regent Torres moved to table Board Policy No. 203.1; Board Policy No. 205.1, Board Policy No. 501.2, Board Policy No. 907 and House Bill No. 17-39 and 17-218.
Second: Regent Orsini seconded the motion.
Vote: The motion passed unanimously.

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

BOARD ACTION:

Motion: Regent Rabauliman moved to go into Executive Session at 4:50 p.m. on Thursday, September 29, 2011.
Second: Regent Orilla seconded the motion.
Vote: The motion passed.

VII. Old Business
   a. WASC Accreditation Update – Taken up in Executive Session on Thursday, September 29, 2011 at 4:50 p.m.
Executive Session ended at 7:00 p.m. on Thursday, September 29, 2011. No action was taken after Executive Session.

BOR Regular Meeting
Thursday, September 29, 2011
Continued Wednesday, October 5, 2011
11:00 a.m.

I. PRELIMINARY MATTERS

Attendance:

Board of Regents: Regent Elaine Hocog Orilla, Acting Chairperson; Regent Andrew Orsini Regent Frank Rabauliman, Regent William S. Torres; and Regent Maria (Malua) T. Peter.
Excused/Absent: Regent Juan T. Lizama, Chairperson

Honorary Members: Keolester Buenpacifico, ASNMC Vice-President; John Cook, for Dr. John Griffin Faculty Senate President and Lisa Hackskaylo, Staff Senate Representative.

College Staff and Faculty: Sharon Y. Hart, Ph.D., NMC President; Galvin Guerrero, Office of Institutional Effectiveness Director/Accreditation Liaison Officer; Leo Pangelinan, Dean of Student Services; Cynthia Deleon Guerrero, OAR Director; John Manalo, HRO Manager; Bobbie Merfalen, Dean of Academic Programs & Services; and Helen B. Camacho, OIA Administrative Manager (Recorder).

Others: Jesse Borja, NMC Legal Counsel

a. Roll Call

BOR Acting Chairperson Elaine Hocog Orilla called roll call. Five members of the Board of Regents were present. A quorum was established. Chairperson Lizama is excused absent.

The continuation of the Regular Meeting of the Board of Regents was called to order at 11:00 a.m. at the Board of Regents Conference Room, NMC Saipan Campus. A quorum was established.

II. New Business

a. Proposed Policies for Consideration (First Reading)

1. Board Policy No. 203.1 – Board Meetings and Agenda

President Hart presented the proposed policies that were tabled on Thursday, September 29, 2011. She added that the policies are going forward in two stages (first reading and second reading). President Hart also indicated that there are some policies that may require legal review and may need more time.
She said that the purpose of presenting the policies in two stages is to give the board ample time to make additional suggestions and input before making a decision and to also allow for time for legal review. Regent Orilla indicated that the policies were reviewed and deliberated on during the board’s committee meeting but because there were some concerns raised, the members decided to return the policies back to the administration for further legal review. She listed some of the following concerns:

1. Compliance with federal and local laws.
2. Compliance with the Administrative Procedures Act (APA).
3. Conflict with the existing Board Policy No. 1027.

President Hart indicated that the legal counsel had sometime to review the board’s concerns and is ready to make some suggestions. Counsel Borja said that he looked at this particular policy. He made the following suggestions:

1. The intent to separate the policy from the procedures is good.
2. Conforming to all applicable provisions of ICMC and in all other policies should be the standard provision.

Counsel Borja noted that he could review it further pursuant to the request of the board committee. Regent Torres noted that the committee was very specific in its determination to return the policy back to the administration. He was expecting that there would be a response ready as a result from the board committee. Regent Torres noted that we should be cautious in how we deliberate our policies. He added that whether or not NMC is included in the APA requirements and notwithstanding whatever autonomy that we think we may have, this is an issue that continues to haunt him and we need to get a resolution for this so that we are all protected. He understands the need to separate policy from policies but that shouldn’t also be a license to ignore whatever existing laws may impact our policies. President Hart felt that today’s meeting was to further discuss the policies and to also incorporate all of the concerns at the second reading of the policies. She also indicated that there is a cost for having all of the policies reviewed by the legal counsel. We need to determine what should go to the counsel for legal review.

