

EASTERN NEW MEXICO UNIVERSITY
Virtual/Telephonic Special Board of Regents Meeting
Eastern New Mexico University - Portales
Administration Building – Regents Room
August 12, 2020 – 10:00 a.m.

CALL TO ORDER

Regent President Terry Othick called the meeting to order at 10:03 a.m. and declared a quorum. Regent Terry Othick, Lance Pyle and Edwin Tatum, were present virtually. Regent Joseph Gergel was not present.

Roll call: Regent Othick – Yes; Regent Patterson – No response; Regent Gergel – Not present; Regent Pyle– Yes; Regent Tatum –Yes.

Regent Patterson joined the meeting

APPROVE THE AGENDA

Regent Tatum moved to approve the agenda. Regent Patterson seconded the motion. Vote: 4-0-0. Motion approved.

BUSINESS MATTERS

1. Title IX Policy 80-12 Revisions

Mr. Benito Gonzales introduced the 29-page policy revisions and requested emergency approval of these measures in response to the May 6, 2020 ruling made by the Trump administration. These policy changes must be in effect by August 14, 2020 and ENMU System Title IX coordinators have worked diligently to bring these new regulations forward within the required timeframe. The scope of this policy is limited to Title IX and sexual harassment and includes several classifications of offenses including sexual assault, dating violence, domestic violence, quid pro quo and unwelcome conduct. ENMU attorneys have reviewed these revisions for best language and this information will be brought through the normal governance process (University Council and other constituency groups) at a later date.

Mr. Gonzales highlighted the various provisions of these changes which include a Title IX Coordinator who is tasked with naming officials with authority. As it stands, Benito Gonzales is the coordinator for the Portales and Ruidoso campuses with respect to his position as System Human Resources Director. All investigations on these two campuses will be coordinated by Mr. Gonzales. Dr. Linda Neel is the Title IX Coordinator on the ENMU-Roswell campus.

Regent Lance Pyle asked if there is a timeline and plan in place for training. Mr. Gonzales responded that currently ENMU uses the Everbrite platform for this purpose and believes that these policy changes can be incorporated into this training application. Dr. Jeff Long interjected that all employees are already required to complete Title IX training as well as student athletes who have this requirement through NCAA. Additionally, all freshmen will be presented with this training in their Freshmen Seminar courses.

Regent Dan Patterson asked if all Title IX allegations are reported through the ENMU Department of Public Safety and at what point is the local police department brought into the picture. Mr. Gonzales responded that all incidences are turned over to a Title IX investigator and must be reported to DPS for Clery reporting. Mr. Steve Estock, Chief Bradley Mauldin, Lt. Shawn Gore and Mrs. Blanca Bustos are trained investigators on the Portales campus. If a complainant reports something that takes place off-campus, it is up to that person if they want the police involved. Regent Patterson stressed the importance of bringing in another female investigator to perform these sensitive tasks. Dr. Neel, said that ENMU-Roswell has four trained investigators, three of which are female.

Regent Terry Othick voiced concern over having Public Safety employees involved in these investigations due to reporting requirements with state agencies. Also, the initial investigations should be a discovery of facts rather than an investigation of a crime. For procedural purposes, Regent Othick recommended that outside investigators (designees of the Title IX coordinator, but not law enforcement officers) be tasked with the initial investigation. Regents Tatum and Pyle concurred with these statements.

Dr. Shawn Powell complimented the group on their efforts and suggested one change to be considered when this policy goes before University Council. With regard to Interim Support Measures (Section F), the current language indicates that the Title IX Coordinator acts independently. He recommended that future language reflect a collaborative effort between the Coordinator and other designees with administrative authority.

Regent Pyle brought forward questions about inconsistencies in reporting time lines. There are sections in which the number of days is defined and other areas where the language states, "within sufficient time." He asked that all time lines be defined for notification or preparation purposes.

Dr. Caldwell stated that there are many unique features to this policy revision coming out of the US Department of Education. There have been a number of required webinars that have delayed getting this before the board for approval. Although there are rather extraordinary protections in place for alleged perpetrators and victims, all of our campuses are committed to implementing this policy and Title IX regulations to the full extent of the law. Our attorney, Susan Hapka has reviewed the language of these policy changes and was very complimentary of the work that has been done by our coordinators.

Dr. Caldwell offered her full support for the implementation of this policy, given Regent approval.

Regent Patterson move to approve revisions to policy 80-12 as presented with the inclusion of language that would define time lines for notifications and preparations. Regent Pyle seconded the motion. Vote: 4-0-0. Motion approved.

2. Resolution Supporting General Obligation Bond Issue C

Dr. Patrice Caldwell said that this resolution is consistent with the past practice of the ENMU Board of Regents in support of the General Obligations Bond for Higher Education.

Dr. Caldwell reviewed the documents provided to the board and read the resolution into the record.

Regent Patterson moved to approve the resolution supporting the 2020 General Obligation Bond Issue as presented. Regent Pyle seconded the motion. Vote: 4-0-0. Motion approved.

ADJOURNMENT

Regent Pyle moved to adjourn the meeting at 11:08 a.m. Regent Patterson seconded the motion. Vote: 4-0-0. Motion approved.



President of the Board

*Minutes recorded and transcribed by Karen Van Ruiten
Executive Secretary to the President and Board of Regents*