ARIZONA BOARD OF REGENTS
SPECIAL BOARD MEETING AND EXECUTIVE SESSION

THIS IS A VIRTUAL MEETING

Wednesday, March 10, 2021
3:30 – 5:00 p.m.

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3:30 p.m.  CALL TO ORDER, GREETINGS, AND ANNOUNCEMENTS FROM THE BOARD CHAIR

3:35 p.m.  EXECUTIVE SESSION

The board will convene in executive session for the following items:

3:35 p.m.  A. Pursuant to A.R.S. §38-431.03 (A) (3) for legal advice and discussion regarding legislation affecting the University Enterprise.
3:50 p.m.  B. Pursuant to A.R.S. §38-431.03 (A) (1), (3) and (4) for legal advice and discussion regarding the appointment of and multiple-year employment contract for Dr. José Luis Cruz as President of Northern Arizona University.

4:20 p.m.  RECONVENE PUBLIC SESSION

1. Appointment of José Luis Cruz as President of Northern Arizona University

The board office asks the board to appoint Dr. José Luis Cruz as President of Northern Arizona University effective June 14, 2021, to approve key terms for his multiple-year employment contract, and to authorize the board chair to execute the multiple-year employment contract with Dr. Cruz.

4:40 p.m.  2. Discussion and Consideration of Legislation Affecting the University Enterprise

The board office asks the board to discuss and consider legislation affecting the university system and possibly approve positions regarding the legislation.

5:00 p.m.  ADJOURN

PLEASE NOTE: This agenda may be amended at any time prior to 24 hours before the board meeting. Estimated starting times for the agenda items are indicated; however, discussions may commence, or action may be taken, before or after the suggested times. Any item on the agenda may be considered at any time out of order at the discretion of the board chair. The board may discuss, consider, or take action regarding any item on the agenda. During the meeting, the board may convene in executive session pursuant to A.R.S. § 38-431.03(A)(3) for legal advice regarding any item on the agenda.
EXECUTIVE SUMMARY

Item Name: Appointment of José Luis Cruz as President of Northern Arizona University

☐ Action Item

Requested Action: The board office asks the board to appoint Dr. José Luis Cruz as the President of Northern Arizona University effective June 14, 2021, to approve key terms for his multiple-year employment contract, and to authorize the board chair to execute the multiple-year employment contract with Dr. Cruz, as described in this executive summary.

Background/History of Previous Board Action

- The board is responsible for hiring the presidents of the universities and the executive director of the board.

- The board conducted an extensive national search for the President of Northern Arizona University. It engaged the executive search firm of Storbeck/Pimentel & Associates (SP&A Executive Search) to assist with the search. The Board adopted guidelines for the search process on October 2, 2020 to provide notice to the public and potential prospects of the process.

- The board actively solicited input on the desired qualities of the next president of Northern Arizona University through the search advisory committee appointed by the Board Chair. The search advisory committee, led by regent co-chairs Lyndel Manson and Fred Duval and including Regent King was representative of the university and broader community. The co-chairs, the search advisory committee, and other regents also conducted numerous meetings with faculty, staff, students and community and tribal representatives to solicit input. The co-chairs hosted a Town Hall for campus and community input. The search advisory committee and the board reviewed the qualifications of numerous prospects.

- Additionally, the board office maintained a website to provide public information about the search and to allow the public to provide input or ask questions about the search process: https://www.azregents.edu/nau-presidential-search. The board office also created a dedicated email address to facilitate constituent input on the search.

- On February 18, 2020, following interviews with two well qualified candidates, the Board identified Dr. Cruz as the finalist, and invited him to visit the Northern Arizona University campus for additional campus and community meetings. The board also

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authorized the board chair to negotiate contract terms, subject to this final approval by the board.

- Dr. Cruz is currently the executive vice chancellor and university provost at The City University of New York. Previously, Dr. Cruz served as provost of California State University, Fullerton. He is a former vice president of higher education policy and practice at The Education Trust in Washington, D.C. and a former chief student affairs officer for the University of Puerto Rico system. He began his career as a faculty member in engineering at the University of Puerto Rico, Mayagüez, rising through the ranks and serving as chair of the Electrical and Computer Engineering Department and dean of Academic Affairs.

- The following key contract terms are presented for board approval.

  - The term of the proposed contract between the board and Dr. Cruz is June 14, 2021 through June 30, 2024. The board chair may approve reasonable and mutually acceptable changes in the start date, if necessary in the transition.

  - The key proposed contract provisions are:
    - Annual base salary of $515,000
    - Annual housing allowance of $70,000
    - Participation in a cash balance pension plan at 18% of base annual salary
    - Annual car allowance of $10,000
    - Benefits and travel reimbursement comparable to other NAU employees
    - Moving expense reimbursement in accordance with NAU Policy CMP 420-03
    - Expense reimbursement for up to 4 trips to Flagstaff between March 1 and June 14, 2021
    - Employment-related benefits as available to all other NAU administrators, including medical benefits, sick leave, vacation leave and retirement options
    - Annual disclosure to the board regarding organizations with which Dr. Cruz is affiliated and any associated compensation
    - Annual and multiple-year at-risk compensation to be assigned through a separate agreement entered no later than December 31, 2021. Dr. Cruz will also be eligible for at-risk compensation assigned after his start date to the Enterprise Executive Committee.

  - Board counsel will review and prepare the final contract with Dr. Cruz. Approval of this item will authorize the board chair to sign the multiple-year contract on behalf of the Board.
Statutory/Policy Requirements

- A.R.S. § 15-1626 “General Administrative Powers and Duties of the Board”
- Board Policy 6-1101 “Appointments of Presidents and Executive Director”
Item Name: Discussion and Consideration of Legislation Affecting the University Enterprise

☑️ Action Item

**Requested Action:** The board office asks the board to discuss and consider legislation affecting the university system and possibly approve positions regarding the legislation.

**Discussion**

There are no written materials provided at this time for this item.

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HB 2069 genetic testing; private property - Oppose

HB 2069 establishes ownership of genetic testing and the results of genetic testing to the tested individual.

Current federal law governs the use of genetic materials regardless of whether they contain any direct identifiers. HB 2069 will disrupt the work already being done by Arizona’s public and private biomedical entities to conform to federal regulations while still engaging in life-saving research. Further, HB 2069 would likely render Arizona universities ineligible for federally funded biomedical research by not allowing access to biobanks that are designed to safely maintain de-identified specimens for research.

HB 2596 ADOT; telecommunication facilities installation - Support

HB 2596 authorizes the installation of telecommunication facilities within the right-of-way of a highway by ADOT or a provider with permission from ADOT and allows ADOT to provide longitudinal access for the operation and maintenance of the telecommunication facility.

Connecting infrastructure between Flagstaff-Phoenix-Tucson-Nogales will expand broadband access and the capability of the Sun Corridor Network (SCN), which the 3 universities established to leverage their broadband capabilities and offer services to other entities such as K-12 schools and districts.

The Governor has allocated $40M of eligible CARES funding for ADOT to install telecom facilities along I-17 and I-19. HB 2596 allows that work to move forward.

HB 2804 public meetings; executive sessions - Oppose

HB 2804 makes a number of changes to executive session statutes and severely limits the use of executive session. While the Board of Regents supports and engages in governance transparency, this bill would limit its ability to receive appropriate legal advice and to conduct personnel reviews in executive session.

HB 2841 attorney general; initiation of action – Oppose

HB 2841 would authorize the attorney general to initiate legal action to enforce compliance with Article XI, Section 6 of the Arizona Constitution, which provides that university instruction shall be furnished nearly free as possible.