Regent Torres requested for a short break. The request was granted and a break was called at 11:31 a.m. on Wednesday, October 5, 2011. Break ended at 11:40 a.m. on Wednesday, October 5, 2011.

Acting Chairperson Orilla called the meeting back to order. After much discussion, Acting Chairperson Orilla indicated that Board Policy No. 203.1 – Board Meetings and Agenda is referred back to the administration for further review.

2. Board Policy No. 205.1 – Board and Employee Code of Conduct

Regent Orsini indicated that the policy pertaining to the Board Policy No. 205.1 – Board and Employee Code of Conduct, the committee deferred this policy to further clarify the segregation of board member and employee. He added that a board member is not an employee of the college and there should be a clear distinction between the two.


Regent Orsini reported that this policy was referred back to the administration for the reason that a public individual had made prior comments as far as the process of how NMC handles its Recruitment
and Hiring Practices. The committee wants to ensure that the public statement would be addressed in the proposed policy.

Regent Orsini reported that the board committee is recommending adoption, however, the committee brought up a good point on a section of the policy, specifically Betel Nut Chewing. The committee wanted clarification on whether the policy will be addressing the act or possession of Betel Nut. Overall, the intent of the policy is a good one.

Acting Chairperson Orilla noted that the following policies were referred back to the administration for further review:

Board Policy No. 205.1 – Board and Employee Code of Conduct
Board Policy No. 501.2 – Recruitment and Hiring Practices

4. Board Policy No. 907 – Drug Free Workplace, Smoking Tobacco and Betel Nut Chewing

Acting Chairperson Orilla indicated that Board Policy No. 907: Drug Free Workplace, Smoking Tobacco and Betel Nut Chewing is being recommended for approval. Regent Orsini asked counsel Borja for his opinion if the betel nut has been declared a drug. Counsel Borja responded that the Federal government does consider it a drug and customs has prohibited the importation of the nut.

President Hart noted that we would like to have an environment that is conducive for our students and as well as our employees. She said that the important thing here is to take the board’s recommendations and have the legal counsel make further review. Regent Rabauliman said that it is the action that we are prohibiting here but not necessarily the crop. Regent Torres talked about how we conduct our experiment – the act of chewing. He also added that there are some federal programs that recognize the betel nut as a member or family of the specialty crop. Regent Rabauliman suggested granting an exception for research for betel nut chewing.

Counsel Borja indicated that the record should be very clear on this since this a little bit different from previous board actions that it is only an action for first reading and not a permanent action of the board. Acting Chair Orilla agreed and asked for adoption for first reading.

**BOARD ACTION:**

**Motion:** Regent Torres moved to adopt Board Policy No. 907 – Drug Free Workplace, Smoking Tobacco and Betel Nut Chewing for first reading.

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

**Vote:** The motion passed.

Regent Torres recognized the presence of the ASNMC Student Regent. Acting Chairperson Orilla welcomed Mr. Keolester Buenpacifico, ASNMC Vice-President to the meeting and welcomed his input. She hopes that he will bring this discussion back to his peers.

Regent Rabauliman wanted some clarification on the procedures on how the board will adopt the policies. He noted that the policies will be brought to the board for review, commented and then the board moves to adopt it in the first reading. Regent Orilla thought that when it is adopted in first reading then it becomes final. Counsel Borja said that in the past there was no distinction between first reading and second reading.
Galvin Guerrero noted that no action is required on the first reading; action takes place on the second and final reading. Counsel Borja also added that, normally in Robert’s Rules (Legislative Procedure), when a matter is introduced under new business, the chair would recognize that it is on the floor and thus refers it to a committee. After that, the policy comes back and an action based on the committee recommendation is taken. Additionally, if the chair submits it to the committee and then the chair doesn’t act on it then it remains in limbo. Acting Chairperson Orilla referred to Regent Peter and Regent Torres who were former legislators. Regent Peter and Regent Torres provided some input on the legislative process of a bill. Acting Chairperson Orilla thanked everyone for their input and indicated that because the board adopted the Robert’s Rules procedure for guidance, we should carry on with the same procedure.


Regent Rabauliman provided a brief summary. He informed the board that this is one of the three legislations that were passed back in 2010 that brought question on the autonomy of the college. Unfortunately, two of those bills became law and this particular bill is still with the committee. He said that this bill requires NMC to terminate employees through adopted grievance procedures and only with cause. It also requires a merit personnel system and termination of the NMC President at anytime by a majority of the board. Recently, the College Board and administration were up on the hill vehemently opposing this bill. The F&L Committee met on this matter and decided to impress upon the administration to reiterate their comments on this particular bill. President Hart also added that this bill gets into the areas of autonomy and accreditation of the institution, which normally should belong to the board and the institution. President Hart informed the board that recently, she and the board chairperson were asked to speak on behalf of this bill to some members of the legislature. She would like to get the full board’s full support on this matter.

Galvin Guerrero, OIE Director added that this particular bill was brought forth by the commission and it would be good to demonstrate to them that we are not only reaffirming our autonomy but also establishing a position with a statement. Frankie Eliptico, OIA Director gave a brief synopsis and history behind the reason the bill is being brought back to the board. He indicated that then Interim President Cabrera was reassured by one of the Senators that the bill will not go anywhere within the senate committee. However, there has been some movement on this particular bill and the staff hopes that they have alleviated it but are asking the board to take a position just in case it comes up again.

Regent Rabauliman wanted to know if this particular bill has already passed the House of Representatives. Frankie Eliptico said that the bill is now with the Senate in the Education committee who is headed by Senator Pete Reyes.

Regent Torres wanted to know whether the case authority that ruled in favor of the institution is sufficient to have the bill declared voided. Counsel Borja responded that it is not in that stage right now. He added that he feels very confident that if it did pass then, NMC would have a very strong case of success based on the Supreme Court decision states that personnel matters belong to NMC. Regent Torres also wondered whether the merit of the bill has been sufficiently analyzed. President Hart said that we have procedures in place, i.e. grievance procedures, etc. She also added that certain copies and templates were shared with the author of the bill and with Senator Reyes to show that internally we have procedures in place.

Regent Torres went on to talk about a public comment made and the regents promised themselves to look into the concerns. He said that there are certain things in that observation from the public that should be looked into. Regent Torres recommended for an analysis based on the submission made by
the public individual. President Hart informed the board that we are getting into the internal procedures of the institution and when issues are brought to the college they have gone back to address them. For example, internal procedures for search committees have been changed and now she is also working with the final hiring individual to be part of the hiring process which was not part of the process before thus possibly leading into one of the previous hiring issues that came forward and was addressed here. She said that the college is internally making a continuous improvement environment trying to make these changes when we hear them. President Hart said that they would continue to come forward to the board in the form of the monitoring reports to show that they are in fact addressing issues. She also added that the issue today is really dealing with an infringement on the board and colleges’ autonomy.

BOARD ACTION

Motion: Regent Orsini moved to prepare a resolution to come from the NMC Board of Regents regarding the proposed House Bill No. 17-39 and to reinforce that the infringement from the legislature is very crucial to accreditation.

Second: Regent Torres seconded the motion.

Discussion: Regent Rabauliman clarified that the resolution will be accompanied with a cover letter to effectuate the board’s position. Acting Chairperson Orilla said that she agrees and to just make reference to the house bill. He said that it would be good to also respond to the latest letter from the author of the bill. Regent Rabauliman believes that it would be best to rebut the previous letter. Acting Chairperson Orilla agreed with the suggestions and tasked President Hart to work with Counsel Borja to come up with a response to the author of the bill.

Counsel Borja said that in addition to the good suggestions that Regent Rabauliman has already given, he suggested a copy of the letter from Interim President Cabrera to be enclosed with the resolution and a copy of the congressman’s letter. With regard to a response to the May 10th letter of the good congressmen, the issue was brought to the legal counsels’ attention when it came out and it were in their opinions that if they were to respond to the letter, it would never end. He added that in their opinion it did not contravene what was stated in the April 29th letter.

Regent Torres said that we should harness our relationship with the legislators and to proceed with the resolution. Regent Orsini said that we should get this letter to them in advanced prior to the quarterly meeting with the Senate Committee.

Vote: The motion passed unanimously.

d. House Bill No. 17-218 (To allocate Funds received pursuant to U.S. P.L. 110-229)

Regent Rabauliman provided a brief synopsis. House Bill No. 17-218 is a legislative bill pertaining to the Consolidated Natural Resources Act of 2008, here’s an excerpt of that bill, “mandates that the Secretary of the Interior in consultation with the Governor and the US Secretary of Commerce shall provide technical assistance including assistance in recruiting, training and hiring of workers to assist in employers in the Commonwealth in securing employee from among United States citizens and nationals residing within the CNMI and if such works are not available, from among the legal permanent residents, including lawfully admissible citizens of the freely associated states.” Regent Rabauliman indicated that the CNRA mandates that a “CNMI education funding fee” of $150 per beneficiary per year. He said that the breakdown that will be collected from the funding fee is as follows:

1. 50% - Northern Marianas College
2. 20% - Office of the Governor
3. 30% - Technical Education Program

One of the comments that were raised in the committee is that the expenditure authority will be inconsistent with everything else. He explains that the bill states that the expenditure authority will lie with the chairperson of the board of regents. Regent Rabauliman said that the committee recommends that in order to make this consistent expenditure should be with the NMC President instead of the latter. Regent Torres agreed and emphasized to change the language as recommended by the committee. He also added that this is another fine example of the relationship between the legislators and the Northern Marianas College Board. We should continue to harness that relationship and not be confrontational. Acting Chairperson Orilla agrees with the committee and recommended a thank you letter for the good congressman will be in order.

BOARD ACTION

Motion: Regent Peter moved to transmit a letter thanking the good congressman and to request to change the language from having the board chairperson as the expenditure authority to the NMC President.
Second: Regent Rabauliman seconded the motion.
Discussion:
Vote: The motion passed unanimously.

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

Motion: Regent Peter moved to go into executive session at 12:42 p.m. on Wednesday, October 5, 2011.
Second: Regent Orsini seconded the motion.
Vote: The motion passed unanimously.

For the record, executive session ended at 2:16 p.m. on Wednesday, October 5, 2011. Upon reconvening the meeting, the board took the following action:

BOARD ACTION

Motion: Regent Rabauliman moved to authorize the President of the College to take action on matters that were discussed during executive session with respect to the pending legal fees pertaining to the pending NMC case and the issues with Beca International.
Second: Regent Orsini seconded the motion.
Vote: The motion passed unanimously.

VII. Adjournment

Motion: Regent Peter moved to adjourn the meeting at 2:55 p.m. on October 05, 2011.
Second: Regent Orsini seconded the motion.
Discussion: Regent Torres reiterated that based from their training that the board agreed to designate the end part of every meeting to generate agenda items and to routinely do this at every meeting. He also added the implementation of a working committee. Regent Peter asked if this could be done. Counsel Borja noted that there is a procedure on suspending board policies. Acting Chairperson Orilla noted the request and will take it up during the next executive session of the board.
Vote: The motion passed unanimously. Next meeting is scheduled for October 12, 2011 at 11:00 a.m.